



Delegations Manual

Delegations made by Council at its meeting on 15 July 2019.

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AMENDMENTS TO DELEGATIONS

| AMENDMENTS TO DELEGATIONS | | |
|----------------------------------|---|----------------|
| DATE | SUMMARY OF CHANGES | MADE BY |
| 16/09/2019 | State Records Act 1997 (Inclusion) | CNC78/19-20 |
| 16/09/2019 | Development (Waste Reform) Variation Regulations 2019 (inclusion) | CNC78/19-20 |
| 15/06/2020 | Planning, Development and Infrastructure Act 2016 | CNC383/19-20 |
| 17/08/2020 | Planning, Development and Infrastructure Act 2016 Landscape South Australia Act 2019 | CNC60/20-21 |
| 12/10/2020 | Planning, Development and Infrastructure Act 2016 | CAP6/20-21 |
| 16/11/2020 | Planning, Development and Infrastructure Act 2016 | CNC190/20-21 |

BURIAL AND CREMATIONS ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 8 | OFFENCE TO DISPOSE OF BODILY REMAINS EXCEPT IN CEMETERY OR NATURAL BURIAL GROUND | | | |
| | The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground. | CEO | | |
| SECTION 13 | OPENING OF INTERMENT SITES, EXHUMATION AND RE-INTERMENT | | | |
| | The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground. | CEO | | |
| SECTION 18 | DISPOSAL OF UNCLAIMED CREMATED HUMAN REMAINS | | | |
| | The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium. | CEO | | |
| SECTION 19 | ESTABLISHMENT OF CEMETERIES, NATURAL BURIAL GROUNDS AND CREMATORIA | | | |
| | Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium. | CEO | | |
| SECTION 20 | POWER OF COUNCILS TO ESTABLISH AND MANAGE PUBLIC MORTUARIES | | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal. | CEO | | |
| SECTION 21 | ESTABLISHMENT OF MAUSOLEA WITHIN CEMETERIES | | | |
| | The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority. | CEO | | |
| SECTION 22 | DESIGNATION OF NATURAL BURIAL GROUNDS WITHIN CEMETERIES | | | |
| | The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery. | CEO | | |
| SECTION 23 | POWER TO SET APART PART OF CEMETERY OR NATURAL BURIAL GROUND FOR PARTICULAR RELIGIONS | | | |
| | The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground. | CEO | | |
| SECTION 24 | CLOSURE OF CEMETERIES AND NATURAL BURIAL GROUNDS | | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <p>Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:</p> <ul style="list-style-type: none"> the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground. | CEO | | |
| | <p>The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:</p> <ul style="list-style-type: none"> discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or discharge the interment right and issue to the former holder, free of charge: <ul style="list-style-type: none"> a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:</p> <ul style="list-style-type: none"> • discharge the interment right and issue to the former holder, free of charge: <ul style="list-style-type: none"> ○ a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or ○ if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and • remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and • remove any memorial erected at the original interment site and re-position the memorial at the new interment site. | CEO | | |
| | <p>The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.</p> | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group. | CEO | | |
| SECTION 25 | DEDICATION OF CLOSED COUNCIL CEMETERIES AS PARK LANDS | | | |
| | Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following: <ul style="list-style-type: none"> • remove memorials to deceased persons; • relocate memorials to deceased persons in the park lands; • replace memorials to deceased persons with some other form of memorial in the park lands. | CEO | | |
| SECTION 26 | CONVERSION OF CLOSED CEMETERIES INTO PUBLIC PARKS OR GARDENS | | | |
| | The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden. | CEO | | |
| | Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to: <ul style="list-style-type: none"> • remove memorials to deceased persons; • relocate memorials to deceased persons in the park or garden; • replace memorials to deceased persons with some other form of memorial in the park or garden. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 27 | POWERS OF RELEVANT AUTHORITIES IN RELATION TO CLOSED CEMETERIES | | | |
| | <p>The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:</p> <ul style="list-style-type: none">• construct roads and pathways on the land; and• erect or construct buildings or structures on the land; and• construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and• erect lighting, seating and any other infrastructure or public amenity; and• take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden. | CEO | | |
| SECTION 30 | ISSUE OF INTERMENT RIGHTS | | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p>Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:</p> <ul style="list-style-type: none"> • identifies the person to whom the interment right is issued; and • identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and • identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and • specifies the period for which the interment right is granted; and • sets out the rights to renewal of the interment right; and • specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer. | CEO | | |
| | <p>The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.</p> | CEO | | |
| | <p>Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.</p> | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there. | CEO | | |
| SECTION 31 | DURATION OF INTERMENT RIGHTS | | | |
| | The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right: <ul style="list-style-type: none"> • for the period specified in the interment right; or • in perpetuity. | CEO | | |
| SECTION 32 | 15. RENEWAL OF INTERMENT RIGHTS | | | |
| | The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years. | CEO | | |
| | The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee. | CEO | | |
| SECTION 33 | TRANSFER OF INTERMENT RIGHTS | | | |
| | The power pursuant to Section 33(1) of the Act to transfer an interment right. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 38 | RE-USE OF INTERMENT SITES | | | |
| | Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority: <ul style="list-style-type: none"> re-use the interment site to which the interment right related; and remove any memorial to a deceased person erected on or at the site. | CEO | | |
| | The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act. | CEO | | |
| SECTION 40 | DUTY TO MAINTAIN MEMORIAL | | | |
| | The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site. | CEO | | |
| SECTION 41 | POWER TO REQUIRE REPAIR, REMOVAL OR REINSTATEMENT OF MEMORIAL | | | |
| | The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial. | CEO | | |
| | <p>The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:</p> <ul style="list-style-type: none">• a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and• urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate, to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 42 | POWER OF RELEVANT AUTHORITY TO DISPOSE OF UNCLAIMED MEMORIAL | | | |
| | <p>The power pursuant to Section 42(1) of the Act, if:</p> <ul style="list-style-type: none"> • 2 years or more have elapsed: <ul style="list-style-type: none"> ○ since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or ○ since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and • a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and • the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial: <ul style="list-style-type: none"> ○ by public advertisement in a newspaper circulating throughout the State; and ○ by written notice affixed to the memorial; and • the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and • 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period, to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 43 | GENERAL POWERS OF RELEVANT AUTHORITY | | | |
| | <p>The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:</p> <ul style="list-style-type: none"> • enlarge the cemetery, natural burial ground or crematorium; and • improve or embellish the cemetery, natural burial ground or crematorium; and • restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and • take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium. | CEO | | |
| SECTION 45 | POWER TO RESTRICT INTERMENTS IN ANY PART OF CEMETERY OR NATURAL BURIAL GROUND | | | |
| | <p>The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.</p> | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 46 | NEGLECTED CEMETERIES AND NATURAL BURIAL GROUNDS | | | |
| | <p>The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:</p> <ul style="list-style-type: none"> the delegate is of the opinion that a cemetery or natural burial ground within its area: <ul style="list-style-type: none"> is in a neglected condition; or fails in any manner to comply with the requirements of this Act; <p>to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.</p> | CEO | | |
| | <p>The power pursuant to Section 46(3) of the Act, if:</p> <ul style="list-style-type: none"> the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and no application for review of the decision to give the notice is made within 14 days after the notice is given, to have the work carried out. | CEO | | |
| | <p>The power pursuant to Section 46(4) of the Act, if:</p> <ul style="list-style-type: none"> the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and an application for review of the decision to give the notice is determined in favour of the Council to, within 14 days after the determination of the review, have the work carried out. | CEO | | |
| | <p>The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.</p> | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 47 | RIGHT OF REVIEW | | | |
| | The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority. | CEO | | |
| SECTION 48 | POWER OF COUNCILS TO ACCEPT CONVEYANCE OF CEMETERY OR NATURAL BURIAL GROUND LAND FROM TRUSTEES | | | |
| | The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground. | CEO | | |
| SECTION 49 | POWER OF COUNCILS TO ASSUME ADMINISTRATION OF CEMETERIES AND NATURAL BURIAL GROUNDS | | | |
| | Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if: <ul style="list-style-type: none"> • there is no existing relevant authority for the cemetery or natural burial ground; or • the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or • the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 50 | PUBLIC ACCESS TO CEMETERIES, NATURAL BURIAL GROUNDS AND CREMATORIA | | | |
| | The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium. | CEO | | |
| SECTION 51 | DISPOSAL OF SURPLUS CEMETERY LAND, ETC | | | |
| | Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce. | CEO | | |
| SECTION 52 | DISPOSAL OF LAND AFTER CLOSURE OF CEMETERY ETC | | | |
| | <p>The power pursuant to Section 52(1) of the Act, if:</p> <ul style="list-style-type: none"> • a cemetery or natural burial ground has been closed in accordance with this Act; and • all human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground, to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce. | CEO | | |

BURIALS AND CREMATION ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 56 | POWER OF PUBLIC TRUSTEE TO ACT ON BEHALF OF HOLDER OF INTERMENT RIGHT ETC | | | |
| | <p>The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:</p> <ul style="list-style-type: none"> the holder of an interment right in relation to the cemetery or natural burial ground; or the owner of a memorial erected in a cemetery or natural burial ground, fail, to request the Public Trustee act on behalf of the holder or owner. | CEO | | |
| SECTION 58 | AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class. | CEO | | |
| | The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer. | CEO | | |
| | The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition. | CEO | | |

BURIAL AND CREMATION REGULATIONS 2014

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| REGULATION 16 | FILLING OF SUNKEN INTERMENT SITES | | | |
| | The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level. | CEO | | |
| REGULATION 19 | POWERS OF RELEVANT AUTHORITY IN RELATION TO MAUSOLEA AND VAULTS | | | |
| | <p>The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:</p> <ul style="list-style-type: none"> • a mausoleum or vault in the cemetery does not comply with the Regulations; or • offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery, open the mausoleum or vault and inspect it. | CEO | | |

BURIALS AND CREMATION REGULATIONS 2014

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:</p> <ul style="list-style-type: none"> the mausoleum or vault does not comply with the Regulations; or offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault, to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice. | CEO | | |
| | <p>The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.</p> | CEO | | |
| REGULATION 21 | REMOVAL AND DISPOSAL OF NAME PLATE ETC FROM COFFIN BEFORE CREMATION | | | |
| | <p>The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:</p> <ul style="list-style-type: none"> a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or any other thing that comes into the possession of the Council as a result of a cremation. | CEO | | |

BURIALS AND CREMATION REGULATIONS 2014

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| REGULATION 26 | POWER OF RELEVANT AUTHORITY IN RELATION TO THINGS ON INTERMENT SITES | | | |
| | <p>The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:</p> <ul style="list-style-type: none"> • cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and • cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown. | CEO | | |
| REGULATION 27 | POWER OF RELEVANT AUTHORITY TO REQUIRE PERSONS TO LEAVE CEMETERY OR NATURAL BURIAL GROUND. | | | |
| | <p>The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.</p> | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 3 | ENDORSEMENT OF SCHEME DESCRIPTION BY RELEVANT AUTHORITY | | | |
| | <p>The power pursuant to and in accordance with Section 3(11) of the Act, as the relevant development authority, to endorse a scheme description to the effect that either:</p> <ul style="list-style-type: none"> all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)), in accordance with the scheme description and the plan of community division have been granted; or no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land). | CEO | | |
| SECTION 3 | NOTES ON SCHEME DESCRIPTION | | | |
| | <p>The power to include on an endorsement of a scheme description under Section 3(11) of the Act, any notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and the power to sign and date the endorsement pursuant to Regulation 45(2) of the Development Regulations 2008.</p> | CEO | | |
| SECTION 14 | APPLICATION | | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:</p> <ul style="list-style-type: none"> • land comprising an allotment or allotments; • land comprising a primary lot or a secondary lot, <p>to apply to the Registrar-General for the division of the land by a plan of community division.</p> | CEO | | |
| SECTION 15A | APPLICATION MAY DEAL WITH STATUTORY ENCUMBRANCES | | | |
| | <p>The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p> | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 16 | CONSENTS TO APPLICATION | | | |
| | <p>The power pursuant to Section 16(1)(a) of the Act to consent to the application,</p> <ul style="list-style-type: none"> • where the Council is the holder of a registered encumbrance over the land to be divided; or • where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or • where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 21 | APPLICATION TO AMEND SCHEDULE OF LOT ENTITLEMENTS | | | |
| | <p>The power pursuant to Section 21(4)(a) of the Act to consent to the proposed amendment, where the Council is:</p> <ul style="list-style-type: none">• the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or• a prospective owner at the relevant time of a community lot; or• a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or• where the Council is a person referred to in Section 21(5) of the Act. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 21(5) of the Act to grant consent:</p> <ul style="list-style-type: none"> • where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is: <ul style="list-style-type: none"> ○ a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or ○ a prospective owner at the relevant time of a secondary lot; or ○ a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or • where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is: <ul style="list-style-type: none"> ○ a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or ○ a prospective owner at the relevant time of a tertiary lot; or ○ a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot,. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 27 | ENCROACHMENTS | | | |
| | The power to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council, pursuant to Section 27(1)(b)(i) of the Act. | CEO | | |
| SECTION 30 | INFORMATION IN SCHEME DESCRIPTION | | | |
| | The power to form an opinion as to any additional information that is necessary or desirable to be included in a scheme description before endorsement pursuant to Section 30(4)(a) of the Act. | CEO | GMPE&RS, SP, SPD&C | |
| SECTION 30 | MODIFICATIONS TO SCHEME DESCRIPTION | | | |
| | The power, as the relevant development authority pursuant to Section 30(4) of the Act, to require modifications to a scheme description before endorsing the scheme description to: <ul style="list-style-type: none"> • add any information that is necessary or desirable; or • clarify any part of the description; or • remove any unnecessary detail. | CEO | GMPE&RS, SP, SPD&C | |
| SECTION 31 | CERTIFIED COPY | | | |
| | The power, as the relevant development authority, pursuant to Section 31(3) of the Act, to endorse a certified copy of an amended scheme description. | CEO | GMPE&RS, SP, SPD&C | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 32 | PERSONS WHOSE CONSENTS ARE REQUIRES | | | |
| | <p>The power pursuant to Section 32(1) of the Act, to grant consent, where the Council is:</p> <ul style="list-style-type: none"> • a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or • the prospective owner at the relevant time of a community lot; • the owner or prospective owner at the relevant time of a development lot; • a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or • the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or • a person referred to Section 32(2) of the Act. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|----------|-----------------|-----------------------------|
| | <p>The power pursuant to Section 32(2) of the Act to grant consent:</p> <ul style="list-style-type: none"> • where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is: <ul style="list-style-type: none"> ○ a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or ○ the prospective owner at the relevant time of a secondary lot; or ○ a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or • where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is: <ul style="list-style-type: none"> ○ a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or ○ the prospective owner at the relevant time of a tertiary lot; or ○ a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 34 | BY-LAWS | | | |
| | The power pursuant to Section 34(6)(e) of the Act, to: <ul style="list-style-type: none"> • within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice, • withdraw or otherwise discontinue the application for revocation. | CEO | | |
| SECTION 36 | BY-LAW AS TO THE EXCLUSIVE USE OF PART OF THE COMMON PROPERTY | | | |
| | The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act. | CEO | | |
| SECTION 49 | ENFORCEMENT OF DEVELOPMENT CONTRACT | | | |
| | The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against the developer; and if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot, even though no obligations attach to the corporation, owner and occupier under the contract. | CEO | | |
| | The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 49(2b) of the Act to make application to a court to:</p> <ul style="list-style-type: none"> transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or state a question of law for the opinion of the Supreme Court. | CEO | | |
| SECTION 52 | APPLICATION FOR AMENDMENT | | | |
| | <p>The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.</p> | CEO | | |
| | <p>The power pursuant to Section 52(2)(b) of the Act to consent to the amendment, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:</p> <ul style="list-style-type: none"> the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or a person who holds a registered encumbrance over the lot. | CEO | | |
| | <p>The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.</p> | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 53 | STATUS OF APPLICATION FOR AMENDMENT OF PLAN | | | |
| | The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended. | CEO | | |
| | The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the <i>Real Property Act 1886</i> or with a requirement of the Registrar-General under the Act or the <i>Real Property Act 1886</i> . | CEO | | |
| SECTION 53A | APPLICATION MAY DEAL WITH STATUTORY ENCUMBRANCES | | | |
| | The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with. | CEO | | |
| SECTION 57 | ALTERATION OF BOUNDARIES OF PRIMARY COMMUNITY PARCEL | | | |
| | The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 58 | AMENDMENT OF PLAN PURSUANT TO DEVELOPMENT CONTRACT | | | |
| | The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan. | CEO | | |
| SECTION 59 | AMENDMENT BY ORDER OF ERD COURT | | | |
| | The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan. | CEO | | |
| | The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 61 | PERSONS WHOSE CONSENTS ARE REQUIRED | | | |
| | <p>The power pursuant to Section 61(1) of the Act to consent to the amalgamation, where the Council is:</p> <ul style="list-style-type: none"> • a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or • the prospective owner at the relevant time of a community lot; or • the owner or prospective owner at the relevant time of a development lot; or • a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or • a person referred to in Section 61(2) of the Act. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 61(2) of the Act to consent,</p> <ul style="list-style-type: none"> • where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is: <ul style="list-style-type: none"> ○ a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or ○ the prospective owner at the relevant time of a secondary lot; or ○ the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or ○ a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or • where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is: <ul style="list-style-type: none"> ○ a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or ○ the prospective owner at the relevant time of a tertiary lot; or ○ the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or ○ a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 62 | DEPOSIT OF AMALGAMATED PLAN | | | |
| | <p>The power pursuant to Section 62(3) of the Act to endorse an application for amalgamation with the Council's consent, where the Council is:</p> <ul style="list-style-type: none"> the owner of the servient land; or a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected). | CEO | | |
| SECTION 66 | PERSONS WHOSE CONSENT IS REQUIRED | | | |
| | <p>The power pursuant to Section 66(1) of the Act, to give consent to the application, where the Council is:</p> <ul style="list-style-type: none"> an owner at the relevant time of a community lot and a development lot (if any); or the prospective owner at the relevant time of a community lot or a development lot; or a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot. | CEO | | |
| SECTION 67 | APPLICATION TO ERD COURT | | | |
| | The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan. | CEO | | |
| | The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 69 | CANCELLATION | | | |
| | The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected). | CEO | | |
| | The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan. | CEO | | |
| SECTION 70 | DIVISION OF PRIMARY PARCEL UNDER PART 19AB | | | |
| | <p>The power pursuant to Section 70(2) of the Act, where the Council is:</p> <ul style="list-style-type: none"> • an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel; • if a primary lot is divided by a secondary plan – an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or • 1.3. if a secondary lot is divided by a tertiary plan – an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel, <p>to endorse a plan of division lodged with the application with the Council's consent.</p> | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 84 | VOTING AT GENERAL MEETINGS | | | |
| | The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf. | CEO | | |
| | The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting. | CEO | | |
| SECTION 100 | ADMINISTRATOR OF COMMUNITY CORPORATION'S AFFAIRS | | | |
| | The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed. | CEO | | |
| SECTION 101 | POWER TO ENFORCE DUTIES OF MAINTENANCE AND REPAIR ETC | | | |
| | <p>The power pursuant to Section 101(6) of the Act to recover those costs from that other person as a debt, where:</p> <ul style="list-style-type: none"> the Council incurs costs in complying with a notice under Section 101(1) of the Act; or the corporation recovers costs from the Council under Section 101(5) of the Act; and the circumstances out of which the work was required are attributable to the act or default of another person. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 108 | RIGHT TO INSPECT POLICIES OF INSURANCE | | | |
| | The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation. | CEO | | |
| | The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation. | CEO | | |
| | The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation. | CEO | | |
| SECTION 139 | INFORMATION TO BE PROVIDED BY CORPORATION | | | |
| | <p>The power pursuant to Section 139(1) of the Act to, make application to a community corporation to :</p> <ul style="list-style-type: none"> • provide a statement setting out: <ul style="list-style-type: none"> ○ particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and ○ particulars of the assets and liabilities of the corporation; and ○ particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and ○ particulars in relation to any other matter prescribed by regulations; and • provide copies of: | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <ul style="list-style-type: none"> ○ the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and ○ the statement of accounts of the corporation last prepared by the corporation; and ○ current policies of insurance taken out by the corporation; and • make available for inspection such information as is required to establish the current financial position of the corporation including: <ul style="list-style-type: none"> ○ a copy of the accounting records of the corporation; and ○ the minute books of the corporation; and ○ any other documentary material prescribed by regulation; and ○ if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and <p>make available for inspection the register maintained under Section 135 of the Act.</p> | | | |
| | <p>The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.</p> | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 140 | INFORMATION AS TO HIGHER TIER OF COMMUNITY SCHEME | | | |
| | The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act. | CEO | | |
| | The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act. | CEO | | |
| SECTION 141 | PERSONS WHO MAY APPLY FOR RELIEF | | | |
| | The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act. | CEO | | |
| SECTION 142 | RESOLUTION OF DISPUTES, ETC | | | |
| | The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court. | CEO | | |
| | The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court. | CEO | | |
| | The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court. | CEO | | |
| | The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court. | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 142(6) of the Act to make an application to a court to:</p> <ul style="list-style-type: none"> transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or state a question of law for the opinion of the Supreme Court. | CEO | | |
| SECTION 142A | HOLDING OF DEPOSIT AND OTHER CONTRACT MONEYS WHEN LOT IS PRE-SOLD | | | |
| | <p>The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.</p> | CEO | | |
| | <p>The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:</p> <ul style="list-style-type: none"> within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract, <p>to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.</p> | CEO | | |

COMMUNITY TITLES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 146 | ENTRY ONTO LOT OR COMMON PROPERTY | | | |
| | <p>The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to:</p> <ul style="list-style-type: none"> • give notice to the owner of the lot to be entered; or • where it is necessary to enter the common property, to give notice to the corporation. | CEO | | |
| | The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances. | CEO | | |
| | The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property. | CEO | | |

DEVELOPMENT ACT 1993 – Chief Executive Officer

General Delegations Related to the Development Act 1993

In exercise of the power contained in Section 44 of the Local Government Act 1999 and Section 20 of the Development Act 1993 the Council delegated on the 15th day of July 2019 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), the following powers and functions and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit:

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 6 | CONCEPT OF CHANGE IN THE USE OF LAND | | | |
| | <p>The power pursuant to Section 6(3) of the Act and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p> <ul style="list-style-type: none"> to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land. | CEO | GMPE&RS, SP, SPD&C | |
| SECTION 18 | APPOINTMENT OF AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer. | CEO | | |
| | The power pursuant to Section 18(3) of the Act to impose conditions on the appointment of an authorised officer. | CEO | | |
| | The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition. | CEO | | |
| SECTION 24 | COUNCIL OR MINISTER MAY AMEND A DEVELOPMENT PLAN | | | |
| | Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan. | CEO | | |
| | Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister. | CEO | | |
| | Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act. | CEO | | |
| | The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all. | CEO | | |
| | The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister. | CEO | | |
| SECTION 25 | AMENDMENTS TO DEVELOPMENT PLANS | | | |
| | The power pursuant to Section 25(1) of the Act to prepare a "Statement of Intent" in accordance with the Regulations. | CEO | | |
| | The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council. | CEO | GMPE&RS | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------------|--------------------------|
| | <p>Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:</p> <ul style="list-style-type: none"> • the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit; • the DPA must include an assessment of the extent to which the proposed amendment: <ul style="list-style-type: none"> ○ accords with the Planning Strategy; and ○ accords with the Statement of Intent; and ○ accords with other parts of the Development Plan; and ○ complements the policies in the Development Plans for adjoining areas; and ○ satisfies the matters prescribed in the Regulations; • the DPA must include: <ul style="list-style-type: none"> ○ an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and ○ a summary of the conclusions drawn from the investigations and assessments referred to above; and ○ a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner); • the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in | CEO | GMPE&RS, SP, SPD&C | |
| | | | | 46 |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------------|--------------------------|
| | <ul style="list-style-type: none"> connection with the preparation of the DPA under the Act; the DPA must include any other matter prescribed by the Regulations. | | | |
| | The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the delegate thinks fit. | CEO | | |
| | The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications. | CEO | | |
| | The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act. | CEO | | |
| | The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister. | CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <u>Process A</u> <ul style="list-style-type: none"> The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations. The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment. | CEO | GMPE&RS, SP, SPD&C | |
| | <ul style="list-style-type: none"> The power pursuant to Section 25(7)(c) of the Act to consult with the Minister. | CEO | | |
| | <ul style="list-style-type: none"> The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA. | CEO | GMPE&RS | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <ul style="list-style-type: none">Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|----------------|--------------------------|
| | <p><u>Process B</u></p> <ul style="list-style-type: none"> • The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration. • The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister. • The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA. • Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment. • Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act. | CEO | GMPE&RS, SPD&C | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p><u>Process C</u></p> <ul style="list-style-type: none"> • The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment. • Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act. • The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give: <ul style="list-style-type: none"> ○ an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and ○ an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations. | CEO | GMPE&RS | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:</p> <ul style="list-style-type: none">• accords with the Planning Strategy; and• accords with the Statement of Intent; and• accords with other parts of the Development Plan; and• complements the policies in the Development Plans for adjoining areas; and• satisfies the matters prescribed in the Regulations. | CEO | GMPE&RS, SP, SPD&C | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:</p> <ul style="list-style-type: none">• allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and• subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,• appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations. | CEO | GMPE&RS, SP, SPD&C | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:</p> <ul style="list-style-type: none"> • If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice: • inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations. | CEO | GMPE&RS, SP, SPD&C | |
| | <p>If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice.</p> <ul style="list-style-type: none"> • informing the owner of the proposed amendment; and • inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations. | CEO | GMPE&RS, SP, SPD&C | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment. | CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment. | CEO | | |
| | The duty to send to the Minister: <ul style="list-style-type: none"> • a copy of a report under Section 25(13)(a); and • a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations. | CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister. | CEO | | |
| | The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister. | CEO | | |
| | The power pursuant to Section 25(23) of the Act to consult with the Minister. | CEO | | |
| SECTION 26 | AMENDMENTS BY THE MINISTER | | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks. | CEO | GMPE&RS | |
| | The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks. | CEO | GMPE&RS | |
| | The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks. | CEO | GMPE&RS | |
| | The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act. | CEO | GMPE&RS | |
| | The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action. | CEO | | |
| SECTION 27 | PARLIAMENTARY SCRUTINY | | | |
| | The power pursuant to Section 27(6) of the Act to consult with the Minister. | CEO | | |
| SECTION 30 | STRATEGIC DIRECTIONS REPORTS | | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:</p> <ul style="list-style-type: none"> • addresses the strategic planning issues within the area of the Council, with particular reference to: <ul style="list-style-type: none"> ○ the Planning Strategy; and ○ any other policy or document prescribed by the regulations; and • addresses appropriate amendments to any Development Plan that applies within the area of the Council; and • sets out the Council's priorities for: <ul style="list-style-type: none"> ○ achieving orderly and efficient development through the implementation of planning policies; and ○ the integration of transport and land-use planning within its area; and ○ implementing any relevant targets set out in the Planning Strategy; and ○ implementing affordable housing policies set out in the Planning Strategy within its area; and ○ infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and ○ other projects or initiatives considered to be relevant by the Council; and • The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act: <ul style="list-style-type: none"> ○ prescribed by the regulations; or ○ required by the Minister. | CEO | GMPE&RS, SP, SPD&C | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------------------|--------------------------|
| | <p>The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:</p> <ul style="list-style-type: none"> • within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if: <ul style="list-style-type: none"> ○ the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and ○ the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and • in any event, within 5 years after the completion of the last report under Section 30 of the Act. • In any event, within 5 years after the completion of the last report under Section 30 of the Act. • by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and • consult with any prescribed authority or body in the manner specified by the regulations. | CEO | GMPE&RS, SP, SPD&C | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|-------------------------|-------------------------------------|
| | The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations. | CEO | GMPE&RS SP, SPD&C | |
| | The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions. | CEO | | |
| | The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to: <ul style="list-style-type: none"> reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act. | CEO | | |
| | The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister. | CEO | | |
| | The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister). | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council: <ul style="list-style-type: none"> from a requirement to prepare a particular report under Section 30 of the Act; or from a particular requirement with respect to a report under Section 30 of the Act. | CEO | | |
| | The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council. | CEO | GMPE&RS, SP, SPD&C | |
| | The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations. | CEO | | |
| | The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|----------------------------|-------------------------------------|
| | The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act. | CEO | | |
| SECTION 31 | COPIES OF PLANS TO BE MADE AVAILABLE TO THE PUBLIC | | | |
| | The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council. | CEO | GMPE&RS, SP, SPD&C, P&EAO, | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|------------------------|-------------------------------------|
| SECTION 33 | MATTERS AGAINST WHICH DEVELOPMENT MUST BE ASSESSED | | | |
| | <p>The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to the particular development):</p> <ul style="list-style-type: none"> • the provisions of the appropriate Development Plan; • the provisions of the Building Rules; • in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act; • in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act; • the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and • such other matters as may be prescribed. | CEO, CAP | BO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 33(3) of the Act, when granting development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act. | CEO, CAP | BO, GMPE&RS, SP, SPD&C | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 34 | DETERMINATION OF RELEVANT AUTHORITY | | | |
| | The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development. | CAP, CEO | | |
| | The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations. | CEO | GMPE&RS | |
| | The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act. | CEO | | |
| | The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel. | CEO | | |
| | The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|-------------------------|-------------------------------------|
| SECTION 35 | SPECIAL PROVISIONS RELATING TO ASSESSMENT AGAINST DEVELOPMENT PLANS | | | |
| | The power pursuant to Section 35(1)(b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development. | CEO | GMPE&RS, SP | |
| | The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan. | CAP, CEO | CPO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 35(3)(a) of the Act in appropriate cases to concur in the granting of consent to a development described as a non- complying development. | CAP, CEO | GMPE&RS | |
| | Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier. | CEO | CPO, GMPE&RS, SP, SPD&C | |

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| SECTION 36 | SPECIAL PROVISIONS RELATING TO ASSESSMENT AGAINST THE BUILDING RULES | | | |
| | <p>The power pursuant to and in accordance with Section 36(2) of the Act:</p> <ul style="list-style-type: none"> • to assess whether a development is at variance with the Building Rules; • to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent; • to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that: <ul style="list-style-type: none"> ○ the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case. | CEO | BO, GMPE&RS | |

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| | The power, pursuant to section 36(2b) to, at the request of or with the consent of the applicant, refer proposed building work to the Building Rules Assessment Commission for an opinion on whether or not the proposed building work complies with the performance requirements of the Building Code. | CEO | BO, GMPE&RS | |
| | The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification. | CEO | BO, GMPE&RS | |
| SECTION 37 | CONSULTATION WITH OTHER AUTHORITIES OR AGENCIES | | | |
| | <p>A person may seek the opinion of a prescribed body under section 37 in relation to proposed development before lodging an application for development plan consent with respect to the development.</p> <ul style="list-style-type: none"> • refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and • not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires). | CAP, CEO | BO, GMPE&RS, SP, SPD&C, CP | |

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| | If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings. | CAP, CEO | GMPE&RS | |
| SECTION 37AA | PRELIMINARY ADVICE AND AGREEMENT | | | |
| | The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act. | CEO, CAP | GMPE&RS | |
| | The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act. | CEO, CAP | GMPE&RS | |
| SECTION 37A | PROPOSED DEVELOPMENT INVOLVING CREATION OF FORTIFICATIONS | | | |
| | The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act. | CEO | GMPE&RS, SP, SPD&C | |

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| SECTION 38 | PUBLIC NOTICE AND CONSULTATION | | | |
| | If a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 38 of the Act to assign a public notification category to a development application. | CEO, CAP | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate. | CEO, CAP | | |
| | The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act. | CEO, CAP | CPO, GMPE&RS, SP, SPD&C | |
| | The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38. | CEO, CAP | CPO, GMPE&RS, SP, SPD&C, BO | |

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| SECTION 39 | APPLICATION AND PROVISION OF INFORMATION | | | |
| | <p>The power pursuant to Section 39(2) of the Act to request an applicant to:</p> <ul style="list-style-type: none"> • provide such additional documents or information to enable assessment of the application; • remedy any defect or deficiency in any application or accompanying document or information required by or under the Act; • consult with an authority or body prescribed by the Regulations; • (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and • comply with any other requirement prescribed by the Regulations. | CEO, CAP | CPO, GMPE&RS, SP, SPD&C, BO | |
| | <p>Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power :-</p> <ul style="list-style-type: none"> • subject to Section 39(3)(b)(ii) of the Act, to refuse the application; and • refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development). | CAP, CEO | CPO, GMPE&RS, SP, SPD&C, BO | |

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| | The power pursuant to Sections 39(4)(a) and 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application. | CAP, CEO | CPO, GMPE&RS, SP, SPD&C, BO | |
| | The power pursuant to Sections 39(4)(b) and 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations. | CAP, CEO | CPO, GMPE&RS, SP, SPD&C, BO | |
| | The power pursuant to Sections 39(4)(c) and 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council). | CEO | | |
| | The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the Regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed. | CAP, CEO | CPO, GMPE&RS, SP, SPD&C, BO | |

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| | The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power pursuant to Section 39(7)(c) of the Act to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development. | CAP, CEO | CPO, GMPE&RS | |
| | The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation. | CAP, CEO | GMPE&RS, SP, CP, SPD&C, BO | |
| | The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn. | CEO | GMPE&RS, | |

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| SECTION 40(3) | DETERMINATION OF APPLICATION | | | |
| | The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| SECTION 42 | CONDITIONS | | | |
| | The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks it or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power pursuant to Section 42(6) of the Act, on the application of an applicant, to determine that the payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CPO | |
| | The power, pursuant to section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case. | CAP, CEO | GMPE&RS, | |
| SECTION 43 | CANCELLATION BY A RELEVANT AUTHORITY | | | |
| | The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate. | CEO | | |

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| SECTION 45A | INVESTIGATION OF DEVELOPMENT ASSESSMENT PERFORMANCE | | | |
| | The power pursuant to Sections 45A(2) of the Act to explain the council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister. | CEO | | |
| | The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister. | CEO | | |
| SECTION 49 | CROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE | | | |
| | The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power, pursuant to Section 49(5) of the Act, to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power, pursuant to Section 49(9) of the Act, to withdraw opposition to a State agency proposed development. | CAP, CEO | | |

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| SECTION 49A | ELECTRICITY INFRASTRUCTURE DEVELOPMENT | | | |
| | The power, pursuant to Section 49A(4a) of the Act, to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power, pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power, pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition. | CAP, CEO | | |

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| SECTION 50 | OPEN SPACE CONTRIBUTION SYSTEM | | | |
| | <p>The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments (except by a strata plan) where one or more allotments is less than one hectare in area, to require:</p> <ul style="list-style-type: none"> • that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or • that the applicant make a contribution as prescribed by the Regulations in accordance with the requirements of Section 50(7) of the Act; or • that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, <p>according to the determination and specification of the Council or delegate.</p> | CEO | | |
| | The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission. | CAP, CEO | | |
| | The power pursuant to Sections 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council. | CEO | | |

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| | The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act. | CEO | | |
| | The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and to immediately pay that money into a special fund established for the purpose of Section 50 of the Act and to apply that money for the purpose of acquiring or developing land as open space. | CEO | | |
| | The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole. | CEO | | |
| SECTION 50A | CAR PARKING FUND | | | |
| | The power pursuant to Section 50A(1) of the Act to establish a car parking fund. | CEO | | |

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| | The power, pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development within any area designated by the Council in accordance with Section 50A(1) of the Act. | CEO, CAP | GMPE&RS | |
| | The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development. | CEO | | |
| | The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund. | CEO, CAP | | |
| | The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a car parking fund and to pay any resultant income into the fund, PROVIDED THAT the delegate (or any sub-delegate) exercising any of the powers or functions under Section 50A of the Act will have regard to (and, as necessary, comply with) any relevant Council Car Parking Fund Policy. | CEO | | |
| | The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund. | CEO | | |

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| SECTION 50B | URBAN TREES FUND | | | |
| | The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area). | CEO | | |
| | The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund. | CEO | | |
| | The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: <ul style="list-style-type: none"> • maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or • purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act. | CEO | | |
| SECTION 52 | SAVING PROVISIONS | | | |
| | The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship. | CEO | | |

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| SECTION 52A | AVOIDANCE OF DUPLICATION OF PROCEDURES IN RELATION TO COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT, 1999 | | | |
| | The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (and defined in Section 52A(9) of the Act, as a "Commonwealth Act document") as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act. | CAP, CEO | GMPE&RS, SP, SPD&C | |

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| | The power pursuant to Section 52A(5) of the Act where a controlled action under the Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Environment Protection and Biodiversity Conservation Act 1999. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Environment Protection and Biodiversity Conservation Act 1999. | CAP, CEO | | |

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| SECTION 53A | REQUIREMENT TO UPGRADE BUILDING IN CERTAIN CASES | | | |
| | Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards. | CEO | GMPE&RS, BO | |
| | Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations: <ul style="list-style-type: none"> the power pursuant to Section 53A(2)(b) of the Act but subject to Regulation 80(3) of the Regulations to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings, and facilities and services within buildings, for people with disabilities; and where an opinion has been formed pursuant to Section 53A(2)(b) of the Act, the power pursuant to Section 53A(2) of the Act, but subject to Section 53A(3) of the Act and Regulation 80(3) of the Regulations, to require, as a condition of consent, that building work or other measures be carried out to the extent necessary to ensure that the affected part of | CEO | GMPE&RS, BO | |

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| | the building will comply with the performance requirements of the Building Code in relation to access to buildings, and facilities and services within buildings, for people with disabilities. | | | |
| | Where an application is made for building rules consent for building work in the nature of an alteration of a kind prescribed by the Regulations to a building constructed before 1 January 1980 the power pursuant to Section 53A(2) of the Act to form the opinion that the facilities for access to or within the building for people with disabilities are inadequate and therefore require as a condition of consent that building work or other measures be carried out to the extent reasonably necessary to ensure that the facilities for such access will be adequate. | CEO | GMPE&RS, BO | |
| SECTION 54 | URGENT BUILDING WORK | | | |
| | The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency. | CEO | GMPE&RS, BO | |
| SECTION 54A | URGENT WORK IN RELATION TO TREES | | | |
| | The power to receive notification of urgent work in relation to trees pursuant to Section 54A of the Act. | CEO | | |

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| SECTION 55 | ACTION IF DEVELOPMENT NOT SUBSTANTIALLY COMPLETED | | | |
| | The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval. | CEO, | BO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) or (d) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person. | CEO | BO, GMPE&RS, | |
| | The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, to fix a period being not less than 28 days from the date of the notice within which the amount must be paid. | CEO | BO, GMPE&RS, SP | |
| SECTION 56 | COMPLETION OF WORK | | | |
| | The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice. | CEO | BO, GMPE&RS, SP, SPD&C | |

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| | The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act. | CEO | BO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner. | CEO | BO, GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 56(4) of the Act to, 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 by the person where an amount is recoverable from the person under Section 56(3) of the Act. | CEO | BO, GMPE&RS, SP, SPD&C | |
| SECTION 56B | BUILDING RULES ASSESSMENT AUDITS | | | |
| | The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B. | CEO | BO, GMPE&RS, | |
| | The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12) | CEO | | |

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| SECTION 56C | DEVELOPMENT PLAN ASSESSMENT AUDITS | | | |
| | The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact. | CEO | | |
| | The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister. | CEO | | |
| | The power pursuant to Section 56C(15) of the Act to, if <ul style="list-style-type: none"> the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister. | CEO | | |
| SECTION 57 | LAND MANAGEMENT AGREEMENTS | | | |
| | The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land. | CEO | | |
| | The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act. | CEO | GMPE&RS, SP, SPD&C, BO | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 57(5) of the Act, to apply to the Registrar- General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land. | CEO | | |
| | The power pursuant to Section 57(8) of the Act to apply to the Registrar- General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land. | CEO | | |
| | The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister. | CEO | | |
| SECTION 57A | LAND MANAGEMENT AGREEMENTS - DEVELOPMENT APPLICATIONS | | | |
| | The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act. | CEO | | |
| | The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act. | CEO | GMPE&RS, SP, SPD&C | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 57A(14) of the Act to apply to the Registrar- General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land. | CEO | | |
| | The power pursuant to Section 57A(16) of the Act to apply to the Registrar- General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land. | CEO | | |
| | The power pursuant to Section 57A (18) of the Act, where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act). | CEO | | |
| SECTION 59 | NOTIFICATION DURING BUILDING | | | |
| | The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached. | CEO | | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 66 | CLASSIFICATION OF BUILDINGS | | | |
| | The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned. | CEO | GMPE&RS, BO | |
| SECTION 67 | CERTIFICATES OF OCCUPANCY | | | |
| | The power, pursuant to Section 67(3)(a) of the Act, to require information from an applicant for a certificate of occupancy. | CEO | GMPE&RS, BO | |
| | The power, pursuant to Section 67(13) of the Act, to revoke a certificate of occupancy in prescribed circumstances. | CEO | GMPE&RS, BO | |
| SECTION 68 | TEMPORARY OCCUPATION | | | |
| | The power, pursuant to Sections 68(1) and (2) of the Act, to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose. | CEO | GMPE&RS, BO | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 69 | EMERGENCY ORDERS | | | |
| | Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act: <ul style="list-style-type: none"> the power, pursuant to Section 69(4) of the Act, to cause the required work to be carried out; and the power, pursuant to and in accordance with Sections 69(5) and 69(6) of the Act, to recover the reasonable costs and expense of that work from the owner as a debt. | CEO | GMPE&RS, BO | |
| SECTION 71 | FIRE SAFETY | | | |
| | The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority. | | | |
| | The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority. | CEO | | |
| | The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)). | CEO | | |
| | The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority. | CEO | | |
| | The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority. | CEO | | |
| | The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority. | CEO | | |
| | The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority. | CEO | | |
| SECTION 74 | ADVERTISEMENTS | | | |
| | <p>The power, pursuant to and in accordance with Section 74(1) of the Act, to:</p> <ul style="list-style-type: none"> • form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and • serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both). | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|------------------------|-------------------------------------|
| | The power, pursuant to Section 74(3) of the Act, where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served. | CEO | GMPE&RS, SP, SPD&C | |
| SECTIONS 84 | ENFORCEMENT NOTICES | | | |
| | The power, pursuant to and in accordance with Section 84(2) of the Act, to issue an enforcement notice, where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act. | CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power, pursuant to Section 84(3) of the Act, to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer. | CEO | GMPE&RS, SP, SPD&C, BO | |
| | Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act: <ul style="list-style-type: none"> the power, pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and the power, pursuant to and in accordance with Sections 84(7) and 84(8) of the Act, to recover the costs of doing so as a debt from the person whose failure gave rise to the action. | CEO | GMPE&RS, SP, SPD&C, BO | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|------------------------|-------------------------------------|
| SECTION 85 | APPLICATIONS TO COURT | | | |
| | The power, pursuant to Section 85(1) of the Act, to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act. | CEO | GMPE&RS, SP, SPD&C, BO | |
| | Where the Court has made an order under Section 85(6)(d) of the Act, and a person has failed to comply with the order, the power pursuant to and in accordance with Sections 85(12) and 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person. | CEO | GMPE&RS, SP, SPD&C, BO | |
| SECTION 86 | GENERAL RIGHT TO APPLY TO COURT | | | |
| | Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute. | CEO | | |
| SECTION 93 | AUTHORITY TO BE ADVISED OF CERTAIN MATTERS | | | |
| | The power, pursuant to Section 93(1)(b)(iii) of the Act, to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require. | CEO | GMPE&RS, SP, SPD&C, BO | |

DEVELOPMENT ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|------------------------|-------------------------------------|
| SECTION 94 | REFERRALS | | | |
| | The power, pursuant to and in accordance with Section 94 of the Act, to consent to the referral by a private certifier to the Council or Delegate of any function under the Act. | CEO | GMPE&RS, SP, SPD&C, BO | |
| SECTION 101 | PROFESSIONAL ADVICE TO BE OBTAINED IN RELATION TO CERTAIN MATTERS | | | |
| | The power, pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications. | CEO | GMPE&RS, SP, SPD&C, BO | |
| SECTION 106A | MAKE GOOD ORDERS | | | |
| | The power, pursuant to Section 106A(6) of the Act, to cause a make good orders issued under Section 106A of the Act to be noted against the instrument of title or instruments of title to land to which the order relates or, in the case of land not under the provisions of the Real Property Act 1886, against the land under a scheme prescribed by the Regulations. | | | |

DEVELOPMENT REGULATIONS 2008 – Chief Executive Officer

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------|---|----------|------------------------|--------------------------|
| REGULATION 8A | COMPLYING DEVELOPMENT – DEVELOPMENT PLAN CONSENT | | | |
| | <p>The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:</p> <ul style="list-style-type: none"> • In the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and • In any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1). <p>The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purpose of Section 35(1b) of the Act, to:</p> <ul style="list-style-type: none"> • Form the opinion that a variation from <i>complying</i> development (including <i>complying</i> development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and • Determine that 2 or more minor variations, when taken together, constitute a 'minor variation from <i>complying</i> development'. | CEO | GMPE&RS, SP, SPD&C, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|------------------------|-------------------------------------|
| REGULATION 8B | COMPLYING BUILDING WORK – BUILDING RULES | | | |
| | The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the <i>Building Code</i> referred to in Schedule 4 Part 2) | CEO | GMPE&RS, SP, SPD&C, BO | |
| REGULATION 9A | INFRASTRUCTURE PLANNING | | | |
| | The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent. | CEO | | |
| REGULATION 12 | PUBLIC MEETING | | | |
| | The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place, if necessary or appropriate. | CEO | | |
| REGULATION 15 | APPLICATION TO RELEVANT AUTHORITY | | | |
| | The power pursuant to Regulation 15(1)(c) of the Regulations, to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Schedule 5 of the Regulations. | CEO | GMPE&RS, SP, SPD&C, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet. | CEO | | |
| | <p>The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:</p> <ul style="list-style-type: none"> • the Development Assessment number assigned to the development proposed under the application; and • if the private certifier, at the time of forwarding a copy of an application form under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant: <ul style="list-style-type: none"> ○ advice about any site contamination that is believed to exist at the site where the development would be undertaken; ○ advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point; and ○ advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken. | CEO | | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|----------------------------|-------------------------------------|
| | The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c) of the Act. | CEO | GMPE&RS, SP, SPD&C, BO | |
| | <p>The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:</p> <ul style="list-style-type: none"> • In the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act; • In any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act). | CAP, CEO | CPO, GMPE&RS | |
| | The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application. | CAP, CEO | GMPE&RS | |
| REGULATION 16 | NATURE OF DEVELOPMENT | | | |
| | The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|----------------------------|-------------------------------------|
| | The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |
| | The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is not <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |
| REGULATION 17 | NON-COMPLYING DEVELOPMENT | | | |
| | The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to: <ul style="list-style-type: none"> • refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or • resolve to proceed with an assessment of the application. | CAP, CEO | GMPE&RS, SP, SPD&C, BO | |
| | The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|----------------------------|-------------------------------------|
| REGULATION 20 | AMENDED APPLICATIONS | | | |
| | The power, pursuant to Regulation 20(4) of the Regulations, to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations, is not required. | CEO | GMPE&RS | |
| | The power, pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |
| REGULATION 22 | WITHDRAWAL/LAPSING APPLICATIONS | | | |
| | Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |
| REGULATION 23 | CONTRAVENING DEVELOPMENT | | | |
| | The power, pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded. | CAP, CEO | GMPE&RS, SP, SPD&C, BO, CP | |
| REGULATION 28 | SPECIAL PROVISIONS - REFERRALS | | | |
| | The power, pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report. | CEO | GMPE&RS, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------------------|---|----------|--------------------|--------------------------|
| REGULATION 29 | LAND DIVISION APPLICATIONS | | | |
| | The power, pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| REGULATION 30 | UNDERGROUND MAINS AREA | | | |
| | The power, pursuant to Regulation 30(1) of the Regulations, to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area. | CEO | GMA&I, GMPE&RS | |
| | The power, pursuant to Regulation 30(2) of the Regulations, to declare an area as an underground mains area. | CEO | GMA&I, GMPE&RS | |
| | The power, pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground. | CEO | GMA&I, GMPE&RS | |
| REGULATION 31A AND 37AA | PRELIMINARY ADVICE AND AGREEMENT | | | |
| | The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body. | CAP, CEO | GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | <p>The power pursuant to Regulation 31A(6) of the Regulations if:</p> <ul style="list-style-type: none"> • a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and • the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body: • to obtain a variation to the agreement under Section 37AA of the Act; or • to obtain a response from the prescribed body for the purposes of Section 37 of the Act. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| | <p>The power pursuant to Regulation 31A(7) of the Regulations if:</p> <ul style="list-style-type: none"> • an application is withdrawn by the Applicant; and • the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, • to notify the relevant prescribed body of the withdrawal of an application. | CAP, CEO | GMPE&RS, SP, SPD&C | |
| | <p>The power pursuant to Regulation 31A(8) of the Regulations if:</p> <ul style="list-style-type: none"> • an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and • the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, • to notify the relevant prescribed body of the lapsing of an application. | CEO | GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | <p>The power pursuant to Regulation 31A(9) of the Regulations if:</p> <ul style="list-style-type: none"> • an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and • a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, • to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations. | CEO | GMPE&RS, SP, SPD&C | |
| REGULATION 32 | PUBLIC NOTICE CATEGORIES | | | |
| | The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements. | CEO | GMPE&RS, | |
| REGULATION 34 | PUBLIC INSPECTION OF CERTAIN APPLICATIONS | | | |
| | The power, pursuant to Regulation 34(3) of the Regulations, to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such a manner as the Delegate thinks fit. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power, pursuant to Regulation 34(4) of the Regulations, to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------------------|---|-----------------|-----------------------------|-------------------------------------|
| REGULATION 36 | RESPONSE BY APPLICANT | | | |
| | The power, pursuant to Regulation 36 of the Regulations, to extend the time within which an applicant may respond to any representation. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| REGULATIONS 38 & 39 | DETERMINATION OF COMMISSION AS RELEVANT AUTHORITY | | | |
| | Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant). | CEO | CPO, GMPE&RS, SP, SPD&C | |
| | Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development. | CEO | CPO, GMPE&RS, SP, SPD&C | |
| REGULATION 45 | SCHEME DESCRIPTION – COMMUNITY TITLES | | | |
| | The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement. | CEO, CAP | GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|-----------------|-----------------------------|-------------------------------------|
| REGULATION 47A | MINOR VARIATION OF DEVELOPMENT AUTHORISATION | | | |
| | The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation. | CEO | CPO, GMPE&RS, SP, SPD&C | |
| REGULATION 48 | LAPSE OF CONSENT OR APPROVAL | | | |
| | The power, pursuant to Regulation 48(2) of the Regulations, to extend the time when any consent or approval under Part 4 of the Act will lapse. | CEO, CAP | GMPE&RS, SP, SPD&C, BO | |
| REGULATION 51 | WIDTH OF ROADS AND THOROUGHFARES | | | |
| | The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulations 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services. | CEO, CAP | GMA&I GMPE&RS, SP, SPD&C | |
| | The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de- sac is likely to become a through road. | CEO, CAP | GMA&I GMPE&RS, SP, SPD&C | |
| REGULATION 52 | ROAD WIDENING | | | |
| | The power pursuant to Regulation 52(1) of the Regulations to require a road widening where land to be divided abuts an existing road. | CEO, CAP | GMA&I GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|--------------------------------|-------------------------------------|
| REGULATION 53 | REQUIREMENT AS TO FORMING OF ROADS | | | |
| | The power, pursuant to Regulation 53(1) and (2) of the Regulations, to specify the width of roads. | | | |
| | The power, pursuant to Regulation 53(4) of the Regulations, to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road. | CEO, CAP | GMA&I GMPE&RS, SP, SPD&C | |
| | The power, pursuant to Regulation 53(6) of the Regulations, to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads. | CEO, CAP | GMA&I GMPE&RS, SP, SPD&C | |
| REGULATION 54 | CONSTRUCTION OF ROADS, BRIDGES, DRAINS AND SERVICES | | | |
| | The power, pursuant to Regulation 54(1) of the Regulations, to require the paving and sealing of the roadway of proposed roads. | CEO, CAP | GMA&I GMPE&RS, SP, SPD&C | |
| REGULATION 58 | GENERAL LAND DIVISION | | | |
| | The power pursuant to and in accordance with Regulation 58(1) of the Regulations, to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements. | CEO | GMA&I GMPE&RS, | |
| | The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act. | CEO | CPO, GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|-------------------------------|-------------------------------------|
| REGULATION 59 | DIVISION OF LAND BY STRATA TITLE | | | |
| | The power, pursuant to Regulation 59(1) of the Regulations, to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security. | CEO | CPO, GMPE&RS, SP, SPD&C | |
| REGULATION 60 | GENERAL PROVISIONS | | | |
| | The power, pursuant to and in accordance with Regulation 60(1) of the Regulations, to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act. | CEO | GMPE&RS, | |
| | The power, pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council. | CEO | GMPE&RS, | |
| | The power, pursuant to Regulation 60(9) of the Regulations, to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations. | CEO | GMPE&RS, | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATIONS 61 & 64 | DECLARATION BY THE MINISTER | | | |
| | Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations. | CEO | GMPE&RS, SP, SPD&C | |
| REGULATION 74 | NOTIFICATIONS DURING BUILDING WORK | | | |
| | The power, pursuant to Regulation 74(1)(b) of the Regulations, to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act. | CEO | GMPE&RS, BO | |
| | The power pursuant to Regulation 74(1)(c) of the Regulations, to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act. | CEO | GMPE&RS, BO | |
| REGULATION 76 | ESSENTIAL SAFETY PROVISIONS | | | |
| | The power, pursuant to Regulation 76(10) of the Regulations, to require compliance with Regulation 76(7) of the Regulations despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act. | CEO | GMPE&RS, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|----------|--------------|--------------------------|
| REGULATION 76D | SWIMMING POOL SAFETY | | | |
| | The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76D(4b) of the Regulations, establish a swimming pool inspection policy. | CEO | GMPE&RS, BO | |
| REGULATION 77 | INSTALLATION OF WASTE CONTROL SYSTEMS | | | |
| | The power pursuant to Regulation 77(3)(b) of the Regulations to approve the manner of installation of a waste control system for the treatment and disposal of sewage and/or sullage from a building. | | | |
| REGULATION 79 | CONSTRUCTION INDUSTRY TRAINING FUND | | | |
| | The power pursuant to Regulation 79(4) of the Regulations, to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable. | CEO | GMPE&RS, BO | |
| | The power, pursuant to and in accordance with Regulation 79(5)(b) of the Regulations, to determine that the application has lapsed. | CEO | GMPE&RS, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| REGULATION 80 | REQUIREMENT TO UP-GRADE BUILDING IN CERTAIN CASES | | | |
| | <p>The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:</p> <ul style="list-style-type: none"> • that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or • that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition). | CEO | | |
| REGULATION 82 | CLASSIFICATION OF BUILDINGS | | | |
| | The power, pursuant to Regulation 82(3)(b)(i) of the Regulations, to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations. | CEO | GMPE&RS, BO | |
| | The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use. | CEO | GMPE&RS, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that <i>Minister's Specification SA: Upgrading health and safety in existing buildings</i> has been complied with (to the extent reasonably applicable to the building and its present or intended use). | CEO | | |
| | The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act – <ul style="list-style-type: none"> the maximum number of persons who may occupy the building (or part of the building); and If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building. | CEO | GMPE&RS, BO | |
| REGULATION 83 | CERTIFICATES OF OCCUPANCY | | | |
| | The power pursuant to Regulation 83(2)(c) of the Regulations, to require from an applicant for a certificate of occupancy, reasonable evidence that conditions attached to a development approval have been satisfied. | CEO | GMPE&RS, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 83(2)(d) of the Regulations, where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than one storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case, that the building is suitable for occupation. | CEO | GMPE&RS, BO | |
| | The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation. | CEO | GMPE&RS, BO | |
| | The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) of the Regulations is not received within 15 business days, to presume that the fire authority does not desire to make a report. | CEO | GMPE&RS, BO | |
| | The power pursuant to and in accordance with Regulation 83(9) of the Regulations to revoke a certificate of occupancy. | CEO | GMPE&RS, BO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|-----------------------------|-------------------------------------|
| REGULATION 88 | CERTIFICATE OF INDEPENDENT TECHNICAL EXPERT IN CERTAIN CASES | | | |
| | The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert. | CEO | GMPE&RS, BO | |
| REGULATION 95 | FEES | | | |
| | The power, pursuant to Regulation 95(2) of the Regulations, to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 of the Regulations and the power to make any other determination for the purposes of Schedule 6 of the Regulations. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power, pursuant to the provisions of Regulation 95(3) of the Regulations, to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power, pursuant to Regulation 95(4) of the Regulations, to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| REGULATION 98 | REGISTER OF APPLICATIONS | | | |
| | The power, pursuant to Regulation 98(3) of the Regulations, upon payment of a fee fixed by the Council, to make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1). | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|-----------------------------|-------------------------------------|
| REGULATION 99 | REGISTER OF LAND MANAGEMENT AGREEMENTS | | | |
| | The power, pursuant to Regulation 99(3) of the Regulations, to determine what other information may be contained in the Register. | CEO | GMPE&RS, SP, SPD&C | |
| REGULATION 101 | DOCUMENTS TO BE PRESERVED BY COUNCIL | | | |
| | The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier. | CEO | BO, GMPE&RS, SP, SPD&C | |
| | The power and duty pursuant to Regulation 100(1a) of the Regulations to preserve any document referred to in Regulation 1010(a1) for a period of at least 10 years. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power, pursuant to and in accordance with Regulation 101(3) of the Regulations, to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |
| | The power, pursuant to and in accordance with Regulation 101(4) of the Regulations, to make available for inspection at the offices of the council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101 (a1) or (1) of the Regulations. | CEO | BO, CPO, GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|-----------------|------------------------|-------------------------------------|
| | <p>The power, pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings, specifications or other documents or information:</p> <ul style="list-style-type: none"> • for inspection under Regulation 101(4)(a) if to do so would: • in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or • constitute a breach of any other law; or • for copying under Regulation 101(4)(b) if to do so would: • in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or • involve an infringement of copyright in matter contained in a document; or • constitute a breach of any other law. | CEO | GMPE&RS, | |
| REGULATION 102 | DOCUMENTS TO BE PROVIDED BY PRIVATE CERTIFIER | | | |
| | <p>The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of the application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.</p> | CEO | BO, GMPE&RS, SP, SPD&C | |
| REGULATION 115 | SYSTEM INDICATORS | | | |
| | <p>The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.</p> | CEO, | GMPE&RS, SP, SPD&C | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|-----------------|------------------------|-------------------------------------|
| SCHEDULE 1A | DEMOLITION | | | |
| | The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area. | CEO | | |
| | The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken. | CEO | | |
| SCHEDULE 4 | NEW DWELLINGS | | | |
| | The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land, or in the vicinity of the land other than a previous use or activity for residential purposes. | CEO, CAP | GMPE&RS, SP, SPD&C, CP | |
| SCHEDULE 6 | FEES | | | |
| | The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act. | CEO | GMPE&RS, SP, SPD&C, CP | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------------|--|-----------------|-------------------------|-------------------------------------|
| ITEM 1 OF SCHEDULE 8 | DEVELOPMENT NEAR THE COAST | | | |
| | The power, pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building. | | | |
| ITEM 3 OF SCHEDULE 8 | DEVELOPMENT ADJACENT TO MAIN ROADS | | | |
| | <p>The power, pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations, to form the opinion that development is likely to:</p> <ul style="list-style-type: none"> • alter an existing access; or • change the nature of movement through an existing access; or • create a new access; or • encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, <p>in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan), other than (unless an access certificate is required for complying development) complying development in respect of the relevant Development Plan.</p> | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------------------------------|---|-----------------|-------------------------|-------------------------------------|
| ITEM 5 OF SCHEDULE 8 | STATE HERITAGE PLACES | | | |
| | The power, pursuant to and in accordance with Item 5(1) of Clause 2 of Schedule 8 of the Regulations, to form the opinion that a development materially affects the context within which a State Heritage place is situated. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |
| ITEM 10 OF SCHEDULE 8 | ACTIVITY OF ENVIRONMENTAL SIGNIFICANCE | | | |
| | The power, pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of, an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |
| PART 1 OF SCHEDULE 9 | CATEGORY ONE DEVELOPMENT | | | |
| | The power, pursuant to Clause 1 of Part 1 of Schedule 9 of the Regulations, in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|--|-----------------|-------------------------|-------------------------------------|
| | The power, pursuant to Clause 2(1)(g) of Part 1 of Schedule 9 of the Regulations, to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |
| | The power, pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 of Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:- <ul style="list-style-type: none"> the alteration of, or addition to, a building is of a minor nature only, pursuant to subparagraph (a); the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to subparagraph (b). | CEO, CAP | GMPE&RS, SP, SPD&C | |
| | The power, pursuant to Clause 5 of Part 1 of Schedule 9 of the Regulations, to form the opinion:- <ul style="list-style-type: none"> that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and whether the proposed division will change the nature or function of an existing road. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |

DEVELOPMENT REGULATIONS 2008

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------------|---|-----------------|-------------------------|-------------------------------------|
| | The power, pursuant to Clause 11 of Part 1 of Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |
| | <p>Pursuant to Clause 17 of Part 1 of Schedule 9 of the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <ul style="list-style-type: none"> the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 of the Regulations. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |
| PART 2 OF SCHEDULE 9 | CATEGORY TWO DEVELOPMENT | | | |
| | <p>The power, pursuant to Clause 21 of Part 2 of Schedule 9 of the Regulations, except where development is classified as non-complying development under the relevant Development Plan, to form the opinion:</p> <ul style="list-style-type: none"> that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and whether the proposed division will change the nature or function of an existing road. | CEO, CAP | GMPE&RS, SP, SPD&C, CPO | |

DEVELOPMENT ACT 1993 - COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|---------|--------------|--------------------------|
| SECTION 6 | CHANGE OF LAND USE DECLARATION | | | |
| | <p>The power pursuant to Section 6(3) of the Act and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p> <ul style="list-style-type: none"> to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land. | | | |
| SECTION 33 | MATTERS AGAINST WHICH DEVELOPMENT MUST BE ASSESSED | | | |
| | <p>The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to the particular development):</p> <ul style="list-style-type: none"> the provisions of the appropriate Development Plan; Not delegated in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act; in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act; the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and such other matters as may be prescribed. | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 33(3) of the Act, when granting development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act. | | | |
| SECTION 34 | DETERMINATION OF RELEVANT AUTHORITY | | | |
| | The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development. | | | |
| SECTION 35 | SPECIAL PROVISIONS RELATING TO DEVELOPMENT PLAN ASSESSMENT | | | |
| | The power pursuant to Section 35(1)(b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development. | | | |
| | The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan. | | | |
| | The power pursuant to Section 35 of the Act to determine that a development application should be classified as complying, non-complying or merit. | | | |
| | The power pursuant to Section 35(3)(a) of the Act in appropriate cases to concur in the granting of consent to a development described as a non-complying development. | | | |
| SECTION 37AA | PRELIMINARY ADVICE AND AGREEMENT | | | |
| | The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act. | | | |
| | The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act. | | | |
| SECTION 38 | PUBLIC NOTICE AND CONSULTATION | | | |
| | Not delegated | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate. | | | |
| | The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act. | | | |
| | The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38. | | | |
| SECTION 39 | APPLICATION AND PROVISION OF INFORMATION | | | |
| | <p>The power pursuant to Section 39(2) of the Act to request an applicant to:</p> <ul style="list-style-type: none"> • provide such additional documents or information to enable assessment of the application; • remedy any defect or deficiency in any application or accompanying document or information required by or under the Act; • consult with an authority or body prescribed by the Regulations; • (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and • comply with any other requirement prescribed by the Regulations. | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|----------------|---------------------|-------------------------------------|
| | <p>Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power :-</p> <ul style="list-style-type: none"> • subject to Section 39(3)(b)(ii) of the Act, to refuse the application; and • refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development). | | | |
| | The power pursuant to Sections 39(4)(a) and 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application. | | | |
| | The power pursuant to Sections 39(4)(b) and 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations. | | | |
| | The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the Regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application. | | | |
| | The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed. | | | |
| | The power pursuant to Section 39(7) of the Act to approve of an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative. | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|----------------|---------------------|-------------------------------------|
| | Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation. | | | |
| | The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development. | | | |
| | The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages. | | | |
| | Not delegated | | | |
| SECTION 40(3) | DETERMINATION OF APPLICATION | | | |
| | The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative. | | | |
| SECTION 42 | CONDITIONS | | | |
| | The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks it or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act. | | | |
| | The power pursuant to section 42(6) of the Act, on the application of an applicant, to determine that the payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under section 42(4) of the Act. | | | |
| | The power, pursuant to section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case. | | | |
| SECTION 43 | CANCELLATION BY A RELEVANT AUTHORITY | | | |
| | The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|----------------|---------------------|-------------------------------------|
| | the Delegate. | | | |
| SECTION 45A | INVESTIGATION OF DEVELOPMENT ASSESSMENT PERFORMANCE | | | |
| | The power pursuant to Sections 45A(2) of the Act to explain the council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister. | | | |
| | The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister. | | | |
| SECTION 49 | CROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE | | | |
| | The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations. | | | |
| | The power, pursuant to Section 49(5) of the Act, to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act. | | | |
| | The power, pursuant to Section 49(9) of the Act, to withdraw opposition to a State agency proposed development. | | | |
| SECTION 49A | ELECTRICITY INFRASTRUCTURE DEVELOPMENT | | | |
| | The power, pursuant to Section 49A(4a) of the Act, to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations. | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|----------------|---------------------|-------------------------------------|
| | The power, pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice. | | | |
| | The power, pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition. | | | |
| SECTION 50A | CARPARKING FUND | | | |
| | The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development. | | | |
| SECTION 50 | OPEN SPACE CONTRIBUTION SYSTEM | | | |
| | <p>The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments (except by a strata plan) where one or more allotments is less than one hectare in area, to require:</p> <ul style="list-style-type: none"> • that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or • that the applicant make a contribution as prescribed by the Regulations in accordance with the requirements of Section 50(7) of the Act; or • that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, <p>according to the determination and specification of the Council or delegate.</p> | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole. | | | |
| SECTION 52A | AVOIDANCE OF DUPLICATION OF PROCEDURES IN RELATION TO COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT, 1999 | | | |
| | The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (and defined in Section 52A(9) of the Act, as a "Commonwealth Act document") as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act. | | | |
| | The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. | | | |

DEVELOPMENT ACT 1993 – COUNCIL ASSESSMENT PANEL - CAP

| SECTION OF THE ACT | DELEGATED POWERS | DELGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act. | | | |
| | The power pursuant to Section 52A(5) of the Act where a controlled action under the Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Environment Protection and Biodiversity Conservation Act 1999. | | | |
| | The power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Environment Protection and Biodiversity Conservation Act 1999. | | | |
| SECTION 101 | SEEKING OF PROFESSIONAL ADVICE | | | |
| | The power, pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications. | | | |

DEVELOPMENT (WASTE REFORM) VARIATION REGULATIONS 2019

| DELEGATIONS UNDER THE DEVELOPMENT (WASTE REFORM) VARIATION REGULATIONS 2019 | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---|----------|--------------|--------------------------|
| DEVELOPMENT AUTHORISATIONS TO CONTINUE | | | |
| <p>The power pursuant to clause 2(2) of Schedule 1 of the Development (Waste Reform) Variation Regulations 2019 ('the Waste Reform Regulations'), to, on the Delegate's own initiative or on application by an existing authorisee:</p> <ul style="list-style-type: none"> • grant a new development authorisation to the person; or • revoke an existing development authorisation; or • by notice in writing to the authorisee given within 2 years after the commencement of clause 2 of Schedule 1 of the Waste Reform Regulations: <ul style="list-style-type: none"> ○ vary the terminology or numbering in the existing development authorisation; or ○ impose or vary a condition of the existing development authorisation, if, in the opinion of the Delegate, it is necessary or desirable to do so as a consequence of the variation of Schedule 21 or 22 of the principal regulations by the Waste Reform Regulations. <p>The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the relevant authority takes action under clause 2(2) of Schedule 1 of the Waste Reform Regulations, to, dispense with the requirement for applications and payment of fees as the Delegate considers appropriate.</p> | | | |

DOG AND CAT MANAGEMENT ACT 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 25A | APPOINTMENT OF AUTHORISED PERSONS | | | |
| | The power pursuant to Section 25A(1) of the Dog and Cat Management Act 1995 (the Act) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act. | CEO | | |
| | The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment. | CEO | | |
| | The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person. | CEO | | |
| SECTION 25B | IDENTIFICATION OF AUTHORISED PERSONS | | | |
| | The power pursuant to Section 25B(1) of the Act to issue to an authorised person an identity card in a form approved by the Board. | CEO | | |
| | The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions. | CEO | | |
| SECTION 25C | AREA LIMITATION ON AUTHORISED PERSONS APPOINTED BY COUNCILS | | | |
| | The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council. | CEO | | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 26 | COUNCIL RESPONSIBILITY FOR MANAGEMENT OF DOGS AND CATS | | | |
| | <p>The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to:</p> <ul style="list-style-type: none"> • maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and • ensure that the Board is provided with information contained in the register as required by the Board from time to time; and • maintain such other registers as may be required by the Board; and • make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and • if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and • appoint a suitable person to be Registrar; and • make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and • appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and • make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and • make satisfactory arrangements for fulfilling other obligations under the Act. | CEO | GMPE&RS, COSO | COSO Maintain registers only |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained. | CEO | GMPE&RS | |
| | The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats. | CEO | | |
| | The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council. | CEO | | |
| | <p>The power pursuant to Section 26(6) of the Act to charge:</p> <ul style="list-style-type: none"> • fees for the provision of extracts from registers kept under the Act; and • fees for the receipt and management of information relating to a register contemplated by Section 26(1)(ac) of the Act; and • fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act: • for the registration of dogs or businesses under Part 4 of the Act; and for the late payment of registration fees; and • for meeting any other requirement imposed on the Council under the Act. | CEO | | |
| | The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act. | CEO | | |
| SECTION 26A | PLANS OF MANAGEMENT RELATING TO DOGS AND CATS | | | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 26A(1) of the Act to in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area. | CEO | GMPE&RS | |
| | The power pursuant to Section 26A(5) of the Act to amend a plan of management at any time during the course of the 5 year period covered by the plan, with the approval of the Board. | CEO | GMPE&RS | |
| SECTION 39 | RECTIFICATION OF REGISTER | | | |
| | The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register. | CEO | GMPE&RS | |
| SECTIONS 50 & 51 | DESTRUCTION AND CONTROL ORDERS | | | |
| | The power pursuant to Section 50(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog: <ul style="list-style-type: none"> • a Destruction Order; • a Control (Dangerous Dog) Order; a Control (Menacing Dog) Order; a Control (Nuisance Dog) Order; • a Control (Barking Dog) Order. | CEO | GMPE&RS | |
| | The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed. | CEO | GMPE&RS | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|------------------|---|
| | <p>The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that:</p> <ul style="list-style-type: none"> • in the case of a Destruction Order: <ul style="list-style-type: none"> ○ the dog is unduly dangerous; and ○ the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; or • in the case of a Control (Dangerous Dog) Order: <ul style="list-style-type: none"> ○ the dog: <ul style="list-style-type: none"> – is dangerous; and – has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or ○ the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or • in the case of a Control (Menacing Dog) Order: <ul style="list-style-type: none"> ○ the dog: <ul style="list-style-type: none"> – is menacing; and – has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or ○ the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or • in the case of a Control (Nuisance Dog) Order: the dog: <ul style="list-style-type: none"> ○ is a nuisance; and | CEO | GMPE&RS, COSO | COSO – Control (Barking Dog) Order only |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <ul style="list-style-type: none"> – has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or ○ the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or • in the case of a Control (Barking Dog) Order: <ul style="list-style-type: none"> ○ the dog is a nuisance; and <ul style="list-style-type: none"> – the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act. | | | |
| SECTION 52 | PROCEDURE FOR MAKING AND REVOKING ORDERS | | | |
| | <p>The power pursuant to Section 52(1) of the Act to:</p> <ul style="list-style-type: none"> • make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and • to determine the manner and form of an application for an order under Division 3 of Part 5 of the Act. | CEO | GMPE&RS | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:</p> <ul style="list-style-type: none"> • to ascertain all persons who own or are responsible for the control of the dog; and • to give each of the persons so ascertained at least 7 days written notice: identifying the dog in relation to which is it is proposed that the order be made; setting out the terms of the proposed order; and • inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate. | CEO | GMPE&RS | |
| | <p>The power pursuant to Section 52(2) of the Act to:</p> <ul style="list-style-type: none"> • make an order in the manner and form required by the Board; and note an order in the register kept by the Council under the Act. | CEO | GMPE&RS | |
| | The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog. | CEO | GMPE&RS | |
| | The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog. | CEO | GMPE&RS | |
| | The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act. | CEO | GMPE&RS | |
| | The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an order made by the Board. | CEO | GMPE&RS | |
| SECTION 53 | DIRECTIONS ABOUT HOW TO COMPLY WITH ORDER | | | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|--|
| | The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council. | CEO | GMPE&RS, COSO | COSO - Limited to orders relating to barking, nuisance and menacing dogs |
| SECTION 59 | POWER OF COURT TO ORDER DESTRUCTION OR CONTROL OF DOG ON APPLICATION | | | |
| | The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act. | CEO | GMPE&RS | |
| SECTION 59A | PROHIBITION ORDERS | | | |
| | The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a person. | CEO | GMPE&RS | |
| | The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of. | CEO | GMPE&RS | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that, subject to Section 59A(4) of the Act:</p> <ul style="list-style-type: none"> • while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; and • the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or • during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog. | CEO | GMPE&RS | |
| | <p>The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the <i>Criminal Law Consolidation Act 1935</i>.</p> | CEO | GMPE&RS | |
| | <p>The power pursuant to Section 59A(5) of the Act to:</p> <ul style="list-style-type: none"> • make an order in the manner and form required by the Board; and • record the order in a manner and form approved by the Board, and keep the record readily available for public inspection. | CEO | GMPE&RS | |
| | <p>The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made.</p> | CEO | GMPE&RS | |
| | <p>The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act.</p> | CEO | GMPE&RS | |

Dog and Cat Management Act 1995

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 61 | PROCEDURE FOLLOWING SEIZURE OF DOG | | | |
| | The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog. | CEO | GMPE&RS | |
| | The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council. | CEO | GMPE&RS | |
| SECTION 64 | POWER TO SEIZE AND DETAIN CATS | | | |
| | The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be destroyed. | | | |
| SECTION 64B | CERTAIN BODIES MAY MICROCHIP AND DESEX DETAINED DOGS AND CATS | | | |
| | The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of Section 64B of the Act, do 1 or more of the following: <ul style="list-style-type: none"> • microchip the dog or cat; • desex the dog or cat; • cause the dog or cat to be microchipped or desexed or both. | CEO | GMPE&RS, COSO | |
| | The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a person who owns or is responsible for the control of the dog or cat. | CEO | GMPE&RS | |

ELECTRICITY ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 47 | POWER TO CARRY OUT WORK ON PUBLIC LAND | | | |
| | <ul style="list-style-type: none"> The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of. The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest. The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister. The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act: <ul style="list-style-type: none"> to make representations to the Minister on the questions at issue in the dispute; and to make a reasonable attempt to agree to settlement of the dispute on agreed terms. | CEO | GMA&I | |
| SECTION 55 | DUTIES IN RELATION TO VEGETATION CLEARANCE | | | |
| | The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured. | CEO | | |

ELECTRICITY ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------------------|-------------------------------------|-----------------|-------------------------|---|
| SECTION 55A | VEGETATION CLEARANCE SCHEMES | | | |

ELECTRICITY ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <ul style="list-style-type: none"> • The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area. • The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following: <ul style="list-style-type: none"> ○ require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation; ○ contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less; ○ require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation; ○ confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less; ○ exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines; ○ impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work; ○ make provision for other related matters. • The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement. | CEO | | |

ELECTRICITY ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 55B | VEGETATION CLEARANCE SCHEME DISPUTE | | | |
| | The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act. | CEO | | |
| | The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined. | CEO | | |
| SECTION 55D | DETERMINATIONS | | | |
| | The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines. | CEO | | |
| SECTION 56 | ROLE OF COUNCILS IN RELATION TO VEGETATION CLEARANCE NOT WITHIN PRESCRIBED AREAS | | | |
| | The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area. | CEO | | |

ELECTRICITY ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 56(2) of the Act to include in an arrangement:</p> <ul style="list-style-type: none"> • a delegation by the electricity entity of a function or power under Part 5 of the Act; and • a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and • provision for the termination of the arrangement by the electricity entity or the Council; and • provision for the variation of the arrangement by the electricity entity and the Council. | CEO | | |
| SECTION 58A | PROGRAM FOR UNDERGROUNDING OF POWERLINES | | | |
| | The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister. | CEO | GMA&I | |
| | The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate. | CEO | GMA&I | |
| | The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program. | CEO | GMA&I | |

ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------|---|----------|--------------|--------------------------|
| REGULATION 4 | DUTY OF ELECTRICITY ENTITY OR COUNCIL | | | |
| | The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations. | CEO | | |
| REGULATION 7 | TECHNICAL REGULATOR MAY GRANT EXEMPTION FROM PRINCIPLES OF VEGETATION CLEARANCE | | | |
| | The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations. | CEO | | |
| REGULATION 8 | VEGETATION CLEARANCE SCHEME OUTSIDE PRESCRIBED AREAS AGREED BETWEEN COUNCIL AND ELECTRICITY ENTITY | | | |
| | The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area. | CEO | | |
| | The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties. | CEO | | |

ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------------|--|-----------------|-------------------------|---|
| REGULATION 10 | OBJECTIONS RELATING TO VEGETATION CLEARANCE | | | |
| | The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved. | CEO | | |
| | The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection. | CEO | | |
| | The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations. | CEO | | |

ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 10 | CLIENT AUTHORISATION | | | |
| | <p>The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:</p> <ul style="list-style-type: none">• complete a client authorisation:<ul style="list-style-type: none">○ that is in the form required by the participation rules; and by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction, or part of the transaction, can be completed electronically. | CEO | | |

ENVIRONMENT PROTECTION ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITION & LIMITATIONS |
|------------------------|---|----------|--------------|-------------------------|
| SECTION 85 | APPOINTMENT OF AUTHORISED OFFICERS | | | |
| | The power to appoint authorised officers for the purposes of the Act, pursuant to Section 85(3) of the Act. | CEO, EHA | | |
| | The power to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment (provided that such appointment is made subject to conditions prescribed by regulation, (if any)) pursuant to Section 85(4) of the Act. | CEO, EHA | | |
| | The power to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition, pursuant to Section 85(5) of the Act. | CEO, EHA | | |
| SECTION 103H | SITE CONTAMINATION ASSESSMENT ORDERS | | | |
| | The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority. | CEO | | |
| SECTION 103J(4) | SITE REMEDIATION ORDERS | | | |

ENVIRONMENT PROTECTION ACT 1993

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITION & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|------------------------------------|
| | The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority. | CEO | | |

EXPIATION OF OFFENCES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|---|----------|---------------|--------------------------|
| SECTION 5(1) | CERTAIN OFFENCES MAY BE EXPIATED | | | |
| | The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act. | CEO, EHA | COSO | |
| SECTION 6(3) | AUTHORISE A PERSON TO ISSUE EXPIATION NOTICES | | | |
| | The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence. | CEO, EHA | | |
| SECTION 8A | REVIEW OF NOTICES ON GROUND THAT OFFENCE IS TRIFLING | | | |
| | The power pursuant to Sections 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of an expiation notice on the ground that the offence is trifling: <ul style="list-style-type: none"> to provide further information; and to provide a statutory declaration verifying the information contained in, or supporting, an application for review. | CEO, EHA | GMPE&RS, RSAO | |
| | The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates. | CEO, EHA | GMPE&RS, RSAO | |

EXPIATION OF OFFENCES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act. | CEO | GMPE&RS, RSAO | |
| SECTION 12 | LATE PAYMENT | | | |
| | The power pursuant to Section 12 of the Act to accept late payment of an amount due under an expiation notice at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017. | CEO, EHA | GMPE&RS, RSAO | |
| SECTION 16 | WITHDRAWAL OF EXPIATION NOTICES | | | |
| | <p>The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:</p> <ul style="list-style-type: none"> • in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences; • the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or • the notice is defective; or • in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or • the Delegate decides that the alleged offender should be prosecuted for the offence or offences. | CEO, EHA | GMPE&RS, RSAO | |

EXPIATION OF OFFENCES ACT 1996

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related. | CEO, EHA | | |
| SECTION 18 | PROVISION OF INFORMATION | | | |
| | <p>The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:</p> <ul style="list-style-type: none"> the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued. | CEO, EHA | | |

FENCES ACT 1975

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|-------------------|--------------------------|
| SECTION 5 | NOTICE OF INTENTION TO PERFORM FENCING WORK | | | |
| | The power pursuant to Section 5(1) of the Fences Act 1975 ("the Act") to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner. | CEO | GMA&I, GMPE&RS | |
| | The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land. | CEO | GMA&I, GMPE&RS | |
| SECTION 6 | CROSS-NOTICE | | | |
| | The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner. | CEO | GMA&I, GMPE&RS | |
| | The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act. | CEO | GMA&I, GMPE&RS | |
| SECTION 7 | AGREEMENT UPON BASIS OF PROPOSALS AND COUNTER-PROPOSALS | | | |
| | The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area). | CEO | GMA&I, GMPE&RS | |

FENCES ACT 1975

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------------------|--|-----------------|-------------------------|---|
| SECTION 8 | PERFORMANCE OF FENCING WORK | | | |
| | The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Councils land (being land of less than one hectare) from the land of the adjoining land owner. | CEO | GMA&I, GMPE&RS | |

FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 9 | AMOUNTS DUE UNDER EXPIATION NOTICES MAY BE TREATED AS PART OF PECUNIARY SUM | | | |
| | The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee. | CEO | GMPE&RS | |
| SECTION 20 | ARRANGEMENTS AS TO MANNER AND TIME OF PAYMENT | | | |
| | The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act. | CEO | GMPE&RS | |
| | The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the chief Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed). | CEO | GMPE&RS | |
| SECTION 22 | ENFORCEMENT DETERMINATION | | | |

FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:</p> <ul style="list-style-type: none"> • the alleged offender; and • the offence or offences that remain unexpiated; and • the amount due under the notice; and • compliance by the council with the requirements of the Act and any other Act. | CEO | GMPE&RS | |
| | The power pursuant to Section 22(2) of the Act to pay the prescribed fee. | CEO | | |

FIRE AND EMERGENCY SERVICES ACT 2005

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|--|----------|--------------|--------------------------|
| SECTION 71C | STATE BUSHFIRE COORDINATION COMMITTEE | | | |
| | The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council. | CEO | | |
| SECTION 72D | USE OF FACILITIES – BUSHFIRE MANAGEMENT COMMITTEES | | | |
| | The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council. | CEO | | |
| SECTION 103 | FIRE CONTROL OFFICERS | | | |
| | The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area). | CEO | | |
| | The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment. | CEO | | |
| SECTION 105A | INTERPRETATION | | | |

FIRE AND EMERGENCY SERVICES REGULATIONS 2005

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 105A of the Act to appoint, for the purposes of Part 4A of the Act, an authorised person appointed by the Council under the Local Government Act 1999 as an authorised person for the purposes of the Act. | CEO | | |
| SECTION 105F | PRIVATE LAND | | | |
| | <p>The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -</p> <ul style="list-style-type: none"> • that an owner of private land has failed to comply with Section 105F(1) of the Act; or • that measures should be taken in respect of particular private land for the purpose of - <ul style="list-style-type: none"> ○ preventing or inhibiting the outbreak of fire on the land; or ○ preventing or inhibiting the spread of fire through the land; or ○ 1.2.3. protecting property on the land from fire, <p>to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.</p> | CEO | GMPE&RS | |

FIRE AND EMERGENCY SERVICES REGULATIONS 2005

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -</p> <ul style="list-style-type: none"> • to trim or remove vegetation on the land; or • to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or • to eliminate a potential ignition source; or • to create, establish or maintain fire breaks or fuel breaks. | CEO | GMPE&RS, COSO | |
| | <p>The power pursuant to Section 105F(9) of the Act to give a notice under Section 105F(5) of the Act -</p> <ul style="list-style-type: none"> • personally; or • by post; or • if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given - <ul style="list-style-type: none"> ○ by publishing the notice in a newspaper circulating in the locality of the land; and ○ by leaving a copy of the notice in a conspicuous place on the land. | CEO | | |
| | The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105F(5) of the Act. | CEO | GMPE&RS | |
| SECTION 105G(5) | COUNCIL LAND | | | |

FIRE AND EMERGENCY SERVICES REGULATIONS 2005

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 105G(5) of the Act to consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act. | CEO | | |
| SECTION 105J(8) | ADDITIONAL PROVISION IN RELATION TO POWERS OF AUTHORISED PERSONS | | | |
| | The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act. | CEO | | |
| SECTION 105J(9) | ADDITIONAL PROVISION IN RELATION TO POWERS OF AUTHORISED PERSONS | | | |
| | The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears. | CEO | | |
| SECTION 129 | POWER TO PROVIDE SIRENS | | | |
| | The power pursuant to Section 129 of the Act, to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren. | CEO | | |

FIRE AND EMERGENCY SERVICES REGULATIONS 2005

| REGULATION | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------------|--|----------|-----------------|-----------------------------|
| REGULATION 65(B) | CORONIAL INQUESTS | | | |
| | The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation, that a coronial inquest should be held in relation to a fire or other emergency. | CEO | | |

FOOD ACT 2001

Prosecution for a Breach

In exercise of the powers contained in Section 91 of the Food Act 2001 the Council delegated on the 15th day of July 2019 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), the power under the Food Act 2001 and/or the Food Regulations 2002 and/or the Food Standards Code to commence a prosecution for a breach of the Food Act 2001 and/or the Food Regulations 2002 and/or the Food Standards Code where the Food Act 2001 and/or the Food Regulations 2002 and/or the Food Standards Code empowers the Council to commence prosecution for a breach and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit.

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 29(2) | OFFENCES | | | |
| | <p>The power, pursuant to Section 29(2) of the Act, where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences:</p> <ul style="list-style-type: none"> • Section 13(1) - Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe. • Section 13(2) - Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe. • Section 14(1) - Selling food that the person knows is unsafe. • Section 14(2) - Selling food that the person ought reasonably to know is unsafe. • Section 16(1) - Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe. • Section 16(2) - Selling food that is unsafe. • Section 17(1) - Handling food intended for sale in a manner | CEO, EHA | | |

FOOD ACT 2001

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p>that will render or is likely to render the food unsuitable.</p> <ul style="list-style-type: none"> • Section 17(2) - Selling food that is unsuitable. • Section 21(1) - Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale. • Section 21(2) - Selling food that does not comply with any requirement of the Food Standards Code that relates to the food. • Section 39 - Failure, without reasonable excuse, to comply with a requirement of an authorised officer. • Section 40 - Providing information or producing any document that the person knows is false or misleading in a material particular. • Section 41(1) - Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act. • Section 41(2) - Impersonating an authorised officer. • Section 42(2) - Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council. • Section 50 - Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order. • Section 86(1) - Failure to notify of a food business before the business is conducted. • Section 86(2) - Failure to notify of a food business that is being conducted. • Section 86(3) - Failure to notify of a food business that is transferred or which has changed its name or address. | | | |

FOOD ACT 2001

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence. | CEO, EHA | | |
| SECTION 42 | SEIZURE | | | |
| | The power to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act, pursuant to Section 42(2) of the Act. | CEO, EHA | | |
| | <p>The power, to authorise:</p> <ul style="list-style-type: none"> • upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Chief Executive Officer thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act, pursuant to Section 42(3)(a)(i) of the Act; and • in the case of food or any other perishable thing, order that it be forfeited to the Council pursuant to Section 42(3)(a)(ii) of the Act. | CEO, EHA | | |
| | The power to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Chief Executive Officer directs pursuant to Section 42(3)(e) of the Act. | CEO, EHA | | |

FOOD ACT 2001

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 46 | PROHIBITION ORDER | | | |
| | <p>The power, pursuant to Section 46(1) to serve a prohibition order on the proprietor of the food business in accordance with Part 5 of the Act, where the sub-delegate believes, on reasonable grounds –</p> <ul style="list-style-type: none"> • that any of the circumstances specified at Section 43 of the Act exist; and • that: <ul style="list-style-type: none"> ○ the proprietor of a food business has not complied with an improvement notice within the time required for compliance; or ○ the issue of the order is necessary to prevent or mitigate a serious danger to public health. | CEO, EHA | | |
| SECTION 51 | REVIEW OF DECISION TO REFUSE CERTIFICATE OF CLEARANCE | | | |
| | <p>The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> for a review of the decision, to respond to the review body on behalf of the Council.</p> | CEO, EHA | | |

FOOD ACT 2001

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 52 | REVIEW OF ORDERS | | | |
| | The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> for a review of the determination, to respond to that review body on behalf of the Council. | CEO, EHA | | |
| SECTION 79 | AUDITING AND REPORTING | | | |
| | The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business. | CEO, EHA | | |

FOOD ACT 2001

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 91 | INSPECTIONS | | | |
| | <p>In exercise of the powers contained in Section 91 of the Act.-</p> <ul style="list-style-type: none"> • Inspections of festivals, fetes and shows (for profit) –the power to negotiate an appropriate up-front food business inspection fee in each case with the organising body/host of the event. This fee to be applied "in lieu" of the charging of fees upon individual stall- holders and will aim toward achieving reasonable cost recovery only for the inspection of such events, subject to the application of Regulation 11 of the Regulations. • Inspections of food markets - the power to negotiate an appropriate up-front food business inspection fee in each case with the organising body/host of the market. This fee to be applied "in lieu" of the charging of fees upon individual stall-holders and will aim toward achieving reasonable cost recovery only for the inspection of such events, subject to the application of Regulation 11 of the Regulations. | CEO, EHA | | |
| | The power to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Chief Executive Officer to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer, pursuant to Section 94(1) of the Act. | CEO, EHA | | |
| SECTION 94 | APPOINTMENT OF AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer. | CEO, EHA | | |

FOOD ACT 2001

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 95 | CERTIFICATE OF AUTHORITY AS AN AUTHORISED OFFICER | | | |
| | The power to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act, pursuant to Section 95(2) of the Act. | CEO, EHA | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 10 | AVAILABILITY OF CERTAIN DOCUMENTS | | | |
| | The power to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act pursuant to Section 10(2) of the Act. | CEO | | |
| SECTION 16 | TRANSFER OF APPLICATION | | | |
| | The power to transfer an application for access to Council's documents to another agency if the document to which it relates: <ul style="list-style-type: none"> • is not held by the Council but is, to the knowledge of the Council, held by the other agency; or • is held by the Council but is more closely related to the functions of the other agency, pursuant to Section 16(1) of the Act. | CEO | | |
| | The power not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document pursuant to Section 16(5) of the Act. | CEO | | |
| SECTION 17 | COUNCIL MAY REQUIRE ADVANCE DEPOSITS | | | |
| | The power to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine pursuant to Section 17(1) of the Act. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine pursuant to Section 17(2) of the Act. | CEO | | |
| SECTION 18 | COUNCIL MAY REFUSE TO DEAL WITH CERTAIN APPLICATIONS | | | |
| | The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions. | CEO | | |
| | The power to refuse to deal with an application if the Delegate forms the opinion that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information pursuant to Section 18(2a) of the Act. | CEO | | |
| | The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if: <ul style="list-style-type: none"> the delegate has requested payment of an advance deposit in relation to the application; and payment of the deposit has not been made within the period specified in the request. | CEO | | |
| | The power not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document pursuant to Section 18(7) of the Act. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 19 | DETERMINATION OF APPLICATIONS | | | |
| | The power to make a determination to give access to a document on an application after the period within which the delegate was required to deal with the application pursuant to Section 19(2a) of the Act. | CEO | | |
| SECTION 20 | REFUSAL OF ACCESS | | | |
| | <p>The power pursuant to Section 20(1) of the Act to refuse access to a document:</p> <ul style="list-style-type: none"> • if it is an exempt document; • if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge; • if it is a document that is usually and currently available for purchase; • if it is a document that: <ul style="list-style-type: none"> ○ was not created or collated by the Council itself; and ○ genuinely forms part of library material held by the Council; or; ○ subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 Jan 1987. | CEO | | |
| SECTION 21 | DEFERRAL OF ACCESS | | | |
| | <p>The power pursuant to Section 21(1) of the Act to defer access to a document:</p> <p>if it is a document that is required by law to be published but is yet to be published;</p> <ul style="list-style-type: none"> • it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or <p>if it is a document that has been prepared for submission to a</p> | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | particular person or body, but is yet to be submitted. | | | |
| SECTION 22 | FORMS OF ACCESS | | | |
| | <p>The power to give a person access to a document by –</p> <ul style="list-style-type: none"> • giving the person a reasonable opportunity to inspect the document; or • giving the person a copy of the document; or • in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or • in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or • in the case of a document in which words are contained in the form of shorthand writing or in encoded form by giving the person a written transcript of the words contained in the document; or • in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document- by giving the person a written document so reproduced, pursuant to Section 22(1) of the Act. | CEO | | |
| | The power to agree with the applicant the particular way access to a document is to be given pursuant to Section 22(4) of the Act and subject to Section 22(2a) of the Act. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid pursuant to Section 22(5) of the Act. | CEO | | |
| SECTION 23 | NOTICES OF DETERMINATION | | | |
| | The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form. | CEO | | |
| | The power not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document pursuant to Section 23(4) of the Act. | CEO | | |
| SECTION 26 | DOCUMENTS AFFECTING PERSONAL AFFAIRS | | | |
| | <p>The power and duty, if:</p> <ul style="list-style-type: none"> the Chief Executive Officer determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or after having taking reasonable steps to obtain the views of the person concerned, the delegate is unable to obtain the views of the person and determines that access to the documents should be given, to forthwith give written notice to the person concerned. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power where:-</p> <ul style="list-style-type: none"> • an application is made to the Council for access to a document to which Section 26 of the Act applies; and • the document contains information of a medical or psychiatric nature concerning the applicant; and • the delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and • the delegate decides that access to the document is to be given, to give access to the document to a registered medical practitioner nominated by the applicant pursuant to Section 26(4) of the Act. | CEO | | |
| SECTION 29 | INTERNAL REVIEW | | | |
| | <p>The power where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review pursuant to Section 29(3) of the Act.</p> | CEO | | |
| SECTION 35 | REFUSAL TO AMEND RECORDS | | | |
| | <p>The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:</p> <ul style="list-style-type: none"> • if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or • if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or • if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 36 | NOTICES OF DETERMINATION | | | |
| | The power not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document pursuant to Section 36(3) of the Act. | CEO | | |
| SECTION 38 | INTERNAL REVIEW | | | |
| | The power where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review pursuant to Section 38(3) of the Act. | CEO | | |
| SECTION 39 | REVIEW BY OMBUDSMAN OR POLICE OMBUDSMAN | | | |
| | The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation. | CEO | | |
| | The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation. | CEO | | |
| | The power: <ul style="list-style-type: none"> to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process. | CEO | | |
| SECTION 40 | REVIEWS BY SACAT | | | |
| | The power pursuant to Section 40(1) of the Act and with the permission of SACAT receive evidence and hear argument in the absence of the public, the other party to the review and, the other party's representative. | CEO | | |
| SECTION 41(1) | CONSIDERATION OF RESTRICTED DOCUMENTS | | | |
| | The power pursuant to Section 41(1) of the Act to make application to SACAT to have the SACAT receive evidence and hear argument in the absence of the public, the other party to the review and, the other party's representative. | CEO | | |
| SECTION 53 | FEES & CHARGES | | | |
| | The power, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations pursuant to Section 53(2a) of the Act. | CEO | | |
| | The power, where a person required to pay a fee or charge requests a review of the fee or charge pursuant to section 53(5) of the Act, to, if the delegate thinks fit, reduce it pursuant to Section 53(3) of the Act. | CEO | | |
| | The power to recover a fee or charge as a debt owing to the Council pursuant to Section 53(5) of the Act. | CEO | | |

FREEDOM OF INFORMATION ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 54AA | DOCUMENTS CONTAINING CONFIDENTIAL MATERIAL | | | |
| | The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence. | CEO | | |

GAS ACT 1997

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|------------|--------------|--------------------------|
| SECTION 47 | POWER TO CARRY OUT WORK ON PUBLIC LAND | | | |
| | The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of. | CEO | | |
| | The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest. | CEO, GMA&I | | |
| | The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister. | CEO, GMA&I | | |
| | The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act: <ul style="list-style-type: none"> to make representations to the Minister on the questions at issue in the dispute; and to make a reasonable attempt to agree to settlement of the dispute on agreed terms. | CEO, GMA&I | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 156 | DECIDING REQUEST FOR CONSENT GENERALLY | | | |
| | <p>The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i>, to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent within:</p> <ul style="list-style-type: none"> • 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or • if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or • a longer period, of not more than 6 months after the request is made, agreed to by the Regulator. | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:</p> <ul style="list-style-type: none"> • consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or • the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or • the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent. | CEO | | |
| | <p>The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.</p> | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:</p> <ul style="list-style-type: none"> • the mass or dimension authority will, or is likely to: <ul style="list-style-type: none"> ○ cause damage to road infrastructure; or ○ impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or ○ pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and • it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise: <ul style="list-style-type: none"> ○ the damage or likely damage; or ○ the adverse effects or likely adverse effects; or the significant risks or likely significant risks. | CEO | | |
| | <p>The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.</p> | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to: <ul style="list-style-type: none"> for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations. | CEO | | |
| | The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act. | CEO | | |
| SECTION 158 | ACTION PENDING CONSULTATION WITH THIRD PARTY | | | |
| | The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed). | CEO | | |
| | The power pursuant to Section 158(4) of the Act, if: <ul style="list-style-type: none"> the consultation with the other entity is completed and the other entity's approval is required; and the delegate has not yet decided to give or not to give the consent, to: | CEO | | |
| | <ul style="list-style-type: none"> decide not to give the consent, on the ground that the consent would be inoperative; or decide to give the consent. | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 159 | DECIDING REQUEST FOR CONSENT IF ROUTE ASSESSMENT REQUIRED | | | |
| | The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following: <ul style="list-style-type: none"> that a route assessment is required for deciding whether to give or not to give the consent; the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated. | CEO | | |
| | The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid. | CEO | | |
| SECTION 160 | IMPOSITION OF ROAD CONDITIONS | | | |
| | The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to: <ul style="list-style-type: none"> except in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition is imposed on the authority; or in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority. | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act. | CEO | | |
| SECTION 161 | IMPOSITION OF TRAVEL CONDITIONS | | | |
| | The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority. | CEO | | |
| | The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act. | CEO | | |
| SECTION 162 | IMPOSITION OF VEHICLE CONDITIONS | | | |
| | The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority. | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 167 | EXPEDITED PROCEDURE FOR ROAD MANAGER'S CONSENT FOR RENEWAL OF MASS OR DIMENSION AUTHORITY | | | |
| | <p>The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:</p> <ul style="list-style-type: none"> • 14 days after the request for consent is made; or • 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days. | CEO | | |
| SECTION 169 | GRANTING LIMITED CONSENT FOR TRIAL PURPOSES | | | |
| | The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate. | CEO | | |
| SECTION 170 | RENEWAL OF LIMITED CONSENT FOR TRIAL PURPOSES | | | |
| | The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months. | CEO | | |
| SECTION 173 | AMENDMENT OR CANCELLATION ON REGULATOR'S INITIATIVE | | | |
| | The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken. | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 174 | AMENDMENT OR CANCELLATION ON REQUEST BY RELEVANT ROAD MANAGER | | | |
| | The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority: <ul style="list-style-type: none"> • has caused, or is likely to cause, damage to road infrastructure; or • has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or • has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions. | CEO | | |
| | The power pursuant to Section 174(2) of the Act to ask the Regulator to: <ul style="list-style-type: none"> • amend the mass or dimension authority by: <ul style="list-style-type: none"> ○ amending the areas or routes to which the authority applies; or ○ amending the days or hours to which the authority applies; or ○ imposing or amending road conditions or travel conditions; or ○ cancel the authority. | CEO | | |
| SECTION 176 | AMENDMENT OR CANCELLATION ON APPLICATION BY PERMIT HOLDER | | | |
| | The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority. | CEO | | |

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 178 | AMENDMENT OR CANCELLATION ON REQUEST BY RELEVANT ROAD MANAGER | | | |
| | <p>The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:</p> <ul style="list-style-type: none"> • has caused, or is likely to cause, damage to road infrastructure; or • has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or • has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions. | CEO | | |
| | <p>The power pursuant to Section 178(2) of the Act to ask the Regulator to:</p> <ul style="list-style-type: none"> • amend the mass or dimension authority, including, for example, by: <ul style="list-style-type: none"> ○ amending the areas or routes to which the authority applies; or ○ amending the days or hours to which the authority applies; or ○ imposing or amending road conditions or travel conditions on the authority; or ○ cancel the authority. | CEO | | |

LANDSCAPE SOUTH AUSTRALIA ACT 2019

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 32 | SPECIAL VESTING OF INFRASTRUCTURE | | | |
| | The power pursuant to Section 32(7) of the <i>Landscape South Australia Act 2019 (the Act)</i> to consent in writing to the Governor making a proclamation under Sections 32(1), (2) or (6) of the Act in relation to infrastructure or land vested in or under the care, control or management of the Council. | | | |
| SECTION 37 | POWER OF DELEGATION | | | |
| | The power pursuant to Section 37(1)(c) of the Act to approve a regional landscape board delegating a function or power of the board under the Act or any other Act to the Council or an officer of the Council. | | | |
| SECTION 41 | USE OF FACILITIES | | | |
| | The power pursuant to Section 41 of the Act to make arrangements with a regional landscape board for the regional landscape board to make use of the services of the staff, equipment or facilities of the Council. | CEO | | |
| SECTION 47 | KEY FEATURES OF PLAN | | | |
| | The power pursuant to Section 47(7) of the Act to, when performing functions or exercising powers under the <i>Local Government Act 1999</i> or any other Act, have regard to any regional landscape plan that applies within the relevant area and in particular to give consideration to the question whether the Council should implement changes to the manner in which, or the means by which, it performs a function or exercises a power or undertakes any other activity that has been identified in the plan as requiring change. | CEO | | |
| SECTION 51 | ANNUAL BUSINESS PLAN | | | |
| | The power pursuant to Section 51(5)(b) of the Act, if a regional landscape board is intending to include in its annual business plan any | | | |

LANDSCAPE SOUTH AUSTRALIA ACT 2019

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | proposal referred to in Section 51(4) of the Act, which relates to the payment (or proposed payment) of contributions by the Council under Part 5 Division 1 Subdivision 1 of the Act, to make submissions to the regional landscape board to the extent required by the regulations. | | | |
| SECTION 67 | PAYMENT OF CONTRIBUTIONS BY COUNCILS | | | |
| | The power pursuant to Section 67(1) of the Act, subject to Section 67(2) of the Act to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in each year to which the contribution relates. | CEO | | |
| | The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board's annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council's share in approximately equal instalments on 31 December, 31 March and 30 June in that year. | CEO | | |
| SECTION 69 | IMPOSITION OF LEVY BY COUNCILS | | | |
| | The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the <i>Local Government Act 1999</i> , to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been written off. | CEO | | |
| SECTION 72 | BOARD MAY DECLARE A LEVY | | | |
| | The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be effected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be effected by the Council. | CEO | | |

LANDSCAPE SOUTH AUSTRALIA ACT 2019

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 101 | DECLARATION OF PRESCRIBED WATER RESOURCES | | | |
| | The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council. | CEO | | With prior Council approval |
| SECTION 202 | AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 202(4) of the Act to agree to the Minister appointing an officer of the Council as an authorised officer under Section 202 of the Act. | | | |
| SECTION 219 | MANAGEMENT AGREEMENTS | | | |
| | The power pursuant to Section 219(3) of the Act to make submissions to the Minister within a period specified by the Minister in relation to a proposal to provide for the remission of any Council rates under Section 219(2)(j) of the Act. | | | |

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| REGULATION 13 | REFUNDS TO COUNCILS IN RELATION TO UNPAID REGIONAL LANDSCAPE LEVIES (SECTION 69(10) OF THE ACT) | | | |
| | <p>The power pursuant to Regulation 13(3) of the <i>Landscape South Australia (General) Regulations 2020 (the General Regulations)</i> if:</p> <ul style="list-style-type: none"> the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a levy); and a refund is made to the Council under Section 69(10) of the Act in relation to the unpaid levy; and the Council subsequently recovers an amount (the relevant amount) with respect to the unpaid levy as part of steps taken by the Council to recover rates in arrears under the <i>Local Government Act 1999</i>, <p>to pay the relevant amount to the regional landscape board that made the refund under Section 69(10) of the Act.</p> | CEO | | |

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 14 | COST OF COUNCILS (SECTION 70 OF THE ACT) | | | |
| | <p>The power pursuant to and subject to Regulation 14(4) of the General Regulations to recover establishment costs the amount being:</p> <ul style="list-style-type: none"> • fair costs incurred by the Council with respect to: <ul style="list-style-type: none"> ○ consulting with the relevant regional landscape board in relation to the basis for the regional landscape levy; and ○ establishing the ability of the Council's rating system to deal with the regional landscape levy; and ○ making any amendments to the Council's rating system on account of the imposition of the regional landscape levy; and ○ conducting any tests involving the Council's rating system on account of the imposition of the regional landscape levy; and ○ setting up and assigning codes within the Council's rating system on account of the imposition of the regional landscape levy; and ○ obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and ○ confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or • \$10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations. | CEO | | |

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to and subject to Regulation 14(7) of the General Regulations to recover as ongoing costs the amount being:</p> <ul style="list-style-type: none"> • fair costs as described in Regulation 14(3)(b) of the General Regulations; or • \$2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land. | | | |
| | The power pursuant to Regulation 14(8) of the General Regulations, if the Council is claiming transitional costs from two or more regional landscape boards with respect to a particular financial year to agree as between them the respective shares of those boards. | CEO | | |
| | The power pursuant to Regulation 14(9) and subject to Regulation 14(11) of the General Regulations, if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the Council expects to claim under Regulation 14 of the General Regulations. | CEO | | |

LIQUOR LICENSING ACT 1997

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------------|--------------------------|
| SECTION 22 | APPLICATION FOR REVIEW OF COMMISSIONERS DECISION | | | |
| | The power pursuant to Section 22(1) and subject to Sections 22(2) and 22(3) of the Act, to apply to the Court for a review of the Commissioners decision. | CEO | | |
| SECTION 69 | EXTENSION OF TRADING AREA | | | |
| | The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a license authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council. | CEO | GMPE&RS, SP, SPD&C | |
| SECTION 76 | RIGHTS OF INTERVENTION | | | |
| | The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway. | CEO | GMPE&RS | |
| SECTION 106 | NOISE | | | |
| | The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1). | CEO | GMPE&RS | |

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020

| | | | | |
|---------------------|--|-----|---------|--|
| | The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner. | CEO | GMPE&RS | |
| | The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4). | CEO | GMPE&RS | |
| SECTION 120 | DISCIPLINARY ACTION BEFORE THE COURT | | | |
| | The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person. | CEO | GMPE&RS | |
| SECTION 120A | COMMISSIONER'S POWER TO SUSPEND OR IMPOSE CONDITIONS PENDING DISCIPLINARY ACTION | | | |
| | The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioners decision as if the Council were a party to proceedings before the Commissioner. | CEO | | |
| SECTION 131 | CONTROL OF CONSUMPTION ETC OF LIQUOR IN PUBLIC PLACES | | | |
| | The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice. | CEO | | |
| | The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police. | CEO | | |
| | The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette. | CEO | | |

LOCAL GOVERNMENT ACT 1999

General Prosecutions

In exercise of the powers contained in Section 44(1) of the Local Government Act 1999 the Council delegated on the 15th day of July 2019 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) the power to commence a prosecution for a breach of the relevant Statute, where the Statute empowers the Council to commence prosecution for a breach and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 12 | COMPOSITIONS AND WARDS | | | |
| | 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 The power and duty pursuant to Section 12(16) 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 to then refer the report back to the Electoral Commissioner. | CEO | | |
| SECTION 28 | COMMISSION TO RECEIVE PROPOSALS | | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:</p> <ul style="list-style-type: none">• set out in general terms the nature of the proposal; and• comply with any requirements of the proposal guidelines. | CEO | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|----------------------------|--|
| SECTION 31 | INQUIRIES – GENERAL PROPOSALS | | | |
| | The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act. The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter. | CEO | | |
| SECTION 36 | GENERAL POWERS AND CAPACITIES | | | |
| | 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. | CEO | GMA&I, GMCE, GMCS, GMPE&RS | CEO limit - \$1,000,000 GMCS limit - \$100,000 GMA&I limit \$100,000 GMPE&R limit \$50,000 GMCE limit - \$20,000 |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|--|
| | The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental, but within any budgetary constraints set by the Council to perform or discharge the Council's functions or duties to achieve the Council's objectives. | CEO | | |
| | The power pursuant to Section 36(2) of the Act to act outside of 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. | CEO | | |
| SECTION 37 | PROVISION RELATING TO CONTRACTS AND TRANSACTIONS | | | |
| | The power pursuant to Section 37(b) of the Act to enter into a contract, or 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. | CEO | | CEO limit - \$1,000, 000 GMCS limit - \$100,000 GMA&I limit \$100,000 GMPE&R limit \$50,000 GMCE limit - \$20,000 |
| SECTION 45 | PRINCIPAL OFFICE | | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.</p> <p>The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.</p> | CEO | | |
| SECTION 47 | INTERESTS IN COMPANIES | | | |
| | 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. | CEO | | |
| SECTION 48 | PRUDENTIAL REQUIREMENTS FOR CERTAIN ACTIVITIES | | | |
| | The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an | CEO | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | earlier time unless the Council orders that the report be kept confidential until that time). | | | |
| SECTION 77 | REIMBURSEMENT OF EXPENSES | | | |
| | The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties. | CEO | CS&EA | |
| SECTION 87 | COMMITTEE MEETINGS | | | |
| | 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. | CEO | | |
| SECTION 93 | MEETINGS OF ELECTORS | | | |
| | 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). | CEO | | |
| SECTION 95 | OBSTRUCTING OF MEETINGS | | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors. | CEO | | |
| SECTION 123 | DRAFT ANNUAL BUSINESS PLAN | | | |
| | The power pursuant to Section 123(3)(a) of the Act to prepare a draft annual business plan. | CEO | | |
| SECTION 130A | INVESTIGATIONS | | | |
| | 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. | CEO | | |
| SECTION 124 | ACCOUNTING RECORDS TO BE KEPT | | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | 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. | CEO | GMCS, AO, FA | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 130A | OTHER INVESTIGATIONS | | | |
| | 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. | CEO | | |
| SECTION 131 | ANNUAL REPORT | | | |
| | 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 | CEO, CO | | |
| SECTION 132 | INTERNET ACCESS TO PUBLIC DOCUMENTS | | | |
| | The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a). | CEO | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:</p> <ul style="list-style-type: none"> • agendas for meetings of the Council or Council committees; • minutes of meetings of the Council or Council committees; • codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999; • the Council's contract and tenders policies, public consultation policy and order-making policies; • the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter; • the Council's budget (as adopted by the Council for a particular year); • a list of fees and charges imposed by the Council under this Act; • by-laws made by the Council and any determination in respect of a by- law made under Section 246(3)(e) of the Act; • procedures for the review of decisions established by the Council under Part 2 of Chapter 13; • the audited financial statements of the Council; • the annual report of the Council; • the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council. | | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 132A | RELATED ADMINISTRATIVE STANDARDS | | | |
| | <p>The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:</p> <ul style="list-style-type: none"> • to ensure compliance with any statutory requirements; and • to achieve and maintain standards of good public administration. | CEO | | |
| SECTION 133 | SOURCES OF FUNDS | | | |
| | <p>The power pursuant to Section 133 of the Act to obtain funds as permitted under this or another Act and as may otherwise be appropriate in order to carry out the Council's functions under this or another Act, by obtaining grants or other allocations of money other than by borrowing;</p> <p>SUBJECT TO the following condition or limitation:</p> <ul style="list-style-type: none"> • In circumstances where the allocation of any such funds has a condition attached to the effect that the Council is required to contribute towards or "match" the allocation to any extent; and the Council has not budgeted such a contribution or matching, then the Delegate shall not accept such allocation of such funds from the fund provider unless the Council has made a resolution authorising such a contribution or matching. | CEO | GMPE&RS | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 135 | ABILITY OF A COUNCIL TO GIVE SECURITY | | | |
| | <p>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:</p> <ul style="list-style-type: none"> • guarantees (including guarantees relating to the liability of a subsidiary of the Council); • debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act); • bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act. | | | |
| | <p>The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:</p> <ul style="list-style-type: none"> • 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 • if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders. | | | |
| SECTION 137 | EXPENDITURE OF FUNDS | | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---|---|
| | <p>The power to expend Council's approved budgeted funds, subject to the Council's policies, under the Act and any other Act, in the exercise performance or discharge of the Council's powers, functions or duties under the Act or any other Act, pursuant to Section 137 of the Act.</p> <p>SUBJECT TO the following conditions and limitations:</p> <ul style="list-style-type: none"> The Chief Executive Officer has a financial limit of \$1,000, 000. | CEO | BAP&C, CCE, CO, CS&EA, GMA&I, GMCE, GMCS, GMPE&RS, MCD&E, P&EC, POA&I, WHSC | <p>CEO limit - \$1,000, 000</p> <p>GMCS limit - \$100,000</p> <p>GMA&I limit \$100,000</p> <p>GMPE&R limit \$50,000</p> <p>GMCE limit - \$20,000</p> <p>BAC&P limit \$20,000</p> <p>MCD&E limit - \$20,000</p> <p>GMCE limit - \$20,000</p> <p>P&CO limit - \$20,000</p> <p>CO limit - \$10,000</p> <p>POA&I limit - \$10,000</p> <p>WHSC limit - \$5,000</p> <p>P&EC limit - \$5,000</p> |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------------------|--|-----------------|---------------------|--|
| | | | | CCE - limit - \$5,000 CS &EA- limit - \$500 |
| SECTIONS 139 & 140 | INVESTMENT | | | |
| | The power to invest money under the Council's control, pursuant to Section 139(1) of the Act. | CEO | | |
| | Subject to the matters specified in Section 139(3), but without limiting the matters that the Delegate may take into account when exercising the power of investment pursuant to section 139(1),the power, so far as may be appropriate in the circumstances, to have regard to – <ul style="list-style-type: none"> the anticipated community benefit from an investment; the desirability of attracting additional resources into the local community pursuant to Section 139(4) of the Act. | CEO | | |

LOCAL GOVERNMENT ACT 1999

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------------------------------|--|-----------------|---------------------|-------------------------------------|
| | 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 Chief Executive Officer reasonably believes to be competent to give the advice. | CEO | | |
| SECTION 141 AND 44(3) | GIFTS TO A COUNCIL | | | |
| | <p>Within the confines of Section 44(3) of the Act:</p> <ul style="list-style-type: none"> the power pursuant to Section 141(1) of the Act to accept a gift made to the Council; 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; 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. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| SECTION 143 | BAD DEBTS | | | |
| | <p>The power pursuant to Section 143(1) of the Act and subject to Section 143(2) of the Act, to write off any debts owed to the Council:</p> <ul style="list-style-type: none"> • if the Council has no reasonable prospect of recovering the debts; or • if the costs of recovery are likely to equal or exceed the amount to be recovered, <p>up to and including an amount of \$5,000.00 in respect of any one debt.</p> | CEO | | |
| SECTION 144 | RECOVERY OF AMOUNTS DUE TO COUNCIL | | | |
| | The power 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, pursuant to Section 144(1) of the Act. | CEO | AO, BAP&C, GMA&I, GMCS, GMPE&RS, R&PO | |
| | The power 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, pursuant to Section 144(2), and subject to Section 144(3) and 144 (4) of the Act. | CEO | AO, BAP&C, GMCS, R&PO | |

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|---------------------------|--|-----------------|-----------------------|-------------------------------------|
| SECTION 148 | LAND AGAINST WHICH RATES MAY BE ASSESSED | | | |
| | The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council. | CEO | AO, BAP&C, GMCS, R&PO | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 151 | BASIS OF RATING | | | |
| | <p>Before the Council:</p> <ul style="list-style-type: none"> • 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 • changes the basis on which land is valued for the purposes of rating; or • changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land; | | | |
| | <p>The power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</p> <ul style="list-style-type: none"> • prepare a report on the proposed change in accordance with Section 151(6) of the Act; and • follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act. | CEO | | |
| SECTION 155 | SERVICE RATES AND SERVICE CHARGES | | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | 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. | CWO | | |
| SECTION 156 | BASIS OF DIFFERENTIAL RATES | | | |
| | 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. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -</p> <ul style="list-style-type: none"> • prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and • follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act. | CEO | | |
| SECTION 159 | RATES – PRELIMINARY | | | |
| | The power to determine the manner and form, 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 (and information reasonably required by the Chief Executive Officer to make such a determination), pursuant to Section 159(1) of the Act. | CEO | | |
| | The power to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Chief Executive Officer's own initiative), pursuant to Section 159(3) of the Act. | Not delegated | | |

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|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power to increase the rebate, on the Chief Executive Officer's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%, pursuant to Section 159(4) of the Act. | Not delegated | | |
| | The power to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 of the Act no longer applies pursuant to Section 159(10) of the Act. | CEO | | |

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| SECTION 161 | REBATE OF RATES – COMMUNITY SERVICES | | | |
| | <p>The power pursuant to Section 161(1) and 161(3) of the Act and subject to the Councils Policy on Rebate of Council Rates, to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation –</p> <ul style="list-style-type: none"> • is incorporated on a not-for-profit basis for the benefit of the public; and • provides community services without charge or for charge that is below the cost to the body of providing their services; and • does not restrict its services to persons who are members of the body. | CEO | | |

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|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 165 | REBATE OF RATES – EDUCATION PURPOSES | | | |
| | <p>The power pursuant to Section 165(1) and 165(2) of the Act and subject to Councils Policy on Rebate of Council Rates, to grant a rebate of rates at more than 75% on land –</p> <ul style="list-style-type: none"> • occupied by a Government school under a lease or license and being used for educational purposes; or • occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or • being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis. | CEO | | |
| SECTION 166 | DISCRETIONARY REBATE OF RATES | | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|---------------|--------------|--------------------------|
| | <p>The power pursuant to Section 166(1), 166(2) and 166(4) and taking into account Section 166(1a) and in accordance with 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 (not being cases that fall within preceding provisions of Division 5 of the Act):</p> <ul style="list-style-type: none"> • where the rebate is desirable for the purpose of securing the proper development of the area or part of the area; • where the rebate is desirable for the purpose of assisting or supporting a business in the area; • where the rebate will be conducive to the preservation of buildings or places of historic significance; • where the land is being used for educational purposes; • where the land is being used for agricultural, horticultural or floricultural exhibitions; • where the land is being used for a hospital or health centre; • where the land is being used to provide facilities or services for children or young persons; • where the land is being used to provide accommodation for the aged or disabled; • where the land is being used as a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre; | Not delegated | | |

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| | <ul style="list-style-type: none"> • where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or a service to the local community; • 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; • 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 – <ul style="list-style-type: none"> ○ a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or ○ a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations; • where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute – <ul style="list-style-type: none"> ○ 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 ○ a liability that is unfair or unreasonable; • where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2 of the Act; or • where the rebate is contemplated under another provision of the Act. | | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 166(3) of the Act and subject to the Councils Policy on Rebate of Council Rates, to grant a rebate of rates or charges for a period exceeding one (1) year but not exceeding ten (10) years in the following cases:</p> <ul style="list-style-type: none"> • where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or • where the rebate is desirable for the purpose of assisting or supporting a business in its area; or • 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. | Not delegated | | |
| | The power to grant a rebate of rates or charges for a period exceeding one year but not exceeding three (3) years under Section 166(1)(l) of the Act pursuant to Section 166(3a) of the Act subject to having regard to Council's Rebates of Council Rates Policy. | Not delegated | | |
| SECTIONS 168 | VALUATION OF LAND | | | |
| | The power to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated), pursuant to Section 168(1) of the Act. | CEO | GMCS, BAP&C, R&PO | |

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|---------------------------|---|-----------------|---------------------------|-------------------------------------|
| | The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations. | CEO | AO, BAP&C, FA, GMCS, R&PO | |
| SECTION 169 | OBJECTIONS TO VALUATIONS MADE BY COUNCIL | | | |
| | The power to grant an extension of time for making an objection to a valuation of land, pursuant to Section 169(3)(b) of the Act. | CEO | GMCS | |
| | The duty and the power pursuant to Section 169(8) and 169(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 that such further review, provided the request is: <ul style="list-style-type: none"> • In the prescribed manner and form, and • Made within 21 days after the objector received the notice of the outcome of their initial objection (unless the council, in its discretion, allows an extension of time for making the request) and • Accompanied by the prescribed fee. | CEO | | |
| | 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. | CEO | | |

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| SECTION 173 | ALTERATIONS TO ASSESSMENT RECORD | | | |
| | 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. | CEO | AO, BAP&C, GMCS, R&PO | |
| SECTION 178 | LIABILITY FOR RATES | | | |
| | The power pursuant to Section 178(3) and subject to Section 178(9) of the Act, to recover rates as a debt from – <ul style="list-style-type: none"> • the principal ratepayer; or • any other person (not being a principal ratepayer) who is an owner or occupier of the land; or • any other person who was at the time of the declaration of the rates an owner or occupier of the land. | CEO | | |
| | 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. | CEO | AO, BAP&C, GMCS, R&PO | |

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| | The power, 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), 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. | CEO | | |
| | 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. | CEO | | |
| SECTION 179 | LIABILITY FOR RATES IF LAND IS NOT RATEABLE FOR THE WHOLE OF THE FINANCIAL YEAR | | | |
| | 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. | Not delegated | | |
| SECTION 181 | PAYMENT OF RATES | | | |
| | The power pursuant to Section 181(1) and (2) of the Act to determine the day on which each instalment falls due in the months of September, December, March and June of the financial year for which the rates are declared, where the Council decides that rates are payable in four (4) instalments. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances). | CEO | | |
| | The power pursuant to Section 181(4)(b) of the Act to agree with the principle rate payer 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 ratepayers rates will be payable accordingly. | CEO | AO, BAP&C, GMCS, R&PO | |
| | The power pursuant to Section 181(7a) of the Act, where the Council has entered into an agreement with a principal ratepayer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of rates notices under Section 181(7) of the Act. | CEO | AO, BAP&C, GMCS, R&PO | |
| | The power pursuant to Section 181(8), (8a) and (9) of the Act to remit any amount payable as a fine or interest on unpaid instalments of rates, in whole or in part. | CEO | AO, BAP&C, GMCS, R&P | |

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| | 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. | CEO | | |
| | <p>The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than four (4) instalments in a particular financial year and in such case –</p> <ul style="list-style-type: none"> 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 the Delegate must give at least 30 days notice before an instalment falls due. | CEO | | |

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| SECTION 182 | REMISSION AND POSTPONEMENT OF PAYMENT OF RATES | | | |
| | <p>The power pursuant to Section 182(1) of the Act to decide, on the application of a ratepayer, that payment of rates in accordance with the Act would cause hardship and, if so, to –</p> <ul style="list-style-type: none"> • postpone payment in whole or in part for such period as the Delegate thinks fit; or • remit the rates in whole or in part. | CEO | | |
| | <p>The power pursuant to Section 182(2) of the Act on postponement of rates –</p> <ul style="list-style-type: none"> • 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); • to grant the postponement on other conditions determined by the Delegate; and • 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) . | CEO | | |

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| | The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates – <ul style="list-style-type: none"> to assist or support a business in the Council's area; or to alleviate the affects of anomalies that have occurred in valuations under the Act.. | CEO | | |
| | The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act). | CEO | | |
| | 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. | CEO | | |
| | 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 effect an entitlement to remission in relation to rates declared before the revocation takes effect). | CEO | | |

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| SECTION 182A | POSTPONEMENT OF RATES - SENIORS | | | |
| | <p>The power pursuant to Section 182A(3) of the Act to decide, on the application of a prescribed ratepayer (as defined in Section 182A(12) of the Act), to postpone the payment of the prescribed proportion of rates (as defined in Regulation 13A(1) of the Local Government (General) Regulations 1999) for the current or a future financial year if –</p> <ul style="list-style-type: none"> • the person is a prescribed ratepayer, or is the spouse of a prescribed ratepayer; and • the rates are payable on land that is the principal place of residence of the prescribed ratepayer; and • the land is owned by: <ul style="list-style-type: none"> ○ the prescribed ratepayer; or ○ the prescribed ratepayer and his or her spouse and no other person has an interest (as owner) in the land. | CEO | | |
| | The power pursuant to Section 182A(2) of the Act to determine the manner and form that an application under Section 182A(1) of the Act must take, and any information required to be accompanying such an application. | CEO | | |
| | The power pursuant to Section 182A(3) of the Act to reject an application for the postponement of rates made under Section 182A(1) of the Act or impose conditions on the postponement of rates, but only in accordance with the Regulations. | CEO | | |

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| SECTION 183 | APPLICATION OF MONEY IN RESPECT OF RATES | | | |
| | The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act. | CEO | GMCS | |
| SECTION 186 | OBJECTION, REVIEW OR APPEAL | | | |
| | <p>If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:</p> <ul style="list-style-type: none"> • to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or • 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. | CEO | AO, BAP&C, GMCS, R&PO | |

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| SECTION 187 | CERTIFICATE OF LIABILITIES | | | |
| | <p>The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:</p> <ul style="list-style-type: none"> the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and 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. | CEO | AO, BAP&C, GMCS, R&PO | |
| SECTION 187B | INVESTIGATION BY THE OMBUDSMAN | | | |
| | <p>The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.</p> | CEO | | |

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| SECTION 188 | FEES AND CHARGES | | | |
| | <p>The power pursuant to Section 188(3) and subject to Section 188(4) of the Act to provide for:</p> <ul style="list-style-type: none"> • specific fees and charges; • maximum fees and charges and minimum fees and charges; • annual fees and charges; • the imposition of fees or charges according to specified factors; • 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 • the reduction, waiver or refund, in whole or in part, of any fees and charges. | CEO | BAP&C, GMA&I, GMCE, GMCS, GMPE&RS, RSAO | GMA&I, GMCE, GMPE&R, GMCS, BAP&C - limit of \$50 Regulatory Services Amin Officer & GMPE&RS - able to waive expiation reminder notice fees of up to \$75 |
| SECTION 191 | COMPULSORY ACQUISITION OF LAND | | | |

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| | 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. | CEO | | |
| SECTION 192 | ASSUMPTION OF CARE, CONTROL AND MANAGEMENT OF LAND | | | |
| | 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. | CEO | | |
| | The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette. | CEO | | |
| SECTION 194 | REVOCATION OF CLASSIFICATION OF LAND AS COMMUNITY LAND | | | |
| | 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. | CEO | | |

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| SECTION 196 | MANAGEMENT PLANS | | | |
| | <p>The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:</p> <ul style="list-style-type: none"> • identifies the land to which it applies; and • states the purpose for which the land is held by the Council; and • states the Council's objectives, policies (if any) and proposals for the management of the land; and • states performance targets and how the Council proposes to measure its performance against its objectives and performance targets. | CEO | | |

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| | <p>If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:</p> <ul style="list-style-type: none"> • identify the owner of the land; and • state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and • contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner. | CEO | | |
| SECTION 200 | USE OF COMMUNITY LAND FOR BUSINESS PURPOSES | | | |
| | 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. | CEO | | |
| SECTION 207 | REGISTER OF COMMUNITY LAND | | | |
| | 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. | CEO | | |

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| SECTION 209 | OWNERSHIP OF FIXTURES AND EQUIPMENT INSTALLED ON PUBLIC ROADS | | | |
| | 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) which provides for the vesting of property in fixtures and equipment in the Council. | CEO | | |
| SECTION 211 | HIGHWAYS | | | |
| | 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, Chapter 11 of the Act in relation to a highway. | CEO | | |
| SECTION 212 | POWER TO CARRY OUT ROADWORK | | | |
| | The power pursuant to Section 212(1) of the Act to carry out road work in the Council's area or, by agreement with another Council, in the area of another Council. | CEO | GMA&I | |

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| | <p>The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:-</p> <ul style="list-style-type: none"> • the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and • 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 • if the roadwork is in relation to a private road, that it is only carried out if: <ul style="list-style-type: none"> ○ the owner agrees; or ○ 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 ○ the identity or whereabouts of the owner is unknown to the Council; and • if the roadwork is to be carried out on other private land, it is carried out with the agreement of the owner (unless otherwise provided in the Act). | CEO | GMA&I | |

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| SECTION 213 | RECOVERY OF COST OF ROADWORK | | | |
| | 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. | CEO | GMA&I | |
| | 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:- <ul style="list-style-type: none"> the person who caused the damage; or 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. | CEO | GMA&I | |
| | If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the costs of the work or a contribution towards to costs of the work (and the power to determine the amount of the contribution) – <ul style="list-style-type: none"> as a debt from the owner of the private road; or by way of a separate rate under Chapter 10 of the Act imposed on adjoining land with access to the private road. | CEO | GMA&I | |

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| SECTION 214 | CONTRIBUTION BETWEEN COUNCILS WHERE ROAD IS ON BOUNDARY BETWEEN COUNCIL AREAS | | | |
| | If the Council carries out roadwork on a road on the boundary between two (2) council areas, the power pursuant to Sections 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. | CEO | GMA&I | |
| SECTION 215 | SPECIAL PROVISIONS FOR CERTAIN KINDS OF ROADWORK | | | |
| | 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: <ul style="list-style-type: none"> there is no significant risk of damage to the adjoining property; or the road work does not significantly increase the risk of damage to adjoining property. | CEO | GMA&I | |
| SECTIONS 216 | POWER TO ORDER THE OWNER OF A PRIVATE ROAD TO CARRY OUT SPECIFIED ROADWORK | | | |
| | The power pursuant to Section 216(1) and in accordance with Section 216(2) of the Act, order in writing to the owner of a private road, to requiring the owner to carry out specified roadwork to repair or improve | CEO | GMA&I | |

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| | the road. | | | |
| SECTION 217 | POWER TO ORDER OWNER OF INFRASTRUCTURE ON ROAD TO CARRY OUT SPECIFIED MAINTENANCE OR REPAIR WORK. | | | |
| | <p>The power pursuant to Section 217(1) of the Act, by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:-</p> <ul style="list-style-type: none"> • to carry out specified work by way of maintenance or repair; or • to move the structure or equipment in order to allow the Council to carry out road work | CEO | GMA&I | |
| | 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 to take action required by the order and to recover the cost of doing so as a debt from the owner, pursuant to Section 217(2)(a) of the Act. | CEO | GMA&I | |
| SECTION 218 | POWER TO REQUIRE OWNER OF ADJOINING LAND TO CARRY OUT SPECIFIC WORK | | | |
| | The power pursuant to Section 218(1) of the Act, by order in writing to the owner of land adjoining the road, to require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land. | CEO | GMA&I, POA&I | |

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| SECTION 219 | ASSIGN OR CHANGE A NAME OF A ROAD OR PUBLIC PLACE | | | |
| | 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 a private road, or of a public place. | Not delegated | | |
| SECTION 220 | NUMBERING OF PREMISES AND ALLOTMENTS | | | |
| | The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road. | CEO | AO, BAP&C, GMCS, R&PO | |
| | The power pursuant to Section 220(2) of the Act to alter a numbering system or substitute a new numbering system made by the Council or otherwise under Section 220(1) from time to time. | CEO | AO, BAP&C, GMCS, R&PO | |
| | 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. | CEO | AO, BAP&C, GMCS, R&PO | |

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| SECTION 221 | CONTROL OF WORK ON ROADS | | | |
| | <p>The power pursuant to Sections 221(1) and 221(2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:</p> <ul style="list-style-type: none"> • alteration to the construction or arrangement of the road to permit or facilitate access from an adjacent property; or • the erection or installation of a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or • changing or interfering with the construction, arrangement or materials of the road; or • changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or • planting a tree or other vegetation on the road, interfering with vegetation on the road or the removing of vegetation from the road. | CEO | GMA&I, POA&I | |

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| | <p>The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:-</p> <ul style="list-style-type: none"> • for a particular act or occasion; or • 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. | CEO | GMA&I | |
| SECTION 222 | AUTHORISATIONS AND PERMITS - CONDITIONS | | | |
| | 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, and in accordance with Council By-Laws and having regard to Council Policies. | CEO | GMA&I | |
| | 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, and in accordance with Council By-Laws and having regard to Council Policies. | CEO | | |
| | The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for business purposes for a particular occasion or for a term stated in the permit and in accordance with Council By-Laws and having regard to Council Policies. | CEO | | |

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| SECTION 224 | CONDITIONS OF AUTHORISATION OR PERMIT | | | |
| | The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate. | CEO | | |
| SECTION 225 | CANCELLATION OF AUTHORISATION OR PERMIT | | | |
| | <p>The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</p> <ul style="list-style-type: none"> • in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or • in the any other case - cancel the authorisation or permit for breach of a condition. | CEO | | |

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| | <p>The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:</p> <ul style="list-style-type: none"> • 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 • consider any representations made in response to the notice. <p>The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</p> <p>The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.</p> | CEO | | |

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| SECTION 231 | REGISTER OF PUBLIC ROADS | | | |
| | <p>The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:</p> <ul style="list-style-type: none"> • includes the information required by regulation; and • may consist (if the Delegate so decides) of a computer record of the relevant information. | CEO | | |

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| SECTION 232 | PLANTING TREES AND VEGETATION | | | |
| | <p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</p> <ul style="list-style-type: none"> • giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account - <ul style="list-style-type: none"> ○ environmental and aesthetic issues; and ○ 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 ○ road safety matters; and ○ other matters (if any) considered relevant by the Delegate; and • 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. | CEO | GMA&I | |

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| SECTION 233 | ROAD DAMAGE | | | |
| | The power pursuant to Sections 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. | CEO | GMA&I | |
| SECTION 234 | COUNCIL'S POWER TO REMOVE OBJECTS FROM ROADS | | | |
| | The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if - <ul style="list-style-type: none"> 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 an authorisation or permit has been granted but has later expired or been cancelled. | CEO | COSO, GMA&I, POA&I | |
| | The power pursuant to Section 234(2) of the Act to recover the cost of acting under this Section as a debt from the person who erected, placed or deposited the structure, object or substance on the road. | CEO | GMA&I | |

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| | 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. | CEO | GMA&I | |
| SECTION 236 | ABANDONMENT OF VEHICLES | | | |
| | The power pursuant to Section 236(2) of the Act to seek an order from the Court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place. | CEO | GMA&I, GMPE&RS | |
| SECTION 237 | REMOVAL OF VEHICLES | | | |
| | If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender. | CEO | GMPE&RS, RSAO | |

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| | If the vehicle is offered for sale but is not sold, or 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, the power to dispose of the vehicle in such manner as the Chief Executive Officer thinks fit, pursuant to Section 237(6) of the Act. | CEO | GMPE&RS | |
| | The power pursuant to Section 237(7) of the Act to apply the proceeds obtained under Section 237(5) as follows: <ul style="list-style-type: none"> • firstly - in payment of the costs of and incidental to the sale; • secondly - in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; • thirdly - in payment of the balance to the owner of the vehicle. | CEO | GMPE&RS | |
| | The power pursuant to Section 237(8) of the Act, if, after reasonable enquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council. | CEO | GMPE&RS | |

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| SECTION 245 | LIABILITY FOR INJURY, DAMAGE OR LOSS CAUSED BY CERTAIN TREES | | | |
| | The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not). | CEO | | |

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| SECTION 245A | COUNCIL MAY REQUIRE A BOND OR SECURITY IN CERTAIN CIRCUMSTANCES | | | |
| | <p>Subject to Section 245A of the Act, Where:</p> <ul style="list-style-type: none"> • a person has approval to carry out development under the Development Act 1993; and • the Delegate has reason to believe that performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development, • the power pursuant to Section 245A(1) of the Act to, by notice in writing served on the person who has the benefit of an approval to carry out development under the Development Act 1993, require that person to enter into an agreement (that complies with requirements prescribed by the Regulations, if any) so as to ensure that money is available to address the cost of any damage that may be caused. | CEO | | |

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| | The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused. | CEO | | |
| SECTION 254 | POWER To MAKE ORDERS | | | |
| | The power 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 Chief Executive Officer, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table, pursuant to Section 254(1) of the Act. | CEO | COSO, GMA&I, GMPE&RS | |

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| SECTION 254 | PROCEDURES TO BE FOLLOWED – POWER TO MAKE ORDERS | | | |
| | <p>The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:</p> <ul style="list-style-type: none"> • to make an order in accordance with the terms of the original proposal; or • to make an order with modifications from the terms of the original proposal; or • to determine not to proceed with an order. | CEO | GMA&I, GMPE&RS | |
| | <p>The power pursuant to Section 255(5) of the Act to –</p> <ul style="list-style-type: none"> • include two or more orders in the same instrument; • direct two or more persons to do something specified in the order jointly. | CEO | COSO, GMA&I, GMPE&RS, RSAO | |
| | <p>The power pursuant to Section 255(11) of the Act, at the request, or with the agreement, of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.</p> | CEO | GMA&I, GMPE&RS | |

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| | <p>Pursuant to Section 255(11) of the Act, if the Delegate, in the circumstances of a particular case, considers</p> <ul style="list-style-type: none"> • that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or • that an emergency situation otherwise exists, the Delegate has the power pursuant to Section 255(12) of the Act to - • proceed immediately to make an order under this Section without giving notice under Section 255(1) of the Act; and • require immediate compliance with an order despite Section 255(6)(a) of the Act. | CEO | GMA&I, GMPE&RS | |
| SECTION 257 | ACTION ON NON-COMPLIANCE WITH AN ORDER | | | |
| | 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, the power pursuant to Section 257(1) of the Act to (subject to the outcome of any review) take the action required by the order. | CEO | | |
| | 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. | CEO | | |

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| | 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. | CEO | | |
| | The power pursuant to Section 257(5) of the Act, where an amount is recoverable from a person by the Council under Section 257 of the Act, the power 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 – <ul style="list-style-type: none"> the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and 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. | CEO | | |
| SECTION 260 | APPOINTMENT OF AUTHORISED PERSONS | | | |
| | 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) as an authorised person. | CEO | | |
| | The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to conditions or limitations as the Delegate determines and specified in the instrument of appointment. | CEO | | |

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| | The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card: <ul style="list-style-type: none"> • containing a photograph of the authorised person; and • identifying any conditions or limitations imposed under Section 260(2) of the Act. | CEO | | |
| | The power pursuant to Section 260(5) of the Act, at any time, to 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. | CEO | | |
| SECTION 270 | PROCEDURES FOR REVIEW OF DECISIONS AND REQUESTS FOR SERVICES | | | |
| | The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with: <ul style="list-style-type: none"> • any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and • complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council. | CEO | | |

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| | <p>The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:</p> <ul style="list-style-type: none"> • dealing with the relevant requests or complaints in a timely, effective and fair way; and • using information gained from the Council's community to improve its services and operations. | CEO | | |
| | <p>Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</p> <ul style="list-style-type: none"> • the Council; • employees of the Council; • other persons acting on behalf of the Council, | CEO | | |
| | <p>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:</p> <ul style="list-style-type: none"> • the application was made by an employee of the Council and relates to an issue concerning his or her employment; or • it appears that the application is frivolous or vexatious; or • the applicant does not have a sufficient interest in the matter. | CEO | | |

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| | The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270. | CEO | | |
| | The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal officer of the Council. | CEO | | |
| | The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to: <ul style="list-style-type: none"> the number of applications for review made under Section 270; and the kinds of matters to which the applications relate; and the outcome of applications under this Section; and such other matters as may be prescribed by the Regulations. | CEO | | |
| | The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid. | CEO | | |

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| | MEDIATION, CONCILIATION AND NEUTRAL EVALUATION | | | |
| | 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. | CEO | | |
| SECTION 271A | PROVISION OF INFORMATION TO THE MINISTER | | | |
| | The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council. | CEO | | |
| | The power, pursuant to Section 271A(3) of the Act, in accordance with a request under Section 271A(1) of the Act, to provide information even if: <ul style="list-style-type: none"> the information was given to the Council in confidence; or the information: <ul style="list-style-type: none"> relates to a matter dealt with on a confidential basis under Chapter 6 Part 3 of the Act; or is held on a confidential basis under Chapter 6 Part 4 of the Act. | CEO | | |

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| SECTION 272 | INVESTIGATION OF A COUNCIL | | | |
| | The power, pursuant to Section 272(3) and 272(5) of the Act to make submissions to the Minister. | CEO | | |
| SECTION 273 | ACTION ON A REPORT | | | |
| | The power pursuant to Section 273(3) of the Act to make submissions to the Minister. | CEO | | |
| SECTION 275 | ACTION ON A REPORT | | | |
| | The power pursuant to Section 275(2) of the Act to, before the Minister imposes a requirement under Section 275(1) of the Act, make submissions to the Minister. | CEO | | |

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| SECTION 276 | SPECIAL JURISDICTION | | | |
| | <p>The power pursuant to Sections 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 –</p> <ul style="list-style-type: none"> • proceedings to try the title of a member to an office; • proceedings to try the right of a person to be admitted or restored to an office; • proceedings to compel restoration or admission; • proceedings to compel the Council to proceed to an election, poll or appointment; • proceedings to try the validity of a rate or service charge; • proceedings to try the validity of a by-law; • 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. | CEO | | |
| SECTION 280 | SERVICE OF DOCUMENTS ON COUNCIL | | | |
| | <p>The power to determine the means available for service of documents on the Council and the power to accept documents on the Council's behalf, pursuant to Sections 280(1)c) and (d) of the Act.</p> | CEO | | |

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| SECTION 281 | RECOVERY OF AMOUNTS FROM LESSEES OR LICENSEES | | | |
| | Where an owner of land is liable to pay an amount to the Council, the power, 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, pursuant to Section 281(1) of the Act. | CEO | | |
| SECTION 282 | ABILITY OF OCCUPIERS TO CARRY OUT WORKS | | | |
| | 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 to give approval to the occupier of the land to cause the work to be carried out, pursuant to Section 282(1) of the Act. | CEO | | |

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|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 294 | POWER TO ENTER AND OCCUPY LAND | | | |
| | <p>The power pursuant to section 294(1) of the Act, insofar as may be reasonably necessary for carrying out a function or responsibility of the Council:</p> <ul style="list-style-type: none"> • enter land at any reasonable time; occupy the land on behalf of the Council; <ul style="list-style-type: none"> ○ obtain earth, minerals or timber from land; ○ deposit soil on land; ○ construct temporary roads and structures on land; ○ deposit or store materials on land; ○ conduct surveys, inspections, examinations and tests, and carry out work; ○ carry out any other incidental activity on land, <p>on the condition that action is required to be taken in an emergency, or other urgent situation such that it is impracticable to give notice in accordance with section 294(1b) of the Act.</p> | CEO | | |
| SECTION 296 | RECLAMATION OF LAND | | | |
| | Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power 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 | CEO | | |

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| | value the work has added to the land, pursuant to Section 296(1) of the Act. | | | |
| | The power to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act, pursuant to Section 296 (2) of the Act. | | | |
| SECTION 297 | PROPERTY IN RUBBISH | | | |
| | The power to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate, pursuant to Section 297 of the Act. | CEO | | |
| SECTION 298 | POWER TO ACT IN AN EMERGENCY | | | |
| | 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 to order that action be taken as the Delegate thinks fit to avert or reduce the danger, pursuant to Section 298(1) of the Act. | CEO | | |
| CLAUSE 13 | USE OF FACILITIES | | | |
| | 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. | CEO | | |

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| CLAUSE 17 | PREPARATION OF STORMWATER MANAGEMENT PLANS BY COUNCILS | | | |
| | <p>The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:</p> <ul style="list-style-type: none"> • complies with the guidelines issued by the Authority; and • is prepared in consultation with the relevant regional NRM board or boards; and • is prepared in accordance with any other procedures or requirements prescribed by the Regulations. | CEO | | |
| CLAUSE 20 | AUTHORITY MAY ISSUE ORDERS | | | |
| | 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. | CEO | | |
| | The power pursuant to Clause 20 (6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (at a rate agreed by the Authority and the Delegate). | CEO | | |

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| CLAUSE 24 | SPECIAL POWERS IN RELATION TO LAND | | | |
| | <p>The power, pursuant to Clause 21(1) of Schedule 1A of the Act and in accordance with Clause 21(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or required by an order under Clause 16 of Schedule 1A of the Act, to:</p> <ul style="list-style-type: none"> • enter and occupy any land; and • construct, maintain or remove any infrastructure; and • excavate any land; and • inspect, examine or survey any land and for that purpose: <ul style="list-style-type: none"> ○ fix posts, stakes or other markers on the land; and ○ dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and ○ remove samples for analysis. | CEO | | |
| | The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws. | CEO | | |

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| CLAUSE 25 | SPECIAL POWERS IN RELATION TO LAND | | | |
| | 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. | CEO | | |
| | The power pursuant to Clause 25(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. | CEO | | |

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| CLAUSE 2 | BUILDING UPGRADE AGREEMENT | | | |
| | <p>The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a <i>building upgrade agreement</i>) under which:</p> <ul style="list-style-type: none"> • the building owner agrees to undertake upgrade works in respect of the building; and • a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and • the Council agrees: <ul style="list-style-type: none"> ○ 1.3.1 to levy a charge on the relevant land (a <i>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 ○ 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). | CEO | | <p>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 Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p> |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | 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. | CEO | | 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 Local Government Act 1999, be subdelegated by the Chief Executive Officer. |
| | 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. | CEO | | The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section |

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| | | | | 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. |
| CLAUSE5 (1) | CONTENTS OF AGREEMENT | | | |
| | <p>The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:</p> <ul style="list-style-type: none"> • the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and • the amount of money to be advanced by the finance provider under the agreement; and • the amount of the building upgrade charge to be levied by the Council under the agreement; and • the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and • 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 • any prescribed matters. | CEO | | 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 Local Government Act 1999, be subdelegated by the Chief Executive Officer. |

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| | <p>The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:</p> <ul style="list-style-type: none"> • provide for the early repayment of any amount payable under the agreement; and • include and agree to other provisions. | | | |
| CLAUSE 6 (1) | DECLARATION OF BUILDING UPGRADE CHARGE | | | |
| | <p>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).</p> | | | <p>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 Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p> |

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| | <p>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:</p> <ul style="list-style-type: none"> • the name and address of the building owner; and • a description of the relevant land in respect of which the building upgrade charge is being levied; and • the building upgrade agreement under which the building upgrade charge is being levied; and • the amount for which the building owner is liable; and • the manner of payment of the amount; and • 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 • 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 • any prescribed matters. | CEO | | <p>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 Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p> |

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| | 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. | | | 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 Local Government Act 1999, be subdelegated by the Chief Executive Officer. |
| CLAUSE 7(2) | PAYMENT OF BUILDING UPGRADE CHARGE | | | |
| | 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. | CEO | | |

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| | <p>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,</p> <ul style="list-style-type: none"> • hold that money on behalf of the finance provider pending payment to the finance provider; and • pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied. | CEO | | |
| CLAUSE9(1) | SALE OF LAND FOR NON-PAYMENT OF BUILDING UPGRADE CHARGE | | | |
| | <p>The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.</p> | CEO | | |

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| | <p>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:</p> <ul style="list-style-type: none"> • firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act; • 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); • 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; • 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; • fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges; • sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice; • seventhly – in payment to the owner of the land. | CEO | | |
| | <p>The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.</p> | CEO | | |

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| CLAUSE10 (2) | REPAYMENT OF ADVANCES TO FINANCE PROVIDER | | | |
| | 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: <ul style="list-style-type: none"> • adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and • give the building owner written notice of the adjustment. | CEO | | |
| | 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: <ul style="list-style-type: none"> • the building owner has made payment in respect of the charge in excess of the adjusted amount; and • the excess amount has been paid by the Council to the finance provider, to refund the building owner the excess amount paid. | CEO | | |
| CLAUSE13 (1) | REGISTER OF BUILDING UPGRADE AGREEMENTS | | | |
| | 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. | CEO | | |

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| | 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). | CEO | | |

LOCAL NUISANCE & LITTER CONTROL ACT 2016

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| SECTION 12 | AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint: <ul style="list-style-type: none"> specified officers or employees of the Council; or a specified class of officers or employees of the Council, to be authorised officers for the purposes of the Act. | CEO | | |
| | The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment. | CEO | | |
| | The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition. | CEO | | |
| SECTION 15(A) | LIMIT OF AREA OF AUTHORISED OFFICERS APPOINTED BY COUNCILS | | | |
| | The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area. | CEO | | |
| SECTION 16(1) | PROVISIONS RELATING TO SEIZURE | | | |
| | The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit. | CEO | GMPE&RS | |
| | The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so. | CEO | GMPE&RS | |

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| | The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of. | CEO | GMPE&RS | |
| SECTION 19 | EXEMPTIONS FROM APPLICATION OF SECTION 18 | | | |
| | The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area. | CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require. | CEO | GMPE&RS | |
| | The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to: <ul style="list-style-type: none"> the permitted times or periods of time for carrying on the activity; or the manner of carrying on the activity. | CEO | GMPE&RS, SP, SPD&C | |
| | The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act. | CEO | GMPE&RS | |
| | The power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration. | CEO | | |
| SECTION 22 | DISPOSING OF LITTER | | | |
| | The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter. | CEO | GMPE&RS | |
| | The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area. | CEO | GMPE&RS | |

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| SECTION 26 | LIABILITY OF VEHICLE OWNERS | | | |
| | The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants. | CEO | | |
| SECTION 30 | NUISANCE AND LITTER ABATEMENT NOTICES | | | |
| | The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act. | CEO | GMPE&RS, COSO, SP, SPD&C | |
| | The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act. | CEO | GMPE&RS, COSO, SP, SPD&C | |
| | The power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to direct two or more persons to do something specified in the notice jointly; and impose a requirement that the person do one or more of the following: (a) discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice; (b) not carry on a specified activity except at specified times or subject to specified conditions; (c) take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice; (d) furnish to the Council specified results or reports within a specified period; | CEO | GMPE&RS, COSO, SP, SPD&C | |
| | (e) .of the Act, in relation to a notice under Section 30 of the Act, to direct two or more persons to do something specified in the notice jointly; and impose a requirement that the person clean up litter that the Council or delegate considers to have been caused by a contravention of this Act; | CEO | GMPE&RS | |

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| | <p>(f) make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;</p> <p>(g) prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;</p> <p>(h) take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and</p> <p>(i) in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:</p> <ul style="list-style-type: none"> ○ preventing the escape of litter from business premises; or ○ keeping a specified area (not exceeding 100 metres) around business premises free from litter; and <p>(j) impose any other requirement prescribed by regulation; and</p> <p>(k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.</p> | CEO | GMPE&RS, COSO, SP, SPD&C | |
| | The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas. | CEO | GMPE&RS, COSO, SP, SPD&C | |

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| | <p>The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:</p> <ul style="list-style-type: none"> the owner or occupier of the premises; or a person who has the management or control of the premises; or a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis. | CEO | GMPE&RS, COSO, SP, SPD&C | |
| | The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice. | CEO | GMPE&RS | |
| SECTION 31 | ACTION ON NON-COMPLIANCE WITH NOTICE | | | |
| | The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice. | CEO | GMPE&RS, COSO, SP, SPD&C | |
| | The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council. | CEO | | |
| | The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice. | CEO | | |
| | The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid. | CEO | | |

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|---------------------------|---|-----------------|---------------------|------------------------------------|
| SECTION 33 | CIVIL REMEDIES | | | |
| | <p>The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:</p> <ul style="list-style-type: none"> • if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action; • if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action; • if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage; • if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action; | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITION & LIMITATIONS |
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| | <ul style="list-style-type: none"> if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action; if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. | | | |
| | The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. | CEO | | |
| | The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court. | CEO | | |
| | The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. | CEO | | |
| | The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). | CEO | | |
| | The power pursuant to Section 33(11) of the Act to make an application without notice to any person. | CEO | | |
| | The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person. | CEO | | |
| | The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act. | CEO | | |

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| SECTION 34 | MINISTER OR COUNCIL MAY RECOVER CIVIL PENALTY IN RESPECT OF CONTRAVENTION | | | |
| | The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention. | CEO | | |
| | The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention. | CEO | | |
| | The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention). | CEO | | |
| | The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct). | CEO | | |
| | The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITION & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|------------------------------------|
| SECTION 40 | STATUTORY DECLARATION | | | |
| | The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified. | CEO | GMPE&RS, COSO | |
| SECTION 45 | ORDERS IN RESPECT OF CONTRAVENTIONS | | | |
| | <p>The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:</p> <ul style="list-style-type: none"> • an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage; • an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person; • an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter); • the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court. | CEO | | |

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| | The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention. | CEO | | |
| | The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order. | CEO | | |
| SECTION 48 | RECOVERY OF ADMINISTRATIVE AND TECHNICAL COSTS ASSOCIATED WITH CONTRAVENTIONS | | | |
| | <p>The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:</p> <ul style="list-style-type: none"> • has taken action to: • investigate the contravention; or • issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or • ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or • has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses, • to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action. | CEO | | |

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| | The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid. | CEO | | |
| | The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing: <ul style="list-style-type: none"> • extend the time for payment of an amount payable in accordance with the notice; or • waive payment of such an amount or reduce the amount payable. | CEO | | |
| | The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt. | CEO | | |
| SECTION 50 | EVIDENTIARY PROVISIONS | | | |
| | The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to: <ul style="list-style-type: none"> • the appointment or non-appointment of a person as an authorised officer under the Act; or • a delegation or authority under the Act; or • a notice, requirement or direction of the Council or an authorised officer under the Act; or • the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act. | CEO | | |
| | The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred. | CEO | | |

LOCAL NUISANCE & LITTER CONTROL ACT 2016

LOCAL NUISANCE & LITTER CONTROL REGULATIONS 2017

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|---|----------|--------------------|--------------------------|
| REGULATION 6 | EXEMPTIONS FROM APPLICATION OF SECTION 18 | | | |
| | <p>The power pursuant to Regulation 6(1)(a)(ii) of the Regulations:</p> <ul style="list-style-type: none"> to fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer. | CEO | GMPE&RS | |
| | The power pursuant to Regulation 6(2) of the Regulations, if an application for a declaration in relation to an activity is not lodged with the Council as required by Regulation 6(1)(a)(ii) of the Act, to refuse to consider the application. | CEO | GMPE&RS, SP, SPD&C | |
| | <p>The power pursuant to Regulation 6(3) of the Regulations to require the following prescribed details to be contained in a site nuisance management plan to the extent relevant to the activity:</p> <ul style="list-style-type: none"> an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons); a map showing: <ul style="list-style-type: none"> the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers); and the location of premises occupied by potentially affected persons and the distance of the premises from those sources; | CEO | GMPE&RS, SP, SPD&C | |

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| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | <ul style="list-style-type: none"> • the name and contact details of the responsible person in relation to the activity; • the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons; • a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details: <ul style="list-style-type: none"> ○ the nature of the proposed activity; ○ the start and finish dates for the activity; ○ the daily start and finish times for the activity; ○ the anticipated sources of local nuisance generated by the activity; ○ the proposed measures to be implemented to minimise the local nuisance; ○ the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity; ○ such other details as the delegate may require; • the proposed communication strategy with the Council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents; • the proposed process for recording details about complaints, including: <ul style="list-style-type: none"> ○ contact details for each complainant; and ○ the date and time of the complaint; and ○ a description of the complaint; and ○ the nature of the activity giving rise to the complaint; and ○ any action taken to address the complaint. | | | |

LOCAL NUISANCE & LITTER CONTROL ACT 2016

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 13 | ACTION ON NON-COMPLIANCE WITH NOTICE | | | |
| | <p>The power pursuant to Regulation 13(2)(a) of the Regulations, to:</p> <ul style="list-style-type: none"> • for the purposes of creating the charge on land, give the Registrar-General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General, <ul style="list-style-type: none"> ○ setting out the amount recoverable under Section 31 of the Act; and ○ setting out the land in relation to which the relevant action was taken; and ○ requesting the Registrar-General to make a notation under Regulation 13(2) of the Regulations in relation to the relevant land. | CEO | | |
| | The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act. | CEO | | |
| | The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling such a charge under Regulation 13 of the Regulations from the owner of the land in accordance with Section 144 of the Local Government Act 1999. | CEO | | |

LOCAL NUISANCE & LITTER CONTROL ACT 2016

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| REGULATION 15 | PAYMENT OF FEES BY INSTALMENTS | | | |
| | The power pursuant to Regulation 15(1) of the Regulations to, in allowing the payment of a fee under the Act or the Regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, determined by the delegate or the Council (as the case may be). | CEO | | |
| REGULATION 16 | WAIVER OR REFUND OF FEES | | | |
| | The power pursuant to Regulation 16 of the Regulations to waive or refund a fee or other amount (or part of a fee or other amount) payable under the Act or the Regulations if the delegate is satisfied that it is appropriate to do so in a particular case. | CEO | | |
| REGULATION 17 | RECOVERY OF FEES | | | |
| | The power pursuant to Regulation 17 of the Regulations to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction. | CEO | | |

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|--------------------------|--------------|--------------------------|
| SECTION 5 | PLANNING REGIONS AND GREATER ADELAIDE | | | |
| | The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act. | Not able to be delegated | | |
| SECTION 6 | SUBREGIONS | | | |
| | The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action. | Not able to be delegated | | |
| SECTION 7 | ENVIRONMENT AND FOOD PRODUCTION AREAS – GREATER ADELAIDE | | | |
| | The power pursuant to Section 7(5)(b) of the Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development. | CEO | | |
| SECTION 22 | FUNCTIONS | | | |
| | The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations. | CEO | | |
| SECTION 35 | PLANNING AGREEMENTS | | | |

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| | The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act. | CEO | | |
| | <p>The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <ul style="list-style-type: none"> • the setting of objectives, priorities and targets for the area covered by the agreement; and • the constitution of a joint planning board including, in relation to such a board: the membership of the board, being between 3 and 7 members (inclusive); and subject to Section 35(4) of the Act, the criteria for membership; and • the procedures to be followed with respect to the appointment of members; and • the terms of office of members; and | CEO | | CEO via Council resolution |

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| | <ul style="list-style-type: none"> • conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and • the appointment of deputy members; and the procedures of the board; and • the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and • the staffing and other support issues associated with the operations of the joint planning board; and • financial and resource issues associated with the operations of the joint planning board, including: <ul style="list-style-type: none"> • the formulation and implementation of budgets; and • the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and • such other matters as the Delegate thinks fit. | | | CEO via Council resolution. |
| | The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms). | CEO | | CEO via Council resolution. |
| | The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement. | CEO | | CEO via Council resolution |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 44 | COMMUNITY ENGAGEMENT CHARTER | | | |
| | The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council). | | | |
| | <p>The power pursuant to Section 44(10) of the PDI Act to:</p> <ul style="list-style-type: none"> • seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and • with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter. | CEO | | CEO via Council resolution |
| SECTION 45 | PREPARATION AND AMENDMENT OF CHARTER | | | |
| | The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA planning portal) on a proposal to prepare or amend the Charter. | CEO | | |

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| SECTION 73 | PREPARATION AND AMENDMENT | | | |
| | <p>The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:</p> <ul style="list-style-type: none"> • seek the approval of the Minister to initiate a proposal to amend a designated instrument; and • initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission. • The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied: <ul style="list-style-type: none"> • to prepare a draft of the relevant proposal; and • to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and • to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give: <ul style="list-style-type: none"> ○ an owner or occupier of the land; and ○ an owner or occupier of each piece of adjacent land, <p>a notice in accordance with the regulations; and</p> <ul style="list-style-type: none"> • to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and • to carry out such investigations and obtain such information specified by the Commission; and • to comply with any requirement prescribed by the regulations. | Not able to be delegated | | |
| | The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the | CEO | | |

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| | <p>requirements of Section 73 of the PDI Act have been satisfied:</p> <p>(a) to prepare a draft of the relevant proposal; and</p> <p>(b) to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>(c) to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board –consult with the joint planning board; and</p> <p>(d) to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p style="padding-left: 40px;">(i) an owner or occupier of the land; and</p> <p style="padding-left: 40px;">(ii) an owner or occupier of each piece of adjacent land,</p> <p>a notice in accordance with the regulations; and</p> <p>(e) to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>(f) to carry out such investigations and obtain such information specified by the Commission; and</p> <p>(g) to comply with any requirement prescribed by the regulations.</p> | | | |

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| | | | | |
| | The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister. | Not able to delegated | | |
| | The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act | CEO | | |
| | The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)). | CEO | | |
| SECTION 74 | PARLIAMENTARY SCRUTINY | | | |
| | The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks | CEO | | |
| SECTION 75 | COMPLYING CHANGES – PLANNING AND DESIGN CODE | | | |
| | The power pursuant to Section 75(1) of the PDI Act to submit to the Minister a proposal to agree to an amendment to the Planning and Design Code under Section 75 of the PDI Act if: (a) the amendment comprises a change to: | Not able to be delegated | | |

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| | <p>(i) the boundary of a zone or subzone; or</p> <p>(ii) the application of an overlay; and</p> <p>(b) the amendment is consistent with a recommendation in the relevant regional plan that, through the use of:</p> <p>(i) specific maps or other spatial information; and</p> <p>(ii) specific information about the changes that are being proposed, clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate.</p> | | | |
| | The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive). | | | |
| SECTION 82 | ENTITIES CONSTITUTING RELEVANT AUTHORITIES | | | |
| | The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel. | | | |
| SECTION 83 | PANELS ESTABLISHED BY JOINT PLANNING BOARDS OR COUNCILS | | | |
| | <p>The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:</p> <p>(a) appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>(b) determine:</p> | | | |

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| | <p>(i) the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>(ii) the procedures to be followed with respect to the appointment of members; and</p> <p>(iii) the terms of office of members; and</p> <p>(iv) conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>(v) the appointment of deputy members; and</p> <p>(vi) who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p> | | | |
| | The power pursuant to Section 83(1)(h) of the Act to arrange the staffing and support required for the purposes of the operations of the panel. | CEO | | |
| | The power pursuant to Section 83(1)(i) of the Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the Act. | CEO | | |

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|---------------------------|---|--------------------------|---------------------|-------------------------------------|
| | The power pursuant to Section 83(2) of the Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government. | | | |
| SECTION 85 | APPOINTMENT OF ADDITIONAL MEMBERS | | | |
| | The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act. | CEO | | |
| SECTION 86 | SUBSTITUTION OF LOCAL PANELS | | | |
| | The power pursuant to Section 86(2)(a) of the Act to make submissions to the Commission in relation to an inquiry. | CEO | | |
| SECTION 89 | NOTIFICATION OF ACTING | | | |
| | The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require. | CEO | | |
| SECTION 94 | RELEVANT AUTHORITY - COMMISSION | | | |
| | The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development. | Not able to be delegated | | |
| | The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any | CEO, GMPERS, SP | | |

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| | application for development authorisation that has been under consideration by the relevant authority. | | | |
| SECTION 99 | RELATED PROVISIONS | | | |
| | The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act. | | | |
| SECTION 102 | MATTERS AGAINST WHICH DEVELOPMENT MUST BE ASSESSED | | | |
| | The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent). | | | |
| | The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting. | | | |
| | The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting. | | | |
| | The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved. | | | |
| | The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken. | | | |

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| SECTION 110 | RESTRICTED DEVELOPMENT | | | |
| | The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent. | CEO | | |
| | The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation. | CEO | | |
| | The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development. | CEO | | |
| SECTION 112 | LEVEL OF DETAIL | | | |
| | The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS. | CEO | | |
| SECTION 113 | EIS PROCESS | | | |
| | The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister. | Not able to be delegated | | |
| SECTION 114 | AMENDMENT OF EIS | | | |
| | The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister. | Not able to be delegated | | |

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| SECTION 118 | BUILDING CONSENT | | | |
| | The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations). | GMPERS, BO | | |
| | The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard. | GMPERS, BO | | |
| | The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if: | GMPERS, BO | | |
| | (b) the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied: | | | |
| | (i) that: | | | |
| | (A) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and | | | |
| | (B) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or | | | |

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| | (ii) in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case. | | | |
| | The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard. | GMPERS, BO | | |
| | The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building rules consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances. | GMPERS, BO | | |
| | The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard. | GMPERS, BO | | |
| | The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that: <ul style="list-style-type: none"> such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or such compliance is certified by a building certifier. | GMPERS, BO | | |
| | The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the | GMPERS, BO | | |

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| | Building Rules for a building of that classification | | | |
| | The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document) the variance; and the grounds on which the decision is being made. | GMPERS, BO | | |
| SECTION 119 | APPLICATION AND PROVISION OF INFORMATION | | | |
| | The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require. | GMPERS; BO; SP; CPO | | |
| | The power pursuant to Section 119(3) of the PDI Act to request an applicant: <ul style="list-style-type: none"> • to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application; • to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act • to consult with an authority or body prescribed by the regulations; • to comply with any other requirement prescribed by the regulations. | GMPERS; BO; SP; CPO | | |
| | The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to | GMPERS; BO; SP | | |

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| | (i) subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and | | | |
| | (ii) refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development). | | | |
| | The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply. | CEO, GMPERS | | |
| | <p>The power pursuant to Section 119(9) of the PDI Act to:</p> <ul style="list-style-type: none"> • permit an applicant: <ul style="list-style-type: none"> ○ to vary an application; ○ to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed); • permit an applicant to lodge an application without the provision of any information or document required by the regulations; • if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed. | GMPERS; BO; SP; CPO | | |
| | <ul style="list-style-type: none"> • to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part) | CEO | | |

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| | The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit. | | | |
| | The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages. | | | |
| | The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee. | CEO | | |
| SECTION 120 | OUTLINE CONSENT | | | |
| | The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent. | | | |
| | <p>The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <ul style="list-style-type: none"> • grant any consent contemplated by the outline consent; and • not impose a requirement that is inconsistent with the outline consent. | AM | | |
| SECTION 122 | <p>The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:</p> <ul style="list-style-type: none"> • refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and (including, if so prescribed, the Commission); and • not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made | GMPERS, SP, CPO | | |

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| | where the regulations so provide, subject to Section 122 of the PDI Act. | | | |
| | <p>The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <ul style="list-style-type: none"> • to refuse the application; or • consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) <p>where the regulations so provide.</p> | | | |
| | The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings. | CEO,GMPERS | | |
| | The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment. | GMPERS | | |
| SECTION 123 | PRELIMINARY ADVICE AND AGREEMENT | | | |
| | The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act. | | | |
| SECTION 124 | PROPOSED DEVELOPMENT INVOLVING CREATION OF FORTIFICATIONS | | | |
| | The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner). | GMPERS, SP | | |

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| | <p>The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p> <ul style="list-style-type: none"> • if the proposed development consists only of the creation of fortifications – refuse the application; • in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification | | | |
| | The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act. | GMPERS, SP, CPO | | |
| | The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal. | CEO, GMPERS | | |
| SECTION 125 | TIME WITHIN WHICH DECISION MUST BE MADE | | | |
| | The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent. | CEO, GMPERS | | |
| | The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act. | CEO, GMPERS | | |

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| SECTION 126 | DETERMINATION OF APPLICATION | | | |
| | The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act). | GMPERS, SP, CPO | | |
| | The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act. | GMPERS | | |
| SECTION 127 | CONDITIONS | | | |
| | The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act. | | | |
| | The power pursuant to Section 127(8)(b) of the PDI Act to determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption; to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act. | CEO, GMPERS | | |
| SECTION 128 | VARIATION OF AUTHORISATION | | | |
| | The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative. | GMPERS | | |
| SECTION 130 | ESSENTIAL INFRASTRUCTURE – ALTERNATIVE ASSESSMENT PROCESS | | | |
| | The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act. | CEO | | |

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| | The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition. | CEO | | |
| SECTION 131 | DEVELOPMENT ASSESSMENT – CROWN DEVELOPMENT | | | |
| | The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act. | CEO | | |
| | The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition. SUBJECT TO the following conditions and limitations: <ul style="list-style-type: none"> • After Council resolution | CEO | | CEO after Council consideration |
| SECTION 133 | SAVING PROVISIONS | | | |
| | The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act. | | | |
| SECTION 134 | REQUIREMENT TO UP-GRADE | | | |
| | The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition. | BO | | |
| | The power pursuant to Section 134(1) of the PDI Act, if: <ul style="list-style-type: none"> • an application for a building consent relates to: <ul style="list-style-type: none"> ○ building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or | GMPERS, BO | | |

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| | <ul style="list-style-type: none"> ○ a change of classification of a building; and • the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, <p>to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.</p> | | | |
| | The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed. | GMPERS, BO | | |
| | <p>The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <ul style="list-style-type: none"> • subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and • in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed | GMPERS, BO | | |
| | <p>The power pursuant to Section 134(4) of the PDI Act if:</p> <ul style="list-style-type: none"> • an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and • the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, <p>to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will</p> | GMPERS, BO | | |

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| | comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be). | | | |
| | <p>The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <ul style="list-style-type: none"> • subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and • in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed. | GMPERS, BO | | |
| SECTION 135 | URGENT BUILDING WORK | | | |
| | The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction. | | | |
| SECTION 141 | ACTION IF DEVELOPMENT NOT COMPLETED | | | |
| | <p>The power pursuant to Section 141(1) of the PDI Act, if: an approval is granted under the PDI Act; but</p> <ul style="list-style-type: none"> • the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or • in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval, <p>to apply to the Court for an order under Section 141 of the PDI Act.</p> | CEO | | |
| | The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to | | | |

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| | recover the costs of that work, as a debt from the person. | | | |
| SECTION 142 | COMPLETION OF WORK | | | |
| | The power pursuant to Section 142(1) of the PDI Act, if: <ul style="list-style-type: none"> • an approval is granted under the PDI Act; but • the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice. | CEO | | |
| | The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out | CEO | | |
| | The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act. | CEO | | |
| | The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act: to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | CEO | | |
| SECTION 143 | CANCELLATION OF DEVELOPMENT AUTHORISATION | | | |
| | The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority. | GMPERS, BO | | |
| | The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose. | GMPERS, BO | | |

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| SECTION 146 | NOTIFICATION DURING BUILDING | | | |
| | The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications. | CEO | | |
| SECTION 151 | CLASSIFICATION OF BUILDINGS | | | |
| | The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations. | CEO | | |
| | The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building. | CEO | | |
| SECTION 152 | CERTIFICATES OF OCCUPANCY | | | |
| | The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy. | CEO | | |
| | The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate. | CEO | | |
| | The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application. | CEO | | |
| | The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act. | CEO | | |

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| | The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of: <ul style="list-style-type: none"> the refusal; and the reasons for the refusal; and the applicant's right of appeal under the PDI Act. | CEO | | |
| | The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building. | CEO | | |
| | The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances | CEO | | |
| SECTION 153 | TEMPORARY OCCUPATION | | | |
| | The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy. | | | |
| | The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose. | CEO | | |
| | The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of: <ul style="list-style-type: none"> the refusal; and the reasons for the refusal; and the applicant's right of appeal under the PDI Act. | CEO | | |
| SECTION 155 | EMERGENCY ORDERS | | | |
| | The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out. | CEO | | |
| | The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act. | CEO | | |

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| | The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | CEO | | |
| SECTION 163 | INITIATION OF SCHEME | | | |
| | The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act | Not able to be delegated | | |
| | The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline. | Not able to be delegated | | |
| SECTION 164 | INITIATION OF SCHEME | | | |
| | The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act. | | | |
| | The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline. | CEO | | |
| SECTION 166 | CONSIDERATION OF PROPOSED SCHEME | | | |
| | The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter. | | | |
| SECTION 167 | ADOPTION OF SCHEME | | | |
| | The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme. | Not able to be delegated | | |
| SECTION 169 | FUNDING ARRANGEMENTS | | | |

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| | The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions. | | | |
| | The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council | | | |
| SECTION 177 | CONTRIBUTIONS BY CONSTITUENT COUNCILS | | | |
| | The power pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act. | Not able to be delegated | | |
| SECTION 180 | IMPOSITION OF CHARGE BY COUNCILS | | | |
| | The power pursuant to Section 180(7) of the Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9. | CEO | | |
| SECTION 187 | AUTHORISED WORKS | | | |
| | The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any infrastructure works if the Council is authorised to so do by or under the Act or any other Act. | CEO | | |

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| | The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to: (a) inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and (b) give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and (c) ensure that proper consideration is given to the views of the road maintenance authority. | | | |
| | The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter. | CEO | | |
| | The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances. | CEO | | |
| SECTION 188 | ENTRY ONTO LAND | | | |
| | The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to: a) enter and pass over any land; and b) bring onto any land any vehicles, plant or equipment; c) and temporarily occupy land; and d) do anything else reasonably required in connection with the exercise of the power. | CEO | | |

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| | The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act. | | | |
| SECTION 189 | ACQUISITION OF LAND | | | |
| | The power pursuant to Section 189(1) of the PDI Act, to: a) seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> ; and b) with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> . | Not able to be delegated | | |
| SECTION 192 | LAND MANAGEMENT AGREEMENTS | | | |
| | The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity. | | | |
| | The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority. | | | |
| | The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to: (a) the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and (b) the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under | | | |

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| | the PDI Act. | | | |
| | The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations. | CEO | | |
| | The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act. | | | |
| | The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement. | | | |
| | The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land. | | | |
| | The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land. | CEO | | |
| | The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land. | CEO | | |
| | The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land. | | | |
| | The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes | Not able to be delegated | | |

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| | payable to the Crown. | | | |
| | The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council. | | | |
| | The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act. | | | |
| SECTION 193 | LAND MANAGEMENT AGREEMENTS – DEVELOPMENT APPLICATIONS | | | |
| | The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind: (a) the person; and (b) any other person who has the benefit of the development authorisation; and (c) the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied). | | | |
| | The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act). | | | |

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| | The power pursuant to Section 193(3) of the PDI Act to have regard to: (a) the provisions of the Planning and Design Code; and (b) the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act. | | | |
| | The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations. | CEO | | |
| | The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land | CEO | | |
| | The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land. | | | |
| | The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land. | CEO | | |
| | The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land. | CEO | | |
| | The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development | CEO | | |

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| | approval. | | | |
| SECTION 197 | OFF-SETTING CONTRIBUTIONS | | | |
| | The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act. | Not able to be delegated | | |
| | <p>The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:</p> <p>(a) development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p>(b) planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p>(c) any other initiative or policy:</p> <p style="padding-left: 40px;">(i) designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p style="padding-left: 40px;">(ii) prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p> | | | |
| | <p>The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p>(a) an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):</p> | | | |

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| | <p>(i) to make a contribution to a fund established as part of the scheme; or</p> <p>(ii) to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>(iii) to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,</p> <p>in order to provide for or address a particular matter identified by the scheme; and</p> <p>(b) an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p>(c) an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p> | | | |
| | The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister. | | | |
| | The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme. | | | |
| | <p>The power pursuant to Section 197(7) of the PDI Act to:</p> <p>(a) seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and</p> <p>(b) to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.</p> | Not able to be delegated | | |

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| SECTION 198 | OPEN SPACE CONTRIBUTION SCHEME | | | |
| | <p>The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p>(c) that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>(d) that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p>(e) that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,</p> <p>according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.</p> | | | |
| | The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act. | | | |
| | The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council. | | | |
| | The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space. | | | |

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| | The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages | | | |
| SECTION 200 | URBAN TREES FUND | | | |
| | The power pursuant to Section 200(1) of the PDI Act to, <ul style="list-style-type: none"> • seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and • to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area). | Not able to be delegated | | |
| | The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette | CEO | | |
| | The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code. | | | |
| | The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund. | CEO | | |
| | The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund: <ul style="list-style-type: none"> a) to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or b) to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act. | | | |
| | The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b). | | | |

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| SECTION 210 | APPOINTMENT OF AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 210(1) of the PDI Act to: a) appoint a person to be an authorised officer for the purposes of the PDI Act; and b) appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations. | CEO | | |
| | The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions. | CEO | | |
| | The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card: a) containing a photograph of the authorised officer; and b) stating any conditions of appointment limiting the authorised officer's appointment. | CEO | | |
| | The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition. | CEO | | |
| SECTION 213 | ENFORCEMENT NOTICES | | | |
| | The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances: a) direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach; b) direct a person to make good any breach in a manner, and within a period, specified by the delegate; c) take such urgent action as is required because of any situation | CEO | | |

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| | resulting from the breach. | | | |
| | The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required. | CEO | | |
| | The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken. | CEO | | |
| | The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action | CEO | | |
| | The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | CEO | | |
| SECTION 214 | APPLICATIONS TO COURT | | | |
| | The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act. | CEO | | |
| | The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council. | CEO | | |
| | The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act | CEO | | |

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| | The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings. | CEO | | |
| | The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application. | CEO | | |
| | The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act. | CEO | | |
| | The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person. | CEO | | |
| | The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent | CEO | | |
| | The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | CEO | | |
| | The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act. | CEO | | |
| SECTION 219 | PROCEEDINGS FOR OFFENCES | | | |
| | The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act. | CEO | | |
| SECTION 223 | ADVERSE PUBLICITY ORDERS | | | |

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| | The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order. | CEO | | |
| | The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to: <ul style="list-style-type: none"> • take the PDI Action or actions specified in the order; and • authorise a person in writing to take the PDI Action or actions specified in the order | CEO | | |
| | The power pursuant to Section 223(5) of the PDI Act, if the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and (a) despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions. | CEO | | |
| | The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council. | CEO | | |
| SECTION 225 | CIVIL PENALTIES | | | |
| | The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by | CEO | | |

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| | application to the Court, an amount as a civil penalty in respect of the contravention. | | | |
| | The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors. | CEO | | |
| | The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention. | CEO | | |
| | The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act. | CEO | | |
| | The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act. | CEO | | |
| SECTION 228 | MAKE GOOD ORDER | | | |
| | The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act. | CEO | | |
| SECTION 229 | RECOVERY OF ECONOMIC BENEFIT | | | |
| | The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act. | CEO | | |

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| SECTION 230 | ENFORCEABLE VOLUNTARY UNDERTAKINGS | | | |
| | The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act. | CEO | | |
| | The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking. | CEO | | |
| | The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: a) vary the undertaking; or b) withdraw the undertaking. | CEO | | |
| | The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised | CEO | | |
| | The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible. | CEO | | |
| | The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act. | CEO | | |
| SECTION 231 | ADVERTISEMENTS | | | |
| | The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding: <ul style="list-style-type: none"> disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or is contrary to the character desired for a locality under the Planning and Design Code, | CEO | | |

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| | to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice) | | | |
| | The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served. | CEO | | |
| SECTION 235 | PROFESSIONAL ADVICE TO BE OBTAINED IN RELATION TO CERTAIN MATTERS | | | |
| | The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications. | CEO | | |
| | The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought. | CEO | | |
| SECTION 235 | CHARGES ON LAND | | | |
| | The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over | CEO | | |

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| | which the charge is claimed. | | | |
| | The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge. | CEO | | |
| SECTION 240 | REGISTERING AUTHORITIES TO NOTE TRANSFER | | | |
| | The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act. | CEO | | |
| SCHEDULE 2 | REPORTING | | | |
| | The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate. | CEO | | |
| SCHEDULE 4 | REVIEW OF PERFORMANCE | | | |
| | The power pursuant to Clause 3(3) of Schedule 4 of the Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister. | Not able to be delegated | | |
| | The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based. | Not able to be delegated | | |

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| | The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the Minister. | Not able to be delegated | | |
| | The power pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act. | | | |
| SCHEDULE 8 | PLANS FOR RESIDENTIAL ALTERATIONS, ADDITIONS AND NEW DWELLINGS | | | |
| | The power pursuant to Clause 2(d)(ii)(B) of Schedule 8 of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land. | GMPERS, SP | | |
| | The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required. | GMPERS, SP | | |
| SCHEDULE 8 | PLANS FOR BUILDING WORK | | | |
| | The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if: | GMPERS, BO | | |
| | (a) the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or | | | |

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| | (b) the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, | | | |
| | to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard. | | | |
| SCHEDULE 8 | PLANNING AND DESIGN CODE | | | |
| | The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act. | Not able to be delegated | | |
| SCHEDULE 9 | GENERAL SCHEMES | | | |
| | The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme. | Not able to be delegated | | |

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| REGULATION 8 | ADOPTION OF DPAS | | | |
| | The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister. | Not able to be delegated | | |

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019

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| REGULATION 5 | CALCULATION OR ASSESSMENT OF FEES | | | |
| | The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal): <ul style="list-style-type: none"> to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority). | CEO, GMPERS, SP, CPO | | |
| | The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate. | CEO, GMPERS, SP, CPO | | |
| | The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations. | CEO, GMPERS, SP, CPO | | |
| REGULATION 7 | WAIVER OR REFUND OF FEE | | | |
| | The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: <ul style="list-style-type: none"> a) waive the payment of the fee, or the payment of part of the fee; or b) refund the whole or a part of the fee | CEO | | CEO may waive fees up to the value of \$500. |

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| REGULATION 11B | MUTUAL LIABILITY SCHEME – RIGHTS OF INDEMNITY | | | |
| | <p>The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:</p> <p>(a) in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and</p> <p>have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.</p> | CEO | | |
| | <p>The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>(a) in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p> <p>have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.</p> | CEO | | |

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| REGULATION 25 | ACCREDITED PROFESSIONALS | | | |
| | The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations. | CEO, GMPERS | | |
| REGULATION 31 | VERIFICATION OF APPLICATION | | | |
| | <p>The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <ul style="list-style-type: none"> • determine the nature of the development; and • if the application is for planning consent - determine: <ul style="list-style-type: none"> ○ whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and ○ the category or categories of development that apply for the purposes of development assessment; and • determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and • if the relevant authority is the correct entity to assess the application (or any part of the application): <ul style="list-style-type: none"> ○ check that the appropriate documents and information have been lodged with the application; and | GMPERS, SP | | |

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| | <ul style="list-style-type: none"> ○ confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and ○ provide an appropriate notice via the SA planning portal; and ○ if the relevant authority is not the correct entity to assess the application (or any part of the application): ○ provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and ○ provide an appropriate notice via the SA planning portal. | | | |
| REGULATION 33 | APPLICATION AND FURTHER INFORMATION | | | |
| | The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant. | GMPERS, SP, BO, CPO | | |
| REGULATION 35 | AMENDED APPLICATIONS | | | |
| | The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3. | GMPERS, SP | | |
| | The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations. | GMPERS, SP | | |

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| REGULATION 38 | WITHDRAWING/LAPSING APPLICATIONS | | | |
| | <p>The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <ul style="list-style-type: none"> any agency to which the application has been referred under Division 2 of the General Regulations; and any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal. | GMPERS, SP, BO, CPO | | |
| | <p>The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <ul style="list-style-type: none"> take reasonable steps to notify the applicant of the action under consideration; and allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action. | GMPERS, SP, BO, CPO | | |
| REGULATION 40 | COURT PROCEEDINGS | | | |
| | The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded. | GMPERS, SP, BO, CPO | | |
| REGULATION 42 | ADDITIONAL INFORMATION OR AMENDED PLANS | | | |
| | The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the | GMPERS, SP, BO, CPO | | |

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| | referral process. | | | |
| REGULATION 45 | BUILDING MATTERS | | | |
| | <p>The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p> <ul style="list-style-type: none"> • a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or • the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or • special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, <p>refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.</p> | GMPERS, BO | | |
| | The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report. | GMPERS, BO | | |
| | The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations. | GMPERS, BO | | |
| | <p>The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <ul style="list-style-type: none"> • recommends against the granting of building consent; or • concurs in the granting of consent on conditions specified in its | GMPERS, BO | | |

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| | report, but the delegate: <ul style="list-style-type: none"> ○ proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or ○ does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent, to: <ul style="list-style-type: none"> – refer the application to the Commission; and – not grant consent unless the Commission concurs in the granting of the consent. | | | |
| | The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act. | GMPERS, BO | | |
| REGULATION 46 | PRELIMINARY ADVICE AND AGREEMENT (SECTION 123) | | | |
| | The power pursuant to Regulation 46(6) of the General Regulations, if: | GMPERS, SP | | |
| | (a) the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and | | | |
| | (b) the delegate determines that the application no longer accords with the agreement indicated by the prescribed body, | | | |
| | to refer the application (unless withdrawn) to the prescribed body: | | | |
| | (c) to obtain a variation to the agreement under Section 123 of the PDI Act; or | | | |

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| | (d) to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act. | | | |
| | The power pursuant to Regulation 46(7) of the General Regulations if: | GMPERS, SP, CPO | | |
| | (a) an application is withdrawn by the applicant; and | | | |
| | (b) the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, | | | |
| | to notify relevant prescribed body of the withdrawal. | | | |
| | The power pursuant to Regulation 46(8) of the General Regulations, if: | GMPERS, SP, CPO | | |
| | (a) an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and | | | |
| | (b) the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, | | | |
| | to notify the relevant prescribed body of the lapsing. | | | |
| | The power pursuant to Regulation 46(9) of the General Regulations, if: | GMPERS, SP, CPO | | |
| | (a) an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and | | | |
| | (b) a notice of a decision on the application is issued by the delegate | | | |

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| | under Regulation 57 of the General Regulations, | | | |
| | to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations. | | | |
| REGULATION 47 | PERFORMANCE ASSESSED DEVELOPMENT AND RESTRICTED DEVELOPMENT | | | |
| | The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land. | | | |
| REGULATION 48 | NOTIFICATION OF APPLICATION OF TREE-DAMAGING ACTIVITY TO OWNER OF LAND | | | |
| | The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to: | CEO, GMPERS, SP, CPO | | |
| | (a) give the owner notice of the application within 5 business days after the application is made; and | | | |
| | (b) give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations. | | | |
| REGULATION 49 | PUBLIC INSPECTION OF APPLICATIONS | | | |
| | The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit. | CEO, GMPERS, SP, BO, CPO | | |
| REGULATION 50 | REPRESENTATIONS | | | |
| | The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in | GMPERS, SP | | |

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| | making a decision on the application, allow a person: | | | |
| | (a) who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and | | | |
| | (b) who has indicated an interest in appearing before the delegate, | | | |
| | an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations. | | | |
| REGULATION 51 | RESPONSE BY APPLICANT | | | |
| | The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow. | GMPERS, SP | | |
| REGULATION 57 | NOTICE OF DECISION (SECTION 126(1)) | | | |
| | The power pursuant to Regulation 57(4) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication. | GMPERS, SP, CPO | | |
| REGULATION 60 | CONSIDERATION OF OTHER DEVELOPMENT AUTHORISATIONS | | | |
| | The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation. | | | |

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| REGULATION 61 | CERTIFICATE OF INDEPENDENT TECHNICAL EXPERT IN CERTAIN CASES | | | |
| | The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation. | CEO, GMPERS, SP, BO | | |
| REGULATION 63 | URGENT WORK | | | |
| | The power pursuant to Regulation 63(1) of the General Regulations to: <ul style="list-style-type: none"> determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations. | CEO, GMPERS, SP, BO | | |
| | The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period. | CEO, GMPERS, SP, BO | | |
| | The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period. | CEO, GMPERS, SP, BO | | |
| REGULATION 65 | VARIATION OF AUTHORISATION (SECTION 128) | | | |
| | The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation. | GMPERS, SP | | |

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| REGULATION 81 | WIDTH OF ROADS AND THOROUGHFARES | | | |
| | The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services. | | | |
| | The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate. | | | |
| | The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road. | | | |
| REGULATION 82 | ROAD WIDENING | | | |
| | The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area. | | | |
| REGULATION 83 | REQUIREMENT AS TO FORMING OF ROADS | | | |
| | The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division. | | | |
| | The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road. | | | |

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| | The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road. | | | |
| | The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate. | | | |
| | The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations. | | | |
| REGULATION 84 | CONSTRUCTION OF ROADS, BRIDGES, DRAINS AND SERVICES | | | |
| | The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate. | CEO | | |
| REGULATION 85 | SUPPLEMENTARY PROVISIONS | | | |
| | The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations. | CEO | | |
| | The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work. | CEO | | |

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| | The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made | CEO | | |
| REGULATION 89 | GENERAL PROVISIONS | | | |
| | The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act. | CEO | | |
| | <p>The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p>(i) evidences the consent of the Council to an encroachment by a building over other land;</p> <p>and sets out:</p> <p>(A) the date on which any relevant building was erected (if known); and</p> <p>(B) the postal address of the site.</p> | CEO | | |
| | The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations | CEO | | |

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| REGULATION 93 | NOTIFICATIONS DURING BUILDING WORK | | | |
| | The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate. | CEO | | |
| | The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on or before development approval is granted in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate. | CEO | | |
| REGULATION 94 | ESSENTIAL SAFETY PROVISIONS | | | |
| | The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if (a) the essential safety provisions were installed (i) under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or (ii) as part of a performance solution under the Building Code; or (b) the building has been the subject of a notice under Section 157 of the PDI Act. | CEO | | |
| REGULATION 102 | CLASSIFICATION OF BUILDINGS | | | |
| | The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by | CEO | | |

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| | (b) such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification. | | | |
| | The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use. | CEO | | |
| | The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use). | | | |
| | <p>The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p> <p>(a) the maximum number of persons who may occupy the building (or part of the building); and</p> <p>(b) if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.</p> | CEO | | |

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| REGULATION 103 | CERTIFICATES OF OCCUPANCY | | | |
| | <p>The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:</p> <p>(c) if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;</p> <p>(d) if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:</p> <p>(i) in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p>(ii) in any other case - that the building is suitable for occupation.</p> | CEO | | |
| | <p>The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:</p> <p>(a) the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant</p> | CEO | | |

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| | <p>certification or certifications; and</p> <p>(b) it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p> | | | |
| | <p>The power pursuant to Regulation 103(4) of the General Regulations if (a) a building is:</p> <p>(i) to be equipped with a booster assembly for use by a fire authority; or</p> <p>(ii) to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p>(b) facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act, to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.</p> | | | |
| | The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report. | CEO | | |
| | The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy. | CEO | | |

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| | The power pursuant to Regulation 103(6a) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer. | CEO | | |
| | <p>The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy</p> <p>(a) if</p> <p style="padding-left: 40px;">(i) there is a change in the use of the building; or</p> <p style="padding-left: 40px;">(ii) the classification of the building changes; or</p> <p style="padding-left: 40px;">(iii) building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m² is about to commence, or is being or has been carried out; or</p> <p style="padding-left: 40px;">(iv) the building is about to undergo, or is undergoing or has undergone, major refurbishment,</p> <p>and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or</p> <p>(b) if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance or</p> <p>(c) if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the</p> | CEO | | |

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| | <p>General Regulations</p> <p>(d) if the delegate considers:</p> <p>(i) that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or</p> <p>(ii) that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.</p> | | | |
| REGULATION 111 | REGISTER OF LAND MANAGEMENT AGREEMENTS | | | |
| | The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act. | CEO | | |
| | The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate | | | |
| REGULATION 112 | AUTHORISED OFFICERS AND INSPECTIONS | | | |
| | <p>The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act</p> <p>(a) who is an accredited professional who is:</p> <p>(i) an Accredited professional - building level 1; or</p> <p>(ii) an Accredited professional - building level 2; or</p> | | | |

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| | <p>(iii) an Accredited professional - building level 3; or</p> <p>(iv) an Accredited professional - building level 4; or</p> <p>(b) who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or</p> <p>(c) who holds an approval from the Chief Executive</p> | | | |
| SCHEDULE 8 | PLANS FOR BUILDING WORK | | | |
| | <p>The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:</p> <ul style="list-style-type: none"> the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard. | | | |

REAL PROPERTY ACT 1886

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 27 | LANDS GRANTED PRIOR TO THE DAY ON WHICH THIS ACT COMES INTO OPERATION MAY BE BROUGHT INTO OPERATION UNDER THIS ACT | | | |
| | <p>The power pursuant to Section 27 of the Real Property Act 1886 (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:</p> <ul style="list-style-type: none"> the Council claims to be the person in whom the fee simple is vested either at law or in equity; the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect. | | | |
| | <p>The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.</p> | | | |

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| | the power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act. | | | |
| SECTION 28 | UNDIVIDED SHARES AND MORTGAGED LAND MAY NOT BE BROUGHT UNDER ACT EXCEPT UPON CONDITIONS | | | |
| | The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where, <ul style="list-style-type: none"> the Council appears to be entitled to an undivided share of the land; or the Council is the mortgagee of the land. | | | |
| SECTION 39 | CAVEAT AGAINST BRINGING LAND UNDER ACT | | | |
| | The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act. | | | |

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| SECTION 41 | APPLICANT MAY WITHDRAW HIS APPLICATION | | | |
| | <p>The power pursuant to Section 41 of the Act, to:</p> <ul style="list-style-type: none"> • withdraw the Council's application at any time prior to the issuing of the certificate; • request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application. | | | |
| SECTION 44 | PROCEEDINGS UNDER CAVEAT | | | |
| | <p>The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.</p> | | | |
| SECTION 56 | PRIORITY OF INSTRUMENTS | | | |
| | <p>The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.</p> | | | |

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| | The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied. | | | |
| | The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed. | | | |
| SECTION 78 | CERTIFICATES IN LIEU OF SURRENDERED CERTIFICATES | | | |
| | The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land | | | |
| SECTION 80A | APPLICATION FOR CERTIFICATE BASED ON POSSESSION | | | |
| | The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land. | | | |
| SECTION 80F | CAVEATS | | | |
| | The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application. | | | |

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| SECTION 90B | VARIATION AND EXTINGUISHMENT OF EASEMENTS | | | |
| | <p>The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:</p> <ul style="list-style-type: none"> • vary the position of, or extend or reduce the extent of, an easement over servient land; or • vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or • extinguish an easement. | | | |
| | <p>The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.</p> | | | |
| SECTION 90F | EASEMENT SUBJECT TO EXISTING MORTGAGE ETC | | | |
| | <p>The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.</p> | | | |

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| SECTION 92 | PERSON NOW HOLDING UNDER LEASE OR AGREEMENT MAY SURRENDER | | | |
| | The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender. | | | |
| | The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender. | | | |
| SECTION 93 | EXECUTION AND REGISTRATION OF CROWN LEASE | | | |
| | The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee. | | | |

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| | The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases). | | | |
| SECTION 96 | TRANSFERS | | | |
| | The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office. | | | |
| SECTION 96AA | CREATION OF EASEMENTS BY RESERVATION | | | |
| | The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease. | | | |

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| SECTION 105 | SALE UNDER WRIT OF FIERY FACIAS OR DECREE, WARRANT OR ORDER OF COURT | | | |
| | The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected. | | | |
| SECTION 115A | ISSUE OF CERTIFICATE WHERE LAND IS VESTED BY OPERATION OF LAW | | | |
| | <p>The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:</p> <ul style="list-style-type: none"> • in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or • in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land. | | | |

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| SECTION 116 | LANDS, NOW LEASED | | | |
| | The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act. | | | |
| SECTION 118 | LEASES NOT TO BIND NON-CONSENTING MORTGAGEES OR ENCUMBRANCEES | | | |
| | The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land. | | | |
| SECTION 119 | STANDARD TERMS AND CONDITIONS OF LEASE | | | |
| | The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act. | | | |
| SECTION 120 | LEASE MAY BE SURRENDERED BY SEPARATE INSTRUMENT | | | |
| | The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor. | | | |

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| SECTION 121 | REGISTRAR-GENERAL MAY RECORD SURRENDER | | | |
| | The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book. | | | |
| SECTION 123 | SURRENDER WHERE LEASE SUBJECT TO MORTGAGE OR UNDER LEASE | | | |
| | The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease. | | | |
| SECTION 126 | REGISTRAR-GENERAL TO NOTE PARTICULARS OF RE-ENTRY IN REGISTER BOOK | | | |
| | The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land. | | | |
| SECTION 128 | MORTGAGE OF LAND | | | |
| | The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage. | | | |

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| | The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form. | | | |
| | The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act. | | | |
| SECTION 128B | ENCUMBRANCE OF LAND | | | |
| | The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of | | | |
| | money in favour of a person, to execute an encumbrance in the appropriate form. | | | |
| SECTION 129 | STANDARD TERMS AND CONDITIONS OF MORTGAGE OR ENCUMBRANCE | | | |
| | The power pursuant to Section 129A(1) of the Act to deposit for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act. | | | |

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| SECTION 132 | NATURE OF MORTGAGE AND ENCUMBRANCE AND PROCEDURE IN CASE OF DEFAULT | | | |
| | The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer. | | | |
| SECTION 133 | POWER OF SALE | | | |
| | The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect. | | | |

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| SECTION 137 | POWER OF MORTGAGEE TO ENTER, TAKE POSSESSION, DISTRAIN, LET OR BRING ACTION FOR RECOVERY OF LAND | | | |
| | <p>The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:</p> <ul style="list-style-type: none"> • enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or • distrain upon the occupier or tenant of the land; or • from time to time let the said land for any term not exceeding one year; or • bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress. | | | |

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| SECTION 138 | POWER OF MORTGAGEE TO DISTRAIN ON TENANT OR OCCUPIER FOR ARREARS NOT EXCEEDING THE AMOUNT OF RENT DUE | | | |
| | The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distraint upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale. | | | |
| SECTION 140 | APPLICATION TO MORTGAGEE TO REGISTRAR-GENERAL FOR FORECLOSURE | | | |
| | The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure. | | | |

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| SECTION 142A | PROVISION FOR CASE WHERE MORTGAGEE OR ENCUMBRANCEE REFUSES TO JOIN IN PROCEEDINGS ON DEFAULT | | | |
| | <p>The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:</p> <ul style="list-style-type: none"> • appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper; • give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto. | | | |
| SECTION 143 | DISCHARGE OF MORTGAGES AND ENCUMBRANCES | | | |
| | <p>The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.</p> | | | |

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| SECTION 144 | PARTIAL DISCHARGE OF MORTGAGE OR ENCUMBRANCE ON GRANT OF EASEMENT | | | |
| | The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement. | | | |
| SECTION 150 | TRANSFER OF MORTGAGE LEASE AND ENCUMBRANCE | | | |
| | The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form. | | | |
| SECTION 153 | RENEWAL OR EXTENSION OF MORTGAGE ETC | | | |
| | The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form. | | | |
| SECTION 153A | REQUIREMENTS FOR RENEWAL OR EXTENSION OF MORTGAGE | | | |
| | The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act. | | | |

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| SECTION 154A | PERSON WHO INTENDS TO LODGE INSTRUMENT MAY LODGE PRIORITY NOTICE | | | |
| | The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed fee, lodge in the Lands Titles Registration Office a notice (a priority notice), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction. | | | |
| | The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land. | | | |
| SECTION 154B | EFFECT OF PRIORITY NOTICE | | | |
| | The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land. | | | |
| | The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land. | | | |

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| | The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book. | | | |
| SECTION 154E | WITHDRAWAL OF PRIORITY NOTICE | | | |
| | The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form. | | | |
| SECTION 154F | CANCELLATION OF PRIORITY NOTICE BY REGISTRAR-GENERAL | | | |
| | The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged. | | | |
| | The power pursuant to Section 154F(2) of the Act, where the Registrar-General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period. | | | |

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| SECTION 154G | CESSATION OF PRIORITY NOTICE | | | |
| | The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar-General to extend the duration of the notice for 30 days. | | | |
| SECTION 169 | DISCLAIMERS | | | |
| | The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent. | | | |
| | The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer. | | | |
| | The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer. | | | |

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| SECTION 173 | BANKRUPTCY OR ASSIGNMENT OF LESSEE | | | |
| | The power pursuant to Section 173(a) of the Act where the registered proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar-General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal. | | | |
| | <p>The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:</p> <ul style="list-style-type: none"> • apply to the Registrar-General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal. • apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect. | | | |

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| | The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent. | | | |
| | The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease. | | | |
| | <p>The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:</p> <ul style="list-style-type: none"> • require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease; • require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained. | | | |

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| | The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal. | | | |
| SECTION 176 | APPLICATION TO BE MADE IN SUCH CASE | | | |
| | The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor. | | | |
| SECTION 181 | PROCEEDINGS WHEN EXECUTOR ETC REFUSE TO TRANSFER | | | |
| | The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council. | | | |

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| SECTION 188 | REGISTRATION OF SURVIVOR OF JOINT PROPRIETORS, AND OF REMAINDER-MAN ENTITLED TO ESTATE IN POSSESSION | | | |
| | The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled. | | | |
| SECTION 191 | CAVEATS | | | |
| | The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office. | | | |
| | The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed. | | | |

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| | The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat. | | | |
| | The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based. | | | |
| | The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period. | | | |
| | The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time. | | | |
| | The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter. | | | |

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| SECTION 192 | EJECTMENT | | | |
| | <p>The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:</p> <ul style="list-style-type: none"> • the registered proprietor of a freehold estate in possession; • the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer; • the lessor with power to re-enter where rent is in arrears for three months; or • the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired, • to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council. | | | |
| SECTION 210 | PERSONS CLAIMING MAY, BEFORE TAKING PROCEEDINGS, APPLY TO THE REGISTRAR-GENERAL FOR COMPENSATION | | | |
| | <p>The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.</p> | | | |

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| SECTION 221 | REVIEWS | | | |
| | <p>The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:</p> <ul style="list-style-type: none"> • to have an instrument registered or recorded; or to have a foreclosure order issued; or • to have the Registrar-General do or perform an act or duty under the Act, • to seek a review of the decision by the Tribunal. | | | |
| | The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal. | | | |
| | The power pursuant to Section 221(2) of the Act, if the Registrar-General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal. | | | |
| | The power pursuant to Section 221(3) of the Act, if the Registrar-General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice. | | | |

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| | The power pursuant to Section 221(4) of the Act, if the Registrar-General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice. | | | |
| | The power pursuant to Section 221(5) of the Act, if the Registrar-General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the decision to cancel the notice. | | | |
| | The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing. | | | |
| | <p>The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders:</p> <ul style="list-style-type: none"> • an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office; • an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order; • an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application. | | | |

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| SECTION 223A | APPLICATIONS FOR AMENDMENT | | | |
| | <p>The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:</p> <ul style="list-style-type: none"> the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or the description of the land in the certificate is erroneous or imperfect on the face of it. | | | |
| | <p>The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.</p> | | | |
| SECTION 223D | CAVEATS | | | |
| | <p>The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.</p> | | | |

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| SECTION 223J | RECTIFICATION BY CONSENT | | | |
| | The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied. | | | |
| SECTION 223LD | APPLICATION FOR DIVISION OF LAND | | | |
| | The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General. | | | |
| | The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates. | | | |
| | The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act. | | | |

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| SECTION 223LDA | APPLICATION MAY DEAL WITH STATUTORY ENCUMBRANCES | | | |
| | <p>The power pursuant to Section 223LDA of the Act to:</p> <ul style="list-style-type: none"> • specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and • sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with. | | | |

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| SECTION 223LH | CONSENT TO PLANS OF DIVISION | | | |
| | <p>The power pursuant to Section 223LH(1) of the Act:</p> <ul style="list-style-type: none"> • where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan; • where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan; • where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan. | | | |
| | The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the | | | |
| | Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan. | | | |

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| SECTION 223LJ | AMALGAMATION | | | |
| | The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment. | | | |
| | The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation. | | | |

PLANNING AND DESIGN CODE

| PART | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------|---|-----------------|--------------|--------------------------|
| | PROCEDURAL MATTER | | | |
| | The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act. | GMPERS, SP, CPO | | |
| | PROCEDURAL REFERRALS | | | |
| | The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral. | GMPERS, SP, CPO | | |
| | The power pursuant to and in accordance with the PD Code to form the opinion and deem: | | | |
| | (a) alteration to an existing access or public road junction; | | | |
| | (b) development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, | GMPERS, SP | | |
| | to be minor. | | | |
| | The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor. | GMPERS, SP, CPO | | |
| | The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral. | GMPERS, SP, CPO | | |

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017

| | | | | |
|--|---|--------|--|--|
| | REFERRAL BODY: MINISTER RESPONSIBLE FOR THE ADMINISTRATION OF THE AQUACULTURE ACT 2001 | | | |
| | The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature. | GMPERS | | |

STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019

| CLAUSE | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------------------|---|----------------------|--------------|--------------------------|
| CLAUSE 6 | RESPONSIBILITY TO UNDERTAKE NOTIFICATION | | | |
| | The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act. | CEO, GMPERS, SP, CPO | | |
| CLAUSE 8 | PREPARING FOR NOTIFICATION | | | |
| | The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period: | CEO, GMPERS, SP, CPO | | |
| | (a) give notice of the anticipated commencement date and of the notification period to the applicant; and | | | |
| | (b) provide the applicant with a copy of the content of the notice to be placed on the relevant land in PDF format; and | | | |
| | (c) advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3. | | | |
| CLAUSE 10 | NOTICE ON LAND | | | |
| | The power pursuant to clause 10(2) of PD3, in relation to clause 10(2) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and | CEO, GMPERS, SP, CPO | | |

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017

| | | | | |
|--|---|--|--|--|
| | in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public. | | | |
|--|---|--|--|--|

STATE PLANNING COMMISSION PRACTICE DIRECTION (APPOINTMENT OF ADDITIONAL MEMBERS TO ASSESSMENT PANEL) 2019

| CLAUSE | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------|---|----------|--------------|--------------------------|
| CLAUSE 4 | QUALIFICATIONS AND EXPERIENCE OF ADDITIONAL MEMBERS | | | |
| | The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5. | CEO | | |
| | The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member. | CEO | | |

STATE PLANNING COMMISSION PRACTICE DIRECTION (SCHEME TO AVOID CONFLICTING REGIMENS) 2019

| CLAUSE | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------|--|-----------------|--------------|--------------------------|
| CLAUSE 5 | SCHEME PROVISIONS | | | |
| | The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act. | | | |
| | The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency. | GMPERS, SP, CPO | | |

ROADS (OPENING AND CLOSING) ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 5 | COMMENCEMENT OF ROAD PROCESS | | | |
| | The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 ("the Act") to commence a road process in relation to a road or proposed road within the area of the Council. | CEO | | |
| SECTION 11 | DEALINGS IN LAND AFTER COMMENCEMENT OF ROAD PROCESS | | | |
| | The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council. | CEO | | |
| | The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land. | CEO | | |

ROADS (OPENING AND CLOSING) ACT 1991

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 12 | POWER TO MAKE PRELIMINARY AGREEMENTS | | | |
| | The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land. | | | |
| SECTION 15 | MAKING OF ROAD PROCESS ORDERS | | | |
| | The power pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure | CEO | | |
| | The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person. | CEO | | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|---|----------|--------------|--------------------------|
| SECTION 17 | INSTALLATION ETC OF TRAFFIC CONTROL DEVICES – GENERAL PROVISION | | | |
| | The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road. | CEO | GMA&I | |
| | The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed. | CEO | GMA&I | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices:</p> <ul style="list-style-type: none">• in relation to an area where persons are engaged in work or an area affected by works in progress; or• in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or• for any temporary purposes. | CEO | GMA&I | |
| | <p>The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.</p> | CEO | GMA&I | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|----------|--------------|--------------------------|
| SECTION 18(7) | DIRECTION AS TO INSTALLATION ETC OF TRAFFIC CONTROL DEVICES | | | |
| | The duty pursuant to Section 18(5) of the Act to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction. | CEO | GMA&I | |
| | Subject to Section 18(8) of the Act, the power pursuant to Section 18(7) of the Act to recover, as a debt due from the defaulting road authority, any expenses incurred in carrying out a direction under Section 18(6) of the Act. | CEO | | |
| SECTION 20 | WORK AREAS AND WORK SITES | | | |
| | The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate. | CEO | GMA&I | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:</p> <ul style="list-style-type: none"> • if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or • if: <ul style="list-style-type: none"> ○ the work is required to be undertaken by the Council as a matter of urgency; and ○ the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and ○ the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and ○ the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or • if: <ul style="list-style-type: none"> ○ the signs will not relate to any prescribed roads; and ○ the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act. | CEO | GMA&I | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations. | CEO | GMA&I | |
| | <p>The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:</p> <ul style="list-style-type: none"> • by telephone or any other manner prescribed by the regulations; and • at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application). • by telephone or any other manner prescribed by the regulations; and • at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application). | CEO | GMA&I | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|----------|--------------------------|--------------------------|
| SECTION 20A | APPEAL TO DISTRICT COURT | | | |
| | The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision. | CEO | | |
| SECTION 31(2) | The power pursuant to Section 31(2) of the Act in respect of any road vested in the care, control or management of the Council, to remove from the road and dispose of any false traffic control device or any device, structure or thing that the road authority is satisfied might constitute a hazard to traffic. | CEO | GMA&I | |
| SECTION 33 | ROAD CLOSING AND EXEMPTIONS FOR CERTAIN EVENTS | | | |
| | The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area | CEO | | |
| SECTION 40P | NOTICE OF REMOVAL OF VEHICLE AND DISPOSAL OF VEHICLE IF UNCLAIMED | | | |
| | The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit. | CEO | Authorised Officer, COSO | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council. | CEO | Authorised Officer | |
| SECTION 86 | COUNCIL MAY DETERMINE THAT TICKET FOR PARKING BE OBTAINED WITHOUT FEE | | | |
| | <p>The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):</p> <ul style="list-style-type: none"> determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or vary or revoke a determination made under Section 86 of the Act. | CEO | | |
| SECTION 163ZC | COMPENSATION ORDERS FOR DAMAGE TO ROAD INFRASTRUCTURE | | | |
| | The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order. | CEO | | |

ROAD TRAFFIC ACT 1961

| SECTION OF THE ACT/ | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|----------|--------------|--------------------------|
| SECTION 163ZD | ASSESSMENT OF COMPENSATION | | | |
| | <p>The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:</p> <ul style="list-style-type: none"> • any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and • any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and • any other certificate of the Council as the road authority, such as a certificate: <ul style="list-style-type: none"> ○ estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or ○ estimating the cost of remedying the damage; or ○ estimating the extent of the offender's contribution to the damage. | CEO | | |
| SECTION 174C | EXEMPTIONS | | | |
| | <p>The power to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provisions of the Act subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption, pursuant to Section 174C of the Act.</p> | CEO | GMPE&RS | |

ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|--|-----------------|-------------------------|---|
| REGULATION 6 | EVENT MANAGEMENT PLAN | | | |
| | The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act. | CEO | | |
| | The power pursuant to Regulation 6 (2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act. | CEO | | |

ROAD TRAFFIC (ROAD RULES - ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 17(2) | PERMIT ZONES | | | |
| | The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine – <ul style="list-style-type: none"> the class of permits required for vehicles to stop in a permit zone established by the Council; the persons entitled to such permits; any fees to be paid for such permits; the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles). and to vary any such determination. | CEO | GMPE&RS, RSAO | |
| | The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate. | CEO | GMPE&RS, RSAO | |
| REGULATION 22 | PARKING AND PARKING TICKET VENDING MACHINES OR PARKING METERS | | | |
| | The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees. | CEO | | |

SUBDELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE ROAD TRAFFIC ACT 1961

MADE IN ACCORDANCE WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL DATED 22 AUGUST 2013
FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE

BACKGROUND

On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the 'Instrument') containing:

- General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the '**Act**') for the purposes of the Act; and
- delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Subdelegations made by the Council to the Chief Executive Officer of the Council (and any person appointed to act in that position), pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS

In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power pursuant to Section 33(1) of the Act and delegated to the Council pursuant to Clause G of the Instrument, to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:

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

CONDITIONS

The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and

The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.

AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961 MADE BY THE COUNCIL IN ACCORDANCE WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL DATED 22 AUGUST 2013

FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE

BACKGROUND

On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the 'Instrument') containing:

- General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the '**Act**') for the purposes of the Act; and
- delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Authorisations made by the Council pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

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

- Group Manager Assets and Infrastructure, Benjamin Clark
- Civic and Urban Services, Grant Reimann
- Project Officer Assets and Infrastructure, Michael Blythe
- Team Leader Beautification Services, Greg Stevens
- Beautification Services Team Member, David Williams
- Beautification Services Team Member, David Muller
- Beautification Services Team Member, John Kontos
- Beautification Services Team Member, Richard Matera

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|-------------|--------------------------|
| SECTION 5 | DRINKING WATER PROVIDERS TO BE REGISTERED | | | |
| | The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister. | CEO, EHA | | |
| SECTION 8 | CONDITIONS OF REGISTRATION | | | |
| | The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject. | CEO, EHA | | |
| SECTION 9 | SUSPENSION OF REGISTRATION | | | |
| | The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection). | CEO, EHA | | |
| | The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter. | CEO, EHA | | |
| | The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension. | CEO, EHA | | |

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|--------------------|-------------------------------------|
| SECTION 10 | APPEALS | | | |
| | <p>The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of:</p> <ul style="list-style-type: none"> • a condition imposed by the Minister in relation to a registration under Part 2 of the Act; • a variation of a condition of registration made by the Minister on the Minister's own initiative; or • a decision of the Minister to refuse to grant an application to vary a condition of registration; or • a decision of the Minister to suspend a registration under Part 2 of the Act. | CEO, EHA | | |
| SECTION 12 | DRINKING WATER PROVIDERS TO PREPARE, IMPLEMENT AND REVIEW RISK MANAGEMENT PLANS | | | |
| | <p>The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:</p> <ul style="list-style-type: none"> • prepare a risk management plan in relation to the supply of drinking water to the public; and • keep the plan under continuous review with a view to updating and improving it; and • revise any aspect of the plan that is found, on review, to need revision. | CEO, EHA | | |

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|--------------------|-------------------------------------|
| | The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act. | CEO, EHA | | |
| SECTION 14 | RELATED MATTERS | | | |
| | The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol. | CEO, EHA | | |
| | The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act. | CEO | | |
| | The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013. | CEO | | |
| SECTION 34 | APPOINTMENT OF AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer. | CEO | | |

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|--------------------|-------------------------------------|
| | The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council. | CEO | | |
| SECTION 35 | CERTIFICATES OF AUTHORITY | | | |
| | The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer. | CEO | | |
| | The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority. | CEO | | |
| SECTION 37 | SEIZURE ORDERS | | | |
| | <p>The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:</p> <ul style="list-style-type: none"> authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or order that the thing seized be forfeited to the Council; <p>The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.</p> | CEO | | |

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|--------------------|--|
| SECTION 38 | NOTICES | | | |
| | The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of: <ul style="list-style-type: none"> • securing compliance with a requirement imposed by or under the Act; or • averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water. | CEO | | |
| | The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice. | CEO, EHA | | EHA Limited to enacting section 38(6) only |
| SECTION 39 | ACTION OR NON-COMPLIANCE WITH A NOTICE | | | |
| | The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice. | CEO, EHA | | |
| | The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf. | CEO, EHA | | |
| | The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction. | CEO, EHA | | |

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|--------------------|-------------------------------------|
| | The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | CEO, EHA | | |
| SECTION 40 | ACTION IN EMERGENCY SITUATIONS | | | |
| | The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction. | CEO, EHA | | |
| SECTION 41 | SPECIFIC POWER TO REQUIRE INFORMATION | | | |
| | The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit. | CEO | | |
| SECTION 42 | APPEALS | | | |
| | The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act. | CEO, EHA | | |

SAFE DRINKING WATER ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUBDELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|--------------------|-------------------------------------|
| SECTION 52 | ANNUAL REPORTS BY ENFORCEMENT AGENCIES | | | |
| | The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 18 | POWER TO REQUIRE REPORTS | | | |
| | The power pursuant to Section 18(2) of the Act to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act. | CEO, EHA | | |
| | The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council, provide a combined report with 1 or more other councils. | CEO, EHA | | |
| | The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister. | CEO, EHA | | |
| SECTION 22 | RISK OF AVOIDABLE MORTALITY OR MORBIDITY | | | |
| | The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|--|
| | <p>The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:</p> <ul style="list-style-type: none"> • any steps already being taken by the Council that may be relevant in the circumstances; and • any plans that the Council may have that may be relevant in the circumstances; and • any steps that the Council is willing to take in the circumstances; and • any other matter relating to the Council that appears to be relevant. | CEO, EHA | | |
| SECTION 39 | COOPERATION BETWEEN COUNCILS | | | |
| | The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils | CEO, EHA | | EHA can only exercise this power upon receiving consent from the Council's Chief Executive Officer |
| | The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils. | CEO, EHA | | EHA can only exercise this power upon receiving consent from the Council's Chief Executive Officer |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|--|
| | The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request. | CEO, EHA | | EHA can only exercise this power upon receiving consent from the Council's Chief Executive Officer |
| SECTION 40 | POWER OF CHIEF PUBLIC HEALTH OFFICER TO ACT | | | |
| | The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer. | CEO, EHA | | |
| SECTION 41 | COUNCIL FAILING TO PERFORM A FUNCTION UNDER ACT | | | |
| | The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act. | CEO, EHA | | |
| | The power pursuant to Section 41(6) of the Act to: <ul style="list-style-type: none"> • make written submissions to the Minister in relation to the matter within a period specified by the Minister; and • request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and • appoint a delegation representing the Council to discuss the matter with the Minister. | CEO, EHA | | EHA can only exercise this power upon receiving consent from the Council's Chief Executive Officer |
| SECTION 42 | TRANSFER OF FUNCTION OF COUNCIL AT REQUEST OF COUNCIL | | | |
| | The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer. | CEO, EHA | | EHA can only exercise this power upon receiving consent |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|--|
| | | | | from the Council's Chief Executive Officer |
| | The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act. | CEO, EHA | | EHA can only exercise this power upon receiving consent from the Council's Chief Executive Officer |
| | The power pursuant to Section 42(11) of the Act to: <ul style="list-style-type: none"> request that the Minister vary or revoke a notice under Section 42 of the Act; consult with the Minister in relation to the Minister varying or revoking a notice under Section 42(4) of the Act. | CEO, EHA | | EHA can only exercise this power upon receiving consent from the Council's Chief Executive Officer |
| SECTION 44 | LOCAL AUTHORISED OFFICERS | | | |
| | The power pursuant to section 44(1) of the Act to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer. | CEO, EHA | | |
| | The power pursuant to section 44(2) to attach conditions or limitations to an appointment made under section 44(1) as the delegate thinks fit. | CEO, EHA | | |
| | The power pursuant to section 44(4) of the Act to direct a local authorised officer. | CEO, EHA | | |
| | The power pursuant to section 44(6) to vary or revoke an appointment at any time. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate: <ul style="list-style-type: none"> • makes an appointment under Section 44 of the Act; or • revokes an appointment under Section 44 of the Act. | CEO, EHA | | |
| | The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act. | CEO, EHA | | |
| SECTION 46 | IDENTITY CARDS | | | |
| | The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer: <ul style="list-style-type: none"> • containing the person's name and a photograph of the person; and • stating that the person is an authorised officer for the purposes of the Act; and • setting out the name or office of the issuing authority. | CEO, EHA | | |
| SECTION 49 | SPECIFIC POWER TO REQUIRE INFORMATION | | | |
| | The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 51 | REGIONAL PUBLIC HEALTH PLANS | | | |
| | The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan). | CEO, EHA | | |
| | The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time. | CEO, EHA | | |
| | The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan: <ul style="list-style-type: none"> • prepare a draft of the proposal; and • when the draft plan is completed, subject to Section 51(12) of the Act: <ul style="list-style-type: none"> ○ give a copy of it to: ○ the Minister; and ○ any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and ○ any relevant public health partner authority under Section 51(23); and ○ any other body or group prescribed by the regulations; and ○ take steps to consult with the public. | CEO, EHA | | |
| | The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11). | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation. | CEO, EHA | | |
| | The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14). | CEO, EHA | | |
| | The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration. | CEO, EHA | | |
| | The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under 9.9. Section 122 of the <i>Local Government Act 1999</i> (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act). | CEO, EHA | | |
| | The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan. | CEO, EHA | | |
| | The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan. | CEO, EHA | | |
| | The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change. | CEO, EHA | | |
| SECTION 52 | REPORTING ON REGIONAL PUBLIC HEALTH PLANS | | | |
| | The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act. | CEO, EHA | | |
| SECTION 66 | ACTION TO PREVENT SPREAD OF INFECTION | | | |
| | The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease. | CEO, EHA | | |
| SECTION 92 | NOTICES | | | |
| | <p>The power pursuant to section 92(1) and subject to Sections 92(2), 92(3), 92(4), 92(5) and 92(12) of the Act to issue a notice under this section for the purpose of-</p> <ul style="list-style-type: none"> • securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or • averting, eliminating or minimising a risk, or a perceived risk to public health. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p>The power pursuant to section 92(2) of the Act to, before issuing a notice to secure compliance with the general duty under Part 6, have regard to:</p> <ul style="list-style-type: none"> • the number of people affected, or potentially affected, by the breach of the duty; • the degree of harm, or potential degree of harm, to public health on account of the breach of the duty; • any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty, • and such other matters as the Delegate thinks fit; and <ul style="list-style-type: none"> ○ subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing: <ul style="list-style-type: none"> – stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and – stating the reasons for the proposed action; and – inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council). | CEO, EHA | | |
| | The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to section 92(3) of the Act to, in any case where subsection 92(2)(b) applies, consider representations made within the time specified under subsection 92(2)(b)-</p> <ul style="list-style-type: none"> • Issue a notice in accordance with the terms of the original proposal; or • issue a notice with modifications from the terms of the original proposal; or • determine not to proceed further under section 92 of the Act. | CEO, EHA | | |
| | <p>The power pursuant to section 92(4) of the Act to:</p> <ul style="list-style-type: none"> • not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and • not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to section 92(5) to, in relation to a notice under section 92-</p> <ul style="list-style-type: none"> • direct 2 or more persons to do something specified in the notice jointly; • in the case of a notice that relates to the condition of any premises, issue the notice • to any person who- <ul style="list-style-type: none"> ○ is the owner or occupier of the premises; or ○ has the management or control of the premises; or ○ is the trustee of a person referred to in 5.2.1 or 5.2.2 above, or is managing the affairs of such person on some other basis; and • impose any requirement reasonable required for the purposes for which the notice is issued including 1 or more of the purposes set out under subsection (5)(f) of the Act. | CEO, EHA | | |
| | The power pursuant to section 92(9) of the Act to, by written notice on a person to whom a notice under section 92 has been issued, vary or revoke the notice. | CEO, EHA | | |
| | The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act. | CEO, EHA | | |
| SECTION 93 | ACTION ON NON-COMPLIANCE WITH NOTICE | | | |
| | The power pursuant to section 93(1) of the Act to, if the requirements of a notice under Part 12 are not complied with, take any action required by the notice. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to section 93(2) of the act to authorise a person to take action under section 93(1) of the Act on the Council's behalf. | CEO, EHA | | |
| | The power pursuant to section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice. | CEO, EHA | | |
| | The power pursuant to section 93(5) of the Act to, if an amount is recoverable from a person by a the Council under section 93 of the Act, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | CEO, EHA | | |
| | The power pursuant to section 93(6) of the act, where an amount recoverable under section 93 of the act relates to action taken in relation to land (including a building or other structure on land), register a charge on the land in favour of the Council. | CEO | | |
| SECTION 94 | ACTION IN EMERGENCY SITUATIONS | | | |
| | The power pursuant to section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt. | CEO, EHA | | |
| SECTION 95 | REVIEWS-NOTICES RELATING TO GENERAL DUTY | | | |
| | The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:</p> <ul style="list-style-type: none"> • dismiss or determine any proceedings that appear: <ul style="list-style-type: none"> ○ to be frivolous or vexatious; or ○ to have been instituted for the purpose of delay or obstruction, or for some other improper purpose; • bring any proceedings to an end that appear: <ul style="list-style-type: none"> ○ to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or ○ to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or • bring any proceedings to an end for any other reasonable cause. | CEO, EHA | | |
| SECTION 96 | APPEALS | | | |
| | The power pursuant to section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3 of Part 12 of the Act. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------|---|----------|--------------|--------------------------|
| REGULATION 5B | NON-COMPLIANCE WITH NOTICES (SECTION 93(6) OF ACT) | | | |
| | <p>The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:</p> <ul style="list-style-type: none">• setting out the amount recoverable under Section 93 of the Act; and• setting out the land in relation to which the relevant action was taken; and• requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land. | | | |
| | <p>The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.</p> | | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------------|--|----------|--------------|--------------------------|
| CLAUSE 2 | REFUND AND RECOVERY OF FEES | | | |
| | The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances. | CEO, EHA | | |
| | The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------|---|----------|--------------|--------------------------|
| REGULATION 5 | DUTY TO REGISTER HIGH RISK MANUFACTURED WATER SYSTEM | | | |
| | The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations), to on application made in a manner and form approved by the Council or Delegate and payment of the registration fee specified in Schedule 1 to the Council, register the high risk manufactured water system to which the application relates. | CEO, EHA | | |
| | The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates. | CEO, EHA | | |
| | The power pursuant to Regulation 5(6) of the Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the renewal fee specified in Schedule 1 to the Council, renew the registration of the high risk manufactured water system to which the application relates. | CEO, EHA | | |
| | The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013

| REGULATION 6 | REGISTER OF HIGH RISK MANUFACTURE WATER SYSTEMS | | | |
|---------------------|--|----------|--|--|
| | The power pursuant to Regulations 6(2) of the Legionella Regulations and and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council. | CEO, EHA | | |
| | <p>The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:</p> <ul style="list-style-type: none"> • the type of water system; and • the address of the premises on which the water system is installed; and • the location of the water system on the premises; and • 2.4 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system, and such other information as the delegate thinks fit. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013

| REGULATION 15 | ANNUAL INSPECTION AND MICROBIOLOGICAL TESTING | | | |
|---------------|---|----------|--|--|
| | <p>The power pursuant to Regulation 15(2) of the Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:</p> <ul style="list-style-type: none"> • requiring the owner, within the period specified in the notice— <ul style="list-style-type: none"> ○ to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and ○ to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896— <ul style="list-style-type: none"> – of at least 1 sample of water taken from a cooling water system; and – of at least 2 samples of water taken from a warm water system, • to determine the presence and number of colony forming units of Legionella in the water; and • requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013

| | | | | |
|----------------------|---|----------|--|--|
| REGULATION 16 | POWER OF COUNCIL TO REQUIRE MICROBIOLOGICAL TESTING IN OTHER CIRCUMSTANCES | | | |
| | <p>The power pursuant to Regulation 16(1) of the Legionella Regulations, if:</p> <ul style="list-style-type: none"> • the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or • the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations, to give the owner of the premises written notice: <ul style="list-style-type: none"> ○ 1.2.1 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to ○ determine the presence and number of colony forming units of Legionella in the water; and ○ 1.2.2 requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report. | CEO, EHA | | |
| REGULATION 21 | FEES | | | |
| | <p>The power, pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p> | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|--|----------|--------------|--------------------------|
| REGULATION 6 | RELEVANT AUTHORITY | | | |
| | The power, pursuant to Regulation 6(1)(b) of the Regulations, to agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area in circumstances where the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with the other council. | CEO, EHA | | |
| REGULATION 8 | PUBLIC NOTIFICATION OF PROPOSED COMMUNITY WASTEWATER SYSTEM | | | |
| | The power pursuant to Regulation 8(1) of the Regulations to adopt a proposal for public consultation purposes to establish a community wastewater management system for the whole or part of the Council's area in the interest of public and environmental health. | CEO | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 9 | CONNECTION TO COMMUNITY WASTEWATER MANAGEMENT SYSTEM | | | |
| | <p>The power pursuant to Regulation 9(1) of the Regulations to, on obtaining a wastewater works approval for a community wastewater management system, by written notice, require the operator of an on-site wastewater system—</p> <ul style="list-style-type: none"> • to connect the system to the community wastewater management system; and • for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for— <ul style="list-style-type: none"> ○ the connection; and ○ if necessary, consequential alterations to the on-site wastewater system. | CEO | | |
| | <p>The power pursuant to Regulation 9(4) to, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under subregulation (1) grant a wastewater works approval for the required wastewater works as if the application had been made.</p> | CEO | | |
| | <p>The power pursuant to Regulation 9(6) of the Regulations to if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under the Regulations:</p> <ul style="list-style-type: none"> • cause the requirements to be carried out; and • authorise a person to carry out the requirements. | CEO | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 9(7) of the Regulations to, recover as a debt the costs and expenses reasonably incurred by Council in exercising a power under subregulation (6) in addition to the fee that would have been payable had the application been made as required under subregulation (1) from the person who failed to comply with the notice. | CEO | | |
| | The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice. | CEO | | |
| REGULATION 10 | EXEMPTIONS | | | |
| | The power pursuant to Regulation 10(3) of the Regulations, to attach any conditions the delegate thinks fit to an exemption issued upon receipt of an application from an operator of an on-site wastewater system under subregulation (1), taking into account any binding directions issued by the Minister under Regulation 10(2) of the Regulations. | CEO, EHA | | |
| | The power pursuant to Regulation 10(4) of the Regulations to vary or revoke an exemption by further written notice to the holder of the exemption. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 15 | EXEMPTIONS FROM PRESCRIBED CODES | | | |
| | The power pursuant to Regulation 15(3), to attach any conditions the delegate thinks fit to an exemption issued upon receipt of an application from any person under subregulation (1), taking into account any binding directions issued by the Minister under Regulation 10(2). | CEO, EHA | | |
| | The power pursuant to Regulation 15(5) to vary or revoke an exemption by further written notice to the holder of the exemption. | CEO, EHA | | |
| REGULATION 23 | WASTEWATER WORKS APPROVALS | | | |
| | The power pursuant to Regulation 23(2) of the Regulations to, by written notice, ask the applicant to provide the relevant authority with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval. | CEO, EHA | | |
| REGULATION 24 | DETERMINATION OF APPLICATION | | | |
| | <p>The power pursuant to Regulation 24(1) of the Regulations to refuse to grant a wastewater works approval—</p> <ul style="list-style-type: none"> • if the applicant fails to satisfy the relevant authority of either or both of the following: <ul style="list-style-type: none"> ○ that the technical specifications for the wastewater works comply with the prescribed codes; ○ that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or ○ for any other sufficient reason. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made. | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|-------------------------------|-----------------|---------------------|-------------------------------------|
| REGULATION 25 | CONDITIONS OF APPROVAL | | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------------|--|----------|--------------|--------------------------|
| | <p>The power pursuant to Regulation 25(2) of the Regulations to impose—</p> <ul style="list-style-type: none"> • any 1 or more of the following prescribed expiable conditions: <ul style="list-style-type: none"> ○ a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense; ○ a condition that requires the display of specified notices on the premises on which the wastewater system is located; ○ a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times; ○ a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system; ○ a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class; ○ a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or • any other conditions including any 1 or more of the following: <ul style="list-style-type: none"> ○ a condition that requires decommissioning of the wastewater system— <ul style="list-style-type: none"> – after a specified trial period; or – in specified circumstances; or – on written notice to the operator of the system; ○ a condition that requires a wastewater system to be connected to a community wastewater management system; | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|------------|---|----------|--------------|--------------------------|
| | <ul style="list-style-type: none"> ○ a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system; ○ a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council); ○ a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the relevant authority supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications; ○ a condition that otherwise specifies requirements relating to— <ul style="list-style-type: none"> – the installation of the wastewater system; or – the decommissioning of the wastewater system; or – the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system – or from SA Water sewerage infrastructure; or – the operation, servicing and maintenance of the wastewater system; or ● the reuse or disposal of wastewater from the wastewater system. | | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to regulation 25(3) of the Regulations to impose a condition of approval that—</p> <ul style="list-style-type: none"> • provides that a matter or thing is to be determined according to the discretion of the Council, the delegate or some other specified person or body; and • operates by reference to the manuals referred to in a product approval for the wastewater system; and • operates by reference to a specified code as in force at a specified time or as in force from time to time. | CEO, EHA | | |
| | <p>The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.</p> | CEO, EHA | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to regulation 25(7) of the regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, but in that case, the variation, revocation or imposition may not take effect until at least 6 months after the giving of the notice unless—</p> <ul style="list-style-type: none"> • the operator consents; or • the Delegate states in the notice that, in his/her opinion, the variation revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm. | CEO, EHA | | |
| REGULATION 26 | EXPIRY OF APPROVAL | | | |
| | The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period. | | | |
| REGULATION 27 | REGISTER OF WASTE WATER APPROVALS | | | |
| | The power pursuant to regulation 27(3) of the Regulations to extend the Council's register required to be kept under subregulation (1) to include wastewater works approvals granted under the revoked regulations. | | | |
| | The power pursuant to regulation 27(6) of the Regulations to, include in the Council's register, other information considered appropriate by the Delegate noting that such information need not be made available to the public. | | | |

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 29 | REQUIREMENT TO OBTAIN EXPERT REPORT | | | |
| | The power pursuant to regulation 29(1) of the Regulations to, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters. | | | |
| | <p>The power pursuant to regulation 29(3) of the Regulations to, if the requirements of a notice under subregulation (1) are not complied with:</p> <ul style="list-style-type: none"> • obtain the required report and recover costs and expenses reasonably incurred in doing so from the person who failed to comply with the notice, as a debt; and • authorise a person to enter land at any reasonable time for the purposes of the report. | | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 12 | APPLICATION FOR AMENDMENT | | | |
| | The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment. | CEO | | |
| | The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment. | CEO | | |
| | The power pursuant to Section 12(3a) of the Act, where: <ul style="list-style-type: none"> the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation. | CEO | | |
| SECTION 12A | APPLICATION MAY DEAL WITH STATUTORY ENCUMBRANCES | | | |
| | The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with. | CEO | | |
| SECTION 13 | AMENDMENT BY ORDER OF ERD COURT | | | |
| | The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court. | CEO | | |
| | The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter. | CEO | | |
| SECTION 16 | AMALGAMATION OF ADJACENT SITES | | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation. | CEO | | |
| | The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units. | CEO | | |
| SECTION 17 | CANCELLATION | | | |
| | The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation. | CEO | | |
| | The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property. | CEO | | |
| | The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan. | CEO | | |
| | The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter. | CEO | | |
| SECTION 17AAA | APPLICATION FOR DIVISION | | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application. | CEO | | |
| | The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886. | CEO | | |
| SECTION 19 | ARTICLES OF STRATA CORPORATION | | | |
| | The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice. | CEO | | |
| SECTION 19A | CERTAIN ARTICLES MAY BE STRUCK OUT BY COURT | | | |
| | The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act. | CEO | | |
| SECTION 27 | OFFENCES | | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money. | CEO | | |
| | The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to: <ul style="list-style-type: none"> • make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and • provide the Council or the Council's delegate with a copy of any of the records on payment of a fee. | CEO | | |
| SECTION 28 | POWER TO ENFORCE DUTIES OF MAINTENANCE AND REPAIR | | | |
| | The power pursuant to Section 28(5) of the Act, where: <ul style="list-style-type: none"> • the strata corporation recovers costs from the Council under Section 28(4) of the Act; and • the circumstances out of which the work was required are attributable to the act or default of another person, • to recover those costs from that other person as a debt. | CEO | | |
| SECTION 32 | RIGHT OF UNIT HOLDERS ETC TO SATISFY THEMSELVES AS TO INSURANCE | | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 33 | HOLDING OF GENERAL MEETINGS | | | |
| | The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting. | CEO | | |
| | The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened. | CEO | | |
| SECTION 34 | VOTING AT GENERAL MEETINGS | | | |
| | The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf. | CEO | | |
| | The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting. | CEO | | |
| SECTION 37 | ADMINISTRATOR OF STRATA CORPORATION'S AFFAIRS | | | |
| | The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------------------|------------------------------------|-----------------|---------------------|---|
| SECTION 41 | INFORMATION TO BE FURNISHED | | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:</p> <ul style="list-style-type: none"> • furnish: <ul style="list-style-type: none"> ○ particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit); ○ particulars of the assets and liabilities of the corporation; ○ particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute; ○ particulars in relation to any prescribed matter; provide copies of: <ul style="list-style-type: none"> – the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application; – the statement of accounts of the corporation last prepared by the corporation; – the articles for the time being in force; – current policies of insurance taken out by the corporation; make available for inspection: – a copy of the accounting records of the corporation; the minute books of the corporation; – any other prescribed documentary material; – if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; – make available for inspection the register maintained under Section 39A of the Act. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation. | CEO | | |
| SECTION 41AA & 41A | PERSONS WHO MAY APPLY FOR RELIEF | | | |
| | The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act. | CEO | | |
| SECTION 41 | RESOLUTION OF DISPUTES, ETC | | | |
| | The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court. | CEO | | |
| | The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court. | CEO | | |
| | The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 41A(6) of the Act to make an application to a court to:</p> <ul style="list-style-type: none"> • transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or • state a question of law for the opinion of the Supreme Court. | CEO | | |
| | The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter. | CEO | | |
| SECTION 42 | UNIT HOLDER'S POWER OF ENTRY | | | |
| | <p>Where the Council is the unit holder of a unit (Unit A) and:</p> <ul style="list-style-type: none"> • the proper supply of hot or cold water, gas, electricity, heating oil or air- conditioned air to Unit A fails; or • the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and • some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, • the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <p>Where the Council is the unit holder of a unit (Unit A) and</p> <ul style="list-style-type: none"> the proper supply of hot or cold water, gas, electricity, heating oil or air- conditioned air to Unit A fails; or the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose. | CEO | | |
| SECTION 44 | DEALING WITH PART OF UNIT | | | |
| | <p>The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:</p> <ul style="list-style-type: none"> if all of the units comprised in the strata scheme consist of non-residential premises; or where Section 44(2)(a) does not apply: <ul style="list-style-type: none"> if the lease or licence is granted to another unit holder; or if the lease or licence is authorised by unanimous resolution of the strata corporation. | CEO | | |

STRATA TITLES ACT 1988

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 44A | BODY CORPORATE MAY ACT AS OFFICER, ETC | | | |
| | The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment. | CEO | | |
| SECTION 46 | RELIEF WHERE UNANIMOUS RESOLUTION REQUIRED | | | |
| | The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed. | CEO | | |

STATE RECORDS ACT 1997

| SECTION OF ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------|---|----------|--------------|--------------------------|
| SECTION 15 | SURVEYS OF OFFICIAL RECORDS AND RECORD MANAGEMENT | | | |
| | The power pursuant to Section 15(2) of the State Records Act 1997 (the Act) to, afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act. | CEO | | |
| SECTION 18 | VOLUNTARY TRANSFER TO STATE RECORDS' CUSTODY | | | |
| | The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, deliver any of the Council's records into the custody of State Records. | CEO | | |
| SECTION 19 | MANDATORY TRANSFER TO STATE RECORDS' CUSTODY | | | |
| | <p>The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):</p> <ul style="list-style-type: none"> • when the Council ceases to require access to the record for current administrative purposes; or • during the year occurring 15 years after the record came into existence, whichever first occurs. | CEO | | |

STATE RECORDS ACT 1997

| SECTION OF ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records: <ul style="list-style-type: none"> • in accordance with record management standards issued by the Manager; or • in accordance with record management standards issued by the Manager; or • with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason. | CEO | | |
| | The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed. | CEO | | |
| | The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked. | CEO | | |
| SECTION 22 | KEEPING OF OFFICIAL RECORDS IN PREMISES OTHER THAN STATE RECORDS' PREMISES | | | |
| | The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require. | CEO | | |

STATE RECORDS ACT 1997

| SECTION OF ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 23 | DISPOSAL OF OFFICIAL RECORDS BY AGENCY | | | |
| | The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council. | CEO | | |
| | The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records. | CEO | | |
| | The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter. | CEO | | |
| SECTION 24 | DISPOSAL OF OFFICIAL RECORDS BY MANAGER | | | |
| | The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act. | CEO | | |
| SECTION 25 | AGENCY'S ACCESS TO RECORDS IN CUSTODY OF STATE RECORDS | | | |
| | The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible. | CEO | | |
| | The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter. | CEO | | |

STATE RECORDS ACT 1997

| SECTION OF ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 26 | PUBLIC ACCESS TO RECORDS IN CUSTODY OF STATE RECORDS | | | |
| | <p>The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:</p> <ul style="list-style-type: none"> • determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or • determine conditions excluding or restricting access to the record. | CEO | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

Prosecution for a Breach

In exercise of the powers contained in Section 9 of the Supported Residential Facilities Act 1992 the Council hereby delegates this 15th day of July 2019 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), the power under the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or Supported Residential Facilities Regulations 2009 where the Supported Residential Facilities Act 1992 and/or Supported Residential Facilities Regulations 2009 empowers the Council to commence prosecution for a breach and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit.

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 21 | APPOINTMENT OF AUTHORISED OFFICERS | | | |
| | The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act; | CEO, EHA | | |
| | The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer. | CEO, EHA | | |
| SECTION 24 | APPLICATION FOR A LICENCE | | | |
| | The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information. | CEO, EHA | | |
| | The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises. | CEO, EHA | | |
| SECTION 27 | APPLICATION FOR RENEWAL OF LICENCE | | | |
| | Pursuant to Section 27 of the Act, the power, in the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee. | CEO, EHA | | |
| SECTION 28 | MATTERS TO BE CONSIDERED IN RENEWING A LICENCE | | | |
| | The power to refuse to renew a licence on any ground on which a licence may be cancelled, pursuant to Section 28 of the Act. | CEO, EHA | | |
| SECTION 29 | LICENCE CONDITIONS | | | |
| | The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act. | CEO, EHA | | |
| | The power pursuant to Section 29(3) to vary or revoke conditions at any time by notice in writing served on the holder of the licence. | CEO, EHA | | |
| SECTION 31 | CANCELLATION OF LICENCE | | | |
| | The power pursuant to Section 31(1), to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in Section 31(1) of the Act are applicable; | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 31(3), pending the cancellation (or possible cancellation) of a licence under Section 31 of the Act, to impose conditions to protect the interests of the residents of the facility; and | CEO, EHA | | |
| | The power pursuant to Section 31(4), to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility. | CEO, EHA | | |
| SECTION 32 | REVIEW OF DECISION OR ORDER | | | |
| | The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review. | CEO, EHA | | |
| | The power pursuant to Section 32 (3) of the Act to: <ul style="list-style-type: none"> • make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and • vary or revoke an order made by the Council under Section 32(3) of the Act by further order. | CEO, EHA | | |
| SECTION 34 | APPOINTMENT OF MANAGER | | | |
| | The power where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate to approve a natural person for the purpose of managing the facility under that person's personal supervision pursuant to Section 34 of the Act. | CEO, EHA | | |
| | The power pursuant to Section 34(2) of the Act to extend the period of management without supervision. | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 35 | DEATH OF LICENSEE | | | |
| | The power, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Chief Executive Officer pursuant to Section 35 of the Act. | CEO, EHA | | |
| SECTION 39 | RESCISSION OF RESIDENT CONTRACT BY PROPRIETOR | | | |
| | The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section. | CEO, EHA | | |
| SECTION 43 | DISPUTES | | | |
| | The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act; | CEO, EHA | | |
| | The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration; | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter. | CEO, EHA | | |
| | The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act; | CEO, EHA | | |
| | <p>The power, pursuant to Section 43(12) of the Act -</p> <ul style="list-style-type: none"> • to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate; • to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or • to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law. | CEO, EHA | | |
| SECTION 47 | ATTENDANCE BY HEALTH SERVICE PROVIDERS ETC | | | |
| | The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47. | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 49 | COMPLAINTS | | | |
| | The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises. | CEO, EHA | | |
| | The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing. | CEO, EHA | | |
| | The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint. | CEO, EHA | | |
| | The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible. | CEO, EHA | | |
| SECTION 57 | REGULATIONS | | | |
| | <p>The power pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -</p> <ul style="list-style-type: none"> • that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and • that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case, • by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit. | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor: <ul style="list-style-type: none">• revoke an exemption under Section 57(5);• vary or revoke a condition under Section 57(6). | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------|--|----------|--------------|--------------------------|
| REG 5 | RECEIVE INFORMATION | | | |
| | The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations. | CEO, EHA | | |
| REG 14 | RECEIVE MEDICAL INFORMATION | | | |
| | The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility. | CEO, EHA | | |
| REG 17 | APPROVAL OF AN ACTING MANAGER | | | |
| | The power to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager where that manager is absent from the duties of office or the position is temporarily vacant for a period exceeding seven days and a resident of the facility is in need of personal care services pursuant to Regulation 17(2) of the Supported Residential Facilities Regulations 2009. | CEO, EHA | | |
| REG 18 | APPROVAL OF SERVICE | | | |
| | The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility. | CEO, EHA | | |

SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility. | CEO, EHA | | |
| REG 21 | APPROVAL OF FACILITIES | | | |
| | The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations. | CEO, EHA | | |
| | The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts. | CEO, EHA | | |
| REG 24 | COMMUNICATION FACILITIES | | | |
| | The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility. | CEO, EHA | | |

UNCLAIMED GOODS ACT 1987

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 5 | UNCLAIMED GOODS | | | |
| | The power pursuant to section 5(1)(b) of the Act where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding. | CEO | GMCS | |
| | The power pursuant to section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with section 5(2) of the Act, to collect the goods. | CEO | GMCS | |
| SECTION 6 | SALE OR DISPOSAL OF UNCLAIMED GOODS | | | |
| | The power pursuant to section 6(1) of the Act and the power subject to section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date – <ul style="list-style-type: none"> • sell the goods; or • if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods. | CEO | GMCS | |
| | The power pursuant to section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under section 6(1) of the Act and the duty pursuant to section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation. | CEO | GMCS | |

UNCLAIMED GOODS ACT 1987

| | | | | |
|------------------|--|-----|------|--|
| | <p>The power pursuant to section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under section 6(1) of the Act without any authorisation by the Court and the duty pursuant to section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to</p> <ul style="list-style-type: none"> • sell the goods by public auction; and • give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale: to the Commissioner of Police; and • to the bailor. | CEO | GMCS | |
| | <p>The power pursuant to section 6(6) of the Act to give a notice under section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.</p> | CEO | GMCS | |
| SECTION 7 | CLAIM MADE BY BAILOR AFTER COMMENCEMENT OF PROCEEDINGS UNDER THIS ACT | | | |
| | <p>The power pursuant to section 7(2) of the Act to, before handing over goods under section 7(1) of the Act, require the bailor to pay –</p> <ul style="list-style-type: none"> • the reasonable costs incurred by the Council in proceeding under the Act; • the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them; and • the amount of any lien that the Council has over the goods. | CEO | GMCS | |
| | <p>The power pursuant to section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under section 7(2) of the Act the bailor has not paid those amounts, to, subject to section 7(4) of the Act, proceed to sell or dispose of the goods.</p> | CEO | GMCS | |

UNCLAIMED GOODS ACT 1987

| SECTION 8 | PROCEEDS OF SALE | | | |
|------------------|---|-----|------|--|
| | <p>The power pursuant to section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to retain from those proceeds:</p> <ul style="list-style-type: none">• the reasonable costs of the sale and of proceeding under the Act;• the reasonable costs of storing and maintaining the goods prior to sale;• the amount of any lien that the Council had over the goods; and• pay the balance to the Treasurer. | CEO | GMCS | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 6 | WATER PLANNING | | | |
| | <p>The power pursuant to Section 6(6) of the <i>Water Industry Act 2012</i> (the Act), in relation to a proposal:</p> <ul style="list-style-type: none"> • to create the State Water Demand and Supply Statement; or • to undertake a comprehensive review of the State Water Demand and Supply Statement, • to make written representations on the proposal to the Minister. | CEO | | |
| SECTION 19 | APPLICATION FOR LICENCE | | | |
| | The power pursuant to Section 19(1) of the Act an in accordance with Section 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission. | CEO | | |
| SECTION 24 | LICENCE FEES AND RETURNS | | | |
| | <p>The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:</p> <ul style="list-style-type: none"> • in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and • in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 28 | VARIATION OF LICENCE | | | |
| | The power pursuant to Section 28(2) of the Act to: <ul style="list-style-type: none"> • make application to the Commission to vary the terms or conditions of the Council's licence; • agree to the variation of the terms or conditions of the Council's licence; • make representations to the Commission about the proposed variation. | CEO | | |
| SECTION 29 | TRANSFER OF LICENCE | | | |
| | The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement. | CEO | | |
| | The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council. | CEO | | |
| SECTION 32 | SURRENDER OF LICENCE | | | |
| | The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence. | CEO | | |
| | The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened. | CEO | | |
| SECTION 33 | SUSPENSION OR CANCELLATION OF LICENCES | | | |
| | The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 36 | STANDARD TERMS AND CONDITIONS FOR RETAIL SERVICES | | | |
| | The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class. | CEO | | |
| | The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council. | CEO | | |
| | The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions. | CEO | | |
| | The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council. | CEO | | |
| SECTION 37 | CUSTOMER HARDSHIP POLICIES | | | |
| | The power pursuant to Section 37(3) of the Act to: <ul style="list-style-type: none"> • adopt a customer hardship policy published by the Minister under Section 37 of the Act; or • with the written approval of the Commission, adopt such a policy with modifications. | CEO | | |
| SECTION 38 | POWER TO TAKE OVER OPERATIONS | | | |
| | The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 39 | APPOINTMENT OF OPERATOR | | | |
| | The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator. | CEO | | |
| SECTION 41 | APPOINTMENT OF A WATER INDUSTRY OFFICER | | | |
| | The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council. | CEO | | |
| | The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council. | CEO | | |
| SECTION 42 | CONDITIONS OF APPOINTMENT | | | |
| | The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position. | CEO | | |
| | The power pursuant to Section 42(2) of the Act to remove a water industry officer from office. | CEO | | |
| SECTION 43 | IDENTITY CARDS | | | |
| | The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 44 | POWER TO ENTER LAND TO CONDUCT INVESTIGATIONS | | | |
| | The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure. | CEO | | |
| | The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to: <ul style="list-style-type: none"> reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and minimise the impact of work carried out by the Council on activities of others on the land; and comply with the conditions of the authorisation. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 45 | POWER TO CARRY OUT WORK ON LAND | | | |
| | <p>The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:</p> <ul style="list-style-type: none"> • construct, install, improve or add to any water/sewerage infrastructure; or inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or any pipes and install, operate or inspect pumps and other equipment; or • carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or • maintain or enlarge a supply of water; or • protect, improve or restore the quality of water; or • protect any infrastructure or equipment connected with any water service or sewerage service; or • perform any other function brought within the ambit of Section 45 of the Act by the regulations. | CEO | | |
| | <p>The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:</p> <ul style="list-style-type: none"> • the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and • obtain the authority's agreement to the carrying out of the work; | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work. | CEO | | |
| | The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest. | CEO | | |
| | The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister. | CEO | | |
| | The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute. | CEO | | |
| | The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry. | CEO | | |
| | The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act. | CEO | | |
| | The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution. | CEO | | |
| | The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage. | CEO | | |
| | The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement. | CEO | | |
| SECTION 46 | ACQUISITION OF LAND | | | |
| | The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 48 | REQUIREMENT TO CONNECT TO INFRASTRUCTURE | | | |
| | Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section). | CEO | | |
| | The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act. | CEO | | |
| | The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure. | CEO | | |
| | The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice. | CEO | | |
| | The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act. | CEO | | |
| | The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice. | CEO | | |

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| | The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| SECTION 49 | ENCROACHMENTS | | | |
| | <p>The power pursuant to Section 49(1) of the Act to consent to a person:</p> <ul style="list-style-type: none"> • constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or • giving any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or • obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or • excavating or altering any land or structure supporting any water/sewerage infrastructure. • The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to: • at any reasonable time, enter land and carry out an inspection of any place; and • if the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land. | CEO | | |
| | The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice. | CEO | | |
| | The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice. | CEO | | |
| | The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act. | CEO | | |
| SECTION 50 | PROTECTION OF INFRASTRUCTURE AND EQUIPMENT | | | |
| | <p>The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:</p> <ul style="list-style-type: none"> • y reasonable time, enter any land and carry out an inspection of any place; and • e delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land. | CEO | | |
| | The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act. | CEO | | |
| | The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention: <ul style="list-style-type: none"> • application to a court convicting the person of an offence against Section 50 of the Act; or • action in a court of competent jurisdiction. | CEO | | |
| SECTION 51 | NOTICE OF WORK THAT MAY AFFECT WATER/SEWERAGE INFRASTRUCTURE | | | |
| | The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention: <ul style="list-style-type: none"> • application to a court convicting the person of an offence against Section 51 of the Act; or • action in a court of competent jurisdiction. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 52 | DUTY TO GIVE NOTICE BEFORE PAVING A ROAD ETC | | | |
| | <p>The power pursuant to Section 52(1) of the Act, before the Council begins:</p> <ul style="list-style-type: none"> • st lay the pavement or hard surface in any road; or • lay the pavement or hard surface in any road; or • den or extend the pavement or hard surface in any road; or • er the level of any road; or • nstruct or alter any footpaths, gutters, kerbing or water tables in any road; or nstruct or alter any drainage work in any road, • hich there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken). | CEO | | |
| | <p>The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.</p> | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:</p> <ul style="list-style-type: none"> ss Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work; escribed circumstances – an amount determined under the regulations. | CEO | | |
| | <p>The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.</p> | CEO | | |
| SECTION 53 | UNLAWFUL ABSTRACTION, REMOVAL OR DIVERSION OF WATER OR SEWAGE | | | |
| | <p>The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.</p> | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| | <p>The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:</p> <ul style="list-style-type: none"> • application to a court convicting the person of an offence against this Section; or action in a court of competent jurisdiction. | CEO | | |
| SECTION 54 | WATER METERS | | | |
| | <p>The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to</p> <ul style="list-style-type: none"> • a person authorised by the Council to enter land and fix a meter supplied by the Council; • require that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person. | CEO | | |
| | The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council. | CEO | | |
| | The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting. | CEO | | |
| | The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting. | CEO | | |
| | The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting. | CEO | | |
| | The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention: <ul style="list-style-type: none"> • application to a court convicting the person of an offence against this section; or action in a court of competent jurisdiction. | CEO | | |
| | The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 55 | DISCHARGE OF UNAUTHORISED MATERIAL INTO WATER INFRASTRUCTURE | | | |
| | <p>The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:</p> <ul style="list-style-type: none"> • application to a court convicting the person of an offence against this Section; or action in a court of competent jurisdiction. | CEO | | |
| SECTION 56 | DISCHARGE OF UNAUTHORISED MATERIAL INTO SEWERAGE INFRASTRUCTURE | | | |
| | <p>The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:</p> <ul style="list-style-type: none"> • application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or • part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure. | CEO | | |
| | The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure. | CEO | | |
| | The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time. | CEO | | |
| | The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 57 | WORK TO BE CARRIED OUT BY OWNER AT REQUIREMENT OF WATER INDUSTRY ENTITY WITH RESPECT TO SEWERAGE INFRASTRUCTURE | | | |
| | <p>The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:</p> <ul style="list-style-type: none"> • provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or • prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure, • notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:</p> <ul style="list-style-type: none"> • ll or construct in such locations as are specified in the notice; ect to the infrastructure; • or replace; • tain, repair or cleanse; ve, block or disconnect, • drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice. | CEO | | |
| | The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land. | CEO | | |
| | The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice. | CEO | | |
| | The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf. | CEO | | |
| | The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 58 | POWER TO DISCONNECT DRAINS TO RESTRICT SERVICES | | | |
| | <p>The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:</p> <ul style="list-style-type: none"> • ing discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or • been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future, • ter complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land. | CEO | | |
| | <p>The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.</p> | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 59 | POWER TO RESTRICT OR DISCONTINUE WATER SUPPLY | | | |
| | <p>The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:</p> <ul style="list-style-type: none"> • the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or • the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or • the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and • action under Section 59(1) of the Act is justified in the circumstances, • after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act. | CEO | | |

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|--------------------|---|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:</p> <ul style="list-style-type: none"> • n the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit); • ibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used; • ibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used; • ibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used; • uch time or times as the delegate thinks proper, discontinue the supply of water. | CEO | | |
| | <p>The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.</p> | CEO | | |
| | <p>The power pursuant to Section 59(4) of the Act, to:</p> <ul style="list-style-type: none"> • se a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and • or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 60 | POWER TO REQUIRE THE USE OF DEVICES TO REDUCE FLOW | | | |
| | The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council. | CEO | | |
| | The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier: <ul style="list-style-type: none"> • stall (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and • e the device to reduce flow in those pipes during the periods specified in the notice. | CEO | | |
| | The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice. | CEO | | |

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|--------------------|---|----------|--------------|--------------------------|
| | The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice. | CEO | | |
| SECTION 64 | DISCONNECTION IN AN EMERGENCY | | | |
| | power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property. | CEO | | |
| SECTION 68 | RESPONSIBILITIES OF WATER INDUSTRY ENTITY | | | |
| | <p>The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:</p> <ul style="list-style-type: none"> • are and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and • n the approval of the Technical Regulator to the plan and any revision; and ply with the plan as approved from time to time; and • from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
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| SECTION 69 | RESPONSIBILITIES OF CUSTOMERS | | | |
| | The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place. | CEO | | |
| SECTION 80 | ENFORCEMENT NOTICES | | | |
| | The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013. | CEO | | |
| SECTION 82 | WARNING NOTICES AND ASSURANCES | | | |
| | The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention. | CEO | | |
| | The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention. | CEO | | |

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| SECTION 83 | INJUNCTIONS | | | |
| | The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act. | CEO | | |
| | The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist. | CEO | | |

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|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 84 | REVIEW OF DECISIONS BY COMMISSION OR TECHNICAL REGULATOR | | | |
| | <p>The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:</p> <ul style="list-style-type: none"> • Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or • Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or • Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or • Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 85 | APPEALS | | | |
| | <p>The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to appeal to the District Court:</p> <ul style="list-style-type: none"> • lation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator; • ation to an enforcement notice issued under Part 8 Division 4 of the Act. | CEO | | |
| SECTION 86F | INFORMATION BROCHURE | | | |
| | <p>The power pursuant to Section 86F(1) of the Act to determine:</p> <ul style="list-style-type: none"> • the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and • the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and • the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and • the standard access arrangement used by the Council. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 86G | SPECIFIC INFORMATION TO ASSIST PROPONENT TO FORMULATE PROPOSAL | | | |
| | The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access. | CEO | | |
| | The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act. | CEO | | |
| SECTION 86I | ACCESS PROPOSAL | | | |
| | The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal. | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 86l(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,</p> <ul style="list-style-type: none"> • whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and • if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms. | CEO | | |
| | <p>The power pursuant to Section 86l(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:</p> <ul style="list-style-type: none"> • the name of the proponent and an address at which the proponent may be contacted; and • the name of the operator and an address at which the regulated operator may be contacted; and • the general nature of the access proposal. | CEO | | |
| | <p>The power pursuant to Section 86l(7) of the Act to recover the reasonable costs of giving notice under Section 86l of the Act, as a debt, from the proponent.</p> | CEO | | |

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| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|--------------------|--|----------|--------------|--------------------------|
| SECTION 86J | DUTY TO NEGOTIATE IN GOOD FAITH | | | |
| | The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent. | CEO | | |
| SECTION 86K | EXISTENCE OF DISPUTE | | | |
| | The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator. | CEO | | |
| SECTION 86N | POWER TO REFER DISPUTE TO ARBITRATION | | | |
| | The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator. | CEO | | |
| SECTION 86Z | CONFIDENTIALITY OF INFORMATION | | | |
| | The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 86ZD | FORMAL REQUIREMENTS RELATED TO AWARDS | | | |
| | The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award. | CEO | | |
| SECTION 86ZE | CONSENT AWARDS | | | |
| | The power pursuant to Section 86ZE of the Act to consent to a proposed award. | CEO | | |
| SECTION 86ZJ | TERMINATION OF VARIATION OF AWARD | | | |
| | The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award. | CEO | | |
| | The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award. | CEO | | |
| SECTION 86ZK | INJUNCTIVE REMEDIES | | | |
| | The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act. | CEO | | |
| | The power pursuant to Section 86ZK(6) of the Act to consent to an injunction. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|---|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction. | CEO | | |
| SECTION 86ZL | COMPENSATION | | | |
| | The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention. | CEO | | |
| SECTION 86ZM | CONFIDENTIAL INFORMATION | | | |
| | The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act. | CEO | | |
| SECTION 86ZN | ACCESS BY AGREEMENT | | | |
| | The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties. | CEO | | |
| SECTION 86ZR | REVIEW OF PART | | | |
| | The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review. | CEO | | |

WATER INDUSTRY ACT 2012

| SECTION OF THE ACT | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|---------------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 92 | WATER CONSERVATION MEASURES | | | |
| | power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act. | CEO | | |

WATER INDUSTRY REGULATIONS 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|----------|--------------|--------------------------|
| REGULATION 11 | INFORMATION AS TO AMOUNTS ALREADY PAID FOR RETAIL SERVICES ETC | | | |
| | The power pursuant to Regulation 11(1) of the Water Industry Regulations 2012 (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid. | CEO | | |
| | The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year. | CEO | | |
| | The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations. | CEO | | |
| REGULATION 12 | CERTIFICATE AS TO ENCUMBRANCE | | | |
| | The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non- existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council. | CEO | | |

WATER INDUSTRY ACT 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 13 | PROTECTION OF INFRASTRUCTURE – PLANTING OF TREES ETC ON PUBLIC LAND | | | |
| | The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting. | CEO | | |
| | The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure. | CEO | | |
| REGULATION 14 | PROTECTION OF INFRASTRUCTURE – ACTION IN RELATION TO TREES AND SHRUBS | | | |
| | <p>The power pursuant to Regulation 14(1) of the Regulations, if:</p> <ul style="list-style-type: none"> • a tree or shrub has been planted in contravention of Regulation 13; or • the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure, • y written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken. | CEO | | |

WATER INDUSTRY ACT 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action. | CEO | | |
| | The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served. | CEO | | |
| REGULATION 15 | PROTECTION OF INFRASTRUCTURE – DAMAGE CAUSED BY TREES OR SHRUBS | | | |
| | <p>The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:</p> <ul style="list-style-type: none"> • the owner for the time being of the land on which the tree or shrub is, or was, situated; or • the case of land under the care, control or management of a Council – that Council. | CEO | | |
| REGULATION 16 | ACCESS TO SEWERAGE INFRASTRUCTURE | | | |
| | The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council. | CEO | | |

WATER INDUSTRY ACT 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| REGULATION 17 | POWER TO RESTRICT OR DISCONTINUE WATER SUPPLY | | | |
| | <p>The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:</p> <ul style="list-style-type: none"> • obtain the approval of the prescribed authority before acting; and • notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised): <ul style="list-style-type: none"> ○ if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and in all cases: <ul style="list-style-type: none"> – on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and – in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and ○ y other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power. | CEO | | |

WATER INDUSTRY ACT 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|--|-----------------|---------------------|-------------------------------------|
| REGULATION 18 | NOTICES UNDER SECTION 59 – PERMITS | | | |
| | The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations. | CEO | | |
| REGULATION 23 | FITTINGS ETC TO BE FLUSH WITH ROAD SURFACE | | | |
| | The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration. | CEO | | |
| | The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting. | CEO | | |
| | The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person. | CEO | | |

WATER INDUSTRY ACT 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 34 | PIPES MUST NOT LIE ACROSS ALLOTMENT BOUNDARIES | | | |
| | The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure. | CEO | | |
| | The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the Strata Titles Act 1988 or in the same community parcel under the Community Titles Act 1996), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice. | CEO | | |
| | The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work. | CEO | | |

WATER INDUSTRY ACT 2012

| REGULATION | DELEGATED POWERS | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------------|---|-----------------|---------------------|-------------------------------------|
| REGULATION 36 | WATER METERS – ESTIMATES | | | |
| | <p>The power pursuant to Regulation 36 of the Regulations if:</p> <ul style="list-style-type: none"> the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and a code or rules made under the <i>Essential Services Commission Act 2002</i> relating to the provision of retail services to customers does not apply to that supply of water, to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water. | CEO | | |
| REGULATION 38 | CHARGE WHERE LAND NOT CONNECTED OR SERVICE TO LAND REDUCED OR DISCONTINUE | | | |
| | <p>The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:</p> <ul style="list-style-type: none"> the land is not connected to infrastructure by which a retail service is provided by the Council; or the provision of a retail service to the land by the Council has been reduced or discontinued. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-------------------|--|----------|--------------|--------------------------|
| SECTION 51 | DETERMINATION OF WORK GROUPS | | | |
| | The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers. | CEO | | |
| SECTION 52 | NEGOTIATIONS FOR AGREEMENT FOR WORK GROUP | | | |
| | The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives. | CEO | | |
| | The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act. | CEO | | |
| SECTION 54 | FAILURE OF NEGOTIATIONS | | | |
| | The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 55 | DETERMINATION OF WORK GROUPS OF MULTIPLE BUSINESSES | | | |
| | The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers. | CEO | | |
| | The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement. | CEO | | |
| SECTION 56 | NEGOTIATION OF AGREEMENT FOR WORK GROUPS OF MULTIPLE BUSINESSES | | | |
| | The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter. | CEO | | |
| SECTION 58 | WITHDRAWAL FROM NEGOTIATIONS OR AGREEMENT INVOLVING MULTIPLE BUSINESSES | | | |
| | The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 65 | DISQUALIFICATION OF HEALTH AND SAFETY REPRESENTATIVES | | | |
| | <p>The power pursuant to Section 65(1) of the Act, to make an application to the Senior Judge of the IRC for a review committee to disqualify a health and safety representative on the ground that the representative has:</p> <ul style="list-style-type: none"> • exercised a power or performed a function as a health and safety representative for an improper purpose; or • used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative, where the Council is adversely affected by the exercise of a power or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 70 | GENERAL OBLIGATIONS OF PERSON CONDUCTING BUSINESS OR UNDERTAKING | | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|----------------|--|----------|--------------|--------------------------|
| | <p>The power pursuant to Section 70(1) of the Act, to</p> <ul style="list-style-type: none"> • consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative for a work group of workers carrying out work for the Council; and • confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and • allow any health and safety representative for the work group to have access to information that the Council has relating to: <ul style="list-style-type: none"> • hazards (including associated risks) at the workplace affecting workers in the work group; and • the health and safety of the workers in the work group; and • with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and: <ul style="list-style-type: none"> ○ an inspector; or ○ the Council or the Council's representative; and • with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and: <ul style="list-style-type: none"> ○ an inspector; or ○ The Council or the Council's representative; and • provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act. | | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| | <ul style="list-style-type: none"> allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and provide any other assistance to the health and safety representative for the work group that may be required by the regulations. | | | |
| SECTION 71 | EXCEPTIONS FOR OBLIGATIONS UNDER SECTION 70(1) | | | |
| | The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group. | CEO | | |
| SECTION 72 | OBLIGATION TO TRAIN HEALTH AND SAFETY REPRESENTATIVES | | | |
| | The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| | <p>The power pursuant to Section 72(3) of the Act to:</p> <ul style="list-style-type: none">• as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and• pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training. | CEO | | |
| | <p>The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.</p> | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 73 | OBLIGATION TO SHARE COSTS IF MULTIPLE BUSINESSES OR UNDERTAKINGS | | | |
| | <p>The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:</p> <ul style="list-style-type: none"> the costs of the representative exercising powers and performing functions under the Act; and the costs referred to in Section 72(3)(b) of the Act, for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally. | CEO | | |
| | <p>The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.</p> | CEO | | |
| SECTION 75 | HEALTH AND SAFETY COMMITTEES | | | |
| | <p>The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.</p> | CEO | | |
| SECTION 76 | CONSTITUTION OF COMMITTEE | | | |
| | <p>The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.</p> | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| | The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter. | CEO | | |
| SECTION 82 | REFERRAL OF ISSUE TO REGULATOR FOR RESOLUTION BY INSPECTOR | | | |
| | The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue. | CEO | | |
| SECTION 87 | ALTERNATIVE WORK | | | |
| | The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties. | CEO | | |
| SECTION 89 | REQUEST TO REGULATOR TO APPOINT INSPECTOR TO ASSIST | | | |
| | The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work. | CEO | | |
| SECTION 100 | REQUEST FOR REVIEW OF PROVISIONAL IMPROVEMENT NOTICE | | | |
| | The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|---|-----------------|---------------------|-------------------------------------|
| SECTION 141 | APPLICATION FOR ASSISTANCE OF INSPECTOR TO RESOLVE DISPUTE | | | |
| | The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute. | CEO | | |
| SECTION 142 | AUTHORISING AUTHORITY MAY DEAL WITH A DISPUTE ABOUT A RIGHT OF ENTRY UNDER THIS ACT | | | |
| | The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council. | CEO | | |
| SECTION 180 | RETURN OF SEIZED THINGS | | | |
| | The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized. | CEO | | |
| SECTION 181 | ACCESS TO SEIZED THINGS | | | |
| | The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times. | CEO | | |

WORK HEALTH AND SAFETY ACT 2012

| SECTION OF ACT | DELEGATED POWER | DELEGATE | SUB DELEGATE | CONDITIONS & LIMITATIONS |
|-----------------------|--|-----------------|---------------------|-------------------------------------|
| SECTION 224 | APPLICATION FOR INTERNAL REVIEW | | | |
| | <p>The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:</p> <ul style="list-style-type: none"> • the prescribed time after the day on which the decision first came to the Council's notice; or • such longer period as the regulator allows. | CEO | | |
| SECTION 229 | APPLICATION FOR EXTERNAL REVIEW | | | |
| | <p>The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to the Senior Judge of the IRC for review (an external review), in accordance with Section 229(2) of the Act, of:</p> <ul style="list-style-type: none"> • a reviewable decision made by the regulator; or • a decision made, or taken to have been made, on an internal review. | CEO | | |