



The Corporation of the Town of Walkerville

Instrument of delegation to the Chief Executive Officer

1. The Corporation of the Town of Walkerville (**Council**) delegates each function and power of the Council which is capable of delegation under the legislation listed in the attached table to the Chief Executive Officer (**delegate**) subject to this instrument of delegation.
2. The delegations are granted pursuant to section 44 of the *Local Government Act 1999*, excepting that the functions and powers of the Council:
 - (a) as an administering agency under the *Environment Protection Act 1993* are delegated pursuant to section 18C of the Environment Protection Act;
 - (b) acting as an enforcement agency under the *Food Act 2001* are delegated pursuant to section 91 of the Food Act;
 - (c) acting as a road manager under the *Heavy Vehicle National Law* are delegated pursuant to section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013*;
 - (d) acting as a relevant authority under the *Planning, Development and Infrastructure Act 2016* are delegated pursuant to section 100 of the Planning, Development and Infrastructure Act;
 - (e) acting as a relevant authority under the *Safe Drinking Water Act 2011* are delegated pursuant to section 43 of the Safe Drinking Water Act; and
 - (f) under the *Supported Residential Facilities Act 1992* are delegated pursuant to section 9(2) of the Supported Residential Facilities Act.
3. A function or power delegated under this instrument may be sub-delegated as specified in the attached table, subject to any requirement of, or limitation in, the legislation relevant to the delegated function or power.
4. The delegations granted under this instrument are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power:
 - (i) in accordance with applicable legislative and other legal requirements; and
 - (ii) having due regard to relevant policies and guidelines adopted by the Council; and
 - (b) the delegate must comply with any limitations or conditions specified for a function or power under legislation in the attached table.
5. Each delegation of a function or power granted under this instrument is independent of, and severable from, every other delegation of a function or power granted under this instrument.
6. Section 43 of the *Legislation Interpretation Act 2021* applies to each delegation of a function or power granted under this instrument.

7. If a delegation of a function or power granted under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.
8. The delegations granted under this instrument of delegation will come into operation on Tuesday 21 November 2023.
9. Previous delegations granted by the Council of the functions and powers delegated under this instrument are revoked with effect from the date on which the delegations granted under this instrument come into operation.
10. The delegations granted under this instrument will remain in force until varied or revoked by resolution of the Council.

By resolution of the Council

on: 20 November 2023 (**CNC93/23-24**)

Attachment

Delegated functions and powers

Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
<i>Burial and Cremation Act 2013</i>	Sub-delegation permitted.	Nil.
<i>Burial and Cremation Regulations 2014</i>	Sub-delegation permitted.	Nil.
<i>Community Titles Act 1996</i>	Sub-delegation permitted.	Nil.
<i>Cost of Living Concessions Act 1986</i>	Sub-delegation permitted.	Nil.
<i>Crown Land Management Act 2009</i>	Sub-delegation permitted.	Nil.
<i>Disability Inclusion Act 2018</i>	Sub-delegation permitted.	Nil.
<i>Disability Inclusion Regulations 2019</i>	Sub-delegation permitted.	Nil.
<i>Dog and Cat Management Act 1995</i>	Sub-delegation permitted.	Nil.
<i>Dog and Cat Management Regulations 2017</i>	Sub-delegation permitted.	Nil.
<i>Electricity Act 1996</i>	Sub-delegation permitted.	Nil.
<i>Electricity (Principles of Vegetation Clearance) Regulations 2010</i>	Sub-delegation permitted.	Nil.
<i>Environment Protection Act 1993</i>	Sub-delegation permitted, except for functions and powers of an administering agency under the Environment Protection Act delegated pursuant to section 18C of the Environment Protection Act.	Nil
<i>Environment Protection Regulations 2009</i>	Sub-delegation permitted, except for functions and powers of an administering agency under the Environment Protection Act delegated pursuant to section 18C of the Environment Protection Act.	Nil.
<i>Environment Protection (Air Quality) Policy 2016</i>	Sub-delegation permitted, except for functions and powers of an administering agency under the	Nil.

Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
	Environment Protection Act delegated pursuant to section 18C of the Environment Protection Act.	
<i>Environment Protection (Noise) Policy 2007</i>	Sub-delegation permitted, except for functions and powers of an administering agency under the Environment Protection Act delegated pursuant to section 18C of the Environment Protection Act.	Nil.
<i>Environment Protection (Used Packaging Materials) Policy 2012</i>	Sub-delegation permitted, except for functions and powers of an administering agency under the Environment Protection Act delegated pursuant to section 18C of the Environment Protection Act.	Nil.
<i>Environment Protection (Waste to Resources) Policy 2010</i>	Sub-delegation permitted, except for functions and powers of an administering agency under the Environment Protection Act delegated pursuant to section 18C of the Environment Protection Act.	Nil.
<i>Expiation of Offences Act 1996</i>	Sub-delegation permitted.	Nil.
<i>Fences Act 1975</i>	Sub-delegation permitted.	Nil.
<i>Fines Enforcement and Debt Recovery Act 2017</i>	Sub-delegation permitted.	Nil.
<i>Fire and Emergency Services Act 2005</i>	Sub-delegation permitted.	The functions and powers under Division 8, Part 4 of the Fire and Emergency Services Act are not delegated.
<i>Fire and Emergency Services Regulations 2021</i>	Sub-delegation permitted.	Nil.
<i>Food Act 2001</i>	Sub-delegation permitted.	Nil.
<i>Food Regulations 2017</i>	Sub-delegation permitted.	Nil.
<i>Freedom of Information Act 1991</i>	Sub-delegation permitted.	Nil.
<i>Freedom of Information (Fees and Charges) Regulations 2018</i>	Sub-delegation permitted.	Nil.

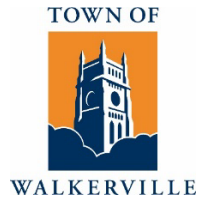
Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
<i>Gas Act 1997</i>	Sub-delegation permitted.	Nil.
<i>Graffiti Control Act 2001</i>	Sub-delegation permitted.	Nil.
<i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)</i>	Sub-delegation permitted.	Nil.
<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</i>	Sub-delegation permitted.	Nil.
<i>Independent Commission Against Corruption Act 2012</i>	Sub-delegation permitted.	Nil.
<i>Labour Hire Licensing Act 2017</i>	Sub-delegation permitted.	Nil.
<i>Land and Business (Sale and Conveyancing) Act 1994</i>	Sub-delegation permitted.	Nil.
<i>Landscape South Australia Act 2019</i>	Sub-delegation permitted.	Nil.
<i>Landscape South Australia (General) Regulations 2020</i>	Sub-delegation permitted.	Nil.
<i>Landscape South Australia (Water Management) Regulations 2020</i>	Sub-delegation permitted.	Nil.
<i>Liquor Licensing Act 1997</i>	Sub-delegation permitted.	Nil.
<i>Local Government Act 1999</i>	Sub-delegation permitted.	<p>The functions and powers under section 41 are not delegated.</p> <p>The functions and powers listed in section 44(3) are not delegated.</p> <p>The power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing</p>

Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
		<p>or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act.</p> <p>The power to expend funds in the performance or discharge of the Council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the Council.</p> <p>The power to write off debts under section 143 is limited to debts not exceeding \$5,000.</p> <p>The powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c).</p>
<i>Local Government (Building Upgrade Agreements) Regulations 2017</i>	Sub-delegation permitted.	Nil.
<i>Local Government (Financial Management) Regulations 2011</i>	Sub-delegation permitted.	Nil.
<i>Local Government (General) Regulations 2013</i>	Sub-delegation permitted.	Nil.
<i>Local Government (Members Allowances and Benefits) Regulations 2010</i>	Sub-delegation permitted.	Nil.
<i>Local Government (Procedures at Meetings) Regulations 2013</i>	Sub-delegation permitted	Nil.
<i>Local Government (Elections) Act 1999</i>	Sub-delegation permitted.	Nil.
<i>Local Government (Forestry Reserves) Act 1944</i>	Sub-delegation permitted.	Nil.
<i>Local Nuisance and Litter Control Act 2016</i>	Sub-delegation permitted.	Nil.
<i>Local Nuisance and Litter Control Regulations 2017</i>	Sub-delegation permitted.	Nil.
<i>Magistrates Court Rules 1992</i>	Sub-delegation permitted.	Nil.

Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
<i>Mining Act 1971</i>	Sub-delegation permitted.	Nil.
<i>Mining Regulations 2020</i>	Sub-delegation permitted.	Nil.
<i>Ombudsman Act 1972</i>	Sub-delegation permitted.	Nil.
<i>Planning, Development and Infrastructure Act 2016</i>	Sub-delegation permitted.	<ol style="list-style-type: none"> 1. Excluding: <ol style="list-style-type: none"> (a) sections 5(5)(b), 6(3)(b), 41(2)(a), 73(2), 73(7), 84(1)(c)(ii), 94(1)(g), 113(5)(a)(iii), 114(2)(b), 163(3)(b), 163(10), 164(3), 164(12), 167(7), 177(4), 177(5), 189(1), 192(17), 197(1)(b), 197(7) and 200(1); (b) clauses 3(3), 3(14) and 3(15) of Schedule 4; and (c) clause 9(6)(a) and 30(3) of Schedule 8. 2. Section 44(6)(a): The power may not be exercised by the CEO in respect of amendments to the Planning and Design Code. 3. Section 75(3): The power may only be exercised by the CEO after the matter has been considered by the Council. 4. Sections 99(3), 102(1) and 118 : The power can only be exercised consistently with the advice of the Building Services (Contractor). 5. Section 131(15): The power may only be exercised by the CEO after the matter has been considered by the Council.
<i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>	Sub-delegation permitted.	Nil.
<i>Planning, Development and Infrastructure (General) Regulations 2017</i>	Sub-delegation permitted.	Nil.

Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
<i>Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017</i>	Sub-delegation permitted.	The power under regulation 8(1)(c) is not delegated.
<i>State Planning Commission Practice Direction 2 (Preparation and Amendment of Designated Instruments) 2019</i>	Sub-delegation permitted.	Nil.
<i>State Planning Commission Practice Direction 3 (Notification Of Performance Assessed Development Applications) 2019</i>	Sub-delegation permitted.	Nil.
<i>State Planning Commission Practice Direction 10 (Staged Occupancy of Multi-storey Buildings) 2020</i>	Sub-delegation permitted.	Nil.
<i>Private Parking Areas Act 1986</i>	Sub-delegation permitted.	Nil.
<i>Real Property Act 1886</i>	Sub-delegation permitted.	Nil.
<i>Roads (Opening and Closing) Act 1991</i>	Sub-delegation permitted.	Nil.
<i>Road Traffic Act 1961</i>	Sub-delegation permitted.	Nil.
<i>Road Traffic (Miscellaneous) Regulations 2014</i>	Sub-delegation permitted.	Nil.
<i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014</i>	Sub-delegation permitted.	Nil.
<i>Safe Drinking Water Act 2011</i>	Sub-delegation permitted.	Nil.
<i>Safe Drinking Water Regulations 2012</i>	Sub-delegation permitted.	Nil.
<i>South Australian Public Health Act 2011</i>	Sub-delegation permitted.	Nil.
<i>South Australia Public Health (General) Regulations 2013</i>	Sub-delegation permitted.	Nil.
<i>South Australia Public Health (Legionella) Regulations 2013</i>	Sub-delegation permitted.	Nil.

Legislation	Authority to sub-delegate	Conditions and limitations (in addition to clause 4)
<i>South Australia Public Health (Wastewater) Regulations 2013</i>	Sub-delegation permitted.	Nil.
<i>State Records Act 1997</i>	Sub-delegation permitted.	Nil.
<i>Strata Titles Act 1988</i>	Sub-delegation permitted.	Nil.
<i>Supported Residential Facilities Act 1992</i>	Sub-delegation permitted.	Nil.
<i>Supported Residential Facilities Regulations 2009</i>	Sub-delegation permitted.	Nil.
<i>Unclaimed Goods Act 1987</i>	Sub-delegation permitted.	Nil.
<i>Water Industry Act 2012</i>	Sub-delegation permitted.	Nil.
<i>Water Industry Regulations 2012</i>	Sub-delegation permitted.	Nil.



The Corporation of the Town of Walkerville

Instrument of delegation: *Fire and Emergency Services Act 2005*

1. The Corporation of the Town of Walkerville (**Council**) grants to Vincent Fantasia (**delegate**) a delegation of each function and power of the Council under Division 8, Part 4 of the *Fire and Emergency Services Act 2005*.
2. The delegations are granted pursuant to section 93 of the Fire and Emergency Services Act.
3. A function or power delegated under this instrument may be sub-delegated, subject to any requirement of section 105D of the Fire and Emergency Services Act.
4. The delegations granted under this instrument are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power:
 - (i) in accordance with applicable legislative and other legal requirements; and
 - (ii) having due regard to relevant policies and guidelines adopted by the Council; and
 - (b) the delegations will be automatically revoked if the delegate ceases to be a fire prevention officer appointed by the Council under section 105B of the Fire and Emergency Services Act.
5. Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation of a power or function granted under this instrument.
6. Section 43 of the *Legislation Interpretation Act 2021* applies to each delegation of a function or power granted under this instrument.
7. If a delegation of a power or function granted under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.
8. The delegations granted under this instrument of delegation will come into operation on Tuesday 21 November 2023.
9. The delegations granted under this instrument replace any previous delegations to the delegate by the Council of functions or powers under Division 8, Part 4 of the Fire and Emergency Services Act with effect on and from the date on which the delegations granted under this instrument come into operation.
10. The delegations granted under this instrument will remain in force until varied or revoked by resolution of the Council.

By resolution of the Council

on: 20 November 2023 (**CNC93/23-24**)

The Corporation of the Town of Walkerville

Instrument of authorisation: *Road Traffic Act 1961*

1. The Minister for Transport and Infrastructure granted:
 - (a) approvals to The Corporation of the Town of Walkerville (**Council**) for the purpose of exercising specific powers under sections 17 and 20 of the *Road Traffic Act 1961*; and
 - (b) appointed the Council as the Minister's delegate in respect of exercising specific powers under sections 17 and 33(1) of the Road Traffic Act,by the Instrument of General Approval and Delegation (dated 22 August 2013) (**General Approval**).
2. Pursuant to the General Approval, the Council authorises the Group Manager Assets and Infrastructure to exercise the powers under sections 17 and 20 of the Road Traffic Act listed in the attached table which have been approved for exercise by, or delegated to, the Council by the General Approval subject to the conditions set out in the General Approval and any additional conditions noted in the table with respect to the exercise of the powers.
3. The authorisations granted under this instrument must be exercised:
 - (a) in accordance with applicable legislative and other legal requirements; and
 - (b) having due regard to relevant policies and guidelines adopted by the Council;
4. Each authorisation to exercise a power granted under this instrument is independent of, and severable from, every other authorisation under this instrument.
5. If an authorisation to exercise a power granted under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining authorisations will continue to operate according to their terms.
6. This instrument of delegation will come into operation on Tuesday 21 November 2023.
7. The authorisations granted under this instrument replace any previous authorisation of the Group Manager Assets and Infrastructure to exercise the powers listed in the attached table with effect on and from the date on which this instrument come into operation.
8. The authorisations granted under this instrument will remain in force until varied or revoked by resolution of the Council.



Signature of the Chief Executive Officer

Name

Andrew Macdonald

Date

21 November 2023

Council authorisations for the purposes of the General Approval

Road Traffic Act	Approval granted to Council (as set out in the General Approval)	Conditions
sections 17(1) and 17(3)	<p>A. Traffic control devices</p> <p>Install, maintain, alter, operate or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device on, above or near a road which is under the care, control and management of the Council (except those traffic control devices specified in clause A.8 of the General Approval or dealt with in other clauses of the General Approval)</p>	As set out in clause A of the General Approval
section 20(2)	<p>B. Speed limits at works on roads</p> <p>Place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards a work area or a work site where workers are engaged, or works are in progress at the direction of the Council</p>	As set out in clause B of the General Approval
section 17(3)	<p>C. Traffic control devices at works on roads</p> <p>Install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the <i>Road Traffic Act 1961</i> or any other Act</p>	As set out in clause C of the General Approval
section 17(3)	<p>D. Temporary parking controls</p> <p>Install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under the care, control and management of the Council</p>	As set out in clause D of the General Approval

section 17	F. Grant approval to another road authority Specifically approve the installation, maintenance, alteration, operation or removal of a traffic control device in the Council area by a road authority on, above or near a road under the care, control and management of the road authority	As set out in clause F of the General Approval
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The Corporation of the Town of Walkerville

Instrument of sub-delegation: *Road Traffic Act 1961*

1. The Minister for Transport and Infrastructure granted:
 - (a) approvals to The Corporation of the Town of Walkerville (**Council**) for the purpose of exercising of specific powers under sections 17 and 20 of the *Road Traffic Act 1961*; and
 - (b) appointed the Council as the Minister's delegate in respect of exercising specific powers under sections 17 and 33(1) of the Road Traffic Act,by the Instrument of General Approval and Delegation (dated 22 August 2013) (**General Approval**).
2. Pursuant to the General Approval, the Council sub-delegates the power under section 33(1) of the Road Traffic Act to the Chief Executive Officer (**sub-delegate**) to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:
 - (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and
 - (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the *Australian Road Rules*:
 - (i) rule 221: using hazard warning lights;
 - (ii) rule 230: crossing a road – general;
 - (iii) rule 231 crossing a road at pedestrian lights;
 - (iv) rule 232: crossing a road at traffic lights;
 - (v) rule 234: crossing a road on or near a crossing for pedestrians;
 - (vi) rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h);
 - (vii) rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
 - (viii) rule 250: riding on a footpath or shared path;
 - (ix) rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);
 - (x) rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h);
 - (xi) rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);

- (xii) rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h)
 - (xiii) rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and
 - (xiv) rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).
3. The sub-delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval.
 4. The sub-delegate must exercise a delegated function or power:
 - (a) in accordance with applicable legislative and other legal requirements; and
 - (b) having due regard to relevant policies and guidelines adopted by the Council.
 5. Each sub-delegation of a function or power granted under this instrument is independent of, and severable from, every other sub-delegation of a function or power granted under this instrument.
 6. Section 43 of the *Legislation Interpretation Act 2021* applies to each sub-delegation of a function or power granted under this instrument.
 7. If a sub-delegation of a function or power granted under this instrument is determined to be invalid or unlawful, the invalid or unlawful sub-delegation will be deemed to be severed from this instrument and the remaining sub-delegations will continue to operate according to their terms.
 8. The sub delegations granted under this instrument of sub-delegation will come into operation on Tuesday 21 November 2023.
 9. The sub-delegations granted under this instrument replace any previous sub-delegations by the Council to the sub-delegate of the functions or powers specified in this instrument with effect on and from the date on which the sub-delegations granted under this instrument come into operation.
 10. The sub-delegations granted under this instrument will remain in force until varied or revoked by resolution of the Council.

By resolution of the Council

on: 20 November 2023 (**CNC93/23-24**)