



Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

**I hereby give notice that an Ordinary Meeting of Council will be held
on:**

Date: Tuesday, 21 February 2023
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 21 February 2023

A handwritten signature in black ink, appearing to read 'Sarah Philpott', is written over a light blue circular stamp.

Sarah Philpott
Chief Executive Officer
17 February 2023



Order Of Business

| | | |
|-----------|--|-----------|
| 1 | Acknowledgement of Country | 4 |
| 2 | Apologies | 4 |
| 3 | Leave of Absence | 4 |
| 4 | Confirmation of Council Minutes | 4 |
| 5 | Mayoral Report | 5 |
| 5.1 | Mayoral Report - February 2023 – Report No. AR23/3713..... | 5 |
| 6 | Reports from Councillors | 6 |
| 7 | Questions with Notice | 7 |
| 7.1 | Question with Notice - Civic Centre Upgrade | 7 |
| 7.2 | Question with Notice - Workforce Planning | 8 |
| 8 | Questions without Notice | 9 |
| 8.1 | Question/s taken on notice from previous meeting | 9 |
| 9 | Petitions | 10 |
| | Nil | |
| 10 | Deputations | 11 |
| 10.1 | Deputation - Mr John Schroder - Tree Concerns - Commercial Street – Report No. AR23/8716..... | 11 |
| 11 | Notice of Motion to Rescind or Amend | 13 |
| | Nil | |
| 12 | Elected Members Workshops | 14 |
| 12.1 | Elected Member Information/Briefing Sessions from 20/01/2023 to 16/02/2023 – Report No. AR23/6834 | 14 |
| 13 | Elected Members Training and Development | 23 |
| | Nil | |
| 14 | Council Action Items | 24 |
| 14.1 | Council Action Items - 24/01/2023 – Report No. AR23/9332 | 24 |
| 15 | Junior Sports Assistance (Section 41) Committee Minutes and Recommendations | 33 |
| | Nil | |
| 16 | Audit and Risk Committee Minutes and Recommendations | 34 |
| 16.1 | Minutes of the Audit and Risk Committee held on 9 February 2023 - Go to Attachment..... | 34 |
| 16.2 | Council Investments and Borrowings – Report No. AR22/60852..... | 34 |
| 16.3 | External Audit Management Report – Report No. AR23/5855 | 34 |
| 17 | Chief Executive Officer Performance Review Committee Minutes and Recommendations | 35 |
| | Nil | |
| 18 | Building Fire Safety Committee Minutes | 35 |



| | |
|---|------------|
| Nil | |
| 19 Council Reports | 36 |
| 19.1 Casual Vacancy in Office of Councillor – Report No. AR23/9160 | 36 |
| 19.2 Junior Sports Assistance Fund - Presiding Member Vacancy – Report No. AR23/10029 | 40 |
| 19.3 Review of Council Delegation Updates - February 2023 – Report No. AR22/62797 | 43 |
| 19.4 Second Quarter Report on Annual Business Plan 2022/2023 Annual Objectives – Report No. AR23/9006 | 173 |
| 19.5 Budget Review 2 2022/2023 – Report No. AR23/7656 | 191 |
| 19.6 Queen Elizabeth Park Trust - Winding Up – Report No. AR23/8917 | 202 |
| 19.7 Riddoch Arts and Cultural Trust - 2022-2023 Plan – Report No. AR22/85966 | 205 |
| 19.8 Wulanda Recreation and Convention Centre - Verbal Update – Report No. AR23/3721 | 243 |
| 19.9 Mitchell Street Trees - ATS Report – Report No. AR23/8604 | 244 |
| 20 Motions with Notice | 252 |
| 20.1 Notice of Motion - Rail Trail Community Planting Project | 252 |
| 21 Urgent Motions without Notice | 254 |
| 22 Confidential Items of Committees | 254 |
| Nil | |
| 23 New Confidential Items | 255 |
| 24 Meeting Close | 258 |
| Committee Minutes and Reports / Attachments | 259 |
| Attachments Item 4 Ordinary Council Meeting - 24 January 2023 | 260 |
| Attachments Item 16.1 Minutes of the Audit and Risk Committee held on 9 February 2023 | 273 |
| Attachments Item 16.2 Council Investments and Borrowings | 275 |
| Attachments Item 16.3 External Audit Management Report | 280 |



1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 24 January 2023](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 24 January 2023 be confirmed as an accurate record of the proceedings of the meeting.



5 MAYORAL REPORT

5.1 MAYORAL REPORT - FEBRUARY 2023 – REPORT NO. AR23/3713

- Meeting with Jason Wallace – ac.care
- Limestone Coast Radiation Treatment Working Group Meeting
- Australia Day Breakfast and Awards Ceremony
- Citizenship Ceremony
- 2023 Mount Gambier Sub Section – Naval Association – Annual Dinner
- Liberty Church – City Wide Churches Celebration
- SAROC & GAROC Meeting with Federal Local Government Minister Kristy McBain MP
- Grassroots Community Listening Tour with Shadow Cabinet
- Elected Member Briefing – RACT Board
- Elected Member Briefing – Mandatory Finance Induction
- Tour of The Riddoch Arts and Cultural Centre
- Limestone Coast Radiation Treatment Working Group Meeting
- Meeting with EO of LCLGA
- Introductory Meeting with CEO with Sam Bradbrook, ABC
- Elected Member Briefing – Presentation by LGFA
- Elected Member Briefing – Sustainability
- Confidential Elected Member Briefing
- Audit and Risk Committee Meeting
- LCLGA Board AGM/GM – DC Robe
- SA Police Band Community Concert and Law Enforcement Torch Run (LETR)
- Mount Gambier Lions Club 60th Anniversary – Dinner – Her Excellency the Governor of SA in attendance
- ABC Radio Interview – re Presidency of LCLGA
- ABC Radio Interview – re Public Bus Service
- Small Cultural Ceremony – Valley Lake/Ketla Malpi Public Amenity Construction
- Mount Gambier Lions Club 60th Anniversary – Commemorative Tree Planting – Elizabeth Knight Reserve
- Elected Member Briefing – Update on Long Term Financial Plan
- Elected Member Briefing – Regional Planning Session Two



6 REPORTS FROM COUNCILLORS



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - CIVIC CENTRE UPGRADE

Meeting: Council
CM9 Reference: AF22/378
Member: Paul Jenner, Councillor

The following question on notice was received from Councillor Paul Jenner.

Question

Can an update be provided regarding the maintenance of the Civic Centre Building

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding the Civic Centre maintenance raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



7.2 QUESTION WITH NOTICE - WORKFORCE PLANNING

Meeting: Council
CM9 Reference: AF22/378
Member: Kate Amoroso, Councillor

The following question on notice was received from Councillor Kate Amoroso.

Question

Can the CEO please provide an update on our succession planning processes and workforce planning especially in relation to retention, attraction and the supported worker review.

Response

To be provided at the meeting,

REPORT RECOMMENDATION

That the response to the question regarding Workforce Planning raised by Councillor Kate Amoroso be received and noted.

ATTACHMENTS

Nil



8 QUESTIONS WITHOUT NOTICE

8.1 QUESTION/S TAKEN ON NOTICE FROM PREVIOUS MEETING



9 PETITIONS

Nil



10 DEPUTATIONS

10.1 DEPUTATION - MR JOHN SCHRODER - TREE CONCERNS - COMMERCIAL STREET - REPORT NO. AR23/8716

Meeting: Council

CM9 Reference: AF22/378

Author: Tahlee Chant, Executive Administrator City and Community Growth

Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR23/8716 titled 'Deputation - Mr John Schroder - Tree Concerns - Commercial Street' as presented on 21 February 2023 be noted.



BACKGROUND

The Mayor, Mrs Lynette Martin OAM, has granted a deputation request from Mr John Schroder who would like the opportunity to present to Council.

ATTACHMENTS

Nil



11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil



12 ELECTED MEMBERS WORKSHOPS






12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 20/01/2023 TO 16/02/2023 – REPORT NO. AR23/6834

Meeting: Council
CM9 Reference: AF22/378
Author: Tahlee Chant, Executive Administrator City and Community Growth
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR23/6834 titled 'Elected Member Information/Briefing Sessions from 20/01/2023 to 16/02/2023' as presented on 21 February 2023 be noted.

ATTACHMENTS

1. Elected Member Information Briefing Session - Record of Proceedings - 31/01/2023 - Presentation by RACT Board [↓](#) 
2. Confidential Elected Member Information Briefing Session - Record of Proceedings - 31/01/2023 - Mandatory Finance Induction [↓](#) 
3. Confidential Elected Member Information Briefing Session - Record of Proceedings - 07/02/2023 Presentation by Local Government Finance Authority [↓](#) 
4. Elected Member Information Briefing Session - Record of Proceedings - 07/02/2023 - Sustainability [↓](#) 
5. Confidential Elected Member Information Briefing Session - Record of Proceedings - 07/02/2023 - Caroline Cell Update [↓](#) 
6. Confidential Elected Member Information Briefing Session - Record of Proceedings - 14/02/2023 - Regional Planning Preparation [↓](#) 
7. Elected Member Information Briefing Session - Record of Proceedings - 16/02/2023 - Council Meeting Briefing [↓](#) 



**INFORMATION / BRIEFING SESSION
PRESENTATION BY RACT BOARD
5:30 PM, TUESDAY, 31 JANUARY 2023**

Ref: AF22/549

**RECORD OF PROCEEDINGS
5:30 PM, TUESDAY, 31 JANUARY 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier**

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1 will be open to the public.

GUESTS:-

Maz McGann, RACT Board Chair (virtual)
Sonya Meziniec, RACT Board Member
Rory McEwen, RACT Board Member

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Max Bruins
Cr Mark Lovett
Cr Paul Jenner
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
Acting General Manager City and Community Growth
General Manager Corporate and Regulatory Services
Manager Governance and Property
Manager Riddoch Arts and Cultural Centre

MEMBERS APOLOGIES:-

Cr Ben Hood
Cr Kate Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Presentation by Maz McGann, RACT Board Chair on RACT 2023 Business Plan and Budget and Board activities/objectives.

Discussion closed at 6.15 p.m.



**INFORMATION / BRIEFING SESSION
CONFIDENTIAL MANDATORY FINANCE INDUCTION
6:15 PM, TUESDAY, 31 JANUARY 2023**

Ref: AF22/549

**RECORD OF PROCEEDINGS
6:15 PM, TUESDAY, 31 JANUARY 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier**

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1 will not be open to the public as the matter to be discussed is not a matter to be on the formal agenda of a Council or Committee Meeting.

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Max Bruins
Cr Mark Lovett
Cr Paul Jenner
Cr Sonya Meziniec
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
Acting General Manager City and Community Growth
General Manager Corporate and Regulatory Services
Manager Financial Services

MEMBERS APOLOGIES:-

Cr Ben Hood
Cr Kate Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Elected Member mandatory training including the following:

- Integrated Strategic Management Planning and Performance
- Strategic Risk Management and Oversight
- Financial Management

Discussion closed at 7.30 p.m.



**CONFIDENTIAL INFORMATION / BRIEFING SESSION
PRESENTATION BY LOCAL GOVERNMENT FINANCE AUTHORITY
5:30 PM TUESDAY 7 FEBRUARY 2023**

RECORD OF PROCEEDINGS
5:30 pm, Tuesday 7 February 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

The session described above will not be held at a place open to the public as the matter to be discussed is of a confidential nature within the ambit of section 90(2) & (3) of the Local Government Act 1999 being:

- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected: to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party
- (g) information concerning matters that must be considered in confidence in order to ensure that the Council does not: breach any law, order or direction of a court or tribunal constituted by law, breach any duty of confidence, or breach any other legal obligation or duty.

GUESTS:

David Lambert, Chief Executive Officer, Local Government Finance Authority
Natasha Grigg, Director Lending & Treasury, Local Government Finance Authority

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Kate Amoroso
Cr Frank Morello
Cr Sonya Mezinac
Cr Max Bruins
Cr Paul Jenner

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
Manager Financial Services

MEMBERS APOLOGY:-

Cr Ben Hood
Cr Josh Lynagh
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil



DISCUSSION:

Presentation by the Local Government Finance Authority.

Discussion closed at 6.05 pm.



**INFORMATION / BRIEFING SESSION
SUSTAINABILITY
TUESDAY 7 FEBRUARY 2023**

RECORD OF PROCEEDINGS
6.10 P.M., TUESDAY 7 FEBRUARY 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

MEMBERS PRESENT:-

Mayor Lynette Martin
Ct Max Bruins
Cr Kate Amoroso
Cr Frank Morello
Cr Sonya Meziniec
Cr Paul Jenner

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
Aaron Izzard
Mark McDonald

MEMBERS APOLOGIES:-

Cr Ben Hood
Cr Josh Lynagh
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Update on sustainability actions and framework for the City of Mount Gambier.

Please find following link to the "Circular Economy Opportunities for the Limestone Coast" report:

<https://rdalc.org.au/wp-content/uploads/2022/11/Circular-Economy-Opportunities-2022.pdf>

Discussion closed at 6.40 p.m.



**CONFIDENTIAL INFORMATION / BRIEFING SESSION
CAROLINE CELL UPDATE
6.45 p.m. Tuesday, 7 February 2023**

RECORD OF PROCEEDINGS
6.45 p.m., Tuesday, 7 February 2023
Council Chamber Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1 will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

MEMBERS PRESENT:-

Mayor Lynette Martin
Ct Max Bruins
Cr Kate Amoroso
Cr Frank Morello
Cr Sonya Meziniec
Cr Paul Jenner

STAFF PRESENT:-

Chief Executive Officer
General Manager City and Community Growth
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
Mark McDonald

MEMBERS APOLOGIES:-

Cr Ben Hood
Cr Josh Lynagh
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Caroline Cell Update.

Discussion closed at 7.25 p.m.



CONFIDENTIAL INFORMATION / BRIEFING SESSION
Regional Planning Preparation
5:30 PM TUESDAY 14 FEBRUARY 2023

RECORD OF PROCEEDINGS
5:30 pm, Tuesday 14 February 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

The session described above will not be held at a place open to the public as the matter is not required to be open.

GUESTS:-

David Barone, Jensen PLUS

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Max Bruins
Cr Sonya Mezinac
Cr Paul Jenner
Cr Frank Morello

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager Corporate and Regulatory Services
General Manager City and Community Growth
Manager Development Services
Senior Planning Officer
Senior Building Officer
Acting Executive Administrator Corporate & Regulatory Services

MEMBERS APOLOGIES:-

Cr Ben Hood
Cr Josh Lynagh
Cr Kate Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

- Understand what Regional Plans are and their role in the SA planning system
- Important issues to inform future engagement processes with the State Planning Commission
- Identify strategic priorities for Mount Gambier

Discussion closed at 7.45 p.m.



**INFORMATION / BRIEFING SESSION
COUNCIL MEETING BRIEFING
5:30 PM, THURSDAY, 16 FEBRUARY 2023**

Ref. AF22/549

RECORD OF PROCEEDINGS
5:30 PM, THURSDAY, 16 FEBRUARY 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1 will be open to the public.

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Sonya Mezinac
Cr Frank Morello

STAFF PRESENT:-

General Manager Corporate and Regulatory Services
General Manager City Infrastructure
General Manager City and Community Growth
Manager Governance and Property
Manager Financial Services

MEMBERS APOLOGIES:-

Cr Max Bruins
Cr Kate Amoroso
Cr Paul Jenner
Cr Josh Lynagh
Cr Ben Hood

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Briefing in relation to:

- BR2
- Mitchell Street trees
- Casual vacancy

Discussion closed at 6:35 p.m.



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 24/01/2023 – REPORT NO. AR23/9332

Meeting: Council

CM9 Reference: AF22/378

Author: Tahlee Chant, Executive Administrator City and Community Growth


Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR23/9332 titled 'Council Action Items - 24/01/2023' as presented on 21 February 2023 be noted.



ATTACHMENTS

1. Council Action Items - 24 January 2023 [↓](#) 



| | |
|--|------------------------------|
| Division: | Date From: 24/01/2023 |
| Meeting: | Date To: 16/02/2023 |
| Officer: | |
| Action Sheets Report | |
| Printed: 16 February 2023 2:01 PM | |

| Meeting | Officer/Authoriser | Section | Subject |
|--|--|---------------------------|--|
| Council 24/01/2023 | Wilson, Sally Cemovskis, Barbara | Elected Members Workshops | Elected Member Information/Briefing Sessions from 14/12/2022 to 19/01/2023 |
| RESOLUTION 2023/4 | | | |
| Moved: Cr Sonya Meziniec | | | |
| Seconded: Cr Josh Lynagh | | | |
| 1. That Council Report No. AR23/2468 titled 'Elected Member Information/Briefing Sessions from 14/12/2022 to 19/01/2023' as presented on 24 January 2023 be noted. | | | |
| CARRIED | | | |
| 27 Jan 2023 4:26pm Wilson, Sally - Completion | | | |
| Action completed by Wilson, Sally | | | |

| Meeting | Officer/Authoriser | Section | Subject |
|---|--|----------------------|-----------------------------------|
| Council 24/01/2023 | Wilson, Sally Cemovskis, Barbara | Council Action Items | Council Action Items - 13/12/2022 |
| RESOLUTION 2023/5 | | | |
| Moved: Cr Mark Lovett | | | |
| Seconded: Cr Ben Hood | | | |
| 1. That Council Report No. AR23/3385 titled 'Council Action Items - 13/12/2022' as presented on 24 January 2023 be noted. | | | |
| CARRIED | | | |
| 27 Jan 2023 4:27pm Wilson, Sally - Completion | | | |
| Action completed by Wilson, Sally | | | |

| Meeting | Officer/Authoriser | Section | Subject |
|--------------------------|--|-----------------|--|
| Council 24/01/2023 | Cemovskis, Barbara Philpott, Sarah | Council Reports | Crater Lakes Bushfire Response / Recovery Update |
| RESOLUTION 2023/7 | | | |
| Moved: Cr Ben Hood | | | |



| | |
|------------------|--|
| Division: | Date From: 24/01/2023 |
| Meeting: | Date To: 16/02/2023 |
| Officer: | Printed: 16 February 2023 2:01 PM |

Action Sheets Report

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/8149 titled 'Crater Lakes Bushfire Response / Recovery Update' as presented on 24 January 2023 be noted.
2. That the longer term rehabilitation plan of the Crater Lakes Precinct be presented to Council with associated budgetary implications.
3. That Council notes the informal "emergency" budgetary reporting in response to the fire (provided via the 'Friday Edition') will cease as further actions will be subject to specific budget allocations.

CARRIED

| Meeting | Officer/Authoriser | Section | Subject |
|--|--------------------------------------|-----------------|-----------------------------|
| Council 24/01/2023 | Davison, Georgina Philpott, Sarah | Council Reports | Creative Arts Fund - Update |
| RESOLUTION 2023/8 | | | |
| Moved: Cr Frank Morello | | | |
| Seconded: Cr Max Bruins | | | |
| <ol style="list-style-type: none"> 1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted. 2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows: <ul style="list-style-type: none"> • Parts 1-2 of the resolution remain unchanged: • Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project: <ul style="list-style-type: none"> from MOD – University of Adelaide, to MOD – University of South Australia. • Parts 4-6 of the resolution remain unchanged. 3. That due to delay in approval of 2022/2023 Creative Arts Fund and therefore the ability for MOD University of South Australia to complete their original project by the deadline, MOD University of South Australia be granted approval to commission a Mount Gambier artist to produce a new work to be delivered in Mount Gambier by 2024. | | | |
| CARRIED | | | |



| | | |
|------------------|--|------------|
| Division: | Date From: | 24/01/2023 |
| Meeting: | Date To: | 16/02/2023 |
| Officer: | Printed: 16 February 2023 2:01 PM | |

Action Sheets Report

| Meeting | Officer/Authoriser | Section | Subject |
|--|--------------------------------------|-----------------|--|
| Council 24/01/2023 | Davison, Georgina Philpott, Sarah | Council Reports | Proposed Items of Business 2023 LGA Ordinary General Meeting |
| RESOLUTION 2023/9 | | | |
| Moved: Cr Paul Jenner | | | |
| Seconded: Cr Kate Amoroso | | | |
| (a) That Council Report No. AR22/87446 titled 'Proposed Items of Business 2023 LGA Ordinary General Meeting' as presented on 24 January 2023 be noted. | | | |
| (b) That an item of business be prepared and submitted for consideration by SAROC for the purpose of a motion to the 2023 LGA Ordinary General Meeting (OGM) on the following matters: | | | |
| 1. Compulsory Swimming Lessons (pending outcome of Notice of Motion AR23/2231, as contained in Council Meeting agenda dated 24 January 2023). | | | |
| 2. Regionalisation (as contained in the 21 June 2022 Council meeting, report no. AR22/40057) as follows: "This LGA Annual General Meeting calls on the South Australian Government to establish and appropriately resource effective implementation of the regionalisation agenda through strengthening regional centres, and to work closely with Federal Government on regionalisation initiatives." | | | |
| 3. The LGA liaise with Minister for Local Government and the Electoral Commissioner on reviewing the provisions under the Local Government Act and Election Regulations, which govern the local government election process and prevent the display or notification of nominations for local government member positions prior to the close of nominations. | | | |
| Carried | | | |
| 31 Jan 2023 5:10pm Wilson, Sally - Reallocation | | | |
| Action reassigned to Davison, Georgina by Wilson, Sally - To action. | | | |
| 14 Feb 2023 1:49pm Davison, Georgina - Completion | | | |
| Action completed by Chant, Tahlee | | | |
| 14 Feb 2023 1:50pm Chant, Tahlee | | | |
| Items of business have been submitted for consideration by SAROC for the 2023 LGA Ordinary General Meeting. | | | |

| Meeting | Officer/Authoriser | Section | Subject |
|--------------------|--|-----------------|---|
| Council 24/01/2023 | Cernovskis, Barbara Philpott, Sarah | Council Reports | ALGA June 2023 National General Assembly - Call for Motions |



| | |
|-----------------------------|--|
| Division: | Date From: 24/01/2023 |
| Meeting: | Date To: 16/02/2023 |
| Officer: | |
| Action Sheets Report | Printed: 16 February 2023 2:01 PM |

| |
|--|
| <p>RESOLUTION 2023/10</p> <p>Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> 1. That Council Report No. AR23/2652 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 24 January 2023 be noted. 2. That draft motions for the June 2023 ALGA NGA be prepared and presented to Council on the following issues relevant to the work of local government nationally: <ol style="list-style-type: none"> (i) Given the increasing, devastating impact that natural disasters are having on Local Government infrastructure and public amenity a formal request that there be bipartisan agreement to commit to the ongoing provision of SLRP and LRCI funding. <p style="text-align: right;">CARRIED</p> <p>31 Jan 2023 5:11pm Wilson, Sally - Reallocation Action reassigned to Cernovskis, Barbara by Wilson, Sally - To action.</p> |
|--|

| Meeting | Officer/Authoriser | Section | Subject |
|--------------------|-------------------------------------|-----------------|--|
| Council 24/01/2023 | McCarthy, Michael Barber, Darren | Council Reports | First Nations of the South East Native Title Claim No.1 - Update |

| |
|--|
| <p>RESOLUTION 2023/11</p> <p>Moved: Cr Frank Morello Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> 1. That Council Report No. AR23/2738 titled 'First Nations of the South East Native Title Claim No.1 - Update' as presented on 24 January 2023 be noted. 2. That the progress of the First Nations of the South East Native Title Claim (No 1) be noted. 3. That Native Title and the interests of our Traditional Owners are further embedded as a primary consideration in relation to matters associated with the management of Crown Land. <p style="text-align: right;">CARRIED</p> |
|--|

| Meeting | Officer/Authoriser | Section | Subject |
|--------------------|-----------------------------------|-----------------|--|
| Council 24/01/2023 | Barber, Darren Philpott, Sarah | Council Reports | Riddoch Arts and Cultural Trust (RACT) incorporated - Annual General Meeting |



| | |
|------------------|--|
| Division: | Date From: 24/01/2023 |
| Meeting: | Date To: 16/02/2023 |
| Officer: | Printed: 16 February 2023 2:01 PM |

Action Sheets Report

RESOLUTION 2023/12

Moved: Cr Max Bruins
 Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/4430 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Annual General Meeting' as presented on 24 January 2023 be noted.
2. That Council waive the 21 days notice for the first Annual General Meeting of the Riddoch Arts and Cultural Trust, noting that the Riddoch Arts and Cultural Trust Board must coordinate and hold an Annual General Meeting by 19 February 2023.
3. That future Annual General Meetings be coordinated and held by the Riddoch Arts and Cultural Trust Board in accordance with the Constitution.

CARRIED

| Meeting | Officer/Authoriser | Section | Subject |
|--------------------|--------------------------------|---------------------|--|
| Council 24/01/2023 | La Greca, Sue La Greca, Sue | Motions with Notice | Notice of Motion - Merging of UniSA and the University of Adelaide |

RESOLUTION 2023/13

Moved: Cr Ben Hood
 Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/85206 titled 'Notice of Motion - Merging of UniSA and the University of Adelaide' as presented on 24 January 2023 be noted.
2. That Council note the currently media reports around discussions of merging UniSA and the University of Adelaide into a single Adelaide University.
3. That Council note the great opportunities and educational pathways that the Mount Gambier UniSA campus currently provide our community.
4. That the Council write to the Premier Peter Malinauskas, Minister for Education Blair Boyer, University of Adelaide Vice Chancellor Peter Hoj, UniSA Vice Chancellor David Lloyd requesting that, in any discussions of the future of university education in South Australia through a proposed merger, consider decentralising courses into the regions and that an expansion of tertiary courses and campus footprint in Mount Gambier be a priority to encourage more students to study in the region and for students from inter- and intra-state to make Mount Gambier their base for higher education.
5. That copies of the letter be sent to Independent Member for Mount Gambier Troy Bell, The Hon. Clare Scriven, Federal Member for Barker Tony Pasin MP, Leader of the Opposition David Speirs MP and Shadow Minister for Education John Gardner.

CARRIED



| | |
|-----------------------------------|---|
| Division: Meeting: Officer: | Date From: 24/01/2023 Date To: 16/02/2023 Printed: 16 February 2023 2:01 PM |
|-----------------------------------|---|

14 Feb 2023 1:52pm Chant, Tahlee - Reallocation
Action reassigned to La Greca, Sue by Chant, Tahlee - General Manager City and Community Growth.

| Meeting | Officer/Authoriser | Section | Subject |
|--|--------------------------------|---------------------|--|
| Council 24/01/2023 | La Greca, Sue La Greca, Sue | Motions with Notice | Notice of Motion - Compulsory Swimming Lessons |
| RESOLUTION 2023/14 | | | |
| Moved: Cr Paul Jenner | | | |
| Seconded: Cr Ben Hood | | | |
| 1. That Council Report No. AR23/2231 titled 'Notice of Motion - Compulsory Swimming Lessons' as presented on 24 January 2023 be noted. | | | |
| 2. Council write to the Premier - Peter Malinauskas MP, Minister for Education, Training and Skills - Blair Boyer MP, Minister for Police, Emergency Services and Correctional Services - Joe Szakacs MP, Minister for Human Services - Nat Cook MP, Minister for Health and Wellbeing - Chris Picton MP, Minister for Recreation, Sport and Racing - Katrine Hildyard MP and Member for Mount Gambier, Troy Bell MP requesting: | | | |
| (a) that an additional sports voucher for each child from 6 months of age be provided to support families with the cost of swimming lessons | | | |
| (b) that swimming lessons are made compulsory through the education system at both public and private schools. | | | |
| | | | CARRIED |
| 14 Feb 2023 1:52pm Chant, Tahlee - Reallocation | | | |
| Action reassigned to La Greca, Sue by Chant, Tahlee - General Manager City and Community Growth. | | | |

| Meeting | Officer/Authoriser | Section | Subject |
|---|--------------------------------|---------------------|---|
| Council 24/01/2023 | La Greca, Sue La Greca, Sue | Motions with Notice | Notice of Motion - Mount Gambier Mountain Bike Club |
| RESOLUTION 2023/15 | | | |
| Moved: Cr Frank Morello | | | |
| Seconded: Cr Sonya Meziniec | | | |
| 1. That Council Report No. AR23/3454 titled 'Notice of Motion - Mount Gambier Mountain Bike Club' as presented on 24 January 2023 be noted. | | | |
| 2. That Mount Gambier Mountain Bike Association president Shane de Jong be invited to brief Council on the condition of the Crater Lakes trails, safety considerations, maintenance priorities and the club's future plans. | | | |
| 3. That the briefing occurs before April 2023. | | | |



| | | |
|--------------------------------------|--|--|
| Action Sheets Report | Division: Meeting: Officer: | Date From: 24/01/2023 Date To: 16/02/2023 Printed: 16 February 2023 2:01 PM |
|--------------------------------------|--|--|

4. That the Crater Lakes Trails audit be circulated to members before the briefing. **CARRIED**

30 Jan 2023 3:52pm Wilson, Sally - Reallocation
Action reassigned to Davison, Georgina by Wilson, Sally - For action.

14 Feb 2023 1:52pm Chant, Tahlee - Reallocation
Action reassigned to La Greca, Sue by Chant, Tahlee - General Manager City and Community Growth.



15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 9 FEBRUARY 2023 - [Go to Attachment](#)

RECOMMENDATION

That the Minutes of the Audit and Risk Committee meeting held on 9 February 2023 as attached be noted.

16.2 [Council Investments and Borrowings](#) – Report No. AR22/60852

RECOMMENDATION

1. That Audit and Risk Committee Report No. AR22/60852 titled 'Council Investments and Borrowings' as presented on 09 February 2023 be noted.

16.3 [External Audit Management Report](#) – Report No. AR23/5855

RECOMMENDATION

1. That Audit and Risk Committee Report No. AR23/5855 titled 'External Audit Management Report' as presented on 09 February 2023 be noted.



**17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES
AND RECOMMENDATIONS**

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



19 COUNCIL REPORTS

19.1 CASUAL VACANCY IN OFFICE OF COUNCILLOR – REPORT NO. AR23/9160

| | |
|----------------------------------|--|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR23/9160 |
| CM9 Reference: | AF22/378 |
| Author: | Michael McCarthy, Manager Governance and Property |
| Authoriser: | Sarah Philpott, Chief Executive Officer |
| Summary: | This report notifies Council of a casual vacancy arising in the office of area councillor formerly occupied by Mark Lovett. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR23/9160 titled 'Casual Vacancy in Office of Councillor' as presented on 21 February 2023 be noted.
2. That the casual vacancy arising from 24 January 2023 in the position of City of Mount Gambier area councillor formerly occupied by Mark Lovett, be noted.
3. That the Member Allowance overpaid to Mark Lovett be pursued / not pursued, as a debt owed to Council, with recovery action deferred until any appeal processes have been exhausted, with recovery if Mark Lovett is not returned to office on a pro-rata basis from:
 - 24 January 2023 / 10 February 2023 (*select one date*)



TYPE OF REPORT

Legislative

BACKGROUND

The Chief Executive Officer (CEO) has two separate obligations which must be complied with under Section 54(6) of the *Local Government Act 1999* (the Act) in relation to the office of a member becoming vacant ('a casual vacancy'). In these circumstances:

- (1) to notify the members of the council at the next meeting of the vacancy; and
- (2) to give notice of the occurrence of the vacancy in the *Gazette*.

Requirement (2) is discharged through the publication of a notice in the *Gazette*.

PROPOSAL

By letter dated 10 February 2023 the Chief Executive Officer received notification from the Electoral Commissioner, Mick Sherry, that Mark Lovett is no longer a member of the Council and is required to vacate his office in accordance with the 'casual vacancy' provisions set out in section 54 of the *Local Government Act 1999*.

Accordingly, Council Members are hereby notified in accordance with section 54(6) of the *Local Government Act 1999* that the office of area councillor for the City of Mount Gambier, formerly occupied by Mark Lovett, became vacant by operation of section 54(1)(h) of the *Local Government Act 1999* on 24 January 2023.

The administration has taken immediate necessary action to address Mark Lovett ceasing to be an Elected Member, including the withdrawal of access to Council resources such as Councillor email, Member Extranet, removal of details from the Council website, and other relevant administrative matters.

A separate report is being presented to address the resulting vacancy in the position of Presiding Member of Council's Junior Sports Assistance Fund.

The timing of monthly payments of Council Member Allowances (half in arrears/half in advance at the beginning of each month) an overpayment has been made to Mark Lovett of just under one months Councillor allowance. Council should turn its mind to the potential recovery of this overpayment.

In considering this, Council might consider whether (or not) such payment is 'proper' in all the circumstances and may in theory be a debt due to Council. On the other hand, Council may consider that work was performed and value provided during the period from 24 January 2023 until receipt of the Electoral Commissioners notification on 10 February 2023 in the belief that he was still a Council Member including attendance at the Council meeting held on 24 January 2023.

In any event, a pro-rata amount from 10 February 2023 to the monthly anniversary of the election certification (21st of the month) has been overpaid.

This report recommends that the Council determine the recovery period of Councillor Allowance, to be deferred until after any appeal processes have been exhausted, following which, if Mark Lovett is not re-instated as a Council Member, such recovery be pursued as a debt from Council.

Alternatively, Council may determine as a policy position to not recover overpaid allowance given the extraordinary circumstances.

LEGAL IMPLICATIONS

The effect of section 54(1)(h) is an application of law on a matter of fact with immediate implications. Accordingly, whilst not notified until 10 February 2023, the effective date of Mark Lovett's removal from office, and the occurrence of the resulting casual vacancy, was 24 January 2023.



This is not a matter for determination by the Electoral Commissioner, the Chief Executive Officer, or Council, but an application of the law.

It is incumbent on the Chief Executive Officer to give effect to the application of the Local Government Act 1999, including the giving of notice to Council at the next meeting of the occurrence of the casual vacancy.

The resulting casual vacancy may require a 'count back' process or alternatively a supplementary election, depending upon the application of the relevant legislative provisions and Council's Supplement Elections Policy which facilitates the carrying of a single vacancy in the office of area councillor.

STRATEGIC PLAN

n/a

COUNCIL POLICY

n/a

ECONOMIC IMPLICATIONS

n/a

ENVIRONMENTAL IMPLICATIONS

n/a

SOCIAL IMPLICATIONS

n/a

CULTURAL IMPLICATIONS

n/a

RESOURCE IMPLICATIONS

The immediate resource implications, whilst involving several senior Council staff to give effect to the removal from officer, is relatively nominal.

However, the resource implications from the Electoral Commissions administration of a 'count back' or supplementary election (if/as required) to fill the resulting vacancy may be considerable, and not quantified at this stage, but could range from several thousand to tens of thousands of dollars.

The determination of process and cost will be a matter for the Electoral Commissioner and Council will be notified in due course as any information becomes available.

VALUE FOR MONEY

n/a

RISK IMPLICATIONS

n/a

EQUALITIES AND DIVERSITY IMPLICATIONS

n/a

ENGAGEMENT AND COMMUNICATION STRATEGY

At this stage the arising of a casual vacancy is a matter of the application of law on the basis of facts as presented by the Electoral Commissioner. It is not proposed that Council engage in any active communication on this matter whilst potential appeal and re-instatement processes are underway.

This report and the requisite gazette notice meet the legislative requirements for communicating the arising of a casual vacancy in the circumstances.



IMPLEMENTATION STRATEGY

The administration have taken actions to give effect to the removal from office, and will follow the Electoral Commissions lead on any actions to fill the resulting casual vacancy

CONCLUSION AND RECOMMENDATION

Having received the notice of the arising of a casual vacancy in the position of area councillor formerly occupied by Mark Lovett, this report recommends that the notice be noted, and that recovery of overpaid Member Allowance be considered, but deferred until after any appeal and reinstatement processes have been exhausted.

ATTACHMENTS

Nil



19.2 JUNIOR SPORTS ASSISTANCE FUND - PRESIDING MEMBER VACANCY – REPORT NO. AR23/10029

| | |
|----------------------------------|---|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR23/10029 |
| CM9 Reference: | AF22/378 |
| Author: | Michael McCarthy, Manager Governance and Property |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | This report presents a vacancy in the position of Presiding Member of Council’s Junior Sports Assistance Fund. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR23/10029 titled ‘Junior Sports Assistance Fund - Presiding Member Vacancy’ as presented on 21 February 2023 be noted.
2. That Cr _____ be appointed to the vacant Elected Member (presiding member) position on the Junior Sports Assistance Fund for a term of ___ years.

OR

That a nomination and secret ballot election process be conducted forthwith in the following manner:

- *Nomination and election process resolution to be tabled at the meeting*



TYPE OF REPORT

Legislative

BACKGROUND

Section 41(4) of the Local Government Act 1999 provides that Council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member.

The terms of reference for the Junior Sports Assistance Fund provide that membership of the committee shall include an Elected Member for the time being of Council and appointed by Council who shall be the presiding member. The terms of reference also provide for the committee to appoint a deputy presiding member to act in the absence of the presiding member, and an acting presiding member to act in the absence of both the presiding member and the deputy presiding member.

A vacancy has arisen in the position of presiding member of the Junior Sports Assistance Fund as a result of the vacancy in the office of area councillor formerly occupied by Mark Lovett, who was Council's Elected Member appointee to, and presiding member of, the Junior Sports Assistance Fund.

This report provides an opportunity for Council to fill the vacant committee presiding member position.

PROPOSAL

Council's Conduct of Meetings Policy provides that where a vacancy arises in a committee position the Chief Executive Officer will seek nominations for presentation to the next Council meeting.

With the events of the past week which created the committee vacancy occurring concurrently with the preparation of the February Council meeting agenda, opportunity to seek and receive nominations prior to the finalisation of the agenda was constrained.

As a Council committee of which all Elected Members are familiar, it is considered that Council may prefer to address the filling of the vacancy at the February Council meeting, rather than deferring to the March Council meeting, and thus enabling meetings of the committee to be scheduled and held with a presiding member.

It is noted that a meeting tentatively scheduled in the week ending 24 February 2023 has been deferred pending appointment of an Elected Member to fill the committee vacancy.

It is noted however that the committee may meet in the absence of a Council appointed presiding member provided the requisite quorum of three committee members is present, with the deputy or acting presiding member presiding over the meeting.

Should Council determine to fill the vacancy in the position of presiding member of the Junior Sports Assistance Fund, it may do so in one of the following manners:

- by a resolution appointing an Elected Member as a member of the Junior Sports Assistance Fund
- by adopting resolutions for a nomination and secret ballot election process.

If more than one nomination for the vacant Junior Sports Assistance Fund position is anticipated it is recommended that the latter nomination and election process be adopted in order to provide certainty of process.

Draft resolutions for a nomination and election process will be available at the Council meeting.

LEGAL IMPLICATIONS

The appointment of, or provision for, a presiding member of a Council committee is a legislative requirement.

STRATEGIC PLAN

N/A



COUNCIL POLICY

Council's Conduct of Meetings Policy applies to the filling of vacant committee positions.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Council may determine to appoint an Elected Member to the vacant committee position (presiding member) of the Junior Sports Assistance Fund by direct resolution, or by resolving to conduct a nomination and (secret ballot) election process.

ATTACHMENTS

Nil



19.3 REVIEW OF COUNCIL DELEGATION UPDATES - FEBRUARY 2023 – REPORT NO. AR22/62797

| | |
|----------------------------------|---|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR22/62797 |
| CM9 Reference: | AF21/496 |
| Author: | Elisa Solly, Property Support Officer |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | This report provides for the review and update of Council Delegations including those arising from recent Local Government Reform. |
| Strategic Plan Reference: | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR22/62797 titled 'Review of Council Delegation Updates - February 2023' as presented on 21 February 2023 be noted..
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables referenced in Council Report No. AR22/62797 (Attachment 1) to the person occupying or acting in the office of Chief Executive Officer of the Council pursuant to section 44 of the Local Government Act 1999
3. The delegations granted in resolution (2) above pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act,

may be further sub-delegated by the Chief Executive Officer or delegate.
4. Planning, Development and Infrastructure Act Delegations
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 annexed to the Report No. AR22/62797 titled SA Instrument A) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - (b) Such powers and functions delegated in resolution 4 (a) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation;
5. General



The delegations granted in resolutions (2) to (4) above are subject to the following conditions and limitations:

- (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
- (b) the delegate must exercise a delegated function or power in accordance with and due regard to:
 - (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council.
- (c) in regard to the following delegations under the Local Government Act:
 - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - (ii) section 137: 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 and the sub-delegation financial limitations set by the Chief Executive Officer;
 - (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
 - (iv) section 188(3): 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).
- (d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
- (e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
- (f) These delegations will come into operation on Wednesday 22 February 2023 and remain in force until varied or revoked by resolution of the Council.
- (g) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 22 February 2023.



TYPE OF REPORT

Legislative

BACKGROUND

Delegations are the way in which Council enables other people/bodies (usually Council Officers) to undertake the many functions required for the day to day administrative activities of Council.

Section 44 of the Local Government Act 1999 provides that the Council may delegate a power or function vested or conferred under this or another Act to a Council committee, a subsidiary, an employee, an employee occupying a particular office or position, or an authorised person. Other Acts also contain specific powers of delegation.

Delegations (and sub-delegations made by the Chief Executive Officer) are accessible on the Council website <https://www.mountgambier.sa.gov.au/council/governance/registers>.

Council last conducted a comprehensive review of delegations in March 2021 based upon a new and expanded delegations framework prepared by the Local Government Association (LGA) to provide a simpler and more contemporary approach to managing delegations.

Council may review it’s delegations at any time, and must review all delegations within 12 months of each periodic election. A further report will be presented to Council later in the 2023 calendar year to meet this statutory requirement.

In the meantime this report presents updates based upon changes made to the LGA template delegations since previous delegation update reports presented in May and December 2021, and May 2022 and includes changes arising from the recent Local Government Reform.

The updates are summarised in the following table:

| <u>Legislative Instrument</u> <u>(Attachment 1)</u> | <u>Amendments</u> |
|---|---|
| • Disability Inclusion Act 2018..... | 3 new provisions |
| • Joint Criminal Rules 2022..... | 1 new provision 6 new provisions 3 changed provisions |
| • Local Government Act 1999..... | 22 deleted provisions |
| • Road Traffic (Miscellaneous) Regulations 2014..... | 1 changed provision |
| • Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity..... | 2 changed provisions 1 deleted provision |

PROPOSAL

Updated delegations based on changes to LGA template delegations for the abovementioned legislation are provided in tables at Attachment 1 (refer separate agenda attachment file).

If the Council resolves to grant the delegations, then the updated delegations will come into operation on the day following the Council meeting together with updated sub-delegations made by the Chief Executive Officer, and previous delegations for these legislative instruments being revoked.

The updated delegations will be published on the Council website [here](#).



It should also be noted that the current updates include the deletion of some delegation provisions in the legislative instruments listed in the table in the Background of this report, due to these provisions having been deleted or amended such that the delegations are no longer relevant. The deleted provisions are not included in the tables at Attachment 1.

LEGAL IMPLICATIONS

As the authority under which the Chief Executive Officer (and in turn other Council Officers) are empowered to make decisions on behalf of Council, it is imperative that valid delegations are made in accordance with relevant legislation.

Council uses the template delegations and processes as provided and updated by the Local Government Association, as amended to suit the specific circumstances applicable to the City of Mount Gambier, to ensure appropriate delegations are in place to support the activities of Council in a compliant manner.

STRATEGIC PLAN

Nil

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

The making of delegations (and sub-delegations) enables the Council to give effect to the strategic and policy objectives of Council through the many and diverse transactions and activities undertaken by the administration on a daily basis.

An absence of appropriate delegations would necessitate decisions being presented to a formal meeting of Council, which for routine administrative matters would result in a resource intensive, inefficient and untimely decision making process.

VALUE FOR MONEY

The use of delegations (and sub-delegations) enables the Council, Chief Executive Officer and other Council Officers to direct decision making to an appropriate (sub)delegate for the efficient and effective administration of the many and varied and routine functions of Council.

RISK IMPLICATIONS

It is imperative that delegations are validly made as the consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision may be liable to being overturned by a court
- the cost of a successful challenge to an unlawful decision will likely be borne by the Council
- where an unlawful decision causes loss or damage the Council may be liable.



Whilst the abovementioned risks are at the extreme, the most likely risk of ineffective or invalid delegations is on the capacity of the administration to perform the day to day functions of Council for the benefit of the community in an efficient and timely manner.

If decision making is limited to the Chief Executive Officer or the Council then the pace with which decisions can be made and implemented will reduce and administrative resources and time associated with the formalities of presenting matters to a higher authority for decision will increase.

A balance is appropriate whereby all decision makers understand the context within which decisions are made and the expectations with regard to exercising, or not exercising, delegated powers.

It is important to note that a delegation provides authority but not an obligation for a delegate to exercise the delegated power. Accordingly, some decisions may be escalated to a higher authority for consideration and determination where the delegate considers it appropriate.

It should also be noted that delegations (or sub-delegations) are revocable and in any event do not prevent the Council from acting in a matter that has not already been determined.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

There is no legislative requirement to actively engage the community on the making of delegations.

A person is however entitled to inspect the record of delegations and in support of this a full extract of the delegation register is published on the Council website.

IMPLEMENTATION STRATEGY

The implementation of updated delegations (and sub-delegations) is proposed to follow the same existing process as for recent reviews and updates using a delegation (software) register.

Once delegations are made by Council, the Chief Executive Officer will re-make sub-delegations to other officers with all (sub)delegations recorded in the delegation (software) register, electronic records management system, published on the Council website, and notified to sub-delegates.

CONCLUSION AND RECOMMENDATION

This report recommends that Council endorse updated delegations to the Chief Executive Officer for the legislation listed in the report background as contained in the tables attached to Council Report No. AR22/62797 (refer separate agenda attachment file).

The recommendations contain conditions associated with the grant of delegations and include the revocation of pre-existing delegations and sub-delegations associated with the relevant instruments.

ATTACHMENTS

1. Delegable Powers - February 2023 [↓](#) 





Disability Inclusion Act 2018

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|-------------------------------|------------------|---|---------------------|
| 409485 | Disability Inclusion Act 2018 | section 16(2) | Prepare a disability access and inclusion plan | State authority |
| 409486 | Disability Inclusion Act 2018 | section 16(4)(b) | Consult with people with disability and person or bodies representing the interests of people with disability and other persons or bodies in preparing a disability access and inclusion plan | State authority |
| 409487 | Disability Inclusion Act 2018 | 16(4)(c) | Call for submissions from members of the public | State authority |
| 409488 | Disability Inclusion Act 2018 | section 16(5) | Seek the approval of the Minister to prepare a single disability access and inclusion plan for the council and one or more other councils | council |
| 409489 | Disability Inclusion Act 2018 | section 16(6) | Vary a disability access and inclusion plan | State authority |
| 409490 | Disability Inclusion Act 2018 | section 16(7) | Publish a disability access and inclusion plan, and any variation to a plan, on a website | State authority |
| 409491 | Disability Inclusion Act 2018 | section 17(1) | Report annually to the Chief Executive Officer on the operation of the disability access and inclusion plan | State authority |
| 409492 | Disability Inclusion Act 2018 | section 18(1) | Review the disability access and inclusion plan at least once in every 4 year period and prepare a report of the review | State authority |
| 409493 | Disability Inclusion Act 2018 | section 18(2) | Provide a copy of the report prepared under section 18(1) of the Disability Inclusion Act to the Minister | State authority |
| 624087 | Disability Inclusion Act 2018 | section 23Q(1) | Provide to the Senior Authorising Officer such information relating to a specified person that the Senior Authorising Officer reasonably requires | State authority |
| 624088 | Disability Inclusion Act 2018 | section 23Q(2) | Provide the information to the Senior Authorising Officer in the manner and within the period specified in the notice | State authority |
| 624089 | Disability Inclusion Act 2018 | section 23Q(3) | Participate in consultation with the Senior Authorising Officer regarding a refusal or failure to comply with a notice | State authority |





Disability Inclusion Act 2018

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|-------------------------------|---------------|---|---------------------|
| 409494 | Disability Inclusion Act 2018 | section 26(1) | Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act | State authority |
| 409495 | Disability Inclusion Act 2018 | section 26(2) | Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act | State authority |
| 409496 | Disability Inclusion Act 2018 | section 27(2) | Provide information or documents prescribed by section 27 of the Disability Inclusion Act to another person or body | State authority |





Joint Criminal Rules 2022

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-----------|---------------------|---------------------|
| 639012 | Joint Criminal Rules 2022 | rule 62.1 | File an Information | public authority |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|---------------|--|---------------------|
| 410021 | Local Government Act 1999 | section 7(a) | Plan at the local and regional level for the development and future requirements of the council area | council |
| 410022 | Local Government Act 1999 | section 7(b) | Provide services and facilities that benefit its area, its ratepayers and residents, and visitors to the council area | council |
| 574148 | Local Government Act 1999 | section 7(ba) | Determine appropriate financial contribution to be made by ratepayers to resources of the council | council |
| 410023 | Local Government Act 1999 | section 7(c) | Provide for the welfare, well-being and interests of individuals and groups within the council's community | council |
| 410024 | Local Government Act 1999 | section 7(d) | Take measures to protect the council area from natural and other hazards and to mitigate the effects of such hazards | council |
| 410025 | Local Government Act 1999 | section 7(e) | Manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity | council |
| 410026 | Local Government Act 1999 | section 7(f) | Provide infrastructure for the council's community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area) | council |
| 410027 | Local Government Act 1999 | section 7(g) | Promote the council area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism | council |
| 410028 | Local Government Act 1999 | section 7(h) | Establish or support organisations or programs that benefit people in the council area or local government generally | council |
| 410029 | Local Government Act 1999 | section 7(i) | Manage and, if appropriate, develop, public areas vested in, or occupied by, the council | council |
| 410030 | Local Government Act 1999 | section 7(j) | Manage, improve and develop resources available to the council | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|--|---------------------|
| 410031 | Local Government Act 1999 | section 7(k) | Undertake other functions and activities conferred by or under an Act | council |
| 410032 | Local Government Act 1999 | section 12(1) | Publish a notice in the Gazette altering the composition of the council or dividing, or redividing, the area of the council into wards, altering the division of the area of the council into wards or abolishing the division of the area of the council into wards | council |
| 410033 | Local Government Act 1999 | section 12(2) | Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or giving a name to, or altering the name of, a ward | council |
| 410034 | Local Government Act 1999 | section 12(3) | Undertake a review under section 12 of the Local Government Act | council |
| 410035 | Local Government Act 1999 | section 12(4) | Undertake a review under section 12 of the Local Government Act at least once in each relevant period prescribed by the regulations | council |
| 410036 | Local Government Act 1999 | section 12(5) | Initiate the preparation of a presentation review report and form the opinion a person is qualified to address the representation and governance issues | council |
| 638769 | Local Government Act 1999 | Section 12(7) | Undertake public consultation | council |
| 410045 | Local Government Act 1999 | section 12(11) | Finalise the council report | council |
| 638770 | Local Government Act 1999 | section 12(11a) | Refer the report to Electoral Commissioner | council |
| 638771 | Local Government Act 1999 | section 12(11e)(a) | Take such action as is necessary (including by altering report) | council |
| 638772 | Local Government Act 1999 | section 12(11e)(b) | Comply with requirements of section 12(7) | council |
| 638773 | Local Government Act 1999 | section 12(11e)(c) | Refer the report to the Electoral Commissioner under section 12(12) | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410051 | Local Government Act 1999 | section 12(12) | Refer report to the Electoral Commissioner | council |
| 638774 | Local Government Act 1999 | section 12(12a) | Include with the report copies of any written submissions if received | council |
| 410052 | Local Government Act 1999 | section 12(15)(b) | Provide for the operation of any proposal recommended in the council's report by notice in the Gazette | council |
| 410053 | Local Government Act 1999 | section 12(16)(a) | Take action on a report referred back to the council by the Electoral Commissioner | council |
| 410054 | Local Government Act 1999 | section 12(16)(b) | Refer report back to the Electoral Commissioner | council |
| 410055 | Local Government Act 1999 | section 12(17) | Comply with requirements of section 12(7) (unless determine alteration of report is of a minor nature only) | council |
| 410056 | Local Government Act 1999 | section 12(24) | Undertake a review within period specified by the Electoral Commissioner | council |
| 410057 | Local Government Act 1999 | section 13(1) | Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or altering the name of a ward | council |
| 410058 | Local Government Act 1999 | section 13(2)(a) | Give public notice of the proposal to change the council from a municipal council to a district council or vice versa, alter the name of the council or the name of the area of the council, or alter the name of a ward | council |
| 410059 | Local Government Act 1999 | section 13(2)(b) | Invite written submissions | council |
| 410060 | Local Government Act 1999 | section 13(2)(ba) | Publish a copy of the public notice in a newspaper circulating within the council area | council |
| 410061 | Local Government Act 1999 | section 13(2)(c) | Give any person who makes a written submission in response to an invitation an opportunity to appear personally or by representative before the council or a council committee to be heard on the submission | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410062 | Local Government Act 1999 | section 28(1)(c) | Refer a proposal for the making of a proclamation under Chapter 3 of the Local Government Act to the South Australian Local Government Grants Commission | council |
| 410063 | Local Government Act 1999 | section 31(2)(b) | Participate in consultation with the South Australian Local Government Grants Commission on the appointment of an investigator | council |
| 410064 | Local Government Act 1999 | section 31(10)(c) | Participate in consultation with the South Australian Local Government Grants Commission on a recommendation that a proposal referred to the Commission not proceed | council |
| 410065 | Local Government Act 1999 | section 36(1)(a) | Exercise the legal capacity of a natural person, including entering into contracts or arrangements, suing and being sued and acting in conjunction with another council or authority or person | council |
| 410066 | Local Government Act 1999 | section 36(1)(c) | Do anything necessary, expedient or incidental to performing or discharging the council's functions or duties or achieving the council's objectives | council |
| 410067 | Local Government Act 1999 | section 36(2) | Act outside the council area to the extent necessary or expedient to the performance of the council's functions or in order to provide services to an unincorporated area of the State | council |
| 410068 | Local Government Act 1999 | section 37(b) | Authorise an officer, employee or agent to enter into a contract on behalf of the council | council |
| 410069 | Local Government Act 1999 | section 41(1) | Establish a committee | council |
| 410070 | Local Government Act 1999 | section 41(2) | Determine the role of the committee | council |
| 410071 | Local Government Act 1999 | section 41(3) | Determine the membership of the committee | council |
| 410072 | Local Government Act 1999 | section 41(4) | Appoint a presiding member or make provision for the appointment of a presiding member | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|------------------|---|---------------------|
| 410073 | Local Government Act 1999 | section 41(6) | Appoint the principal member as an ex officio member of the committee | council |
| 410074 | Local Government Act 1999 | section 41(8) | Determine the reporting and other accountability requirements applying to a committee | council |
| 410075 | Local Government Act 1999 | section 42(3) | Obtain the approval of the Minister to the conferral of corporate status on a council subsidiary | council |
| 410076 | Local Government Act 1999 | section 43(3) | Obtain the approval of the Minister to the conferral of corporate status on a regional subsidiary | council |
| 410077 | Local Government Act 1999 | section 44(6) | Cause a separate record to be kept of all delegations under section 44 of the Local Government Act | council |
| 410078 | Local Government Act 1999 | section 44(6a) | Review the delegation in force under section 44 of the Local Government Act | council |
| 410081 | Local Government Act 1999 | section 45(1) | Nominate a place as the council's principal office | council |
| 410082 | Local Government Act 1999 | section 45(2) | Determine the hours during which the principal office of the council will be open for the transaction of business | council |
| 410083 | Local Government Act 1999 | section 45(3) | Consult with the local community regarding the manner, places and times at which the council's offices will be open to the public and any significant changes to these arrangements | council |
| 410084 | Local Government Act 1999 | section 46(1) | Engage in a commercial enterprise or activity in the performance of the council's functions | council |
| 410085 | Local Government Act 1999 | section 46(2)(a) | Establish a business in connection with a commercial project | council |
| 410086 | Local Government Act 1999 | section 46(2)(b) | Participate in a joint venture, trust, partnership or other similar body in connection with a commercial project | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|------------------|---|---------------------|
| 410087 | Local Government Act 1999 | section 47(2)(b) | Participate in the formation of, or 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 | council |
| 410088 | Local Government Act 1999 | section 48(aa1) | Develop and maintain prudential management policies, practices and procedures for the assessment of projects | council |
| 410089 | Local Government Act 1999 | section 48(1) | Obtain a report addressing the prudential issues set out in section 48(2) | council |
| 410091 | Local Government Act 1999 | section 48(6) | Take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council) | council |
| 410092 | Local Government Act 1999 | section 49(a1) | Maintain procurement policies, practices and procedures directed towards: (a) obtaining value in the expenditure of public money; (b) providing for ethical and fair treatment of participants; and (c) ensuring probity, accountability and transparency in procurement operations | council |
| 410093 | Local Government Act 1999 | section 49(1) | Prepare and adopt policies on contracts and tenders, including policies on the following: (a) the contracting out of services; (b) competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; (c) the use of local goods and services; and (d) the sale or disposal of land or other assets. | council |
| 410094 | Local Government Act 1999 | section 49(3) | Alter or substitute a policy under section 49 of the Local Government Act | council |
| 410097 | Local Government Act 1999 | section 50(1) | Prepare and adopt a public consultation policy | council |
| 410098 | Local Government Act 1999 | section 50(5) | Alter or substitute the public consultation policy | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|------------------|---|---------------------|
| 410099 | Local Government Act 1999 | section 50(6)(c) | Prepare a document setting out the council's proposal to adopt a public consultation policy or to alter or substitute a public consultation policy | council |
| 410100 | Local Government Act 1999 | section 50(6)(e) | Publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions | council |
| 410101 | Local Government Act 1999 | section 50(6)(d) | Consider submissions | council |
| 410102 | Local Government Act 1999 | section 50(7) | Determine that the alteration of a public consultation policy is of minor significance that would attract little (or no) community interest | council |
| 410103 | Local Government Act 1999 | section 50(8) | Provide a copy of a policy of the council under section 50 of the Local Government Act for inspection at the principal office of the council | council |
| 410104 | Local Government Act 1999 | section 50(9) | Provide for the purchase of a copy of a policy of the council under section 50 of the Local Government Act | council |
| 410105 | Local Government Act 1999 | section 54(1)(d) | Grant a leave of absence from council | council |
| 410106 | Local Government Act 1999 | section 54(1)(d) | Remove from office on the ground that the member has been absent from three or more consecutive ordinary meetings of the council | council |
| 410107 | Local Government Act 1999 | section 57(6) | Recover amount of a liability incurred in contravention of section 57 of the Local Government Act as a debt from the members of the councils at the time the contract was made or lease was entered | council |
| 410108 | Local Government Act 1999 | section 70(a1) | Publish prescribed details contained in the Register | council |
| 410111 | Local Government Act 1999 | section 77(1) | Provide reimbursement of prescribed expenses of a member of council | council |
| 410116 | Local Government Act 1999 | section 80 | Take out a policy of insurance insuring every member of the council and a spouse or domestic partner or another person who may be accompanying a member of the councils against the risks associated with the performance or discharge of official functions or duties by members | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|------------------|---|---------------------|
| 410117 | Local Government Act 1999 | section 80A(1) | Prepare a training and development policy for members | council |
| 410118 | Local Government Act 1999 | section 80A(3) | Alter or substitute a training and development policy for members | council |
| 410121 | Local Government Act 1999 | section 84(3) | Keep notice on public display and continue to publish notice in accordance with section 132(1)(a) of the Local Government Act until completion of meeting | council |
| 410122 | Local Government Act 1999 | section 87(1) | Determine the times and places at which ordinary meetings of a council committee will be held | council |
| 410123 | Local Government Act 1999 | section 88(3) | Keep notice on public display and continue to publish notice in accordance with section 132(1)(a) of the Local Government Act until completion of meeting | council |
| 410124 | Local Government Act 1999 | section 89(1)(b) | Determine procedures to apply to a meeting of a council committee | council |
| 574149 | Local Government Act 1999 | section 90A(1) | Hold or arrange for the holding of an information or briefing session to which more than 1 member of the council is invited to attend or be involved in for the purposes of providing information or a briefing | council |
| 574150 | Local Government Act 1999 | section 90A(4) | Order that an information or briefing session be closed to the public | council |
| 574151 | Local Government Act 1999 | section 90A(5) | If an order under section 90A(4) of the Local Government Act is made, to make a record of the matters specified in section 90A(5) | council |
| 574152 | Local Government Act 1999 | section 90A(7) | Comply with the requirements of the regulations regarding the publication of prescribed information | council |
| 410129 | Local Government Act 1999 | section 91(3) | Supply each member of the council with a copy of council or council committee minutes within 5 days of the meeting | council |
| 410133 | Local Government Act 1999 | section 91(9)(c) | Revoke an order made under section 91(7) of the Local Government Act | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|------------------|---|---------------------|
| 410134 | Local Government Act 1999 | section 92(1) | Prepare a code of practice relating to the principles, policies, procedures and practices that the council will apply for the purposes of the operation of Parts 3 and 4 the Local Government Act | council |
| 410135 | Local Government Act 1999 | section 92(2) | Review code of practice | council |
| 410136 | Local Government Act 1999 | section 92(3) | Alter or substitute a new code of practice | council |
| 610331 | Local Government Act 1999 | section 92(5) | Undertake public consultation on proposed code, alterations or substitute code | council |
| 410141 | Local Government Act 1999 | section 93(1) | Convene a meeting of electors of the council area or part of the council area | council |
| 410142 | Local Government Act 1999 | section 93(11) | Supply each member of the council with a copy of the minutes of proceedings within 5 days of a meeting of electors | council |
| 410143 | Local Government Act 1999 | section 93(14) | Determine the procedure to be observed to make a nomination for the purposes of sections 93(3)(a)(ii) or 93(3)(b)(ii) of the Local Government Act | council |
| 410144 | Local Government Act 1999 | section 94(6) | Make submissions to the Minister | council |
| 410145 | Local Government Act 1999 | section 94(7) | Comply with a direction of the Minister under section 94(5) of the Local Government Act | council |
| 610332 | Local Government Act 1999 | section 97(6)(b) | Determine a person has appropriate qualifications or experience in human resource management | council |
| 410146 | Local Government Act 1999 | section 98(3) | Invite applications including by advertising on website and take other action | council |
| 610333 | Local Government Act 1999 | section 98(3) | Determine website to advertise invitation for applications | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|---|---------------------|
| 610334 | Local Government Act 1999 | section 98(4a)(a) | Appoint at least one person to selection panel not being a member or employee | council |
| 610335 | Local Government Act 1999 | section 98(7)(b) | Determine a person has appropriate qualifications or experience in human resource management | council |
| 610336 | Local Government Act 1999 | section 102A(3)(b) | Determine a person has appropriate qualifications or experience in human resource management | council |
| 410149 | Local Government Act 1999 | section 106(2) | Pay contribution to another council | council |
| 410150 | Local Government Act 1999 | section 106(3) | Recover a contribution from another council as a debt | council |
| 410151 | Local Government Act 1999 | section 106(4) | Provide details of the service of an employees or former employee to another council | council |
| 410152 | Local Government Act 1999 | section 106(5) | Hold and apply a contribution under section 106 of the Local Government Act as prescribed by regulation | council |
| 410153 | Local Government Act 1999 | section 111(b) | Declare that an officer or an officer of a class is subject to Division 2, Part 4, Chapter 7 of the Local Government Act | council |
| 410154 | Local Government Act 1999 | section 122(1) | Develop a strategic management plan | council |
| 410155 | Local Government Act 1999 | section 122(1a)(a) | Develop a long-term financial plan | council |
| 410156 | Local Government Act 1999 | section 122(1a)(b) | Develop an infrastructure and asset management plan | council |
| 624233 | Local Government Act 1999 | section 122(1c) | Provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|----------------------|---|---------------------|
| 624234 | Local Government Act 1999 | section 122(1e) | Provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority | council |
| 624235 | Local Government Act 1999 | section 122(1h) | Ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) | council |
| 624236 | Local Government Act 1999 | section 122(1j) | Provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires. | council |
| 410157 | Local Government Act 1999 | section 122(4) | Review strategic management plans | council |
| 410158 | Local Government Act 1999 | section 122(6) | Adopt a process to ensure that members of the public are given reasonable opportunity to be involved in the development and review of the council's strategic management plans | council |
| 410160 | Local Government Act 1999 | section 123(3)(a) | Prepare a draft annual business plan | council |
| 410161 | Local Government Act 1999 | section 123(3)(b) | Follow relevant steps in the public consultation policy in regard to the draft annual business plan | council |
| 410162 | Local Government Act 1999 | section 123(5) | Ensure that copies of the draft annual business plan are available at the meeting under section 123(4)(a)(i) of the Local Government Act, and for inspection and purchase (at the principal office of the council and on the council's website | council |
| 410163 | Local Government Act 1999 | section 123(5a) | Provide a facility for asking and answering questions and the receipt of submissions on the council's website | council |
| 410164 | Local Government Act 1999 | section 123(9)(a)(i) | Prepare a summary of the annual business plan | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-----------------------|--|---------------------|
| 410165 | Local Government Act 1999 | section 123(9)(a)(ii) | Provide a copy of the summary of the annual business plan to ratepayers | council |
| 410169 | Local Government Act 1999 | section 124(1)(a) | Keep accounting records | council |
| 410170 | Local Government Act 1999 | section 125 | Implement and maintain appropriate policies, practices and procedures of internal control | council |
| 410171 | Local Government Act 1999 | section 127(1) | Prepare financial statements, notes and other statement or documents as required by the regulations | council |
| 410172 | Local Government Act 1999 | section 127(3) | Provide statements to auditor | council |
| 410173 | Local Government Act 1999 | section 127(4) | Submit a copy of audited statements to persons or bodies prescribed by the regulations | council |
| 410176 | Local Government Act 1999 | section 128(2) | Appoint an auditor on the recommendation of the council's audit committee | council |
| 410177 | Local Government Act 1999 | section 128(9) | Provide information prescribed in section 128(9) of the Local Government Act in the council's annual report | council |
| 410178 | Local Government Act 1999 | section 130A(1) | Request auditor or other suitably qualified person to examine a report on any matter relating to financial management, or the efficient and economy with which the council manages or uses its resources to achieve its objectives | council |
| 410179 | Local Government Act 1999 | section 131(1) | Prepare annual report | council |
| 410180 | Local Government Act 1999 | section 131(4) | Provide a copy of the annual report to each council member | council |
| 410181 | Local Government Act 1999 | section 131(5) | Submit a copy of the annual report to the persons or bodies prescribed by regulation | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410182 | Local Government Act 1999 | section 131(7) | Provide an abridged or summary version of the annual report to electors in the council area. | council |
| 574153 | Local Government Act 1999 | section 131A(1) | Provide to the Minister the material specified in Schedule 4 of the Local Government Act and any other information specified by the Minister | council |
| 610337 | Local Government Act 1999 | section 132(1)(a) | Publish a document referred to in Schedule 5 of the Local Government Act on a website determined by chief executive officer | council |
| 610338 | Local Government Act 1999 | section 132(1)(b) | Provide a printed copy of a document referred to in Schedule 5 of the Local Government Act | council |
| 610339 | Local Government Act 1999 | section 132(3a) | Publish a document or part of a document on a website determined by the chief executive officer where an order under section 91(7) of the Local Government Act expires or ceases to apply | council |
| 410187 | Local Government Act 1999 | section 132A | Implement and maintain appropriate policies, practices and procedures to ensure compliance with statutory requirements and achievement and maintenance of good public administration | council |
| 410188 | Local Government Act 1999 | section 133 | Obtain funds as permitted by the Local Government Act or other Act | council |
| 410189 | Local Government Act 1999 | section 135(1) | Provide security | council |
| 410190 | Local Government Act 1999 | section 135(2)(a) | Assign a distinguishing classification to a debenture | council |
| 410191 | Local Government Act 1999 | section 135(2)(b) | Appoint a trustee for the debenture holders | council |
| 410192 | Local Government Act 1999 | section 137 | Expend funds in the performance or discharge of the council's powers, functions or duties under the Local Government Act or other Acts | council |
| 410193 | Local Government Act 1999 | section 139(1) | Invest money under the council's control | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|----------------|--|---------------------|
| 410194 | Local Government Act 1999 | section 139(5) | Obtain and consider independent and impartial advice regarding the investment of funds | council |
| 410195 | Local Government Act 1999 | section 140 | Review performance of investments at least annually | council |
| 410196 | Local Government Act 1999 | section 141(1) | Accept a gift | council |
| 410197 | Local Government Act 1999 | section 141(2) | Carry out the terms of a trust applying to a gift | council |
| 410198 | Local Government Act 1999 | section 141(3) | Apply to the Supreme court for an order varying the terms of a trust for which the council is the trustee | council |
| 410199 | Local Government Act 1999 | section 141(4) | Give notice of an application to the Supreme Court by public notice and in such other manner as directed by the Supreme Court | council |
| 410200 | Local Government Act 1999 | section 141(6) | Publish an order of the made by the Supreme Court under section 141(5) of the Local Government Act in the Gazette | council |
| 410201 | Local Government Act 1999 | section 142(1) | Take out and maintain insurance to cover the council's civil liabilities at least to the extent prescribed by the regulations | council |
| 410202 | Local Government Act 1999 | section 142(3) | Take out membership of the Local Government Association Mutual Liability Scheme | council |
| 410203 | Local Government Act 1999 | section 143(1) | Write off bad debts | council |
| 410204 | Local Government Act 1999 | section 144(1) | Recovery of fees, charges, expenses or other amounts as a debt by action in a court of competent jurisdiction | council |
| 410205 | Local Government Act 1999 | section 144(2) | Provide notice of a fee, charge, expense or other amount relating to something done in respect of a rateable property to the owner or occupier of the property | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|---------------------|---|---------------------|
| 410206 | Local Government Act 1999 | section 144(2) | Recovery of a fee, charge, expense or other amount relating to something done in respect of a rateable property as if the fee, charge, expense or other amount was a rate on the property | council |
| 410207 | Local Government Act 1999 | section 151(5)(d) | Prepare a report on a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land | council |
| 410208 | Local Government Act 1999 | section 151(5)(e) | Follow the relevant steps in the public consultation policy with respect to a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land | council |
| 410209 | Local Government Act 1999 | section 151(8) | Provide copies of the report required by section 151(5)(d) of the Local Government Act at the meeting held under section 151(7)(a)(i) of the Local Government Act | council |
| 410210 | Local Government Act 1999 | section 156(10) | Extend the time period for lodging an objection | council |
| 410211 | Local Government Act 1999 | section 156(11) | Decide an objection to attribution of a particular use to land | council |
| 410212 | Local Government Act 1999 | section 156(12) | Participate in a review of an attribution of a particular use to land by South Australian Civil and Administrative Tribunal | council |
| 410213 | Local Government Act 1999 | section 156(14a)(a) | Prepare a report on a proposed change to the differentiating factor in relation to land | council |
| 410214 | Local Government Act 1999 | section 156(14a)(b) | Follow the relevant steps in the public consultation policy with respect to a on a proposed change to the differentiating factor in relation to land | council |
| 410215 | Local Government Act 1999 | section 156(14e) | Provide copies of the report required by section 156(14a)(a) of the Local Government Act at the meeting held under section 156(14d)(a)(i) of the Local Government Act | council |
| 410216 | Local Government Act 1999 | section 159(1) | Determine the manner and form of an application for a rebate of rates | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410217 | Local Government Act 1999 | section 159(3) | Grant a rebate of rates | council |
| 410218 | Local Government Act 1999 | section 159(4) | Increase a rebate of rates | council |
| 410219 | Local Government Act 1999 | section 159(10) | Determine that proper cause for a rebate of rates no longer applies | council |
| 410220 | Local Government Act 1999 | section 159(11) | Recover rates, or rates at an increased level, proportionate to the remaining part of the financial year if an entitlement to a rebate of rates no longer applies | council |
| 410221 | Local Government Act 1999 | section 161(1) | Grant a rebate of rates greater than 75% on land used for service delivery or administration by a community service organisation | council |
| 410222 | Local Government Act 1999 | section 165(1) | Grant a rebate of rates greater than 75% on land occupied by a school and being used for educational purposes | council |
| 410223 | Local Government Act 1999 | section 165(2) | Grant a rebate of rates greater than 75% on land being used by a university or university college to provide accommodation and other forms of support on a not-for-profit basis | council |
| 410224 | Local Government Act 1999 | section 166(1) | Grant a rebate of rates or service charges in prescribed circumstances | council |
| 410225 | Local Government Act 1999 | section 166(2) | Attach conditions to the granting of a rebate of rates or service charges under section 166(1) of the Local Government Act | council |
| 410226 | Local Government Act 1999 | section 167(1) | Adopt valuations | council |
| 410227 | Local Government Act 1999 | section 167(6) | Publish a notice of the adoption of valuations in the Gazette | council |
| 410228 | Local Government Act 1999 | section 168(1) | Request the Valuer-General to value land in the council area | council |
| 410229 | Local Government Act 1999 | section 168(2) | Furnish information to the Valuer-General requested information | council |
| 410230 | Local Government Act 1999 | section 168(3)(b) | Enter valuation into the assessment record | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410231 | Local Government Act 1999 | section 168(3)(c) | Provide notice to the principal ratepayer in respect of land of the valuation of that land | council |
| 410232 | Local Government Act 1999 | section 169(3)(b) | Allow an extension of time in which to object to the valuation of land | council |
| 410233 | Local Government Act 1999 | section 169(5) | Refer an objection to the valuation of land to the valuer who made the valuation with a request to reconsider the valuation | council |
| 410234 | Local Government Act 1999 | section 169(7) | Provide written notice to an objector of the outcome of the objection | council |
| 410235 | Local Government Act 1999 | section 169(10) | Refer request for a review of the valuation of land to the Valuer-General | council |
| 410236 | Local Government Act 1999 | section 169(11) | Make representations to the valuer in regard to the valuation of land which is the subject of the objection | council |
| 410237 | Local Government Act 1999 | section 169(15) | Participate in a review of a valuation of land by South Australian Civil and Administrative Tribunal | council |
| 410238 | Local Government Act 1999 | section 169(16) | Pay the prescribed fee to the Valuer-General | council |
| 410239 | Local Government Act 1999 | section 170 | Publish a notice of the declaration of a rate or service charge in the Gazette and a newspaper circulating in the council area | council |
| 410240 | Local Government Act 1999 | section 173(5) | Determine a review of the outcome of a request to alter the assessment record | council |
| 410241 | Local Government Act 1999 | section 173(6) | Provide written notice of decision on review | council |
| 410242 | Local Government Act 1999 | section 173(7) | Participate in a review of decision of council | council |
| 410243 | Local Government Act 1999 | section 174(1) | Provide the assessment record for inspection at the principal offices of the council | council |
| 410244 | Local Government Act 1999 | section 174(2) | Provide for the purchase of an entry in the assessment record | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410245 | Local Government Act 1999 | section 178(3) | Recover rates as a debt | council |
| 410246 | Local Government Act 1999 | section 178(4) | Provide written notice requiring a lessee or licensee of land to pay rent or other consideration to the council under the lease or licence in satisfaction of the liability for rates | council |
| 410247 | Local Government Act 1999 | section 178(6) | Remit a charge payable under section 178(5) of the Local Government Act in whole or in part | council |
| 410248 | Local Government Act 1999 | section 179(2) | Adopt a valuation of land | council |
| 410249 | Local Government Act 1999 | section 179(5) | Refund rates that have been paid to a principal ratepayer if land ceases to be rateable land | council |
| 410250 | Local Government Act 1999 | section 180(1) | Provide a rates notice to the principal ratepayer | council |
| 410251 | Local Government Act 1999 | section 181(2) | Determine the day on which an instalment of rates falls due | council |
| 410252 | Local Government Act 1999 | section 181(3) | Adjust the months in which instalments of rates are payable | council |
| 410253 | Local Government Act 1999 | section 181(4)(b) | Agree with a principal ratepayer the dates on which instalments of rates are payable | council |
| 410254 | Local Government Act 1999 | section 181(5) | Provide rates notice to principal ratepayer | council |
| 410255 | Local Government Act 1999 | section 181(7a) | Agree with a principal ratepayer to vary the period for the provision of a rates notice | council |
| 410256 | Local Government Act 1999 | section 181(9) | Remit the whole or any part of an amount payable under section 181(8) of the Local Government Act | council |
| 410257 | Local Government Act 1999 | section 181(11) | Grant discounts or other incentives in relation to the payment of rates | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|--|---------------------|
| 410258 | Local Government Act 1999 | section 181(12)(b) | Impose a surcharge or administrative levy not exceeding 1 per cent of the rates payable in a particular financial year with respect to the payment of rates by instalments | council |
| 410259 | Local Government Act 1999 | section 181(13) | Impose different requirements than those under section 181 of the Local Government Act in relation to the payment of separate rates or service rates | council |
| 410260 | Local Government Act 1999 | section 181(15) | Determine that rates of a particular kind will be payable in more than four instalments in a particular financial year | council |
| 410261 | Local Government Act 1999 | section 182(1)(a) | Postpone payment of rates | council |
| 410262 | Local Government Act 1999 | section 182(1)(b) | Remit the whole or part payment of rates | council |
| 410263 | Local Government Act 1999 | section 182(2)(a) | Impose a condition that the ratepayer pay interest on postponed rates | council |
| 410264 | Local Government Act 1999 | section 182(2)(b) | Impose other conditions on the postponement of rates | council |
| 410265 | Local Government Act 1999 | section 182(2)(c) | Revoke a postponement of rates | council |
| 410266 | Local Government Act 1999 | section 182(3) | Postpone the payment of rates | council |
| 410267 | Local Government Act 1999 | section 182(4) | Grant a remission of rates | council |
| 410268 | Local Government Act 1999 | section 182(5) | Require a ratepayer to verify an entitlement to the remission of rates | council |
| 410269 | Local Government Act 1999 | section 182(6) | Revoke a determination under section 182(4) of the Local Government Act to remit rates | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|--|---------------------|
| 410270 | Local Government Act 1999 | section 182A(1) | Receive an application for a postponement of the payment of the prescribed proportion of rates for the current or a future financial year | council |
| 410271 | Local Government Act 1999 | section 182A(2) | Determine the manner and form of an application under section 182A(1) of the Local Government Act | council |
| 410272 | Local Government Act 1999 | section 182A(3)(a) | Reject an application under section 182A(1) of the Local Government Act in accordance with the regulations | council |
| 410273 | Local Government Act 1999 | section 182A(3)(b) | Impose conditions on the postponement of rates in accordance with the regulations | council |
| 410274 | Local Government Act 1999 | section 183 | Apply amount received in respect of rates in manner prescribed by section 183 of the Local Government Act | council |
| 410275 | Local Government Act 1999 | section 184(1) | Sell land where an amount of rates in respect of the land has been in arrears for more than three years | council |
| 410276 | Local Government Act 1999 | section 184(2) | Send a notice to the principal ratepayer | council |
| 410277 | Local Government Act 1999 | section 184(3) | Send a copy of the notice sent to the principal ratepayer to any other owner of the land, any registered mortgagee, the holder of any caveat over the land and, if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929. | council |
| 410278 | Local Government Act 1999 | section 184(4)(a) | Place a copy of the notice sent to the principal ratepayer in a newspaper circulating throughout the State | council |
| 410279 | Local Government Act 1999 | section 184(4)(b) | Leave a copy of the notice sent to the principal ratepayer at a conspicuous place on the land | council |
| 410280 | Local Government Act 1999 | section 184(6) | Set a reserve price for the auction | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410281 | Local Government Act 1999 | section 184(7) | Seek the consent of the Minister who is responsible for the administration of the Crown Lands Act 1929 to have the land sold by public auction | council |
| 410282 | Local Government Act 1999 | section 184(8) | Advertise an auction to sell land under section 184 of the Local Government Act in a newspaper circulating throughout the State | council |
| 410283 | Local Government Act 1999 | section 184(9) | Call off an auction | council |
| 410284 | Local Government Act 1999 | section 184(10) | Sell land by private contract | council |
| 410285 | Local Government Act 1999 | section 184(11) | Apply money receive in respect of the sale of land under section 184 of the Local Government Act as prescribed in section 184(11) | council |
| 410286 | Local Government Act 1999 | section 184(12) | Deal with money under the Unclaimed Money Act 1891 | council |
| 410287 | Local Government Act 1999 | section 185(1) | Apply to the Minister who is responsible for the administration of the Crown Lands Act 1929 for an order under section 185 of the Local Government Act | council |
| 410288 | Local Government Act 1999 | section 186(2)(a) | Repay an amount of overpaid rates | council |
| 410289 | Local Government Act 1999 | section 186(2)(a) | Credit an amount of overpaid rates against future liabilities for rates on the land subject to the overpaid rates | council |
| 410290 | Local Government Act 1999 | section 186(2)(b) | Take action to recover an additional amount in arrears payable on account of an alteration of the valuation or decision | council |
| 410291 | Local Government Act 1999 | section 186(2)(b) | Give notice to recover an additional amount in arrears payable on account of an alteration of the valuation or decision | council |
| 410292 | Local Government Act 1999 | section 186(5) | Refund an amount to a person ceasing to be a ratepayer | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|--|---------------------|
| 410293 | Local Government Act 1999 | section 187(1) | Issue a certificate stating the amount of any liability for rates or charges on the land and any amount received on account of rates or charges that is held in credit against future liabilities for rates or charges on the land | council |
| 410294 | Local Government Act 1999 | section 187A(5)(b) | Receive a report from the Ombudsman | council |
| 410295 | Local Government Act 1999 | section 187B(5) | Receive a report from the Ombudsman | council |
| 410296 | Local Government Act 1999 | section 187B(6) | Provide a written response to the Ombudsman and complainant | council |
| 410297 | Local Government Act 1999 | section 187B(7) | Grant a rebate or remission of any rate or service charge, or of any charge, fine or interest | council |
| 410298 | Local Government Act 1999 | section 188(1)(a) | Impose fees and charges for the use of any property or facility owned, controlled, managed or maintained by the council | council |
| 410299 | Local Government Act 1999 | section 188(1)(b) | Impose fees and charges for services supplied to a person at his or her request | council |
| 410300 | Local Government Act 1999 | section 188(1)(c) | Impose fees and charges for carrying out work at a person's request | council |
| 410301 | Local Government Act 1999 | section 188(3) | Provide for: (a) specific fees and charges; (b) maximum fees and charges and minimum fees and charges; (c) annual fees and charges; (d) the imposition of fees or charges according to specified conditions or circumstances; (e) the variation of fees or charges according to specified factors; (f) the reduction, waiver or refund, in whole or in part, of fees or charges. | council |
| 410302 | Local Government Act 1999 | section 188(5)(b) | Fix, vary or revoke fees and charges for the purposes of section 188(1)(a), 188(1)(b) and 188(1)(c) of the Local Government Act | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410304 | Local Government Act 1999 | section 188(7) | Take reasonable steps to bring a variation of a fee or charge to the notice of a person who may be affected | council |
| 410305 | Local Government Act 1999 | section 190 | Agree to acquire land | council |
| 410306 | Local Government Act 1999 | section 191(1) | Seek the Minister's consent to acquire land compulsorily | council |
| 410307 | Local Government Act 1999 | section 191(1) | Acquire land compulsorily | council |
| 410308 | Local Government Act 1999 | section 191(2) | Acquire land compulsorily | council |
| 410309 | Local Government Act 1999 | section 192(4) | Publish a copy of a resolution under section 192(1) of the Local Government Act in the Gazette | council |
| 410310 | Local Government Act 1999 | section 193(2) | Follow steps on public consultation policy in respect of a proposal to exclude land from classification as community land | council |
| 410311 | Local Government Act 1999 | section 193(3) | Obtain approval of owner of land to exclude land from classification as community land | council |
| 410312 | Local Government Act 1999 | section 193(6) | Give notice in the Gazette of a resolution to exclude land from classification as community land or to classify land as community land | council |
| 410313 | Local Government Act 1999 | section 194(2)(a) | Prepare and make publicly available a report on a proposal to revoke the classification of community land | council |
| 410314 | Local Government Act 1999 | section 194(2)(b) | Follow steps on public consultation policy in respect of a proposal to revoke the classification of land as community land | council |
| 410315 | Local Government Act 1999 | section 194(3)(a) | Submit the proposal to revoke the classification of land as community land with a report on all submissions made in respect of the proposal to the Minister | council |
| 410316 | Local Government Act 1999 | section 194(4) | Participate in consultation with the Minister | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|-----------------------|
| 410317 | Local Government Act 1999 | section 195(2) | Give notice of the revocation of the classification of land as community land to the Registrar-General | council |
| 410318 | Local Government Act 1999 | section 196(1) | Prepare and adopt a management plan for community land | council |
| 410319 | Local Government Act 1999 | section 196(1a) | Prepare and adopt a management plan for the Adelaide Park Lands | Adelaide City Council |
| 410320 | Local Government Act 1999 | section 196(4) | Consult with the owner of land at an appropriate stage in the preparation of a management plan | council |
| 410321 | Local Government Act 1999 | section 197(1)(a) | Make copies of a proposed management plan available for inspection of purchase at the council's principal office | council |
| 410322 | Local Government Act 1999 | section 197(1)(b) | Follow the relevant steps in the council's public consultation policy | council |
| 410323 | Local Government Act 1999 | section 197(3) | Give public notice of the adoption of the management plan | council |
| 410324 | Local Government Act 1999 | section 198(1) | Amend or revoke a management plan | council |
| 410325 | Local Government Act 1999 | section 198(2) | Undertake public consultation of a proposal to amend or revoke a management plan | council |
| 410326 | Local Government Act 1999 | section 198(4) | Give public notice of the adoption of a proposal to amend or revoke a management plan | council |
| 410327 | Local Government Act 1999 | section 199 | Manage community land in accordance with any relevant management plan | council |
| 410328 | Local Government Act 1999 | section 200(1) | Approve the use of community land for a business purpose | council |
| 410329 | Local Government Act 1999 | section 200(3) | Impose conditions on an approval to use community land for a business purpose | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|--|---------------------|
| 410330 | Local Government Act 1999 | section 201(1) | Sell or otherwise dispose of an interest in land | council |
| 410331 | Local Government Act 1999 | section 202(1) | Grant a lease or licence over community land | council |
| 410332 | Local Government Act 1999 | section 202(2) | Follow the relevant steps in the councils public consultation policy in regard to granting a lease or licence relating to community land | council |
| 410333 | Local Government Act 1999 | section 207(1) | Keep a register of community land in the council area | council |
| 410334 | Local Government Act 1999 | section 207(2)(c) | Determine that the register of community land in the council area will consist of a computer record | council |
| 410337 | Local Government Act 1999 | section 208(4) | Cause a copy of a resolution declaring a road or land to be a public road or preserving an easement to be published in the Gazette | council |
| 410338 | Local Government Act 1999 | section 209(3) | Enter an agreement in regard to the ownership of fixture and equipment installed on a public road | council |
| 410339 | Local Government Act 1999 | section 210(1) | Declare a private road to be a public road | council |
| 410340 | Local Government Act 1999 | section 210(2)(a) | Give written notice to the owner of the private road of a proposed declaration | council |
| 410341 | Local Government Act 1999 | section 210(2)(ab) | Give written notice to the holder of a registered interest over the private road of a proposed declaration | council |
| 410342 | Local Government Act 1999 | section 210(2)(b) | Give public notice to the owner of the private road of a proposed declaration | council |
| 410343 | Local Government Act 1999 | section 210(5) | Publish a declaration under section 210 of the Local Government Act in the Gazette | council |
| 410344 | Local Government Act 1999 | section 210(7) | Furnish a copy of a declaration under section 210 of the Local Government Act to the Registrar-General | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-----------------------|---|---------------------|
| 410345 | Local Government Act 1999 | section 211(1)(a) | Enter an agreement with the Commissioner of Highways or other authority that has the care, control and management of a highway | council |
| 410346 | Local Government Act 1999 | section 211(1)(b) | Act in accordance with a notice issued by the Commissioner of Highways | council |
| 410347 | Local Government Act 1999 | section 212(1) | Carry out roadwork in the council area | council |
| 410348 | Local Government Act 1999 | section 212(1) | Enter an agreement with another council to carry out roadwork in that other council's area | council |
| 410349 | Local Government Act 1999 | section 212(2) | Do anything reasonably necessary for, or incidental to, roadwork | council |
| 410350 | Local Government Act 1999 | section 212(3)(b) | Consult with the Commissioner of Highways | council |
| 410351 | Local Government Act 1999 | section 212(3)(c)(i) | Obtain the agreement of the owner of a private road | council |
| 410352 | Local Government Act 1999 | section 212(3)(c)(ii) | Give notice to the owner of a private road and a reasonable opportunity to make representations on proposed roadwork | council |
| 410353 | Local Government Act 1999 | section 212(3)(c)(ii) | Consider any representations by the owner of a private road on proposed roadwork | council |
| 410354 | Local Government Act 1999 | section 212(3)(d) | Obtain the agreement of the owner of private land | council |
| 410355 | Local Government Act 1999 | section 213(1) | Recover the whole cost or an agreed contribution to the cost of roadworks undertaken by agreement | council |
| 410356 | Local Government Act 1999 | section 213(2) | Recover the cost of roadwork to repair damage to a road from the person who damaged a road or is the owner of infrastructure which damaged the road | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410357 | Local Government Act 1999 | section 213(3)(a) | Recover the cost of roadwork on private land or a contribution to the cost of the work determined by the council as a debt from the owner of the private land | council |
| 410358 | Local Government Act 1999 | section 214(2)(a) | Agree the amount of contribution to roadwork with another council | council |
| 410359 | Local Government Act 1999 | section 214(2)(b) | Seek a determination by a court as to the amount of contribution to roadwork to be paid by another council | council |
| 410360 | Local Government Act 1999 | section 214(3) | Give notice to another council of proposed roadwork and provide reasonable opportunity to that other council to make representations | council |
| 410361 | Local Government Act 1999 | section 215(2) | Carry out roadwork to allow water from a road to drain into adjoining property | council |
| 410362 | Local Government Act 1999 | section 215(4) | Give notice to the owner of land in regard to the proposed action to drain water into the land | council |
| 410363 | Local Government Act 1999 | section 216(1) | Issue an order requiring the owner of private land to carry out specified road work or improve the road | council |
| 410364 | Local Government Act 1999 | section 217(1) | Issue an order requiring the owner of a structure or equipment installed in, on, across, under or over a road to carry out specified road work by way of maintenance or repair or move the structure or equipment to allow the council to carry out roadwork | council |
| 410365 | Local Government Act 1999 | section 217(2)(a) | Take action under an order issued under section 217(1) of the Local Government Act if it is not complied with by the owner of the structure or equipment | council |
| 410366 | Local Government Act 1999 | section 217(2)(a) | Recover the cost of taking action under section 217(2)(a) of the Local Government Act as a debt from the owner of the structure or equipment | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410367 | Local Government Act 1999 | section 218(1) | Issue an order requiring the owner of land adjoining a road to carry out specified work to construct, remove or repair a crossing place from the road to the land | council |
| 410368 | Local Government Act 1999 | section 219(1) | Assign a name to a public or private road, or to a public place, or change the name of a public or private road, or a public place | council |
| 410369 | Local Government Act 1999 | section 219(1a) | Assign a name to a public road created by land division | council |
| 410370 | Local Government Act 1999 | section 219(2)(a) | Give notice to an adjoining council of a proposed road name change where the road runs into the adjoining council | council |
| 410371 | Local Government Act 1999 | section 219(2)(b) | Consider any representations of an adjoining council in response to a notice under section 219(2)(a) of the Local Government Act | council |
| 410372 | Local Government Act 1999 | section 219(3)(a) | Notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a road name or change of a road name | council |
| 410373 | Local Government Act 1999 | section 219(3)(b) | Provide information to the Registrar-General, the Surveyor-General and the Valuer-General about the name of roads and public places in the council area | council |
| 410374 | Local Government Act 1999 | section 219(4) | Provide public notice on the assigning or changing of a road name | council |
| 410375 | Local Government Act 1999 | section 219(5) | Prepare and adopt a policy on the assigning of road names | council |
| 410376 | Local Government Act 1999 | section 219(6) | Alter or substitute a policy on the assigning of road names | council |
| 410377 | Local Government Act 1999 | section 219(7) | Publish notice of adopting or altering a policy on the assigning of road name in the Gazette, in a newspaper circulating within the council area and on a website determined by the chief executive | council |
| 410378 | Local Government Act 1999 | section 220(1) | Adopt a numbering system for buildings and allotments adjoining the road | council |
| 410379 | Local Government Act 1999 | section 220(1a) | Assign a number to all buildings and allotments adjoining a public road | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410380 | Local Government Act 1999 | section 220(2) | Alter or substitute a new numbering system | council |
| 410381 | Local Government Act 1999 | section 220(3) | Give public notice of the adoption, alteration or substitution of a numbering system for a particular road | council |
| 410382 | Local Government Act 1999 | section 220(4) | Notify the Valuer-General of a decision to adopt, alter or substitute of a numbering system | council |
| 410383 | Local Government Act 1999 | section 220(6) | Request the 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 council | council |
| 410384 | Local Government Act 1999 | section 221(1) | Grant an authorisation to alter a public road | council |
| 410385 | Local Government Act 1999 | section 222(1) | Grant a permit authorising the use of a public road for business purposes | council |
| 410387 | Local Government Act 1999 | section 223(1) | Follow the relevant steps in the council's public consultation policy | council |
| 410388 | Local Government Act 1999 | section 223(2) | Give written notice of the proposal to agencies prescribe by regulation | council |
| 410389 | Local Government Act 1999 | section 224(1) | Attach conditions to an authorisation or permit | council |
| 574154 | Local Government Act 1999 | section 224(2) | Comply with any requirements prescribed by the regulations in relation to attaching conditions under section 224(1) of the Local Government Act | council |
| 410391 | Local Government Act 1999 | section 225(1) | Cancel an authorisation or permit | council |
| 410392 | Local Government Act 1999 | section 225(2)(a) | Give the holder of an authorisation or permit written notice of the proposed cancellation of the authorisation or permit | council |
| 410393 | Local Government Act 1999 | section 225(2)(b) | Consider any representation by the holder of an authorisation or permit | council |
| 410394 | Local Government Act 1999 | section 225(3) | Determine a shorter period than one month for a response from the holder of an authorisation or permit | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410400 | Local Government Act 1999 | section 231(1) | Keep a register of public roads in the council area | council |
| 410403 | Local Government Act 1999 | section 232 | Plant vegetation on a road | council |
| 410404 | Local Government Act 1999 | section 232 | Authorise the planting of vegetation on a road | council |
| 410405 | Local Government Act 1999 | section 233(2) | Take action to recover damages from a person who without the council's permission intentionally or negligently damages a road of structure belonging to the councils associated with a road | council |
| 410406 | Local Government Act 1999 | section 234(1) | Remove and dispose of any structure, object or substance from a road | council |
| 410407 | Local Government Act 1999 | section 234(2) | Recover the cost of acting under section 234(1) from the person who erected, placed or deposited the structure, object or substance on the road | council |
| 410408 | Local Government Act 1999 | section 234(3) | Clear a road of wreckage, objects or material on the road as a result of a vehicle accident | council |
| 410409 | Local Government Act 1999 | section 234(3) | Recover the cost of clearing the road from a driver of a vehicle involved in the accident | council |
| 410410 | Local Government Act 1999 | section 234A(5) | Erect barricades or other traffic control devices as necessary to give effect to a resolution to exclude vehicles from a road or public place | council |
| 410411 | Local Government Act 1999 | section 234A(6) | Give public notice of a resolution under section 234A(1) or 234A(2) of the Local Government Act | council |
| 410412 | Local Government Act 1999 | section 236(2) | Apply to the court for an order that a person convicted of the offence under section 236(1) of the Local Government Act pay any costs incurred by the council in removing or disposing of the abandoned vehicle | council |
| 410413 | Local Government Act 1999 | section 237(4)(a) | Notify the owner of a vehicle of the removal of the vehicle by written notice | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410414 | Local Government Act 1999 | section 237(4)(b) | Notify the owner of a vehicle of the removal of the vehicle by public notice published in a newspaper circulating generally within the State | council |
| 410415 | Local Government Act 1999 | section 237(5) | Sell a vehicle by public auction or public tender | council |
| 410416 | Local Government Act 1999 | section 237(6) | Dispose of a vehicle | council |
| 410417 | Local Government Act 1999 | section 237(7) | Apply the proceeds of the sale of a vehicle as prescribed in section 237(7) of the Local Government Act | council |
| 410418 | Local Government Act 1999 | section 238(3) | Erect a notice regarding access to or use of a particular piece of land under a council by-law in a prominent place or in the immediate vicinity of the land | council |
| 410419 | Local Government Act 1999 | section 242(3) | Notify an applicant in writing of a decision or presumptive decision on an application which is subject to section 242 of the Local Government Act | council |
| 410420 | Local Government Act 1999 | section 242(4) | Fix a date as the 'relevant date' for the purposes of section 242 of the Local Government Act | council |
| 410421 | Local Government Act 1999 | section 243(1) | Apply to the Registrar-General for the issue of a certificate of title for land which has vested in fee simple in the council under the Local Government Act | council |
| 410422 | Local Government Act 1999 | section 245(2) | Take reasonable action to respond to a request by the owner or occupier of property adjacent to a road to avert a risk of damage from a tree | council |
| 410423 | Local Government Act 1999 | section 245A(1) | Require a person to enter into an agreement with the council in regard to work under an approval under the Planning, Development and Infrastructure Act 2016 which could cause damage to any local government land (including a road) within the vicinity of the site of the development | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410424 | Local Government Act 1999 | section 245A(3) | Participate in the hearing of an appeal by a person against the requirements to enter and agreement of the terms or conditions of the agreement | council |
| 410425 | Local Government Act 1999 | section 246(4a) | Publish a notice of a determination under section 246(3)(b) in the Gazette and a newspaper circulating generally in the council area | council |
| 410426 | Local Government Act 1999 | section 246(5)(b) | Fix an expiation fee for alleged offences against the by-laws | council |
| 410427 | Local Government Act 1999 | section 249(1) | Make copies of a proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available to the public in accordance with section 132(1) | council |
| 410429 | Local Government Act 1999 | section 249(2) | Consider submissions made on a proposed by-law | council |
| 410430 | Local Government Act 1999 | section 249(4) | Obtain a certificate signed by a legal practitioner | council |
| 410431 | Local Government Act 1999 | section 249(5) | Publish a by-law in the Gazette | council |
| 410432 | Local Government Act 1999 | section 249(7) | Publish a notice of making a by-law | council |
| 410433 | Local Government Act 1999 | section 250(5) | Publish a resolution adopting a model by-law in the Gazette | council |
| 410434 | Local Government Act 1999 | section 250(7) | Publish a resolution adopting a model by-law in a newspaper circulating in the council area | council |
| 410435 | Local Government Act 1999 | section 252(1) | Maintain a register of the by-laws made or adopted by the council | council |
| 410438 | Local Government Act 1999 | section 252(5) | Provide for purchase a certified copy of a by-law | council |
| 410439 | Local Government Act 1999 | section 254(1) | Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|--|---------------------|
| 410440 | Local Government Act 1999 | section 255(1) | Provide a notice in writing prior to making an order under section 254(1) of the Local Government Act | council |
| 410441 | Local Government Act 1999 | section 255(2) | Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land | council |
| 410442 | Local Government Act 1999 | section 255(3) | Consider any representations made in response to a notice under section 255(1) of the Local Government Act | council |
| 410443 | Local Government Act 1999 | section 255(3)(a) | Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act | council |
| 410444 | Local Government Act 1999 | section 255(3)(b) | Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act | council |
| 410445 | Local Government Act 1999 | section 255(3)(c) | Determine not to proceed to make an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act | council |
| 410446 | Local Government Act 1999 | section 255(7) | Serve an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act | council |
| 410447 | Local Government Act 1999 | section 255(8) | Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land | council |
| 410448 | Local Government Act 1999 | section 255(11) | Vary an order | council |
| 410449 | Local Government Act 1999 | section 255(12) | Make an order | council |
| 410450 | Local Government Act 1999 | section 256(3) | Participate in a review of an order by the South Australian Civil and Administrative Tribunal | council |
| 410451 | Local Government Act 1999 | section 257(1) | Take action required by an order made under section 255 of the Local Government Act | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------|---|---------------------|
| 410452 | Local Government Act 1999 | section 257(2) | Authorise a person to take action under section 257(1) of the Local Government Act | council |
| 410453 | Local Government Act 1999 | section 257(3) | Recover the costs of taking action under section 257(1) of the Local Government Act | council |
| 410454 | Local Government Act 1999 | section 257(5) | Provide notice fixing a period in which a person must pay an amount recoverable by the council under section 257 of the Local Government Act | council |
| 410455 | Local Government Act 1999 | section 257(5)(b) | Impose a charge over land for an unpaid amount recoverable by the council under section 257 of the Local Government Act | council |
| 410456 | Local Government Act 1999 | section 259(1) | Prepare and adopt policies concerning the operation of Part 2, Chapter 12 of the Local Government Act | council |
| 410457 | Local Government Act 1999 | section 259(2)(a) | Prepare a draft policy | council |
| 410458 | Local Government Act 1999 | section 259(2)(b) | Give notice in a newspaper circulating in the council area of the place or places where copies of the draft policy are available for inspection and purchase and invite written submissions | council |
| 410459 | Local Government Act 1999 | section 259(3) | Consider submissions | council |
| 410460 | Local Government Act 1999 | section 259(4) | Amend a policy | council |
| 410461 | Local Government Act 1999 | section 259(5) | Take steps in section 259(2) and 259(3) prior to amending a policy | council |
| 410464 | Local Government Act 1999 | section 260(1) | Appoint an authorised person | council |
| 410465 | Local Government Act 1999 | section 260(2) | Impose conditions or limitations on the appointment of an authorised person | council |
| 410466 | Local Government Act 1999 | section 260(3) | Issue an identity card to an authorised person | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|--|---------------------|
| 410467 | Local Government Act 1999 | section 260(5) | Revoke the appointment of an authorised person | council |
| 410468 | Local Government Act 1999 | section 270(a1) | Develop and maintain policies, practices and procedures for dealing with requests for the provision of services by the council or complaints about the activities of the council, employees of the council or person acting on behalf of the council | council |
| 410469 | Local Government Act 1999 | section 270(1) | Establish procedures for the review of decisions | council |
| 610340 | Local Government Act 1999 | section 270(2a)(b) | Allow an application to be made more than 6 months after the reviewable decision | council |
| 610341 | Local Government Act 1999 | section 270(3a) | Reduce, waive or refund a fee | council |
| 410470 | Local Government Act 1999 | section 270(4) | Refuse an application for the review of a decision | council |
| 410472 | Local Government Act 1999 | section 270(6) | Amend policies, practices and procedures applying under section 270 of the Local Government Act | council |
| 410473 | Local Government Act 1999 | section 270(8) | Initiate and consider a report for the purpose of section 270(8) of the Local Government Act | council |
| 410474 | Local Government Act 1999 | section 271(1) | Make provision in a procedure under section 270 of the Local Government Act for disputes between a person and the council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation | council |
| 410475 | Local Government Act 1999 | section 271(2) | Constitute panels of mediators, conciliators and evaluators | council |
| 410476 | Local Government Act 1999 | section 271(7) | Pay costs of mediation, conciliation and evaluation | council |
| 410477 | Local Government Act 1999 | section 271A(1) | Provide requested information to the Minister | council |
| 410478 | Local Government Act 1999 | section 271B(1)(a) | Obtain an independent assessment of the council's probity or compliance with any requirements placed on the council under legislation | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------|---|---------------------|
| 410479 | Local Government Act 1999 | section 271B(1)(b) | Take specified action to meet standards in the conduct or administration of the affairs of the council identified by the Minister | council |
| 410480 | Local Government Act 1999 | section 272(3) | Provide an explanation and make submissions to the Minister | council |
| 410481 | Local Government Act 1999 | section 272(5) | Make submissions to the Minister in relation to the subject matter of an interim report | council |
| 410482 | Local Government Act 1999 | section 273(3) | Make submissions to the Minister in relation to a report under section 273(1) of the Local Government Act | council |
| 410483 | Local Government Act 1999 | section 275(2) | Make submissions to the Minister in relation to a report under section 274 of the Local Government Act | council |
| 410484 | Local Government Act 1999 | section 276(2)(a) | Bring proceedings under section 276(1) of the Local Government Act | council |
| 410485 | Local Government Act 1999 | section 276(5)(b) | Take necessary steps for and hold a ballot or poll in accordance with an order of the District Court | council |
| 410486 | Local Government Act 1999 | section 276(5)(f) | Produce or deliver books, voting-paper or documents in accordance with an order of the District Court | council |
| 410487 | Local Government Act 1999 | section 279(1) | Serve a document | council |
| 410488 | Local Government Act 1999 | section 281(1) | Notify a lessee or licensee of land to pay the council rent or other consideration payable under the lease or licence in satisfaction of the landowner's liability to the council | council |
| 410489 | Local Government Act 1999 | section 281(2)(b) | Notify the owner of land of the imposition of a requirements under section 281(1) of the Local Government Act | council |
| 410490 | Local Government Act 1999 | section 282(1) | Approve an occupier of land undertaking work | council |
| 410491 | Local Government Act 1999 | section 294(1a) | Provide notice to an owner or occupier of land | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|------------------------------|---|---------------------|
| 410492 | Local Government Act 1999 | section 294(3)(a) | Pay rent to the owner of occupier of land as determined by agreement or the Supreme Court | council |
| 410493 | Local Government Act 1999 | section 294(3)(b) | Pay to the owner of occupier of land reasonable compensation for damage to any crops on land | council |
| 410494 | Local Government Act 1999 | section 294(3)(c)(i) | Remedy damage to land caused by the council | council |
| 410495 | Local Government Act 1999 | section 294(3)(c)(ii) | Pay compensation for any other loss or damage caused by the council | council |
| 410496 | Local Government Act 1999 | section 294(7) | Erect a fence | council |
| 410497 | Local Government Act 1999 | section 294(5) | Comply with the relevant requirements of the Mining Act 1971 | council |
| 410498 | Local Government Act 1999 | section 296(1) | Recover the cost or a portion of the costs of works as a debt | council |
| 410499 | Local Government Act 1999 | section 296(3) | Give notice of a valuation to the owner of land | council |
| 410500 | Local Government Act 1999 | section 296(5) | Participate in an objection or review to a valuation | council |
| 410501 | Local Government Act 1999 | section 297 | Sell or dispose of rubbish collected by the council | council |
| 410502 | Local Government Act 1999 | section 298(1) | Order action in response to flooding or imminent flooding | council |
| 410503 | Local Government Act 1999 | section 300(1) | Pay the cost of advertising | council |
| 410504 | Local Government Act 1999 | clause 13(c), Schedule 1A | Enter an arrangement with the Stormwater Management Authority to make use of council staff, equipment or facilities | council |
| 410505 | Local Government Act 1999 | clause 17(1), Schedule 1A | Prepare a stormwater management plan | council |
| 410506 | Local Government Act 1999 | clause 18(1), Schedule 1A | Prepare a stormwater management plan or revise an existing stormwater management plan | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|---------------------------|---|---------------------|
| 410507 | Local Government Act 1999 | clause 18(2), Schedule 1A | Provide a stormwater management plan to the Stormwater Management Authority for approval | council |
| 410508 | Local Government Act 1999 | clause 19(3), Schedule 1A | Take action required by the Stormwater Management Authority as a condition of approving a stormwater management plan | council |
| 410509 | Local Government Act 1999 | clause 20(1), Schedule 1A | Comply with an order issued by the Stormwater Management Authority under clause 20(1), Schedule 1A of the Local Government Act | council |
| 410510 | Local Government Act 1999 | clause 20(5), Schedule 1A | Make submissions to the Stormwater Management Authority | council |
| 410511 | Local Government Act 1999 | clause 20(6), Schedule 1A | Enter into an agreement with the Stormwater Management Authority for the repayment of costs and expenses of the authority by the council | council |
| 410512 | Local Government Act 1999 | clause 24(1), Schedule 1A | Take action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under clause 20(a), schedule 1B of the Local Government Act by: (a) entering and occupying any land; (b) constructing, maintaining or removing any infrastructure; (c) excavating any land; (d) inspecting, examining or surveying any land and for that purpose: (i) fixing posts, stakes or other markers on the land; (ii) digging trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) removing samples for analysis; and (e) altering water table levels, stopping or reducing the flow of water in a watercourse, diverting water flowing in a watercourse to another watercourse or to a lake or controlling the flow of water in any other manner; (f) holding water in a watercourse or lake or by any other means; (g) diverting water to an underground aquifer, disposing of water to a lake, underground aquifer or the sea, or dealing with water in any other manner; | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|---------------------------------|---|---------------------|
| | | | (h) deepening, widening or changing the course of a watercourse, deepening or widening a lake or taking action to remove any obstruction to the flow of water; (i) undertaking any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); (j) undertaking any testing, monitoring or evaluation; and (k) undertaking any other activity of a prescribed kind. | |
| 410513 | Local Government Act 1999 | clause 24(2)(a), Schedule 1A | Enter into an agreement with the owner of private land | council |
| 410514 | Local Government Act 1999 | clause 24(2)(b), Schedule 1A | Acquire an easement or other appropriate interest over land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws | council |
| 410515 | Local Government Act 1999 | clause 24(3), Schedule 1A | Acquire land by agreement for the purposes of constructing any infrastructure or performing any work | council |
| 410516 | Local Government Act 1999 | clause 25(2), Schedule 1A | Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24 | council |
| 410517 | Local Government Act 1999 | clause 25(3)(b), Schedule 1A | Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24 | council |
| 410518 | Local Government Act 1999 | clause 26(3), Schedule 1A | Make submissions to the Minister regarding the vesting of the care, control and management of infrastructure or land in the council | public authority |
| 410519 | Local Government Act 1999 | clause 26(4), Schedule 1A | Maintain and repair infrastructure and maintain land vested in the council | public authority |
| 410520 | Local Government Act 1999 | clause 2(1), Schedule 1B | Enter a building upgrade agreement | council |
| 410521 | Local Government Act 1999 | clause 2(4), Schedule 1B | Agree to other parties entering a building upgrade agreement | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|---------------------------------|--|---------------------|
| 410522 | Local Government Act 1999 | clause 4, Schedule 1B | Agree to vary or terminate a building upgrade agreement | council |
| 410523 | Local Government Act 1999 | clause 6(1), Schedule 1B | Declare a building upgrade charge | council |
| 410524 | Local Government Act 1999 | clause 6(2), Schedule 4B | Provide written notice of the declaration of a building upgrade charge | council |
| 410525 | Local Government Act 1999 | clause 6(4), Schedule 1B | Give notice of each payment of a building upgrade charge | council |
| 410526 | Local Government Act 1999 | clause 7(2), Schedule 1B | Deduct and retain any service fee and late payment fee | council |
| 410527 | Local Government Act 1999 | clause 7(3)(a), Schedule 1B | Hold money pending payment to the finance provider | council |
| 410528 | Local Government Act 1999 | clause 7(3)(b), Schedule 1B | Pay money to the finance provider | council |
| 410529 | Local Government Act 1999 | clause 9(1), Schedule 1B | Sell land if a building upgrade charge remains outstanding for more than 3 years | council |
| 410530 | Local Government Act 1999 | clause 9(2), Schedule 1B | Apply money received on the sale of land as prescribed by clause 9(2), schedule 1B of the Local Government Act | council |
| 410531 | Local Government Act 1999 | clause 9(3), Schedule 1B | Deal with unclaimed money in accordance with the Unclaimed Moneys Act 1891 | council |
| 410532 | Local Government Act 1999 | clause 10(2)(a), Schedule 1B | Adjust a building upgrade charge | council |
| 410533 | Local Government Act 1999 | clause 10(2)(a), Schedule 1B | Give notice to the building owner of the adjustment of a building upgrade charge | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|---------------------------------|---|---------------------|
| 410534 | Local Government Act 1999 | clause 10(3)(d), Schedule 1B | Refund excess payments to the building owner | council |
| 410535 | Local Government Act 1999 | clause 11(1), Schedule 1B | Recover a building upgrade charge in accordance with a building upgrade agreement | council |
| 410536 | Local Government Act 1999 | clause 13(1), Schedule 1B | Keep a register of building upgrade agreements | council |
| 410537 | Local Government Act 1999 | clause 13(3), Schedule 1B | Provide the register of building upgrade agreements for inspection at the principal office of the council | council |
| 410538 | Local Government Act 1999 | clause 13(4), Schedule 1B | Provide an extract of the register of building upgrade agreements | council |
| 410539 | Local Government Act 1999 | clause 1(4), Schedule 2 | Publish a copy of the charter of a subsidiary in the Gazette | council |
| 410540 | Local Government Act 1999 | clause 3(1), Schedule 2 | Prepare a charter for a subsidiary | council |
| 410541 | Local Government Act 1999 | clause 3(4), Schedule 2 | Review a charter for a subsidiary | council |
| 410542 | Local Government Act 1999 | clause 3(5)(a), Schedule 2 | Furnish a copy of an amended charter for a subsidiary to the Minister | council |
| 410543 | Local Government Act 1999 | clause 3(5)(b), Schedule 2 | Publish a copy of an amended charter for a subsidiary on a website determined by the chief executive officer | council |
| 410544 | Local Government Act 1999 | clause 3(5)(c), Schedule 2 | Publish a notice in the Gazette of the fact of the amendment and website address at which the charter is available for inspection | council |
| 410545 | Local Government Act 1999 | clause 4(1), Schedule 2 | Determine the membership of the board of management of a subsidiary | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------------------|---|---------------------|
| 410546 | Local Government Act 1999 | clause 4(2), Schedule 2 | Appoint members of the board of management of a subsidiary | council |
| 410547 | Local Government Act 1999 | clause 4(6), Schedule 2 | Appoint a deputy of a board member | council |
| 410548 | Local Government Act 1999 | clause 4(8), Schedule 2 | Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility between offices held concurrently | council |
| 410549 | Local Government Act 1999 | clause 5(9), Schedule 2 | Act on advice of a board of management that the subsidiary owes a duty of confidence in regard to a matter | council |
| 410550 | Local Government Act 1999 | clause 5(12), Schedule 2 | Direct the board of management as to procedures | council |
| 410551 | Local Government Act 1999 | clause 8(1), Schedule 2 | Participate in consultation with a subsidiary on the preparation and adoption of the subsidiary's business plan | council |
| 410552 | Local Government Act 1999 | clause 8(5), Schedule 2 | Participate in consultation with a subsidiary in an annual review of the subsidiary's business plan | council |
| 410553 | Local Government Act 1999 | clause 8(4), Schedule 2 | Participate in consultation with a subsidiary on the amendment of the subsidiary's business plan | council |
| 410554 | Local Government Act 1999 | clause 9(2)(d), Schedule 2 | Fix a date by which a subsidiary's budget must be adopted | council |
| 410555 | Local Government Act 1999 | clause 9(3), Schedule 2 | Approve the amendment by a subsidiary of an adopted budget | council |
| 410556 | Local Government Act 1999 | clause 9(5), Schedule 2 | Participate in consultation with a subsidiary on the subsidiary incurring spending before the adoption of its budget for the year | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------------------|---|---------------------|
| 410557 | Local Government Act 1999 | clause 10(1), Schedule 2 | Give a direction to a subsidiary | council |
| 410558 | Local Government Act 1999 | clause 10(2), Schedule 2 | Make a copy of a direction given to a subsidiary available at the principal office of the council | council |
| 410559 | Local Government Act 1999 | clause 11(1), Schedule 2 | Request a subsidiary to furnish information or records in the possession or control of the subsidiary | council |
| 410560 | Local Government Act 1999 | clause 11(2), Schedule 2 | Act on advice of a board of management that information or a record should be treated as confidential | council |
| 410561 | Local Government Act 1999 | clause 12(1), Schedule 2 | Request a subsidiary to report on a matter to the council | council |
| 410562 | Local Government Act 1999 | clause 12(2), Schedule 2 | Receive a report on the work and operations of the subsidiary | council |
| 410563 | Local Government Act 1999 | clause 12(4), Schedule 2 | Incorporate a report made under clause 12(2), Schedule 2 into the annual report of the council | council |
| 410564 | Local Government Act 1999 | clause 13(3), Schedule 2 | Determine or approve members of the audit committee of the subsidiary | council |
| 410565 | Local Government Act 1999 | clause 14(2), Schedule 2 | Approve borrowing by a subsidiary | council |
| 410566 | Local Government Act 1999 | clause 16(1)(a), Schedule 2 | Request the Minister wind up a subsidiary | council |
| 410567 | Local Government Act 1999 | clause 17(4), Schedule 2 | Publish (in conjunction with the other constituent councils) a copy of the charter of a subsidiary in the Gazette | council |
| 410568 | Local Government Act 1999 | clause 19(1), Schedule 2 | Prepare (in conjunction with the other constituent councils) a charter of a subsidiary | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------------------|---|---------------------|
| 410569 | Local Government Act 1999 | clause 19(4), Schedule 2 | Review (in conjunction with the other constituent councils) a charter of a subsidiary | council |
| 410570 | Local Government Act 1999 | clause 19(5)(a), Schedule 2 | Furnish (in conjunction with the other constituent councils) a copy of an amended charter of a subsidiary to the Minister | council |
| 410571 | Local Government Act 1999 | clause 19(5)(b), Schedule 2 | Publish (in conjunction with the other constituent councils) a copy of the amended charter of a subsidiary on a website determined by the chief executive officer | council |
| 410572 | Local Government Act 1999 | clause 20(1), Schedule 2 | Determine (in conjunction with the other constituent councils) the membership of the board of management of a subsidiary | council |
| 410573 | Local Government Act 1999 | clause 20(7), Schedule 2 | Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility | council |
| 410575 | Local Government Act 1999 | clause 21(8), Schedule 2 | Authorise a person to attend a meeting of the board of management and have access to the papers provided to board members for the meeting | council |
| 410576 | Local Government Act 1999 | clause 21(9), Schedule 2 | Act on advice of a board of management that a matter should be treated confidentially | council |
| 410577 | Local Government Act 1999 | clause 21(12), Schedule 2 | Direct (in conjunction with the other constituent councils) procedures for the board of management | council |
| 410578 | Local Government Act 1999 | clause 24(1), Schedule 2 | Participate (in conjunction with the other constituent councils) in consultation with the subsidiary in the preparation and adoption of a business plan | council |
| 410579 | Local Government Act 1999 | clause 24(4), Schedule 2 | Participate (in conjunction with the other constituent councils) in consultation with the subsidiary in an annual review of the subsidiary's business plan | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|--------------------------------|--|---------------------|
| 410580 | Local Government Act 1999 | clause 24(5), Schedule 2 | Participate (in conjunction with the other constituent councils) in consultation with the subsidiary on the amendment of the subsidiary's business plan | council |
| 410581 | Local Government Act 1999 | clause 25(2)(d), Schedule 2 | Fix (in conjunction with the other constituent councils) a date before which a budget must be adopted by the subsidiary | council |
| 410582 | Local Government Act 1999 | clause 25(3), Schedule 2 | Approve (in conjunction with the other constituent councils) the amendment of a budget adopted by the subsidiary | council |
| 410583 | Local Government Act 1999 | clause 25(5), Schedule 2 | Participate (in conjunction with the other constituent councils) in consultation with the subsidiary on incurring spending prior to the adoption of a budget | council |
| 410584 | Local Government Act 1999 | clause 26, Schedule 2 | Issue (in conjunction with the other constituent councils) a direction to the subsidiary | council |
| 410585 | Local Government Act 1999 | clause 27(1), Schedule 2 | Request the subsidiary to furnish information or records in the possession or control of the subsidiary to the council | council |
| 410586 | Local Government Act 1999 | clause 27(2), Schedule 2 | Act on advice of a board of management that information or a record should be treated as confidential | council |
| 410587 | Local Government Act 1999 | clause 28(1), Schedule 2 | Fix (in conjunction with the other constituent councils) a date before which a subsidiary must furnish to the constituent councils report on the work and operations of the subsidiary | council |
| 410588 | Local Government Act 1999 | clause 28(3), Schedule 2 | Incorporate a report under clause 28(1), Schedule 2 of the Local Government Act in the annual report of the council | council |
| 410589 | Local Government Act 1999 | clause 30(3), Schedule 2 | Determine or approve (in conjunction with the other constituent councils) the members of the subsidiary's audit committee | council |
| 410590 | Local Government Act 1999 | clause 33(1), Schedule 2 | Request (in conjunction with the other constituent councils) the Minister to wind up a regional subsidiary | council |





Local Government Act 1999

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---------------------------|-------------------------------|---|---------------------|
| 410591 | Local Government Act 1999 | clause 2(1), Schedule 6 | Deliver a notice to the Registrar-General for the purpose of registering a charge over land | council |
| 410592 | Local Government Act 1999 | clause 3(1)(b), Schedule 6 | Exercise the powers of a mortgagee given by the Real Property Act 1886 under a mortgage in respect of which default has been made in payment of money secured by the mortgage | council |
| 410593 | Local Government Act 1999 | clause 4(1), Schedule 6 | Provide notice to the Registrar-General that the amount a charge relates to has been repaid and apply for the discharge of the charge | council |





Road Traffic (Miscellaneous) Regulations 2014

| ID | Delegation Source | Provision | Item Delegated | Capacity of Council |
|--------|---|-----------------|--|---------------------|
| 410669 | Road Traffic (Miscellaneous) Regulations 2014 | regulation 6(2) | Participate in consultation with respect to an event management plan | council |
| 410670 | Road Traffic (Miscellaneous) Regulations 2014 | regulation 7(3) | Participate in consultation with respect to an order to close a road | council |
| 410671 | Road Traffic (Miscellaneous) Regulations 2014 | regulation 8 | Provide information supplied by the Minister for the inspection of the public at the office of the council until the event causing a road closure has occurred | council |
| 410672 | Road Traffic (Miscellaneous) Regulations 2014 | regulation 66 | Designate an area for parking | council |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|--------------|--|
| 312115 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s7(5)(b) | <p>3. Environment and Food Production Areas – Greater Adelaide</p> <p>3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to 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.</p> |
| 312116 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s22(4)(a)(i) | <p>4. Functions</p> <p>4.1 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.</p> |
| 312117 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(1)(a) | <p>5. Planning Agreements</p> <p>5.1 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.</p> |
| 312118 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(3) | <p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI 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> <p>5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312119 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(3) | 5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI 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: 5.2.2 the constitution of a joint planning board including, in relation to such a board: 5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and 5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and 5.2.2.3 the procedures to be followed with respect to the appointment of members; and 5.2.2.4 the terms of office of members; and 5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and 5.2.2.6 the appointment of deputy members; and 5.2.2.7 the procedures of the board; and |
| 312120 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(3) | 5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI 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: 5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and |
| 312121 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and | s35(3) | 5. Planning Agreements |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | | 5.2 The power pursuant to Section 35(3) of the PDI 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: 5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and |
| 312122 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(3) | 5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI 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: 5.2.5 financial and resource issues associated with the operations of the joint planning board, including: 5.2.5.1 the formulation and implementation of budgets; and 5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and |
| 312123 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(3) | 5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI 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: 5.2.6 such other matters as the delegate thinks fit. |
| 312124 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(5)(a) | 5. Planning Agreements 5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms). |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312125 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s35(5)(b) | 5. Planning Agreements 5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement. |
| 622785 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s41(2)(a) | 6. Appointment of Administrator 6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act. |
| 312127 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s44(6)(a) | 7. Community Engagement Charter 7.1 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). |
| 312128 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s44(9)(b) | 7. Community Engagement Charter 7.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|---------------|--|
| 312129 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s44(10) | 7. Community Engagement Charter 7.3 The power pursuant to Section 44(10) of the PDI Act to: 7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and 7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter. |
| 312130 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s45(2)(c) | 8. Preparation and Amendment of Charter 8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter. |
| 622786 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s73(2)(b)(iv) | 9. Preparation and Amendment 9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to: 9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and 9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission. |
| 312132 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s73(6) | 9. Preparation and Amendment 9.2 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: 9.2.1 to prepare a draft of the relevant proposal; and 9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | | | <p>9.2.3 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>9.2.4 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>9.2.4.1 an owner or occupier of the land; and</p> <p>9.2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>9.2.5 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>9.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>9.2.7 to comply with any requirement prescribed by the regulations.</p> |
| 622787 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s73(7) | <p>9. Preparation and Amendment</p> <p>9.3 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.</p> |
| 312134 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s73(8) | <p>9. Preparation and Amendment</p> <p>9.4 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.</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312135 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s73(9) | 9. Preparation and Amendment 9.5 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)). |
| 312136 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s74(8)(c) | 10. Parliamentary Scrutiny 10.1 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. |
| 622788 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s75(1) | 11. Complying Changes – Planning and Design Code 11.1 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: 11.1.1 the amendment comprises a change to: 11.1.1.1 the boundary of a zone or subzone; or 11.1.1.2 the application of an overlay; and 11.1.2 the amendment is consistent with a recommendation in the relevant regional plan that, through the use of: 11.1.2.1 specific maps or other spatial information; and 11.1.2.2 specific information about the changes that are being proposed, |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | | | clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate. |
| 385340 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s75(3) | 11. Complying Changes – Planning and Design Code 11.2 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). |
| 312137 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s82(d) | 12. Entities Constituting Relevant Authorities 12.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel. |
| 312138 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s83(1) | 13. Panels Established by Joint Planning Boards or Councils 13.1 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: 13.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess; 13.1.2 determine: 13.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | | | 13.1.2.2 the procedures to be followed with respect to the appointment of members; and 13.1.2.3 the terms of office of members; and 13.1.2.4 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 13.1.2.5 the appointment of deputy members; and 13.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member. |
| 312139 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s83(1)(h) | 13. Panels Established by Joint Planning Boards or Councils 13.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel. |
| 312140 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s83(1)(i) | 13. Panels Established by Joint Planning Boards or Councils 13.3 The power pursuant to Section 83(1)(i) of the PDI 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 PDI Act. |
| 312141 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s83(2) | 13. Panels Established by Joint Planning Boards or Councils 13.4 The power pursuant to Section 83(2) of the PDI 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 |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | member of the assessment panel on account of the person's experience in local government. |
| 622789 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s84(1)(c)(ii)(A) | 14. Panels Established by Minister 14.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other Councils. |
| 622790 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s84(1)(c)(ii)(B) | 14. Panels Established by Minister 14.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other Councils (or parts of such areas). |
| 312144 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s86(2)(a) | 15. Substitution of Local Panels 15.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry. |
| 312145 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s89(b) | 16. Notification of Acting 16.1 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|----------------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 622791 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s94(1)(g) | <p>17. Relevant Authority - Commission</p> <p>17.1 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.</p> |
| 312147 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s102(1)(c)(iv) | <p>18. Matters Against which Development Must be Assessed</p> <p>18.1 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.</p> |
| 312148 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s102(1)(d)(iv) | <p>18. Matters Against which Development Must be Assessed</p> <p>18.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land 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.</p> |
| 312149 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s102(11)(b) | <p>18. Matters Against which Development Must be Assessed</p> <p>18.3 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.</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-------------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312150 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s110(2)(b) | 19. Restricted Development 19.1 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. |
| 312151 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s110(c)(ii) | 19. Restricted Development 19.2 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. |
| 312152 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s110(7) | 19. Restricted Development 19.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development. |
| 312153 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s112(b) | 20. Level of Detail 20.1 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 622792 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s113(5)(a)(iii) | 21. EIS Process 21.1 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. |
| 622793 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s114(2)(b) | 22. Amendment of EIS 22.1 The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister. |
| 312156 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s130(6) | 23. Essential Infrastructure – Alternative Assessment Process 23.1 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. |
| 312157 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s130(14) | 23. Essential Infrastructure – Alternative Assessment Process 23.2 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312158 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s131(7) | 24. Development Assessment – Crown Development 24.1 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. |
| 312159 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s131(15) | 24. Development Assessment – Crown Development 24.2 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. |
| 312160 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s138(1) | 25. Land Division Certificate 25.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations. |
| 312161 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s138(2) | 25. Land Division Certificate 25.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312162 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s141(1) | 26. Action if Development Not Completed 26.1 The power pursuant to Section 141(1) of the PDI Act, if: 26.1.1 an approval is granted under the PDI Act; but 26.1.2 - 26.1.2.1 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 26.1.2.2 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, to apply to the Court for an order under Section 141 of the PDI Act. |
| 312163 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s141(5) | 26. Action if Development Not Completed 26.1.3 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 recover the costs of that work, as a debt from the person. |
| 312164 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s141(6) | 26. Action if Development Not Completed 26.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act: 26.1.4.1 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312165 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s142(1) | 27. Completion of Work 27.1 The power pursuant to Section 142(1) of the PDI Act, if: 27.1.1 an approval is granted under the PDI Act; but 27.1.2 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. |
| 312166 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s142(2) | 27. Completion of Work 27.2 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. |
| 312167 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s142(3) | 27. Completion of Work 27.3 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. |
| 312168 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s142(4) | 27. Completion of Work 27.4 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: 27.4.1 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312169 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s146(3) | 28. Notification During Building 28.1 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. |
| 312170 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s151(2) | 29. Classification of Buildings 29.1 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. |
| 312171 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s151(3) | 29. Classification of Buildings 29.2 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. |
| 312172 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(2) | 30. Certificates of Occupancy 30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| 312173 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(3)(a) | 30. Certificates of Occupancy 30.2 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. |
| 312175 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(5) | 30. Certificates of Occupancy 30.3 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. |
| 312176 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(6) | 30. Certificates of Occupancy 30.4 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. |
| 312177 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(10) | 30. Certificates of Occupancy 30.5 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of: 30.5.1 the refusal; and 30.5.2 the reasons for the refusal; and 30.5.3 the applicant's right of appeal under the PDI Act. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312178 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(12) | 30. Certificates of Occupancy 30.6 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. |
| 312179 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s152(13) | 30. Certificates of Occupancy 30.7 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. |
| 312180 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s153(1) | 31. Temporary Occupation 31.1 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. |
| 312181 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s153(2) | 31. Temporary Occupation 31.2 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312182 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s153(3) | 31. Temporary Occupation 31.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of: 31.3.1 the refusal; and 31.3.2 the reasons for the refusal; and 31.3.3 the applicant's right of appeal under the PDI Act. |
| 312183 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s155(5) | 32. Emergency Orders 32.1 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. |
| 312184 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s155(6) | 32. Emergency Orders 32.2 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. |
| 312185 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s155(7) | 32. Emergency Orders 32.3 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312186 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s157(16) | 33. Fire Safety 33.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act. |
| 312187 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s157(17) | 33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.1 appoint to the appropriate authority: 33.2.1.1 a person who holds prescribed qualifications in building surveying; and 33.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and 33.2.1.3 a person with expertise in the area of fire safety; and 33.2.1.4 if so determined by the delegate, a person selected by the delegate; |
| 312188 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s157(17) | 33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act; |
| 312189 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and | s157(17) | 33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|--|
| | Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | | 33.2.3 remove a member of the appropriate authority from office for any reasonable cause; |
| 312190 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s157(17) | 33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.4 appoint deputy members; |
| 312191 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s157(17) | 33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.5 determine the appropriate authority's procedures (including as to quorum). |
| 622794 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s163(3)(b) | 34. Initiation of Scheme 34.1 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. |
| 622795 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s163(10) | 34. Initiation of Scheme 34.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 622796 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s164(3) | 35. Initiation of Scheme 35.1 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. |
| 622797 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s164(12) | 35. Initiation of Scheme 35.2 The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline. |
| 312196 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s166(1)(c) | 36. Consideration of Proposed Scheme 36.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter. |
| 622798 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s167(7) | 37. Adoption of Scheme 37.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312198 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s169(2)(b) | 38. Funding Arrangements 38.1 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. |
| 312199 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s169(9) | 38. Funding Arrangements 38.2 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. |
| 622799 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s177(4) | 39. Contributions by Constituent Councils 39.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share. |
| 622800 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s177(5) | 39. Contributions by Constituent Councils 39.2 The power pursuant to Section 177(5) of the PDI 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 PDI Act. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312202 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s180(7) | <p>40. Imposition of Charge by Councils</p> <p>40.1 The power pursuant to Section 180(7) of the PDI 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, Division 1, Part 13 of the PDI Act.</p> |
| 312203 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s187(1) | <p>41. Authorised Works</p> <p>41.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.</p> |
| 312204 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s187(5) | <p>41. Authorised Works</p> <p>41.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:</p> <p>41.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>41.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>41.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| 312205 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s187(5)(b) | 41. Authorised Works 41.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter. |
| 312206 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s187(6) | 41. Authorised Works 41.4 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. |
| 312207 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s188(1) | 42. Entry onto Land 42.1 The power pursuant to Section 188(1) of the PDI 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 PDI Act to: 42.1.1 enter and pass over any land; and 42.1.2 bring onto any land any vehicles, plant or equipment; and 42.1.3 temporarily occupy land; and 42.1.4 do anything else reasonably required in connection with the exercise of the power. |
| 312208 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s188(4) | 42. Entry onto Land 42.2 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 622801 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s189(1) | 43. Acquisition of Land 43.1 The power pursuant to Section 189(1) of the PDI Act, to: 43.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and 43.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969. |
| 312210 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(1) | 44. Land Management Agreements 44.1 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. |
| 312211 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(2) | 44. Land Management Agreements 44.2 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 gateway authority. |
| 312212 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s192(4) | 44. Land Management Agreements 44.3 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 |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to: 44.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and 44.3.2 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 the PDI Act. |
| 312213 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(5) | 44. Land Management Agreements 44.4 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. |
| 312214 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(8) | 44. Land Management Agreements 44.5 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. |
| 312215 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(9) | 44. Land Management Agreements 44.6 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312216 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(10) | 44. Land Management Agreements 44.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement. |
| 312217 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(11) | 44. Land Management Agreements 44.8 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. |
| 312218 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(12) | 44. Land Management Agreements 44.9 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. |
| 312219 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(15) | 44. Land Management Agreements 44.10 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312220 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(16) | 44. Land Management Agreements 44.11 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. |
| 622802 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(17) | 44. Land Management Agreements 44.12 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 payable to the Crown. |
| 312222 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(17) | 44. Land Management Agreements 44.13 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. |
| 312223 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s192(18) | 44. Land Management Agreements 44.14 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312224 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(1) | 45. Land Management Agreements – Development Applications 45.1 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: 45.1.1 the person; and 45.1.2 any other person who has the benefit of the development authorisation; and 45.1.3 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). |
| 312225 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(2) | 45. Land Management Agreements – Development Applications 45.2 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). |
| 312226 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(3) | 45. Land Management Agreements – Development Applications 45.3 The power pursuant to Section 193(3) of the PDI Act to have regard to: 45.3.1 the provisions of the Planning and Design Code; and 45.3.2 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. |
| 312227 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s193(5) | 45. Land Management Agreements – Development Applications 45.4 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312228 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(10) | 45. Land Management Agreements – Development Applications 45.5 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. |
| 312229 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(11) | 45. Land Management Agreements – Development Applications 45.6 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. |
| 312230 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(13) | 45. Land Management Agreements – Development Applications 45.7 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. |
| 312231 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s193(15) | 45. Land Management Agreements – Development Applications 45.8 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312232 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s193(16) | 45. Land Management Agreements – Development Applications 45.9 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 approval. |
| 622803 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s197(1)(b) | 46. Off-setting Contributions 46.1 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. |
| 312234 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s197(2) | 46. Off-setting Contributions 46.2 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: 46.2.1 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 46.2.2 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 46.2.3 any other initiative or policy: 46.2.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act; |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| | | | 46.2.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act. |
| 312235 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s197(3) | <p>46. Off-setting Contributions</p> <p>46.3 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>46.3.1 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> <p>46.3.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>46.3.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>46.3.1.3 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>46.3.2 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>46.3.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p> |
| 312236 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s197(4) | <p>46. Off-setting Contributions</p> <p>46.4 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.</p> |
| 312237 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and | s197(4)(c) | 46. Off-setting Contributions |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | | 46.5 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. |
| 622804 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s197(7) | 46. Off-setting Contributions 46.6.1 seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and 46.6.2 to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister. |
| 312239 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s198(1) | 47. Open Space Contribution Scheme 47.1 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: 47.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or 47.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or 47.1.3 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, 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| 312240 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s198(3) | 47. Open Space Contribution Scheme 47.2 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. |
| 312241 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s198(4)(a) | 47. Open Space Contribution Scheme 47.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council. |
| 312242 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s198(11) | 47. Open Space Contribution Scheme 47.4 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. |
| 312243 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s198(12) | 47. Open Space Contribution Scheme 47.5 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 622805 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s200(1) | 48. Urban Trees Fund 48.1 The power pursuant to Section 200(1) of the PDI Act to, 48.1.1 seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and 48.1.2 to, with the approval of the Minister establish a fund (an urban trees fund) for an area designated by the delegate (a designated area). |
| 312245 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s200(2) | 48. Urban Trees Fund 48.2 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette. |
| 312246 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s200(3) | 48. Urban Trees Fund 48.3 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. |
| 312247 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s200(5) | 48. Urban Trees Fund 48.4 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312248 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s200(6) | 48. Urban Trees Fund 48.5 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund: 48.5.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or 48.5.2 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. |
| 312249 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s200(7) | 48. Urban Trees Fund 48.6 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). |
| 312250 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s210(1) | 49. Appointment of Authorised Officers 49.1 The power pursuant to Section 210(1) of the PDI Act to: 49.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and 49.1.2 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. |
| 312251 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s210(2) | 49. Appointment of Authorised Officers 49.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312252 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s210(3) | 49. Appointment of Authorised Officers 49.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card: 49.3.1 containing a photograph of the authorised officer; and 49.3.2 stating any conditions of appointment limiting the authorised officer's appointment. |
| 312253 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s210(5) | 49. Appointment of Authorised Officers 49.4 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. |
| 312254 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s213(1) | 50. Enforcement Notices 50.1 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: 50.1.1 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; 50.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate; 50.1.3 take such urgent action as is required because of any situation resulting from the breach |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312255 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s213(2) | 50. Enforcement Notices 50.2 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. |
| 312256 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s213(5) | 50. Enforcement Notices 50.3 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. |
| 312257 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s213(6) | 50. Enforcement Notices 50.4 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 |
| 312258 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s213(7) | 50. Enforcement Notices 50.5 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312259 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(1) | 51. Applications to Court 51.1 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. |
| 312260 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(2) | 51. Applications to Court 51.2 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. |
| 312261 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(4) | 51. Applications to Court 51.3 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. |
| 312262 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(6) | 51. Applications to Court 51.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312263 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(9) | 51. Applications to Court 51.5 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. |
| 312264 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(10) | 51. Applications to Court 51.6 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. |
| 312265 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(11) | 51. Applications to Court 51.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person. |
| 312266 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(12) | 51. Applications to Court 51.8 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 |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312267 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(13) | 51. Applications to Court 51.9 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. |
| 312268 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s214(17) | 51. Applications to Court 51.10 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. |
| 312269 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s219(1) | 52. Proceedings for Offences 52.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act. |
| 312270 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s223(2) | 53. Adverse Publicity Orders 53.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312271 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s223(4) | 53. Adverse Publicity Orders 53.2 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: 53.2.1 take the PDI Action or actions specified in the order; and 53.2.2 authorise a person in writing to take the PDI Action or actions specified in the order. |
| 312272 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s223(5) | 53. Adverse Publicity Orders 53.3 The power pursuant to Section 223(5) of the PDI Act, if: 53.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and 53.3.2 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. |
| 312273 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s223(6) | 53. Adverse Publicity Orders 53.4 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. |
| 312274 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s225(1) | 54. Civil Penalties 54.1 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, |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention. |
| 312275 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s225(2) | 54. Civil Penalties 54.2 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. |
| 312276 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s225(3) | 54. Civil Penalties 54.3 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. |
| 312277 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s225(13) | 54. Civil Penalties 54.4 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. |
| 312278 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s225(17) | 54. Civil Penalties 54.5 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312279 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s228(7) | 55. Make Good Order 55.1 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. |
| 312280 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s229(5) | 56. Recovery of Economic Benefit 56.1 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. |
| 312281 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s230(1) | 57. Enforceable Voluntary Undertakings 57.1 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. |
| 312282 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s230(4) | 57. Enforceable Voluntary Undertakings 57.2 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312283 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s230(7) | 57. Enforceable Voluntary Undertakings 57.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: 57.3.1 vary the undertaking; or 57.3.2 withdraw the undertaking. |
| 312284 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s230(11) | 57. Enforceable Voluntary Undertakings 57.4 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. |
| 312285 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s230(12) | 57. Enforceable Voluntary Undertakings 57.5 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. |
| 312286 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s230(14) | 57. Enforceable Voluntary Undertakings 57.6 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312287 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s231(1) | <p>58. Advertisements</p> <p>58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p> <p>58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p> <p>58.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p> <p>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).</p> |
| 312288 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s231(3) | <p>58. Advertisements</p> <p>58.2 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.</p> |
| 312289 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s235(1) | <p>59. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>59.1 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.</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | |
| 312290 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s235(2) | 59. Professional Advice to be Obtained in Relation to Certain Matters 59.2 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. |
| 312291 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s239(1) | 60. Charges on Land 60.1 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 which the charge is claimed. |
| 312292 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | s239(6) | 60. Charges on Land 60.2 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. |
| 312293 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | s240(1) | 61. Registering Authorities to Note Transfer 61.1 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 |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act. |
| 312294 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | cl13(3)(b) sch2 | 62. Reporting 62.1 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. |
| 622806 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | cl3(3) | 63. Review of Performance 63.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI 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. |
| 622807 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | cl3(14) | 63. Review of Performance 63.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based. |
| 622808 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a | cl3(15) | 63. Review of Performance 63.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------------|---|
| | Council; a Designated Authority; a Designated Entity (Instrument A) | | within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister. |
| 312298 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | cl3(16) sch4 | 63. Review of Performance 63.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act. |
| 622809 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | cl9(6)(a) | 64. Planning and Design Code 64.1 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. |
| 622810 | Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) | cl30(3) | 65. General Schemes 65.1 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. |
| 385341 | Planning, Development and Infrastructure (General) Regulations 2017 | r11B(1) | 67. Mutual Liability Scheme – Rights of Indemnity 67.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to: |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| | | | <p>67.1.1 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>67.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act, 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> |
| 385342 | Planning, Development and Infrastructure (General) Regulations 2017 | r11B(5) | <p>67. Mutual Liability Scheme – Rights of Indemnity</p> <p>67.2 The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>67.2.1 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>67.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act, 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> |
| 385343 | Planning, Development and Infrastructure (General) Regulations 2017 | r47(4)(d) | <p>68. Performance Assessed Development and Restricted Development</p> <p>68.1 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.</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312306 | Planning, Development and Infrastructure (General) Regulations 2017 | r78(1) | 69. Underground Main Areas 69.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter. |
| 312307 | Planning, Development and Infrastructure (General) Regulations 2017 | r78(2) | 69. Underground Main Areas 69.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area. |
| 312308 | Planning, Development and Infrastructure (General) Regulations 2017 | r81(4) | 70. Width of Roads and Thoroughfares 70.1 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. |
| 312309 | Planning, Development and Infrastructure (General) Regulations 2017 | r81(5) | 70. Width of Roads and Thoroughfares 70.2 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. |
| 312310 | Planning, Development and Infrastructure (General) Regulations 2017 | r81(6) | 70. Width of Roads and Thoroughfares 70.3 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312311 | Planning, Development and Infrastructure (General) Regulations 2017 | r82(1) | 71. Road Widening 71.1 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. |
| 312312 | Planning, Development and Infrastructure (General) Regulations 2017 | r83(1) | 72. Requirement as to Forming of Roads 72.1 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. |
| 312313 | Planning, Development and Infrastructure (General) Regulations 2017 | r83(2) | 72. Requirement as to Forming of Roads 72.2 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. |
| 312314 | Planning, Development and Infrastructure (General) Regulations 2017 | r83(4) | 72. Requirement as to Forming of Roads 72.3 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. |
| 312315 | Planning, Development and Infrastructure (General) Regulations 2017 | r83(5) | 72. Requirement as to Forming of Roads 72.4 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 312316 | Planning, Development and Infrastructure (General) Regulations 2017 | r83(6) | 72. Requirement as to Forming of Roads 72.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations. |
| 312317 | Planning, Development and Infrastructure (General) Regulations 2017 | r84(1) | 73. Construction of Roads, Bridges, Drains and Services 73.1 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. |
| 312318 | Planning, Development and Infrastructure (General) Regulations 2017 | r85(1) | 74. Supplementary Provisions 74.1 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. |
| 312319 | Planning, Development and Infrastructure (General) Regulations 2017 | r85(2) | 74. Supplementary Provisions 74.2 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. |
| 312320 | Planning, Development and Infrastructure (General) Regulations 2017 | r85(4) | 74. Supplementary Provisions 74.3 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 |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | | | South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made. |
| 312321 | Planning, Development and Infrastructure (General) Regulations 2017 | r89(1) | 75. General Provisions 75.1 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. |
| 312322 | Planning, Development and Infrastructure (General) Regulations 2017 | r89(3) | 75. General Provisions 75.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which: 75.2.1 evidences the consent of the Council to an encroachment by a building over other land; and 75.2.2 sets out: 75.2.2.1 the date on which any relevant building was erected (if known); and 75.2.2.2 the postal address of the site. |
| 312323 | Planning, Development and Infrastructure (General) Regulations 2017 | r89(6)(b) | 75. General Provisions 75.3 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. |
| 573564 | Planning, Development and Infrastructure (General) Regulations 2017 | r89(8) | 75. General Provisions 75.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7). |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| 312324 | Planning, Development and Infrastructure (General) Regulations 2017 | r93(1)(b) | 76. Notifications During Building Work 76.1 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. |
| 312325 | Planning, Development and Infrastructure (General) Regulations 2017 | r93(1)(c) | 76. Notifications During Building Work 76.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval 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. |
| 312326 | Planning, Development and Infrastructure (General) Regulations 2017 | r94(13) | 77. Essential Safety Provisions 77.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if: 77.1.1 the essential safety provisions were installed 77.1.1.1 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 77.1.1.2 as part of a performance solution under the Building Code; or 77.1.2 the building has been the subject of a notice under Section 157 of the PDI Act. |
| 312327 | Planning, Development and Infrastructure (General) Regulations 2017 | r102(3) | 78. Classification of Buildings |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|---|
| | | | 78.1 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: 78.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification. |
| 312328 | Planning, Development and Infrastructure (General) Regulations 2017 | r102(4) | 78. Classification of Buildings 78.2 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. |
| 312329 | Planning, Development and Infrastructure (General) Regulations 2017 | r102(5) | 78. Classification of Buildings 78.3 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). |
| 312330 | Planning, Development and Infrastructure (General) Regulations 2017 | r102(6) | 78. Classification of Buildings 78.4 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: |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|--------------------|--|
| | | | 78.4.1 the maximum number of persons who may occupy the building (or part of the building); and 78.4.2 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. |
| 609751 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103A(1) | 79. Required Documentation 79.1 The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation: 79.1.1 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; 79.1.2 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 further evidence as the delegate may reasonably require to show – 79.1.2.1 in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or 79.1.2.2 in any other case – that the building is suitable for occupation. |
| 609752 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103A(2) | 79. Required Documentation 79.2 The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 July 2022 of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation: |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------------------|---|
| | | | 79.2.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied, |
| 609753 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103A(3) | 79. Required Documentation 79.3 The power pursuant to Regulation 103A(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 1 January 2024, dispense with the requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if – 79.3.1 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 or certifications; and 79.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation. |
| 609754 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103C(1)(c) | 80. Statement of site suitability 80.1 The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use. |
| 609755 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103D(1) | 81. Report from fire authority 81.1 The power pursuant to Regulation 103D(1) of the General Regulations, if – 81.1.1 a building is – |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------------------|---|
| | | | 81.1.1.1 to be equipped with a booster assembly for use by a fire authority; or 81.1.1.2 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 81.1.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, 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. |
| 609756 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103D(2) | 81. Report from fire authority 81.2 The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report. |
| 609757 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103D(3) | 81. Report from fire authority 81.3 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy. |
| 609758 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103E(1)(b) | 82. Issue of certificate of occupancy 82.1 The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, determine that the building work will be inspected by an authorised officer. |
| 609759 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation | 82. Issue of certificate of occupancy 82.2 The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------------|---|
| | | 103E(3)(c) | |
| 609760 | Planning, Development and Infrastructure (General) Regulations 2017 | Regulation 103F | 83. Revocation 83.1 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy – 83.1.1 if – 83.1.1.1 there is a change in the use of the building; or 83.1.1.2 the classification of the building changes; or 83.1.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or 83.1.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment, 83.1.2 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 83.1.3 if the 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); or 83.1.4 if the delegate considers – 83.1.4.1 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 83.1.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|------------|---|
| 312340 | Planning, Development and Infrastructure (General) Regulations 2017 | r109(1)(b) | 84. Mining Production Tenements 84.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement. |
| 312341 | Planning, Development and Infrastructure (General) Regulations 2017 | r111(2) | 85. Register of Land Management Agreements (Section 193) 85.1 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. |
| 312342 | Planning, Development and Infrastructure (General) Regulations 2017 | r111(3) | 85. Register of Land Management Agreements (Section 193) 85.2 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. |
| 312343 | Planning, Development and Infrastructure (General) Regulations 2017 | r112(1) | 86. Authorised Officers and Inspections 86.1 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: 86.1.1 who is an accredited professional who is: 86.1.1.1 an Accredited professional - building level 1; or 86.1.1.2 an Accredited professional - building level 2; or 86.1.1.3 an Accredited professional - building level 3; or 86.1.1.4 an Accredited professional - building level 4; or 86.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or 86.1.3 who holds an approval from the Chief Executive. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 622811 | Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 | r8(1)(c) | 66. Adoption of DPAs 66.1 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. |
| 312302 | Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 | r5(1) | 87. Calculation of Assessment of Fees 87.1 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): 87.1.1 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 87.1.2 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). |
| 312303 | Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 | r5(2) | 87. Calculation of Assessment of Fees 87.2 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. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|--|
| 312304 | Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 | r5(3) | 87. Calculation or Assessment of Fees 87.3 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. |
| 312305 | Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 | r7 | 88. Waiver or Refund of Fee 88.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 88.1.1 waive the payment of the fee, or the payment of part of the fee; or 88.1.2 refund the whole or a part of the fee. |
| 385345 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl5(1) | 89. Requirements in Relation to Preparing an Engagement Plan 89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that: 89.1.1 meets the principles and performance outcomes of the Charter; 89.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies: 89.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act 89.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act; 89.1.2.3 who must be consulted with under the Charter; 89.1.3 outlines any relevant previous engagement undertaken to inform the proposal; 89.1.4 describes the evaluation framework for the engagement. |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|---|
| 385346 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl5(2) | 89. Requirements in Relation to Preparing an Engagement Plan 89.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal. |
| 622812 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl6(1) | 90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister. |
| 385348 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl6(2) | 90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report: 90.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan; 90.1.2 the outcome of the engagement including a summary of the written submission or feedback made; 90.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates: 90.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and 90.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement. |
| 385350 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl7(1) | 91. Initiating a Code Amendment 91.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out: |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|----|-------------------|-----------|---|
| | | | 91.1.1 Code Policy – an outline of: 91.1.1.1 any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or 91.1.1.2 the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area; 91.1.2 Affected Area 91.1.2.1 a map or description of the Affected Area; 91.1.3 State Planning Policies 91.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment’s alignment with those State Planning Policies; 91.1.4 Regional Plan 91.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan; 91.1.5 Consultation - 91.1.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment; 91.1.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment; 91.1.6 Investigations - 91.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment 91.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment; 91.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided; 91.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|----------------|---|
| | | | entered into in connection with the proposed Code Amendment 91.1.7 Timetable 91.1.7.1 identification of a consultation start date; 91.1.7.2 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met. |
| 622814 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl7(1) and (3) | 91. Initiating a Code Amendment 91.2 The power pursuant to clauses 7(1) and (3) of PD2 to lodge the SA Planning Portal Publication Instructions – for Initiation that sets out: 91.2.1 identification of a consultation start date, consistent with the Proposal to Initiate timetable; 91.2.2 an outline of the consultation approach including period of consultation, key audience and consultation methods (noting the Commission may also recommend specific conditions); and 91.2.3 a summary of the Code Amendment in plain English. |
| 385351 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl7(4) | 91.3 Initiating a Code Amendment The power pursuant to clause 7(4) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which: 91.3.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes: 91.3.1.1 all relevant property details and descriptions (including images); 91.3.1.2 historical background and thematic analysis; 91.3.1.3 a statement of heritage value; |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|--|
| | | | 91.3.1.4 an assessment against the Local Heritage Criteria; and 91.3.1.5 the extent of listing (including any exclusions); 91.3.2 includes an analysis of historic themes of importance to the area; 91.3.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and 91.3.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act. |
| 502519 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl 7(5) | 91. Initiating a Code Amendment 91.4 The power pursuant to clause 7(5) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which: 91.4.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary) 91.4.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; 91.4.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report. |
| 385352 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl8(1) | 92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation) 92.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to: 92.1.1 carry out investigations and obtain such information: 92.1.1.1 as provided in the Proposal to Initiate approved by the Minister; 92.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and 92.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act; |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|--|
| | | | <p>92.1.2 provide the Department with:</p> <p>92.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>92.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>92.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>92.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>92.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p> |
| 385353 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl8(2) | <p>92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>92.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal</p> |
| 385354 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl9(1) | <p>93. Requirements For a Draft Code Amendment</p> <p>93.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:</p> |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|---|
| | | | 93.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment) 93.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area; 93.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans; 93.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and 93.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided. |
| 385355 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl11(1) | 94. Complying Changes to the Code 94.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department: 94.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment; 94.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment; |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|---|
| | | | 94.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 94.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment |
| 385356 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl12(1) | 95. Early Commencement of a Code Amendment 95.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department: 95.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is: 95.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and 95.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment; 95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|---|-----------|--|
| 622813 | State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments | cl6(3) | 90. Preparation of an Engagement Report (Following Consultation) 90.3 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether: 90.3.1 the principles of the Charter have been achieved; and 90.3.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable). |
| 385357 | State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019 | cl6(3)(b) | 96. Responsibility to Undertake Notification 96.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act. |
| 385358 | State Planning Commission Practice Direction (Council Inspections) 2020 | cl2(2) | 97. Mandatory Inspections 97.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection: 97.1.1 primary structural elements; 97.1.2 structural framing and roof trusses; 97.1.3 wet areas and waterproofing; 97.1.4 barriers to prevent falls; 97.1.5 cladding; 97.1.6 egress provisions; 97.1.7 bushfire protection systems; |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|--------|--|-----------|--|
| | | | 97.1.8 passive and active fire safety elements; 97.1.9 private bushfire shelters; and 97.1.10 performance solutions. |
| 385359 | State Planning Commission Practice Direction (Council Inspections) 2020 | cl3(2) | 98. Additional Inspections 98.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9. |
| 385360 | State Planning Commission Practice Direction (Council Inspections) 2020 | cl4(3) | 99. Inspections Generally 99.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate. |
| 385361 | State Planning Commission Practice Direction (Council Inspections) 2020 | cl1(2) | 100. General Requirements 100.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9. |
| 385362 | State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020 | cl5(2) | 101. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building 101.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building. |
| 503614 | Urban Tree Canopy Off-set Scheme | cl 9 | 83. Use of Money from Fund |





SA Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

| ID | Delegation Source | Provision | Item Delegated |
|----|-------------------|-----------|--|
| | | | 83.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose): 83.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or 83.1.2 the purchase of land within a designated local government area to ensure: 83.1.2.1 the preservation of trees; or 83.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss. |



19.4 SECOND QUARTER REPORT ON ANNUAL BUSINESS PLAN 2022/2023 ANNUAL OBJECTIVES – REPORT NO. AR23/9006

| | |
|----------------------------------|--|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR23/9006 |
| CM9 Reference: | AF22/378 |
| Author: | Julie Scoggins, Manager Financial Services |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | Annual objectives were incorporated in the 2022-2023 Annual Business Plan – This report summarises progress made in the second quarter. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR23/9006 titled 'Second Quarter Report on Annual Business Plan 2022/2023 Annual Objectives' as presented on 21 February 2023 be noted.



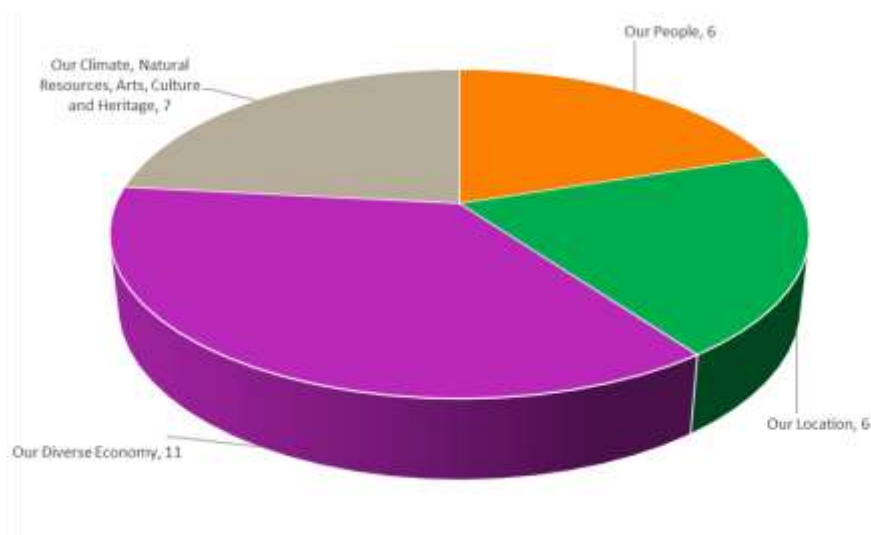
TYPE OF REPORT

BACKGROUND

1. **Purpose** - The Annual Business Plan and Budget for 2022/2023 was adopted on 28 June 2022 and this is the report that reports on progress against the annual objectives for the second quarter (October to December 2022). This will be brought to Council quarterly.
2. **Legislation** - Section 123 of the Local Government Act 1999 states the following:
(2) Each annual business plan of a council must—
 - (a) include a summary of the council's long-term objectives (as set out in its strategic management plans); and
 - (b) include an outline of—
 - (i) the council's objectives for the financial year; and
 - (ii) the activities that the council intends to undertake to achieve those objectives; and
 - (iii) the measures (financial and non-financial) that the council intends to use to assess the performance of the council against its objectives over the financial year;
(11) However, in any event, the summary of the annual business plan must include an assessment of the extent to which the council's objectives for the previous financial year have been attained (taking into account the provisions of the annual business plan for that financial year).






PROPOSAL

1. **Annual Objectives** - 30 annual objectives were included in the Annual Business Plan and Budget for 2022/2023 aligned with each of the four strategic goals (as shown below):



2. **Full Update** - Attachment 1 details progress made for each objective for the during the second quarter 1 October – 31 December 2022.
3. **Status Definitions** - Each annual objective has been allocated a status in accordance with the following key:



| | | |
|---|-------------|--|
|  | In Progress | Work underway is underway and is on track to be delivered in accordance with the Annual Business Plan. |
|  | At Risk | Work is underway, but may not be delivered on time/ budget/ in accordance with Annual Business Plan. |
|  | Completed | The annual objective has been delivered/ completed |
|  | Ongoing | The annual objective represents ongoing activities. |
|  | Not Started | Work has not commenced. |

4. **Quarter 2 Delivery** – Overall, the majority of annual objectives are in progress as shown below:



- **In Progress** - Seventeen annual objectives are in progress (with details included in the attachment).
- **At Risk** - Five objectives are at risk including: the delivery of the capital works program due to retiming, development of detailed maintenance and asset management plans, beacon art project development (with informal briefing scheduled on 14 March) and the review of the public art strategy (which is at risk pending the strategic framework review).
- **Completed** - Four annual objectives were completed as at Quarter 2 including: delivery of community programs, delivery of community education, awareness and incentive programs to reduce waste, finalisation of the agreement to establish a gas extraction facility at the Caroline Landfill site by June 2023, and establishment of renewable energy capability on Council facilities.
- **Ongoing** - Two planning and development annual objectives and one objective for the reduction of carbon and other greenhouse gas emissions in capital projects and operational practices.
- **Not Started** - Development of the circular economy strategy.

5. **Next Update** - The next update will be provided to Council reporting on performance in the third quarter at the May Council meeting.

LEGAL IMPLICATIONS

As detailed in the background section.

STRATEGIC PLAN

This report is an update of the progress against each of Council's annual objectives included in the Annual Business Plan aligned with the strategic plan and the four strategic goals.

COUNCIL POLICY

Nil



ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

As included in the annual objectives that relate to environmental sustainability.

SOCIAL IMPLICATIONS

As included in the progress of annual objectives that address social outcomes.

CULTURAL IMPLICATIONS

As included in the progress of annual objectives that address cultural outcomes.

RESOURCE IMPLICATIONS

The annual objectives are being delivered aligned with current Council resources including staffing and budget.

VALUE FOR MONEY

The annual objectives are being delivered in line with the budget and the procurement policy and procedures.

RISK IMPLICATIONS

Nil

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

A report will be brought to Council on a quarterly basis.

IMPLEMENTATION STRATEGY

Nil

CONCLUSION AND RECOMMENDATION

That Council note the progress as at Quarter 2 as provided in this report and the attachment.

ATTACHMENTS

1. Attachment 1 - Quarter 2 2023 Update [↓](#) 



Annual Business Plan 2022-2023

Quarter 2 Progress Against Annual Objectives

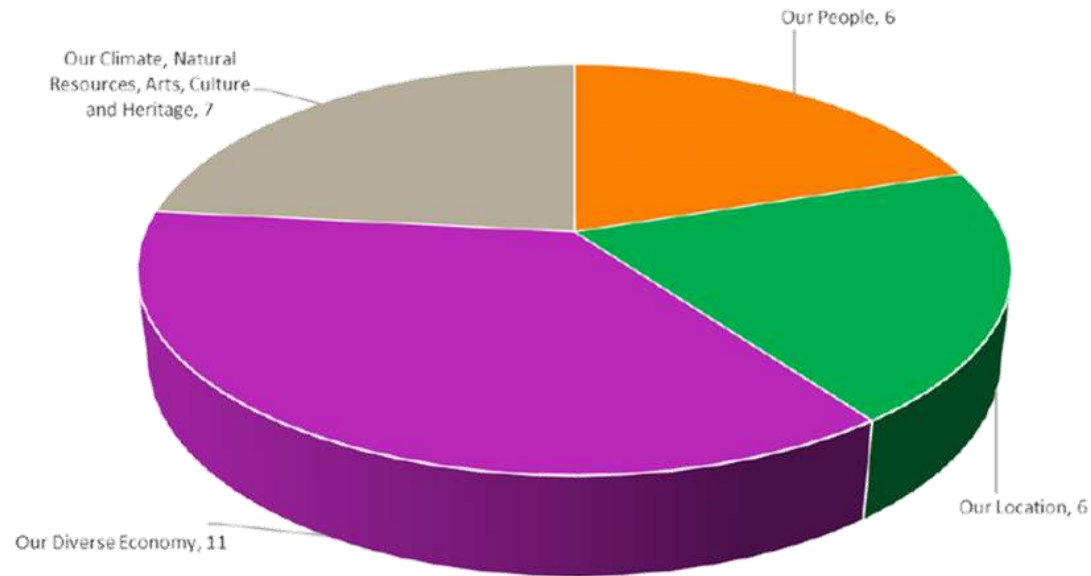
February 2023

City of
Mount Gambier



ORGANISATIONAL OVERVIEW

Annual Objectives By Strategic Goal



ORGANISATIONAL OVERVIEW







Annual Objectives Dashboard



GOAL 1 - Our People

Annual Objectives Dashboard








| Annual Objective | | Responsibility | Status | Comments/ Highlights |
|------------------|---|---------------------------------|---|--|
| 1.1. | Delivery of a Regional Public Health Plan. | Corporate & Regulatory Services |  | The 2020-2022 Section 52 Biennial Report on implementation of City of Mount Gambier's Regional Public Health Plan submitted to SA Health. |
| 1.2 | Delivery of community programs. | City & Community Growth |  | A calendar of events has been planned and is currently being delivered for children, youth and adults facilitated by both library staff and partnerships with local organisations/agencies etc. |
| 1.3. | Ongoing implementation of the Disability Access and Inclusion Plan 2020-2024. | City & Community Growth |  | Reported annual progress of Disability Access Inclusion Plan Actions, disability training record and Inclusive SA survey questions for local Councils to Inclusive SA. |
| 1.4 | Development of a Volunteer Management Plan. | Corporate & Regulatory Services |  | Data has been evaluated in the system (Skytrust updating commenced). Work has commenced in terms of centralised compliance checks and collation of documents by the HR Team. |
| 1.5 | Development of a 3 to 5 year Library Plan. | City & Community Growth |  | Refining of the Library Strategy is ongoing and will be completed in Quarter 3. |
| 1.6 | Implement the Reconciliation Action Plan. | City & Community Growth |  | Over 50% of actions are complete. Planning is underway for a workshop with Yerkalalpata Community Reference Group to review progress and explore an approach for a new RAP, noting that the existing plan has now expired. |




GOAL 2 – Our Location Annual Objectives Dashboard



| Annual Objectives | | Responsibility | Status | Comments/ Highlights |
|-------------------|---|-------------------------|---|--|
| 2.1 | Deliver the capital works program. | City Infrastructure |  | A review of current and future delivery was undertaken as at 31 December with the results included in the proposed Budget Review 2. A number of plant projects have been retimed to Financial Year 2024 as a result of availability and other projects have been rescheduled due to capacity and cost pressures. |
| 2.2 | Develop the Crater Lakes Activation Plan. | City & Community Growth |  | Draft activation plan prepared for further review with Executive, this includes Trials planning. |
| 2.3 | Commence review of services provided by the City Infrastructure function. | City Infrastructure |  | A structural realignment has been undertaken to facilitate to refine the service reviews. |
| 2.4 | Develop detailed maintenance plans for all asset categories. | City Infrastructure |  | Detailed maintenance planning has commenced with a rolling program to detail the asset management and maintenance programs over the next 3 financial years. |
| 2.5 | Develop asset management plans for all asset categories. | City Infrastructure |  | Draft forward works programs have been prepared for Plant and Equipment and Caroline Landfill. High level forward works targets have been prepared pending the collation of the underlying detail for Infrastructure assets (to be supported by condition audit information) and building and structures (with project detail to be prepared following recent cost estimates). |







| Annual Objectives | | Responsibility | Status | Comments/ Highlights |
|-------------------|--|---------------------|---|---|
| 2.6 | Complete the construction of the Wulanda Recreation and Convention Centre. | City Infrastructure |  | Practical completion for the first stage of the project was achieved at the end of November with a soft opening in December 2022. |









GOAL 3 – Our Diverse Economy Annual Objectives Dashboard



| Annual Objectives | | Responsibility | Status | Comments/ Highlights |
|-------------------|---|-------------------------|---|---|
| 3.1 | Delivery of City Growth Strategy including: | | | |
| 3.1 (a) | Implementation of Investment Attraction Strategy. | City & Community Growth |  | Content and data being collected for Investment Attraction website. |
| 3.1 (b) | Implementation of Affordable Housing Strategy. | City & Community Growth |  | Project team established. Working through State Government toolkit to adapt for Mount Gambier. |
| 3.1 (c) | Develop the Circular Economy Strategy. | City & Community Growth |  | Cross council project team to be established in Quarter 3. |
| 3.1 (d) | Implement Events/Tourism/Visitor Information Services Strategy. | City & Community Growth |  | The review of the sponsorship and grants programs has commenced. Traveller surveys commenced in Quarter 2 to further inform future Visitor Information Services delivery. |



| Annual Objectives | | Responsibility | Status | Comments/ Highlights |
|-------------------|--|---------------------------------|---|--|
| 3.2 | Activate and operate the Wulanda Recreation and Convention Centre. | City & Community Growth |  | Following the opening of the facility mechanisms are in place to monitor the performance of the operator and centre. |
| 3.3 | Support organisations to develop strong systems to implement successful initiatives for the community by the facilitation of diverse community programs. | City & Community Growth |  | New online permit system implemented to make it easier to do business with Council. |
| 3.4 | To provide professional advice and assistance to Council, colleagues, industry partners and the community in respect to development matters. | Corporate & Regulatory Services |  | Council has inspected 78% of residential buildings (the requirement is for 66% of buildings to be inspected). Council has inspected all other class of buildings where notification has been received. |
| 3.5 | To ensure development is carried out in accordance with relevant legislation, standards and codes to facilitate outcomes. | Corporate & Regulatory Services |  | The average timeframes for the assessment of applications remain less than the statutory timeframes identified within the Planning, Development and Infrastructure Act 2016. |
| 3.6 | Provide community education, awareness and incentive programs to reduce waste. | City Infrastructure |  | Completed in Q1 with five waste talks and associated tours completed during Quarter 1, engaging more than 120 people. |
| 3.7 | Continue sift and sort activities and programs to support the reduction in waste to landfill. | City Infrastructure |  | Developing a Waste Management Strategy project plan to meet Green Industries SA requirements to have a Waste Management Plan by 2023 with focus on zero avoidable waste to landfill by 2030. |










| Annual Objectives | Responsibility | Status | Comments/ Highlights |
|-------------------|---|---------------------|--|
| | | | |
| 3.8 | Finalise agreement to establish a gas extraction facility at the Caroline Landfill site by June 2023. | City Infrastructure | ● Flare unit delivered. Well drilling and installation underway. Expected completion end February 2023 followed by commissioning and continued monitoring. |



GOAL 4 – Our Climate, Natural Resources, Arts, Culture and Heritage

Annual Objectives Dashboard



| Annual Objectives | | Responsibility | Status | Comments/ Highlights |
|-------------------|--|-------------------------|---|--|
| 4.1 | Review Public Art Strategy. | City & Community Growth |  | Remains under review as part of the considerations regarding the Strategic Framework. |
| 4.2 | Deliver a beacon art project and agree the approach for future similar projects. | City & Community Growth |  | Informal briefing scheduled for 14 March to work with Elected Members about desired process and outcome. |
| 4.3 | Work with State Government to deliver Electric Vehicle charging stations in the city. | City Infrastructure |  | Staff are working with the State Government's contractor to install chargers in the city. |
| 4.4 | Complete community consultation with key stakeholders based in the Crater Lakes Activation Plan. | City & Community Growth |  | Consultation completed and draft plan being prepared for consideration and to inform next steps. |
| 4.5 | Reduce carbon and other greenhouse gas emissions in capital projects and operational practices. | City Infrastructure |  | Environmentally sustainable business practice included as an assessment criteria for procurement. |
| 4.6 | Establish renewable energy capability on Council facilities. | City Infrastructure |  | A 720 kW (very large) solar system has been installed on Wulanda. |
| 4.7 | Develop the Shared Use Path Master Plan. | City Infrastructure |  | Further to the collation of information in Q1, planning for stakeholder engagement has commenced. |



19.5 BUDGET REVIEW 2 2022/2023 – REPORT NO. AR23/7656

| | |
|----------------------------------|---|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR23/7656 |
| CM9 Reference: | AF22/378 |
| Author: | Julie Scoggins, Manager Financial Services |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | The purpose of the budget review as at 31 December 2022 is to provide Council, the community and other interested parties, a record of the budgeted financial activities and the financial position of the Council, compared to the adopted budget for the year ending 30 June 2023. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR23/7656 titled 'Budget Review 2 2022/2023' as presented on 21 February 2023 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2023 as at 31 December 2022 (Budget Review 2).



TYPE OF REPORT

Legislative

BACKGROUND

1. **Legislation** - The *Local Government Financial Regulations 2011* Part 2 Section 9 requires the following:
 - (1) *A council, council subsidiary or regional subsidiary must prepare and consider the following reports:*
 - (a) *at least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year (where at least 1 report must be considered before the consideration of the report under subregulation (1)(b), and at least 1 report must be considered after consideration of the report under subregulation (1)(b))—a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances;*
 - (b) *between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.*
 - (2) *A council must also include in a report under subregulation (1)(b) revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset renewal funding ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.*
2. **Approach** - Budget Review 2 is the second complete forecast for 2022/2023, following the adoption of the Annual Business Plan and Budget in June 2022, the approved budget including carry forwards in August 2022 and Budget Review 1 in December 2022. The full year forecast has been developed in consultation with staff across the organisation for known material changes to operating revenue, expenditure and capital revenue and expenditure.

PROPOSAL

1. **Budget Review 2** - This report includes an update of operating revenue and expenditure, and changes to the budgeted capital revenue and expenditure for the financial year with key numbers shown in the table below:

| \$'k | Adopted Budget | Approved Budget | Budget Review 1 | Budget Review 2 | Variance to Budget Review 1 |
|---|----------------|-----------------|-----------------|-----------------|-----------------------------|
| Budget Adopted/Presented at the Council Meeting | Jun-22 | Aug-22 | Dec-22 | Feb-23 | N/A |
| Operating Deficit | (2,669) | (2,767) | (3,389) | (4,148) | (760) |
| Capital Revenue for New/Upgrade | 5,962 | 5,962 | 5,644 | 5,644 | 0 |
| Capital Expenditure | 21,500 | 23,894 | 28,995 | 28,468 | 527 |
| Net (Borrowing) | (8,665) | (11,156) | (16,661) | (17,054) | (393) |

Draft Budget Review Statement of Uniform Presentation Of Finances:

2. **Full Year Forecast** - The Draft Budget Review for the end of financial year is now forecast to be as follows (as per the Uniform Presentation of Finances (UPF)):



The major variances contributing to the net (borrowings) are as follows:

Operating Deficit of (\$4,148k) is (\$760k) higher than Budget Review 1 (unfavourable variance) - The material variances for operating revenue and expenditure are detailed below:

Operating Revenue - (\$193k) or (0.5%) lower than the Budget Review 2 (unfavourable variance):

- **Grants, Subsidies and Contributions (\$223k) lower than the Budget Review 1 (unfavourable variance)** – Including Financial Assistance Grant adjustment (\$270k), partly offset by other new grants awarded (offset by additional expenditure).
- **Other Income \$30k** – Additional downstream drainage revenue based on actual performance.

Operating Expenditure – (\$567k) or (1.4%) higher than the Budget Review 1 (unfavourable variance):

- **Materials, Contracts, Other (\$608k) higher than the Budget Review 1 (unfavourable budget)** - Including the following significant variances:
 - **Electricity (\$350k)** - Increase resulting from new agreement.
 - **Transfer of capital to operating costs (\$84k)** - LRCI phase 3 Landscaping and Sinkhole Rejuvenation (\$35k), Bicycle action plan (\$15k) and Valley Lake Water Quality Control Program (\$34k).
 - **Legal Fees (\$44k)** - Based on actual performance.
 - **Additional Costs Relating To New Grants (\$47k)** – Offset by grants mentioned above.

Draft Capital Expenditure & Revenue:

Capital Expenditure of \$28,468k is \$527k lower than the Budget Review 1 (favourable variance) - The key drivers for the decrease in this year's capital works program (compared to Budget Review 1) are:

| Asset Class | Adopted | Approved | Budget | Budget | Variance BR2 |
|---------------------------|---------------|---------------|---------------|---------------|-------------------------------|
| | Budget | Budget | Review 1 | Review 2 | Favourable/ (Unfavourable) |
| | \$'000s | \$'000s | \$'000s | \$'000s | \$'000s |
| Buildings & Structures | 2,924 | 3,564 | 3,275 | 3,010 | 265 |
| Caroline Landfill | 1,236 | 1,236 | 1,236 | 1,500 | (264) |
| Information Technology | 30 | 136 | 122 | 125 | (3) |
| Infrastructure | 4,259 | 5,124 | 5,045 | 4,767 | 278 |
| Other | 288 | 698 | 547 | 544 | 3 |
| Plant & Equipment | 2,007 | 1,960 | 1,159 | 910 | 249 |
| Total Excl Wulanda | 10,744 | 12,719 | 11,384 | 10,857 | 527 |
| Wulanda | 10,756 | 11,175 | 17,611 | 17,611 | 0 |
| Total Inc Wulanda | 21,500 | 23,894 | 28,995 | 28,468 | 527 |

Capital Works Program Expenditure (Excluding Wulanda) is \$0.5m lower than the Budget Review 1 (favourable variance):



- **Carry Forwards \$0.6m** - Including partial deferral of Old Gaol works \$200k, Bertha St Road Reconstruction \$225k, Library Storage Unit \$84k, Mower Replacement \$119k.
- **Cancelled Projects \$0.4m** - Including Road reconstruction projects cancelled pending the results of Infrastructure condition audits including Daniel Street \$105k, Herbert Street \$117k, and Nelson Street \$167k.
- **Leases/Transfer to Operating \$0.2m** - Valley Lake water quality device (lease/maintenance) \$137k, operating projects \$50k.
- **Savings \$0.2m** - Mainly LED lighting upgrade \$160k.
- **Additional Costs (\$0.8m)** - Including Road Reseal program (\$180k), Pinehall O’Leary Road intersection upgrade (\$302k) and Caroline Cell 4A Construction (\$264k).

Draft Budget Review Financial Indicators:

Compared to Budget Review 1, the key financial indicators which measure the financial sustainability and performance of Council are as follows:

- **Operating Surplus Ratio** - (2.0%) higher than the Budget Review 1 due to the variances detailed above (unfavourable variance).
- **Net Financial Liabilities Ratio** - Is broadly in line with Budget Review 1.
- **Asset Renewal Funding Ratio** - Is lower than Budget Review 1 where carry forwards and cancellations are partly offset by increased expenditure.

| Financial Indicator | Adopted Budget | Approved Budget | Budget Review 1 | Budget Review 2 |
|---------------------------------|----------------|-----------------|-----------------|-----------------|
| Operating Surplus Ratio | -7.2% | -7.5% | -8.9% | -10.9% |
| Net Financial Liabilities Ratio | 135% | | 125% | 126% |
| Asset Renewal Funding Ratio | 120% | | 145% | 140% |

3. Draft Budget Loan Funded Borrowings:

The loan funded borrowings of \$38,228k forecast for the year-end at Budget Review 2 are (\$102k) higher than Budget Review 1 of \$38,126k (unfavourable variance).

LEGAL IMPLICATIONS

The Local Government Financial Regulations 2011 Part 2 Section 9 requires Council to reconsider its budget at least three times between 30 September and the 31 May.

STRATEGIC PLAN

As per budget/strategic plan – no comment applicable to this report.

COUNCIL POLICY

The Annual Business Plan assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account Council's long-term financial plan.

[B300 Budget Framework Policy](#)

ECONOMIC IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report.



ENVIRONMENTAL IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report

SOCIAL IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report

CULTURAL IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report

RESOURCE IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report

VALUE FOR MONEY

Budget adjusted as per the details of this report.

RISK IMPLICATIONS

The *Local Government Act 1999* requires that Council assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account the Council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the Council.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Budget Review 2 - It is a legislative requirement that Council reconsiders its budget at regular intervals during the year. The budget assesses the financial requirements of Council for the financial year, it provides stability and certainty of financial outcomes and ensures continuation of delivery of essential community services and the efficient operation of infrastructure while maintaining a sound financial position.

ATTACHMENTS

1. Attachment 1 - Draft BR2 Financial Statements [↓](#) 



City of Mount Gambier - Uniform Presentation of Finances Draft Budget Review 2 2022/2023

| 2022 Actual | \$'000s | Adopted Budget 2023 | Approved Budget 2023 | BR1 2023 | BR2 2023 |
|---|---|---------------------------|----------------------------|-----------------|-----------------|
| 37,162 | Income | 36,963 | 36,963 | 38,126 | 37,933 |
| 35,161 | Expenses | 39,631 | 39,729 | 41,514 | 42,081 |
| 2,001 | Operating surplus / (deficit) | (2,669) | (2,767) | (3,389) | (4,148) |
| Net outlays on existing assets | | | | | |
| 5,623 | Capital expenditure on renewal and replacement of existing assets | 7,421 | 8,884 | 8,995 | 8,685 |
| (8,479) | Depreciation, amortisation and impairment | (9,209) | (9,209) | (9,746) | (9,759) |
| (112) | Proceeds from sale of replaced assets | (333) | (333) | (333) | (159) |
| (2,968) | Net outlays on existing assets | (2,121) | (659) | (1,084) | (1,233) |
| Net outlays on new and upgraded assets | | | | | |
| 35,134 | Capital expenditure on new and upgraded assets <i>(including investments property & real estate developments)</i> | 14,079 | 15,010 | 20,000 | 19,783 |
| (20,443) | Amounts received specifically for new and upgraded assets Proceeds from sale of surplus assets <i>(including investment property and real estate developments and non-current assets held for resale)</i> | (5,962) | (5,962) | (5,644) | (5,644) |
| 14,691 | Net outlays on new and upgraded assets | 8,117 | 9,048 | 14,356 | 14,139 |
| (9,722) | Net lending / (borrowing) for financial year | (8,665) | (11,156) | (16,661) | (17,054) |



| City of Mount Gambier - Statement of Comprehensive Income Draft Budget Review 2 2022/2023 | | | | | |
|---|--|----------------|----------------------------|----------------|----------------|
| 2022 Actuals | \$'000s | Budget 2023 | Approved Budget 2023 | BR1 2023 | BR2 2023 |
| Income | | | | | |
| 23,822 | Rates | 24,832 | 24,832 | 24,843 | 24,843 |
| 633 | Statutory Charges | 575 | 575 | 698 | 698 |
| 5,515 | User Charges | 6,268 | 6,268 | 6,373 | 6,373 |
| 6,615 | Grants, Subsidies and Contributions | 4,728 | 4,728 | 5,570 | 5,346 |
| 14 | Investment Income | 0 | 0 | 47 | 47 |
| 65 | Reimbursements | 65 | 65 | 65 | 65 |
| 498 | Other Income | 495 | 495 | 530 | 560 |
| | Net gain - equity accounted Council businesses | | | | |
| 37,162 | Total Income | 36,963 | 36,963 | 38,126 | 37,933 |
| Expenses | | | | | |
| 13,090 | Employee Costs | 14,682 | 14,682 | 14,682 | 14,637 |
| 13,234 | Materials, Contracts & Other Expenses | 14,675 | 14,773 | 15,611 | 16,219 |
| 8,479 | Depreciation, Amortisation & Impairment | 9,209 | 9,209 | 9,746 | 9,759 |
| 358 | Finance Costs | 1,064 | 1,064 | 1,475 | 1,465 |
| | Net loss - Equity Accounted Council Businesses | | | | |
| 35,161 | Total Expenses | 39,631 | 39,729 | 41,514 | 42,081 |
| 2,001 | Operating Surplus / (Deficit) | (2,669) | (2,767) | (3,389) | (4,148) |
| (787) | Asset Disposal & Fair Value Adjustments | 0 | 0 | 0 | 0 |
| 17,940 | Amounts Received Specifically for New or Upgraded Assets | 6,215 | 6,215 | 6,045 | 6,045 |
| 1,760 | Physical Resources Received Free of Charge | 0 | 0 | 0 | 0 |
| | Operating Result from Discontinued Operations | | | | |
| 20,914 | Net Surplus / (Deficit) | 3,547 | 3,449 | 2,656 | 1,897 |
| Other Comprehensive Income | | | | | |
| Amounts which will not be reclassified subsequently to operating result | | | | | |
| 0 | Changes in Revaluation Surplus - I,PP&E | 2,355 | 2,355 | 2,222 | 2,222 |
| 0 | Impairment (Expense) / Recoupments Offset to Asset Revaluation Reserve | 0 | 0 | (932) | (932) |
| 0 | Total Other Comprehensive Income | 2,355 | 2,355 | 1,290 | 1,290 |
| 20,914 | Total Comprehensive Income | 5,902 | 5,804 | 3,946 | 3,187 |



| City of Mount Gambier - Statement of Financial Position Draft Budget Review 2 2022/2023 | | | | |
|---|---|----------------|----------------|----------------|
| 2022 Actuals | \$'000s | Budget 2023 | BR1 2023 | BR2 2023 |
| ASSETS | | | | |
| Current Assets | | | | |
| 250 | Cash & Cash Equivalents | 500 | 500 | 488 |
| 2,974 | Trade & Other Receivables | 1,447 | 1,609 | 1,608 |
| 64 | Inventories | 47 | 57 | 59 |
| 3,288 | Total Current Assets | 1,994 | 2,166 | 2,155 |
| Non-Current Assets | | | | |
| 301,171 | Infrastructure, Property, Plant & Equipment | 318,117 | 316,904 | 316,363 |
| 301,171 | Total Non-Current Assets | 318,117 | 316,904 | 316,363 |
| 304,459 | TOTAL ASSETS | 320,111 | 319,071 | 318,518 |
| LIABILITIES | | | | |
| Current Liabilities | | | | |
| 9,331 | Trade & Other Payables | 4,127 | 4,314 | 4,418 |
| 1,222 | Borrowings | 2,930 | 2,630 | 2,630 |
| 2,784 | Provisions | 2,981 | 2,778 | 2,778 |
| 13,337 | Total Current Liabilities | 10,037 | 9,722 | 9,826 |
| Non-Current Liabilities | | | | |
| 22,311 | Borrowings | 38,003 | 35,497 | 35,599 |
| 3,507 | Provisions | 3,842 | 4,602 | 4,602 |
| 25,818 | Total Non-Current Liabilities | 41,845 | 40,099 | 40,201 |
| 39,155 | TOTAL LIABILITIES | 51,883 | 49,821 | 50,028 |
| 265,304 | Net Assets | 268,229 | 269,250 | 268,490 |
| EQUITY | | | | |
| 83,080 | Accumulated Surplus | 89,504 | 88,421 | 87,661 |
| 180,852 | Asset Revaluation Reserves | 177,840 | 179,457 | 179,457 |
| 1,372 | Other Reserves | 884 | 1,372 | 1,372 |
| 265,304 | Total Equity | 268,229 | 269,250 | 268,490 |



| City of Mount Gambier - Statement of Cashflows Draft Budget Review 2 2022/2023 | | | | |
|--|---|---------------------------|-----------------|-----------------|
| 2022 Actuals | \$'000s | Adopted Budget 2023 | BR1 2023 | BR2 2023 |
| Cash Flows from Operating Activities | | | | |
| Receipts: | | | | |
| 23,829 | Rates Receipts | 24,802 | 24,576 | 24,576 |
| 633 | Statutory Charges | 573 | 773 | 773 |
| 4,335 | User Charges | 6,231 | 7,024 | 7,024 |
| 6,615 | Grants, Subsidies and Contributions (operating purpose) | 5,153 | 6,222 | 6,006 |
| 14 | Investment Receipts | 0 | 47 | 47 |
| 65 | Reimbursements | 68 | 70 | 70 |
| 896 | Other Revenue | 407 | 792 | 834 |
| Payments: | | | | |
| (13,157) | Payments to Employees | (14,664) | (14,526) | (14,483) |
| (13,852) | Payments for Materials, Contracts & Other Expenses | (14,416) | (14,828) | (15,337) |
| (136) | Finance Payments | (1,064) | (1,475) | (1,465) |
| 9,242 | Net Cash provided (or used in) Operating Activities | 7,090 | 8,675 | 8,046 |
| Cash Flows from Investing Activities | | | | |
| Receipts: | | | | |
| 20,443 | Amounts Received Specifically for New/Upgraded Assets | 5,962 | 5,644 | 5,644 |
| 112 | Sale of Replaced Assets | 333 | 333 | 333 |
| Payments: | | | | |
| (5,623) | Expenditure on Renewal/Replacement of Assets | (7,421) | (8,995) | (8,685) |
| (1,643) | Expenditure on New/Upgraded Assets | (14,079) | (20,000) | (19,783) |
| (20,202) | Net Cash provided (or used in) Investing Activities | (15,205) | (23,018) | (22,491) |
| Cash Flows from Financing Activities | | | | |
| Receipts: | | | | |
| 9,581 | Proceeds from Borrowings | 25,000 | 15,693 | 15,795 |
| Payments: | | | | |
| 0 | Repayments of Borrowings | (16,885) | (1,100) | (1,100) |
| (202) | Repayment of Principal Portion of Lease Liabilities | 0 | 0 | 0 |
| (62) | Repayment of Bonds & Deposits | 0 | 0 | 0 |
| 9,317 | Net Cash Flow provided (used in) Financing Activities | 8,115 | 14,593 | 14,695 |
| (1,643) | Net Increase/(Decrease) in Cash & Cash Equivalents | (0) | 250 | 250 |
| 1,893 | plus: Cash & Cash Equivalents - beginning of year | 500 | 250 | 250 |
| 250 | Cash & Cash Equivalents - end of the year | 500 | 500 | 500 |



| City of Mount Gambier - Statement of Equity Draft Budget Review 2 2022/2023 | | | | |
|---|--|---------------------------|----------|----------|
| 2022 Actuals | \$'000s | Adopted Budget 2023 | BR1 2023 | BR2 2023 |
| 242,752 | Opening Balance | 262,327 | 265,304 | 265,304 |
| 1,638 | Adjustment for prior year correction | | | |
| 20,914 | Net Surplus / (Deficit) for Year | 3,547 | 2,656 | 1,897 |
| | Other Comprehensive Income | | | |
| | - Gain (Loss) on Revaluation of I,PP&E | 2,355 | 2,222 | 2,222 |
| | - Available for Sale Financial Instruments: change in fair value | | | |
| | - Impairment (loss) reversal relating to I,PP&E | | | |
| | - Impairment (expense) / recoupments offset to asset revaluation reserve | | (932) | (932) |
| | - Share of OCI - Equity Accounted Council Businesses | | | |
| | - Other Equity Adjustments - Equity Accounted Council Businesses | | | |
| | - Other Movements | | | |
| | Other Comprehensive Income | 2,355 | 1,290 | 1,290 |
| 20,914 | Total Comprehensive Income | 5,902 | 3,946 | 3,186 |
| | Transfers between Equity | | | |
| 265,304 | Equity - Balance at end of the reporting period | 268,229 | 269,250 | 268,490 |



City of Mount Gambier -Key Financial Ratios Draft Budget Review 2 22/23

| 2022 Actuals | \$'000s | Adopted Budget 2023 | BR1 2023 | BR2 2023 |
|-----------------|--|---------------------------|-------------|-------------|
| 5.4% | Operating surplus ratio | -7.2% | -8.9% | -10.9% |
| | $\frac{\text{Operating surplus}}{\text{Total operating revenue}}$ | | | |
| 97% | Net financial liabilities ratio | 135% | 125% | 126% |
| | $\frac{\text{Net financial liabilities}}{\text{Total operating revenue}}$ | | | |
| 79% | Asset renewal funding ratio | 120% | 145% | 140% |
| | $\frac{\text{Expenditure on renewal/replacement of assets}}{\text{Optimal level of such expenditure as per IAMP}}$ | | | |



19.6 QUEEN ELIZABETH PARK TRUST - WINDING UP – REPORT NO. AR23/8917

| | |
|----------------------------------|--|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR23/8917 |
| CM9 Reference: | AF22/378 |
| Author: | Michael McCarthy, Manager Governance and Property |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | This report presents notification received from the Queen Elizabeth Park Trust Incorporated of its resolution to wind-up. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR23/8917 titled 'Queen Elizabeth Park Trust - Winding Up' as presented on 21 February 2023 be noted.
2. That the correspondence from the Queen Elizabeth Park Trust Board notifying Council of its winding up be noted.
3. That the past and present Board Members/Trustees of the Queen Elizabeth Park Trust be thanked for their service in building and maintaining what have become valuable assets for Mount Gambier within the crater lakes precinct.



TYPE OF REPORT

Corporate

BACKGROUND

In mid-2019, following its relinquishing of the Blue Lake Golf Course lease, Council suggested and the Queen Elizabeth Park Trust Board agreed, to transfer their head lease for the Blue Lake Holiday (Caravan) Park to their sub-tenants/operators, and to wind-up.

Over the course of the past three and a half years the QEPT and the sub-tenants have worked together with the Administration to address a range of issues to enable the transfer of the caravan park lease and assets, which was finally executed in September 2022 immediately prior to the commencement of the November 2022 local government election caretaker period.

Council has now received correspondence (**Attachment 1**) from the QEPT Board Chair to confirm that at the February 2023 Board meeting, having dealt with their obligations and majority of assets, the Board unanimously resolved in accordance with the Rules of the Association to wind-up the QEPT.

PROPOSAL

The Queen Elizabeth Park Trust is an incorporated association comprising two members, the Mount Gambier Chamber of Commerce and the City of Mount Gambier.

The Rules (Constitution) of the Association provide that the Board may resolve to wind up by resolution voted upon by a majority of each of the two member appointed Board members.

The administrative activities associated with the winding up are matters to be addressed by the Board having resolved such course of action, with the remaining financial assets (if any) being transferred to Council upon winding up for the purpose of being expended on the crater lakes areas.

With the QEPT having made a significant financial contribution toward a proposed replacement of wastewater/sewer infrastructure that services the caravan park, only a nominal (if any) amount is expected to be remaining of the QEPT's assets after winding up costs have been incurred.

With the winding up of the QEPT having been resolved, no further action is required by Council in relation to this matter, other than to recognise the efforts of successive Boards and Trustees of the QEPT over many decades that have overseen the development and maintenance of the caravan park and golf course.

LEGAL IMPLICATIONS

Whilst Council is one (of two) members of the QEPT, the winding up provisions are set out in the QEPT Rules (Constitution) and the Associations Incorporations Act 1985.

No further action by Council is envisaged in relation to the winding up, except to receipt any remaining funds, if any, but being purely administrative in nature.

STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A



SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Having received correspondence from the QEPT Board of its resolution to wind up, Council may note this advice and thank Board Members past and present for their service in building and maintaining what have become valuable assets for Mount Gambier within the crater lakes precinct.

ATTACHMENTS

Nil



19.7 RIDDOCH ARTS AND CULTURAL TRUST - 2022-2023 PLAN – REPORT NO. AR22/85966

| | |
|----------------------------------|---|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR22/85966 |
| CM9 Reference: | AF21/496 |
| Author: | Michael McCarthy, Manager Governance and Property |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | This report presents the Riddoch Arts and Cultural Trust 2022-2023 Plan and proposed budget. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR22/85966 titled 'Riddoch Arts and Cultural Trust - 2022-2023 Plan' as presented on 21 February 2023 be noted.
2. That the Riddoch Arts and Cultural Trust 2022-2023 Plan as attached to Council Report No. AR22/85966 be endorsed.
3. That the requisite budget amount of \$46,500 (including \$20,000 in-kind support) to support the Riddoch Arts and Cultural Trust 2022-2023 Plan, and an allocation for external audit in the order of \$10k-\$15k, be included in Council's Draft 2023-2024 financial year operating budget, noting there are various nominal in kind contributions/expenditure necessary to support the work of the Riddoch Arts and Cultural Trust Board and Association in this establishment phase.



TYPE OF REPORT

Corporate

BACKGROUND

In August 2020 Council considered Report No AR20/42200 and resolved, amongst other things, to establish the Riddoch Arts and Cultural Trust (“RACT”), apply for registration as an incorporated association and undertake other activities to enable initial operations to commence with costs to be borne from the Riddoch (Art Gallery) Arts and Cultural Centre operational budget in its first two years of operation.

In December 2021 Report No. AR21/75885 presented the incorporation of the RACT in August 2021, noting the immediate focus being to establish governance and administrative requirements, including an Annual Plan and Budget and an administrative ‘Heads of Agreement’ with Council.

In July 2022 Report No. AR22/43898 updated Council on the inaugural RACT Board meeting held on 25 May 2022 and a range of administrative housekeeping tasks necessary for its operations.

The RACT Board has since convened several meetings and a planning workshop to begin developing relevant Board policies and an Annual Plan and Budget for the remainder of the 2022-23 financial year and a forward plan for the 2023-24 financial year.

On 7 December 2022 the RACT Board endorsed its 2022-2023 Plan and proposed budget (**Attachment 1**) for presentation to Council in accordance with its Constitution.

The RACT Constitution (**Attachment 2**) provides in relation to an Annual Plan and Budget as follows:

5.2 Budget

5.2.1 The Board must compile a Budget of expenditure of the Association for each Financial Year which includes, without limitation, the remuneration, expenses and administrative costs of the Association.

5.2.4 The Budget shall be subject to the approval of the Council.

5.3 Annual Plan

5.3.1 The Board must make an Annual Plan each Financial year that identifies:

5.3.1.1 The proposed activities of the Association for the Financial Year; and

5.3.1.2 The goal or outcomes of the Association for the Financial year, having regard to:
(a) the value and financial position of the Association from the previous Financial Year; and

(b) any anticipated accretions to the Association for the Financial Year; and

5.3.1.3 the Association’s remuneration and expenses for the Financial Year; and

5.3.1.4 any other information the Association considers relevant.

5.3.2 The Annual Plan shall be subject to the approval of the Council.

As envisaged for the first period of operation the RACT 2022-2023 Plan contains modest goals and outcomes consistent with and focussed on matters considered necessary to support its further establishment as a successfully operating association.

Members will also recall Report No. AR23/4430 presented to the January 2023 Council meeting for a waiver of the 21 day notice for the first Annual General Meeting of the RACT. This meeting was held on 15 February 2022 as notified to Members.

PROPOSAL

RACT Annual Plan and Budget



Having now held its initial Board meetings and a planning day, the RACT Board has endorsed and presents the attached RACT 2022-2023 Plan and proposed budget for consideration by Council **(Attachment 1)**.

In accordance with the Constitution the RACT is required to submit its Annual Plan and Budget to Council, which is subject to Council approval.

By the design of the Constitution, the RACT is reliant upon Council support for its operations at least until it can be sustained through alternate arrangements. This is consistent with earlier Council resolutions to support the operation of the RACT during its initial establishment, and preparation of a service level agreement for this purpose.

A draft service level agreement is being developed in conjunction with the RACT Board to formalise administrative support provided by Council, for subsequent presentation to Council for consideration.

In the meantime, the RACT Board has proposed its work activities and estimated expenses as set out in the RACT 2022-2023 Plan **(Attachment 1)**, as follows:

| 2022-2023 (Current) Financial Year | | 2023-2024 Financial Year | |
|------------------------------------|----------------|---|----------------|
| Launch | \$5000 | Website / Page Development | \$5000 |
| Fundraising Strategy | \$5000 | Fundraising Strategy | \$10000 |
| Membership Scoping | \$2000 | Marketing/Donor Collateral | \$1500 |
| | | Donor attraction activities (Implementing Fundraising Strategy) | \$10000 |
| | | Trust Administration (in-kind from CoMG) | \$20000 |
| TOTAL | \$12000 | TOTAL | \$46500 |

In accordance with the Council resolution dated 18 August 2020 the modest current year expenses are considered capable of being accommodated within the current year budget for the Riddoch Arts and Cultural Centre.

For RACT’s proposed 2023/2024 expenses, considered necessary to create a sustainable platform toward the RACT’s objectives moving forward, will represent a more significant component of the Riddoch Arts and Cultural Centre budget.

Of the proposed \$46,500 expenses in 2023/2024, an estimated \$20,000 is to provide transparency and accountability for Council’s ‘in-kind’ administrative contribution toward RACT Board operations which, in addition to those referenced above for the 2022-2023 year, is expected to include increased administration of RACT Board financial transactions, communications and record-keeping associated with RACT activities, on a fee for service basis.

The proposed ‘Heads of Agreement’ is intended, amongst other things, to address Council’s provision administrative support, subject to RACT’s Annual Plan and Budget as endorsed by Council.

The RACT 2022-2023 Plan also includes revenue/fundraising targets, comprising entirely of grants/fundraising in the first instance, including based on some known opportunities. Members should note however that such revenue sources may be constrained or ‘tied’, to be expended only for specified art/cultural related purposes, rather than being accessible for operational purposes.

Of particular note, the RACT propose to generate fundraising revenue that exceeds their cost of operation, providing a net overall benefit towards their objects and purposes associated with the promotion and betterment of arts and culture in the Limestone Coast region and more specifically the Riddoch Art Gallery and Collections.

This report recommends that Council endorse the RACT 2022-2023 Plan and include expenses within the Riddoch Arts and Cultural Centre budget in Council’s Draft 2023-2024 Budget.



Also noting other current and future year expenses and in-kind support associated with the administration of the RACT Association (e.g. Audit/Finance and Governance/Legal costs) being incurred by Council as association/member expenses for which an allocation be included from Councils organisational budget in the order of \$10-\$15,000 for external audit and other nominal in-kind support.

RACT Annual General Meeting

The RACT Constitution requires an Annual General Meeting (“AGM”) to be held within 18 months of operations commencing.

The inaugural Annual General Meeting was held on 15 February 2023, with periodical Annual General Meetings to now be held by the end of November in each year, including 2023.

RACT Constitution

A point of discussion at the RACT Annual General Meeting was the proposed amendment to the Objects and Purposes in the RACT Constitution in order to support Australian Business Number and Australian Charities and Non for Profit Commission applications (to enable a bank account to be obtained and Deductible Gift Recipient application to be made).

A further report will be presented to Council (as sole Association Member) in due course to make a special resolution to amend the Constitution.

The current RACT Constitution is provided for information (**Attachment 2**).

LEGAL IMPLICATIONS

As an incorporated association the RACT has to meet the requirements of the *Associations Incorporations Act 1985* as well as to operate in accordance with it's Constitution, and other legislation relevant to its operations.

Similarly, Council is required to operate in accordance with the *Local Government Act 1999*.

The interaction between these obligations is a complicating factor in settling the operations of the RACT and the RACT Board.

STRATEGIC PLAN

The RACT has been established to support the Riddoch Art Gallery and Riddoch Art Collections across the 4 Goals in Council's Strategic Plan 2020-2024.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

The RACT has been established to support the Riddoch Art Gallery and Riddoch Art Collections contributing to *Goal 4 - Our Climate, Natural Resources, Arts, Culture and Heritage* in Council's Strategic Plan 2020-2024.



RESOURCE IMPLICATIONS

The proposal in this report has financial resourcing implications for Council's 2023/2024 budget year in the amount of \$46,500, of which \$20,000 relates to fee for service provision to the RACT by Council administration.

It should be noted that the plan and budget presented by the RACT Board is for Board activities, and separate from association administrative costs to be borne by Council as sole member of the association, estimated to be in the vicinity of \$15-20,000 for external audit, governance and administrative activities.

VALUE FOR MONEY

The RACT propose to generate fundraising revenue that exceeds their cost of operation, providing a net overall benefit towards their objects and purposes associated with the promotion and betterment of arts and culture in the Limestone Coast region and more specifically the Riddoch Art Gallery and Collections.

RISK IMPLICATIONS

Council's support of the RACT, established by Council, has a direct effect on their capacity to operate in accordance with the aspirational outcomes contained within the RACT Constitution.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

The activities proposed in the RACT 2022-2023 Plan are to be communicated by the RACT Board through their own engagement activities, in conjunction with the Riddoch Arts and Cultural Centre.



IMPLEMENTATION STRATEGY

The activities proposed in the RACT 2022-2023 Plan are to be implemented by the RACT Board, with administrative assistance of the Council, including support of Council's Riddoch Arts and Cultural Centre, Finance and Governance business units.

CONCLUSION AND RECOMMENDATION

This report recommends that the Riddoch Arts and Cultural Trust 2022-2023 Plan be endorsed and that the requisite budget be included in Council's Draft 2023-2024 financial year budget.

ATTACHMENTS

1. Riddoch Arts and Cultural Trust 2022-2023 Plan [↓](#) 
2. Constitution - The Riddoch Arts and Cultural Trust Inc. [↓](#) 



RIDDOCH ARTS + CULTURAL TRUST

2022 – 2023 PLAN

November 2023

OVERVIEW

The following is provided as an overview plan for the Board of the Riddoch Arts + Cultural Trust (RACT). It is designed to give an overview of the key goals and associated high-level actions, which the Board will focus on over the next eighteen months.

PURPOSE

- To raise funds that will further enhance the programs and services of the Riddoch Arts and Cultural Centre (RACC).
- To provide advice and support for the RACC and support their strategic activities.
- To act as ambassadors and advocates for RACC, promoting the facility and the value it provides for the community to key stakeholders and potential partners / funders.
- To establish and maintain productive networks that support both the strategic and operational development of the RACC.

GOALS

1. Establish the presence of RACT in the community and beyond – developing our brand as it relates to our role and purpose.
2. Utilise the brand to raise the profile of RACT and RACC to both a broad and targeted audience.
3. Grow our networks and foster relationships with potential partners across a range of sectors including tourism, economic development, philanthropy and throughout local industries.
4. Research and develop fundraising opportunities and put systems and strategies in place to support this.



KEY ACTIONS

In order to achieve the above goals, the RACT Board proposes the following actions are undertaken over the next eighteen months.

a. Branding and communications

- Develop a brand for RACT including key principles that convey the nature and purpose of the organisation.
- Develop marketing and communication collateral that can be used in a variety of contexts. This includes a logo, website/page and potentially a prospectus.

b. Launch RACT

Officially Launch RACT and convey its vision and intention to a variety of stakeholders including previous board members / volunteers, the general community and potential partners and supporters. This will include:

- An official function that acknowledges the work of previous supporters and stakeholders and outlines RACT's profile, vision and a potential call to action in terms of fundraising.
- Launch and distribute RACT collateral, introducing the organisation and invite people to be part of our database.

c. Develop Fundraising Strategy

Engage consultant with suitable expertise to develop a fundraising strategy for RACT. This will:

- Provide a roadmap for fundraising activities for RACT and identify fundraising targets. These activities are expected to include a range of activities including targeted campaigns, a donor circle, a bequest program and seeking funds through PAFF and Philanthropic organisations.
- Identify key projects and initiatives that RACT will raise funds for.
- Provide content for the development of a donor prospectus.

d. Grow the Board Membership

We will seek to recruit further members to the Board who have the necessary experience to support the purpose and activities of RACT.

e. Scope Membership Models

The Board will research potential membership models and identify if there is a suitable model that will support the needs of RACT and RACC. This includes the development of a possible "friends" group. These groups are often integral to local fundraising efforts from a practical / volunteering perspective and provide a regular source of income.

f. Implement Best Practice Governance

As a new organisation RACT will continue to develop and implement its governance policies and processes and ensure a strong and productive relationship is maintained with the City of Mount Gambier.



REVENUE EXPECTATIONS / FUNDRAISING

As a new organisation RACT is realistic about its capacity to raise funds and feels the actions above will position the organisation to successfully raise revenue over the next 4 – 6 years. Once a fundraising strategy has been developed a more definitive fundraising goal will be identified.

In the absence of this strategy however, we estimate the following targets for the organisation.

| 2022 – 2023 | 2023 – 2024 | 2024 – 2025 |
|-------------|-------------|-------------|
| \$50,0000 | \$100,000 | \$125,000 |

BUDGET

In order to undertake the actions detailed above, and attract funds as indicted in the table, RACT is seeking the following funds as part of our agreement with the City of Mount Gambier.

| 2022 – 2023 Financial Year (Current) | | 2023 – 2024 Financial Year | |
|--------------------------------------|---------|--|---------|
| Launch | \$5000 | Website / Page Development | \$5000 |
| Fundraising Strategy | \$5000 | Marketing and Donor Collateral | \$1500 |
| Membership Scoping | \$2000 | Fundraising Strategy | \$10000 |
| | | Donor attraction activities (Implementing Fundraising Strategy) | \$10000 |
| | | Trust administration (in-kind from COMG) | \$20000 |
| | | | |
| | | | |
| TOTAL | \$12000 | TOTAL | \$46500 |

It is important to note that the Trust is proposing even in its second year of operation to raise twice the amount of funds that is required to maintain the organisation.





Constitution

THE RIDDOCH ARTS AND
CULTURAL TRUST INCORPORATED

Level 11, 431 King William Street, Adelaide SA 5000
GPO Box 639, Adelaide SA 5001
www.normans.com.au
T +61 8 8210 1200



| TABLE OF CONTENTS | Page No |
|--|----------------|
| 1. NAME OF ASSOCIATION | 1 |
| 2. DEFINITIONS AND INTERPRETATION | 1 |
| 3. OBJECTS AND PURPOSES | 4 |
| 4. POWERS | 4 |
| 5. PROVISIONS RELATING TO THE ASSOCIATION | 4 |
| 5.1 Decision making framework..... | 4 |
| 5.2 Budget | 5 |
| 5.3 Annual Plan | 5 |
| 6. MEMBERSHIP | 6 |
| 7. REPRESENTATIVES..... | 6 |
| 8. RESIGNATION..... | 6 |
| 9. NON-VOTING ASSOCIATES | 6 |
| 9.3 Friends of the Riddoch..... | 6 |
| 9.4 Riddoch Ambassadors..... | 7 |
| 9.5 Patrons..... | 7 |
| 10. FUNCTIONS AND POWERS OF BOARD | 8 |
| 11. COMPOSITION OF BOARD..... | 8 |
| 12. BOARD MEMBER VACANCIES | 10 |
| 13. ELECTION OF OFFICE BEARERS..... | 10 |
| 14. PROCEEDINGS OF BOARD MEETINGS..... | 11 |
| 14.1 Ordinary meetings..... | 11 |
| 14.2 Notice | 11 |
| 14.3 Quorum | 11 |
| 14.4 Voting | 11 |
| 14.5 Special meetings..... | 11 |
| 14.6 Chairing of meetings | 12 |
| 14.7 Attendance other than Board Members | 12 |
| 14.8 Meetings using technology | 12 |
| 14.9 Circulating resolutions and minutes..... | 13 |
| 14.10 Pecuniary interests | 13 |
| 15. BOARD HONORARIUM AND EXPENSES | 14 |
| 16. EXECUTIVE OFFICER | 14 |
| 17. CONVENING GENERAL MEETINGS | 14 |
| 18. NOTICE OF GENERAL MEETINGS OF ASSOCIATION | 15 |
| 19. QUORUM AND ATTENDANCE AT GENERAL MEETINGS OF ASSOCIATION | 15 |
| 20. CHAIRPERSON TO PRESIDE AT GENERAL MEETINGS | 16 |
| 21. ADJOURNMENTS..... | 17 |
| 22. MEMBER'S RESOLUTIONS | 17 |
| 23. PROXIES AT GENERAL MEETINGS | 17 |
| 24. IDENTITY OF REPRESENTATIVES AND PROXIES..... | 18 |
| 25. VOTING AT GENERAL MEETINGS..... | 18 |
| 26. MINUTES..... | 18 |
| 27. COMMITTEES..... | 19 |
| 28. VALIDATION OF ACTS | 19 |
| 29. PUBLIC OFFICER..... | 19 |
| 30. FINANCE | 20 |
| 31. GIFT FUND..... | 20 |
| 32. EXECUTION OF DOCUMENTS | 20 |
| 33. AMENDMENT OF CONSTITUTION | 21 |
| 34. WINDING UP..... | 21 |
| 35. INDEMNITY | 21 |
| 36. INSURANCE | 22 |
| SCHEDULE 1 - INITIAL BOARD MEMBERS | 24 |



| TABLE OF CONTENTS | Page No |
|--|---------|
| SCHEDULE 2 - PROXY | 25 |
| SCHEDULE 3 – APPOINTMENT OF COUNCIL REPRESENTATIVE | 1 |



1. **NAME OF ASSOCIATION**

The name of the incorporated association is The Riddoch Arts and Cultural Trust Incorporated.

2. **DEFINITIONS AND INTERPRETATION**

2.1 In this Constitution:

Act means the *Associations Incorporation Act 1985 (SA)*.

ACNC Act means the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)*.

Annual General Meeting means an annual general meeting of Members of the Association held in accordance with the Act.

Annual Plan means the plan referred to in clause 5.3.

Association means The Riddoch Arts and Cultural Trust Incorporated.

Board means the board of management of the Association.

Board Meeting means a meeting of the Board.

Board Members means members of the Board from time to time.

Board Observers means the Gallery Director, Representative and Council Appointee.

Budget means a budget of expenses of the Association to be compiled by the Board pursuant to clause 5.2.

Chairperson means:

- (a) in respect of the conduct or proceedings of any General Meeting, the person who presides under clause 20;
- (b) in all other respects, the person elected chairperson of the Board under clause 13 from time to time.

Council means the City of Mount Gambier and its successors.

Council Appointee means the person appointed under clause 11.3.

Constitution means this constitution as amended from time to time.

Corporate Patron means a Patron that is a body corporate.

Corporate Representative means a person appointed to represent a Corporate Patron under clause 9.5.4 from time to time.

Deductible Gift Recipient has the meaning given to that term in the Tax Act.

Deputy Chairperson means the person elected deputy chairperson of the Board under clause 13.1 from time to time.



Elected Member means a person elected to the position of Mayor or Councillor of the City of Mount Gambier from time to time.

Executive Officer means the person (if any) appointed executive officer of the Association by the Board from time to time.

Field Expert means an individual who has experience, industry skills and/or connections that the Council considers will be beneficial to the Riddoch Art Gallery.

Financial Year means the 12 months ending on 30 June each year.

Friends of the Riddoch Membership means a special class of rights and entitlements for non-voting associates granted under clause 9.3.

Gallery Director means the Riddoch Art Gallery Director, Manager Arts and Culture Development with the City of Mount Gambier from time to time or their successor.

General Meeting means an Annual General Meeting or a Special General Meeting of the Association.

Gift means any sum of money, product or artefact given to the Riddoch Art Gallery as a donation.

Gift Fund means a gift fund established under clause 31.

Liabilities means liabilities, losses, damages, actions, causes of action, arbitrations, claims, orders, judgments, outgoings, costs and expenses.

Limestone Coast means the combined geographic area of the following Councils: District Council of Grant, District Council of Kingston, City of Mount Gambier, Naracoorte Lucindale Council, District of council of Robe; Tatiara District Council and Wattle Range Council.

Member means a member of the Association and **Membership** has a corresponding meaning.

Non-Voting Associate means any person or body corporate accepted or appointed under clause 9.3, 9.4, or 9.5.

Office Bearer means a person elected office bearer under clause 13.1 from time to time.

Officer means an officer of the Association within the meaning of the Act.

Patron means a Non-Voting Associate appointed under clause 9.5.

Public Officer means the Executive Officer or other person appointed as public officer of the Association by the Board from time to time under clause 29.

Registered Charity means a charity that is registered under the ACNC Act.

Representative means a person appointed to represent the Council under clause 7.1 from time to time.



Riddoch Ambassador means a Non-Voting Associate appointed under clause 9.4.

Riddoch Art Collections means the art and cultural collections owned or in the custody of the Council or the Association from time to time.

Riddoch Art Gallery means the building identifiable as the Riddoch Art Gallery, and the associated activities and operations of the Council and the Association .

Secretary means the person elected as secretary of the Board under clause 13 from time to time.

Special General Meeting means a general meeting of Members of the Association other than an Annual General Meeting.

Special Resolution means a resolution of Members of the Association passed in accordance with clause 22 or otherwise:

- (a) at a duly convened General Meeting of which at least 21 days' written notice specifying the intention to propose the resolution has been given to all Members of the Association; and
- (b) by a majority of not less than three quarters of the Members of the Association who being entitled to do so vote at such General Meeting (in person, by Corporate Representative or by proxy).

Tax Act means the *Income Tax Assessment Act 1997* (Cth).

Treasurer means the person elected as treasurer of the Board under clause 13 from time to time.

2.2 In this Constitution, unless the context otherwise requires:

- 2.2.1 headings do not affect interpretation;
- 2.2.2 singular includes plural and plural includes singular;
- 2.2.3 words of one gender include any gender;
- 2.2.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 2.2.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 2.2.6 another grammatical form of a defined word or expression has a corresponding meaning;
- 2.2.7 an expression defined in the Act has the meaning given by that Act at the date of this constitution; and
- 2.2.8 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions.



2.3 While the Association is a Registered Charity, the ACNC Act and the Act override any clauses in this constitution which are inconsistent with those Acts.

2.4 If the Association is not a Registered Charity (even if it remains a charity), the Act overrides any clause in this constitution which is inconsistent with that Act.

3. OBJECTS AND PURPOSES

3.1 The Association is established for the operation of the Riddoch Art Gallery in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit of the public.

3.2 The Association may pursue the above objects by:

- 3.2.1 developing the Riddoch Art Gallery to be an innovative centre and creative hub for art in the Limestone Coast region that presents inspiring and challenging exhibitions and displays of the Riddoch Art Collections and other art and cultural items on tour and loan;
- 3.2.2 attracting sponsorship and grants, deductible and other gifts of art and cultural and related items, and otherwise raise finance for the acquisition, development and maintenance of works of art and cultural items for the betterment of the Riddoch Art Collections;
- 3.2.3 Promoting, displaying, exhibiting, touring and related activities relating to the Riddoch Art Gallery and Riddoch Art Collections;
- 3.2.4 liaising with government departments and other organisations and agencies interested in the arts and culture; and
- 3.2.5 doing all such other things and entering into all such agreements as may be incidental or necessary to the attainment of such objects.

3.3 The assets and income of the Association must be applied exclusively to the promotion of its objects and no portion may be paid or distributed directly or indirectly to the Members, except as bona fide remuneration for services rendered or expenses incurred on behalf of the Association.

4. POWERS

The Association has, subject to the Act and other applicable laws:

- 4.1 the legal capacity and powers conferred by section 25 of the Act;
- 4.2 the power to do all things necessary or convenient to be done for, or in connection with, the attainment of its objects and purposes.

5. PROVISIONS RELATING TO THE ASSOCIATION

5.1 Decision making framework

The Association will exercise any powers, duties, discretions or authorities conferred by this Constitution consistent with the requirements of the Act.



5.2 Budget

- 5.2.1 The Board must compile a Budget of expenditure of the Association for each Financial Year which includes, without limitation, the remuneration, expenses and administrative costs of the Association.
- 5.2.2 The Board must monitor the expenditure of the Association in each Financial Year to ensure that the Association's expenses do not exceed the Budget.
- 5.2.3 The Board's expenditure in any Financial Year must be taken into account in formulating the Annual Plan and Budget for the next Financial Year to ensure that the Association remains in balance and operates prudently going forward.
- 5.2.4 The Budget shall be subject to the approval of the Council.

5.3 Annual Plan

- 5.3.1 The Board must make an Annual Plan each Financial year that identifies:
 - 5.3.1.1 The proposed activities of the Association for the Financial Year; and
 - 5.3.1.2 The goal or outcomes of the Association for the Financial year, having regard to:
 - (a) the value and financial position of the Association from the previous Financial Year; and
 - (b) any anticipated accretions to the Association for the Financial Year; and
 - 5.3.1.3 the Association's remuneration and expenses for the Financial Year; and
 - 5.3.1.4 any other information the Association considers relevant.
- 5.3.2 The Annual Plan shall be subject to the approval of the Council.
- 5.3.3 The Council may make, or require the Board to make changes to the Annual plan as it sees fit.
- 5.3.4 The Annual Plan may be in any form determined appropriate by the Board.
- 5.3.5 The Board will endeavour to finalise the Annual Plan for each Financial Year prior to the start of the Financial Year to which it relates.
- 5.3.6 The Board must make the Annual Plan available to the Council on request.



6. MEMBERSHIP

The Council is the sole member of the Association and shall be the only member. The Council agrees to be bound by this Constitution.

7. REPRESENTATIVES

- 7.1 The Council must appoint a senior officer as its Representative in writing. In the absence of appointment, the executive officer of the Council is the Representative.
- 7.2 Unless otherwise specified in the appointment, the Representative may exercise all the powers that the Council could exercise at a General Meeting or in voting on a resolution (including a resolution to be passed without a General Meeting).

8. RESIGNATION

- 8.1 The Council may resign from Membership by giving written notice to the Board.
- 8.2 On resignation of the Council as the sole Member, the Association will become a memberless association under the Act unless the Board otherwise determines.

9. NON-VOTING ASSOCIATES

- 9.1 Notwithstanding clause 6, the Association may recognise certain persons as "members" of the Gallery pursuant to this clause. For the avoidance of doubt, while this clause may prescribe certain benefits to a "member", any such person is not a Member of the Association for the purposes of the Act, and shall have no rights or entitlement to vote or receive any notices of the Association, and no rights or entitlements to the property of the Association. The title of "member" is a mere descriptor only.
- 9.2 Any person accepted or appointed under this clause 9 that wishes to actively participate other than as an observer or visitor must be formally accepted and inducted as a volunteer of the Council or the Association as determined by the Board in its absolute discretion, and comply with all directions, requirements, conditions, rules and regulations of the Board or its delegate.
- 9.3 **Friends of the Riddoch**
- 9.3.1 Friends of the Riddoch Membership is open to any person.
- 9.3.2 An application for Friends of the Riddoch Membership must be:
- 9.3.2.1 in the form determined by the Board; and
- 9.3.2.2 accompanied by any application fee determined by the Board.
- 9.3.3 The Board determines whether to accept or reject an application for Friends of the Riddoch Membership.
- 9.3.4 The Board is not required to give any reason for the rejection of an application.



-
- 9.3.5 If an application for Membership is rejected, the Board must:
 - 9.3.5.1 give written notice of the rejection to the applicant; and
 - 9.3.5.2 refund in full any fees paid by the applicant.
 - 9.3.6 The rights and privileges of Friends of the Riddoch Membership shall be as determined by the Board from time to time, and are non transferable.

9.4 Riddoch Ambassadors

- 9.4.1 The Board may appoint persons as Riddoch Ambassadors having regard to the contributions made to the Association, Riddoch Art Collections or the Riddoch Art Gallery (including to the Riddoch Art Gallery as operated under previous associations, trusts or entities), and for the purposes of promotional and marketing activities of the Association, nationally and internationally, through promotion-focused approach as well as audience development approach, and any other factors the Board considers appropriate.
- 9.4.2 There shall be no application process and no application fee applicable to Riddoch Ambassadors.
- 9.4.3 The rights and privileges of a Riddoch Ambassador shall be as determined by the Board from time to time, and are not transferable.
- 9.4.4 The Riddoch Ambassadors may be reimbursed for their expenses incurred in relation to their activities as a Riddoch Ambassador to the extent determined by the Board.

9.5 Patrons

- 9.5.1 The Board may appoint persons or bodies corporate (whether a Friends of the Riddoch Member or not) as a Patron of the Association having regard to the contributions made to the Association, Riddoch Art Collections or the Riddoch Art Gallery (including to the Riddoch Art Gallery as operated under previous associations, trusts or entities), and such other factors as the Board considers appropriate.
- 9.5.2 There shall be no application process and no application fee applicable to Patrons.
- 9.5.3 The rights and privileges of a Patron shall be as determined by the Board from time to time, and are not transferable.
- 9.5.4 A Corporate Patron may appoint one individual as its Corporate Representative to represent it and to exercise the rights and privileges granted to it by the Board from time to time.
- 9.5.5 A Corporate Patron must appoint its Corporate Representative by a resolution of its board, and if directed by the Board, must provide a copy of its minutes relevant to the appointment, certified correct by its chairperson or secretary to the Board.



-
- 9.5.6 A Corporate Representative is treated as a Patron for all purposes until:
- 9.5.6.1 the Corporate Patron's board resolves to revoke the appointment and, if directed by the Board, provides a copy of its minutes relevant to such revocation, certified correct by its chairperson or secretary to the Board; or
- 9.5.6.2 the Chairperson believes on reasonable grounds that the Corporate Patron's board has resolved to revoke the appointment.

10. FUNCTIONS AND POWERS OF BOARD

- 10.1 The affairs of the Association are governed exclusively by the Board. In addition to the powers and authorities conferred by this Constitution, the Board may exercise all powers and do all things that are within the objects of the Association, and are not by the Act or by this Constitution, required to be done by the Association in General Meeting.
- 10.2 The Board may delegate any of its powers, authorities and discretions to any officer or employee or committee of the Association. A delegation must be in writing. A delegation does not derogate from the powers of the Board to act in any matter.
- 10.3 The Board may revoke, modify or vary any such delegation.
- 10.4 The Board may determine the manner in which its meetings and its business and proceedings are conducted and regulated.
- 10.5 The Board may interpret this Constitution and determine any matter relating to the affairs of the Association on which this Constitution is silent.

11. COMPOSITION OF BOARD

- 11.1 The Board comprises a minimum of three and a maximum of five Board Members and a maximum of three Board Observers.
- 11.2 Notwithstanding clause 11.1, while the number of Board Members is below the minimum, the Board may still convene Board Meetings and pass resolutions to appoint additional Board Members, but for no other purpose.
- 11.3 The Council may appoint any person to be an observer of board meetings by serving written notice on the Board, provided the maximum number of Board Observers is not exceeded.
- 11.4 A person may be appointed or elected a Board Member only if such person:
- 11.4.1 is an individual over 18 years of age and otherwise qualified to hold office in accordance with the Act and the ACNC Act;
- 11.4.2 has obtained all current criminal screenings and background clearances in line with relevant state and national laws having regard to the operations of the Association at the relevant time;



-
- 11.4.3 has consented in writing to being a Board Member; and
- 11.4.4 is not an employee of the Council.
- 11.5 Subject to this clause 11, the Council may appoint persons as Board Members and remove Board Members from office.
- 11.6 Notwithstanding clause 11.4.4 the Board Observers shall be present at Board Meetings for the purpose of observing and providing advice and administrative support to Board Members. The term of office for the Board Observers shall end when they are no longer an employee of the Council or their earlier replacement.
- 11.7 In appointing Board Members, the Council may:
- 11.7.1 appoint at least one Board Member with experience and skills relevant to a position of company director and/or company secretary.
- 11.7.2 appoint at least one Board Member with an appropriate national or international profile in the arts and/or cultural fields.
- 11.7.3 appoint no more than 1 Board Member who is an Elected Member of Council; and
- 11.7.4 appoint no more than 2 Board Members who are Field Experts and who do not otherwise come under this clause 11.7.
- 11.8 The first Board comprises the persons listed in Schedule 1. Subject to clause 11.11, those Board Members hold office until the conclusion of the second Annual General Meeting after incorporation at which time half of them, determined by lot, must retire from office.
- 11.9 Subject to clause 11.11, at the conclusion of each subsequent Annual General Meeting, half of the Board Members must retire from office.
- 11.10 The Board Members to retire under clause 11.9 are those who have been longest in office since their last election, and as between persons who became Board Members on the same day, are determined by lot (unless otherwise agreed amongst themselves).
- 11.11 If at the time of the retirement of any Board Members under clause 11.9 the number of Board Members is not a multiple of two, then the number of Board Members to retire is rounded down to the nearest whole number.
- 11.12 Subject to clause 11.13 a Board Member retiring under clause 11.9 is eligible for election under clause 13.2.
- 11.13 A Board Member that has attained a consecutive appointment period of 6 or more years must retire and will not be eligible for re-election under clause 11.12. This clause does not preclude a retired member from being eligible for a further reappointment after the period of 2 years have lapsed.



12. BOARD MEMBER VACANCIES

- 12.1 The office of a Board Member becomes vacant if the Board Member:
- 12.1.1 reaches the end of their term of office;
 - 12.1.2 dies or becomes a person whose estate is liable to be dealt with in any way under laws relating to mental health;
 - 12.1.3 becomes disqualified from holding office under the Act;
 - 12.1.4 resigns from office by notice in writing to the Board or Executive Officer;
 - 12.1.5 is removed from office under clause 11.5; or
 - 12.1.6 is absent from three consecutive Board Meetings without the leave of the Board.
- 12.2 Subject to clause 11.4, the Board may appoint a person to fill a casual vacancy on the Board. A Board Member so appointed holds office until replaced in accordance with clause 11.5.

13. ELECTION OF OFFICE BEARERS

- 13.1 At the first Board Meeting after each Annual General Meeting the Board must appoint a chairperson, deputy-chairperson, secretary and treasurer from among their number. The Board must also appoint a Public Officer. Subject to this Constitution, those Office Bearers hold office until the conclusion of the election of Office Bearers at the first Board Meeting after the next Annual General Meeting.
- 13.2 A retiring Office Bearer is eligible for re-election.
- 13.3 Nominations for office of an Office Bearer are made in the manner determined by the Board.
- 13.4 If there is only one nomination for the office of an Office Bearer, the nominee stands elected to such office.
- 13.5 If there is more than one nomination for the office of an Office Bearer, then there must be an election for such office conducted by secret ballot.
- 13.6 The office of any Office Bearer becomes vacant if the Office Bearer:
- 13.6.1 reaches the end of their term of such office;
 - 13.6.2 resigns from such office by notice in writing to the Board or Executive Officer;
 - 13.6.3 is removed from such office by resolution of the Board (and in doing so, the Board is not obligated to provide reasons); or
 - 13.6.4 ceases to be a Board Member.



-
- 13.7 Should a vacancy occur in the office of any Office Bearer, the Board must promptly fill such vacancy by appointment from among their number.

14. PROCEEDINGS OF BOARD MEETINGS

14.1 Ordinary meetings

The Board must meet at least four times a year or more often as required at a time, date and place fixed by the Chairperson from time to time.

14.2 Notice

14.2.1 Except in the case of an emergency (for example, to consider a matter of urgent or pressing necessity), at least seven days' notice of all Board Meetings must be given to all Board Members and Board Observers and such notice must be given in writing by email or letter or by any other means consented to by all the Board Members and Board Observers. The consent may be a standing one and can only be withdrawn on seven days' notice.

14.2.2 The notice given under clause 14.2.1 is to be accompanied by an agenda listing the items of business for the Board Meeting and any reports and attachments to be considered for each item of business.

14.3 Quorum

14.3.1 The presence of more than half the Board Members and at least one Board Observer constitutes a quorum at a Board Meeting and no business may be transacted unless a quorum is present.

14.3.2 If at any Board Meeting a quorum is not present, the meeting must be adjourned until no sooner than the following day and all Board Members are to be notified of such adjournment. When the meeting is reconvened, the Board Members present at the reconvened meeting constitute a quorum.

14.3.3 The quorum must be present at all times during the meeting.

14.4 Voting

14.4.1 All matters before the Board for decision at any Board Meeting must be decided by a majority of votes of the Board Members present. Subject to this Constitution, each Board Member present at a Board Meeting is entitled to one vote only except for the Board Member chairing the Board Meeting who has a deliberative, and in case of equality of voting, a casting vote.

14.4.2 Board Observers and Elected Members will have no voting rights.

14.5 Special meetings

Special Board Meetings may be convened by the Chairperson, or by direction of the Chairperson, at the requisition in writing of two or more Board Members, or by any one of the Gallery Director or Representative.



14.6 Chairing of meetings

- 14.6.1 Subject to clauses 14.6.2 and 14.6.3, the Chairperson must preside at all Board Meetings.
- 14.6.2 If the Chairperson is not present at the time appointed for the meeting or is unable or unwilling to preside at any Board Meeting, the Deputy-Chairperson must preside at that Board Meeting.
- 14.6.3 If there is no Deputy-Chairperson, or if the Deputy-Chairperson is not present at the time appointed for the meeting or is unable or unwilling to preside at any Board Meeting, the Board must appoint any other Board Member present to preside at that Board Meeting.
- 14.6.4 If the Chairperson (or in his absence, the Deputy Chairperson) arrives after the meeting has commenced, they may preside at that meeting only with the consent of the acting Chairperson.

14.7 Attendance other than Board Members

- 14.7.1 The Executive Officer (if any) is entitled to attend all Board Meetings unless the Board resolves otherwise, and the resolution is recorded in the minutes of the Board Meeting.
- 14.7.2 Elected Members may attend Board Meetings and the Board shall record such attendance in the minutes.
- 14.7.3 Others may attend Board Meetings with the approval of the Board, and the resolution is recorded in the minutes of the Board Meeting.
- 14.7.4 During a Board Meeting, the Board may exclude any Elected Members and other attendees from any part of the Board Meeting (with or without reason) and a resolution of such exclusion is to be recorded in the minutes.
- 14.7.5 For the avoidance of doubt, the words "other attendees" referred to in clause 14.7.4 does not include Board Observers.

14.8 Meetings using technology

- 14.8.1 A Board Meeting may be held with one or more of the Board Members or Board Observers taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the Board Meeting only whilst all attendees are able to hear the proceedings of the entire Board Meeting and to be heard by all others attending the Board Meeting.
- 14.8.2 Without limiting clause 14.8.1, a Board Meeting may be called or held using any technology consented to by all Board Members and Board Observers. The consent may be a standing one and can only be withdrawn on seven days' notice.
- 14.8.3 A Board Meeting conducted in accordance with clauses 14.8.1 or 14.8.2 is deemed to be held at a place determined by the Board Members, provided that at least one of the Board Members or Board



Observer present at the Board Meeting was at such place for the duration of that Board Meeting.

14.9 Circulating resolutions and minutes

- 14.9.1 The Board Members may pass a resolution without a Board Meeting being held if all the Board Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.
- 14.9.2 Separate copies of a document may be used for signing if the wording of the resolution and statement is identical in each copy.
- 14.9.3 The resolution is passed when the last Board Member signs.
- 14.9.4 The Board Observers must be included in the circulation of any proposed resolution document to be signed under this clause 14.9 and a copy of the signed resolution, if passed.
- 14.9.5 A copy of the minutes of each Board Meeting including all resolutions and financial details must be circulated to all Board Members and Board Observers.

14.10 Pecuniary interests

- 14.10.1 A Board Member who has a direct or indirect pecuniary interest in a contract or proposed contract with the Association, or in any other matter which is before the Board for discussion, must, as soon as the Board Member becomes aware of the interest, disclose to the Board the nature and extent of the interest.
- 14.10.2 Where a Board Member has a direct or indirect pecuniary interest in a contract or proposed contract with the Association, or in any other matter which is before the Board for discussion, that Board Member must not vote with respect to that contract or matter but may, subject to that Board Member complying with clause 14.10.1, take part in the deliberations or discussions of the Board with respect to that contract or matter.
- 14.10.3 Clauses 14.10.1 and 14.10.2 do not apply in respect of any pecuniary interests that exist only by virtue of the fact that the Board Member is a member of a class of persons for whose benefit the Association is established.
- 14.10.4 A Board Observer must also disclose any personal pecuniary interest that arises in any matter which is before the Board for discussion. The Board is to determine whether the Board Observer shall vacate the room for discussion on such matters (and such resolution shall be recorded in the minutes).
- 14.10.5 Quorum will not be lost merely because a Board Observer vacates the room under clause 14.10.4.



14.10.6 Board Observers are not considered to have a personal pecuniary interest if the interest arises merely from their employment with Council.

15. BOARD HONORARIUM AND EXPENSES

15.1 The Association may pay the Board Members a maximum total honorarium for Board Members determined by the General Meeting.

15.2 The Board may determine the allocation of the total honorarium among the Board Members. If the Board does not determine the allocation, the total amount of the honorarium must be allocated equally among the Board Members.

15.3 In addition to any honorarium, the Association may also pay any extraordinary travelling and other expenses Board Members properly incur:

15.3.1 in attending Board Meetings or meetings of any committee of the Board;

15.3.2 in attending any General Meeting; and

15.3.3 otherwise in connection with the business of the Association.

16. EXECUTIVE OFFICER

16.1 The Association may employ a person chosen by the Board as the executive of the Association.

16.2 The Executive Officer shall be employed by the Association on such terms as determined by the Board.

16.3 The Executive Officer's contract of employment must include provisions establishing:

16.3.1 the Executive Officer's remuneration;

16.3.2 the term of the contract;

16.3.3 where the Executive Officer has not previously been employed in that position by the Association, a probation period; and

16.3.4 specified grounds for dismissal.

17. CONVENING GENERAL MEETINGS

17.1 The Board may call a Special General Meeting of the Association at any time, and must call an Annual General Meeting in accordance with the Act.

17.2 The first Annual General Meeting must be held within 18 months after the incorporation of the Association, and thereafter within five months after the end of each Financial Year.

17.3 Within one month of the receipt of a requisition in writing from the Council or the Representative, the Board must convene a Special General Meeting for the purpose specified in the requisition.



-
- 17.4 Every requisition for a Special General Meeting under clause 17.3 must be signed by the Representative or executive officer of the Council and must state the purpose of the meeting.
 - 17.5 If the Board does not convene a Special General Meeting as required by clause 17.3, the Council may convene it. It must be convened in the same manner as a meeting convened by the Board. The reasonable expenses of convening and conducting such a meeting must be borne by the Association.
 - 17.6 Subject to clause 20 the Representative shall be the Chairperson for General Meetings.

18. NOTICE OF GENERAL MEETINGS OF ASSOCIATION

- 18.1 Unless the Council otherwise agrees, at least 21 days' written notice of each General Meeting must be given to the Council. The notice must set out where and when the meeting will be held and particulars of the nature and order of the business to be transacted at the meeting.
- 18.2 For an Annual General Meeting, the order of business is the consideration of the accounts and reports of the Board and the auditors, the appointment of auditors, the election of Board Members (if required), and any other business requiring consideration by the Association in General Meeting.
- 18.3 The Association may give notice of General Meeting to the Council by delivering it to the Council Office, or by sending it by post or email to the following address of the Council:
 - 18.3.1 PO Box 56, Mount Gambier, SA 5290; or
 - 18.3.2 city@mountgambier.sa.gov.au.
- 18.4 Where a notice is sent by post, service of the notice is deemed to be effected if it is properly addressed and posted to the Council by ordinary prepaid mail. It is deemed to be received four business days after posting, if posted to and from a place within Australia.

19. QUORUM AND ATTENDANCE AT GENERAL MEETINGS OF ASSOCIATION

- 19.1 No business may be transacted at a General Meeting of Members unless the Council is present (in person by the presence of either one, or both of the Representative or executive officer of the Council) at all times during the meeting.
- 19.2 If a quorum is not present within 30 minutes after the time appointed for a General Meeting:
 - 19.2.1 if the meeting was convened upon the requisition of the Council, it is dissolved; and
 - 19.2.2 in any other case, it is adjourned to the same day in the next week at the same time and place, or to another day, time and place determined by the Board. If at the resumed meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting is dissolved.



-
- 19.3 Non-Voting Associates and Elected Members of the Council may attend a General Meeting of the Association. Their attendance shall not contribute to quorum and they will have no voting rights.

20. CHAIRPERSON TO PRESIDE AT GENERAL MEETINGS

- 20.1 Subject to clause 20.2 the Representative must preside as Chairperson at all General Meetings.
- 20.2 If the Chairperson is not present at the time appointed for the General Meeting or is unable or unwilling to preside at the meeting, the following may preside as Chairperson at the meeting (in order of precedence):
- 20.2.1 the executive officer of the Council;
 - 20.2.2 the chairperson of the Board;
 - 20.2.3 the Deputy-Chairperson;
 - 20.2.4 a Board Member chosen by a majority of the Board Members present;
 - 20.2.5 the only Board Member present;
 - 20.2.6 the Mayor of the Council; or
 - 20.2.7 the Elected Member chosen by a majority of the Elected Members present.
- 20.3 If the Chairperson (or in his absence, the Deputy Chairperson) arrives after the meeting has commenced, they may preside at that meeting only with the consent of the acting Chairperson.
- 20.4 The Chairperson:
- 20.4.1 has charge of the general conduct of the General Meeting and of the procedures to be adopted at the meeting;
 - 20.4.2 may determine any dispute about the admission or rejection of a vote (including a vote recorded in the form of a formal resolution of Council tabled at the meeting);
 - 20.4.3 may require the adoption of any procedure which is in the Chairperson's opinion necessary or desirable for proper and orderly debate or discussion and the proper and orderly casting or recording of votes at the meeting; and
 - 20.4.4 may terminate discussion or debate on any matter whenever the Chairperson considers it necessary or desirable for the proper conduct of the meeting,
- and a decision by the Chairperson under this clause is final.



21. ADJOURNMENTS

- 21.1 The Chairperson may adjourn a General Meeting to any place, date and time.
- 21.2 The Chairperson must adjourn a General Meeting if the Council agrees or directs the Chairperson to do so. The Chairperson may adjourn the meeting to any place, date and time.
- 21.3 If the meeting is adjourned for more than one month, notice of the resumed meeting must be given as for the original meeting.
- 21.4 Only unfinished business may be transacted at a resumed meeting.

22. MEMBER'S RESOLUTIONS

- 22.1 Unless the Act or this constitution requires a Special Resolution, a resolution is passed if the Council votes in favour of the resolution.
- 22.2 The Council may pass any resolution (including a Special Resolution) without a General Meeting being held if the Council (by the action of the Representative or executive officer of the Council) signs a document, or passes a resolution at a formally constituted meeting of the Council containing a statement that it is in favour of the resolution set out in the document.
- 22.3 The resolution is passed when the Council signs.

23. PROXIES AT GENERAL MEETINGS

- 23.1 The Council may appoint a proxy to vote in place of the Council at a General Meeting in the event that the Representative or executive officer of the Council, or both are not available to attend the meeting.
- 23.2 An appointment of a proxy is valid if:
 - 23.2.1 it is in the form of Schedule 3 or any other form determined by the Board;
 - 23.2.2 it is signed by the Council (either by the Representative or chief executive officer of the Council or, in the form of a resolution passed at a formally constituted meeting of the Council);
 - 23.2.3 it contains the Council's name and address, the proxy's name or the name of the office held by the proxy, and the General Meetings at which the appointment may be used; and
 - 23.2.4 it is provided to the Board at least 48 hours before the commencement of the meeting or resumed meeting.
- 23.3 An appointment of a proxy may be a standing one.
- 23.4 An undated appointment of a proxy is to be taken to have been dated on the day it is given to the Board.
- 23.5 A later appointment of a proxy revokes an earlier one if both appointments could not be validly exercised at the meeting.



-
- 23.6 Except to the extent that the appointment of a proxy expressly limits the exercise by the proxy of the power to vote at a General Meeting, a proxy has the same rights to attend, vote and otherwise act at the meeting as the Council.
- 23.7 An appointment of a proxy may specify the way the proxy is to vote on a particular resolution. In that event:
- 23.7.1 the proxy need not vote on a show of hands, but if the proxy does so, the proxy must vote that way;
- 23.7.2 if the proxy is the Chairperson, the proxy must vote on a poll, and must vote that way;
- 23.7.3 if the proxy is not the Chairperson, the proxy need not vote on a poll, but if the proxy does so, the proxy must vote that way; and
- 23.8 A proxy's authority to speak and vote for the Council at a meeting is suspended while the Representative or executive officer of the Council is present at the meeting.

24. IDENTITY OF REPRESENTATIVES AND PROXIES

The Chairperson may require a person to establish to the satisfaction of a General Meeting that the person is the Representative, executive officer or proxy of the Council for that meeting. If unable to do so, the person may be excluded from the meeting or from voting either upon a show of hands or upon a poll.

25. VOTING AT GENERAL MEETINGS

- 25.1 The Council has one vote in relation to any resolution and is the sole person (subject to a valid appointment under clauses 7 or 23) who may vote at a General Meeting.
- 25.2 If Council call a special meeting of the Council to consider any item of business on the agenda of a General Meeting of the Association then the resolution of the formally constituted meeting of the Council shall take precedence over the vote of the Representative, executive officer of the Council or duly appointed proxy with regard to the specific item of business.

26. MINUTES

- 26.1 The Association must cause minutes of all proceedings of General Meetings and of Board Meetings to be entered within one month after the relevant meeting in books kept for that purpose.
- 26.2 The Association must cause those minutes to be:
- 26.2.1 in the case of General Meetings, confirmed by the Council at a subsequent meeting;
- 26.2.2 in the case of Board Meetings, confirmed by Board Members present at a subsequent meeting;



26.2.3 signed by the person chairing the meeting at which the proceedings took place or by the person chairing the meeting at which the minutes are confirmed; and

26.2.4 provided to the Council.

26.3 A minute that is so entered, confirmed and signed is, in the absence of proof to the contrary, to be accepted as proof of the proceedings to which the minute relates.

26.4 Where minutes have been so entered, confirmed and signed, it is to be taken, in the absence of proof to the contrary, that:

26.4.1 the meeting to which the minutes relate was held; and

26.4.2 the proceedings that are recorded in the minutes occurred; and

26.4.3 all appointments of Officers or auditors that are recorded in the minutes were validly made.

27. COMMITTEES

27.1 The Board may from time to time appoint such committees as it thinks necessary and may delegate or refer to them such of the powers and the duties of the Board as the Board determines.

27.2 The Board must nominate a Board Member as chairperson of a committee appointed under clause 27.1.

27.3 Each committee must report its proceedings to the Board and must conduct its business in accordance with any rules and or directions of the Board.

27.4 The existence of or delegation to a committee does not derogate from the powers of the Board to act in any matter.

27.5 The Board Observers shall be provided with the full agenda and minutes of all committee meetings and shall be invited, but not obligated to attend, committee meetings. The Board or committee shall not be able to exclude Board Observers from attending any committee meetings.

28. VALIDATION OF ACTS

The acts of the Board, a committee, an Officer or delegate of the Association are valid even if it is subsequently discovered that there was a defect in an appointment or any of them was disqualified.

29. PUBLIC OFFICER

Unless otherwise determined by the Board, the Executive Officer (if there is one) ex officio is the Public Officer. If there is no Executive Officer, the Board must appoint a Public Officer.



30. FINANCE

- 30.1 All money received for the benefit of the Association is the property of the Association and must be deposited to the credit of the Association at a bank nominated from time to time by the Board.
- 30.2 Debts incurred by the Association in the ordinary course of business must be paid by cheque, credit card or electronic funds transfer authorised by any two persons appointed by the Board or the Executive Officer.
- 30.3 The Association must:
 - 30.3.1 keep financial records as required by the Act; and
 - 30.3.2 if required by the Act, prepare and distribute financial reports and cause the financial records of the Association to be audited.
- 30.4 In the absence of an Executive Officer, the Board and Association shall utilise the services of the Council for its financial activities and to meet its financial and other reporting obligations.

31. GIFT FUND

- 31.1 The Association may maintain, for the principal purpose of holding Gifts given to the Association, a gift fund which complies with Subdivision 30-BA of the Tax Act.
- 31.2 The Association must use the Gift Fund only for the principal purpose of the Association.
- 31.3 At the first occurrence of one of the following events:
 - 31.3.1 the winding up of the Gift Fund; and
 - 31.3.2 the revocation of the Association's endorsement as a Deductible Gift Receipt under Subdivision 30-BA of the Tax Act,the Association must transfer any surplus assets of the Gift Fund to such one or more charitable entities, funds, authorities or institutions as the Board determines provided that the relevant recipient:
 - 31.3.3 is endorsed as a Deductible Gift Recipient;
 - 31.3.4 has objects similar to those of the Association; and
 - 31.3.5 has rules which prohibit any distribution of profit to its members.

32. EXECUTION OF DOCUMENTS

- 32.1 The Association may execute a document (including a deed) in any manner authorised by the Board, and only if authorised by the Board.
- 32.2 The Board must provide for the safe custody of the seal of the Association.



-
- 32.3 The seal may only be used by the authority of the Board. Every instrument to which the seal is affixed must be signed by two seal holders in whose presence the seal is affixed.
 - 32.4 A register listing the documents to which the seal has been affixed must be maintained.
 - 32.5 The seal holders means the Executive Officer (if there is one) and such other Board Members as determined by the Board from time to time.

33. AMENDMENT OF CONSTITUTION

This Constitution may be amended, repealed or replaced by Special Resolution.

34. WINDING UP

- 34.1 The Association may be wound up by Special Resolution in accordance with the Act.
- 34.2 If the Association is wound up any surplus of money or any property (after satisfaction of its debts and liabilities) must be transferred to one or more of the charitable entities, funds, authorities or institutions determined by the Council, provided that the relevant recipient
 - 34.2.1 is endorsed as a Deductible Gift Recipient;
 - 34.2.2 has objects similar to those of the Association; and
 - 34.2.3 has rules which prohibit the distribution of its income or assets among its members.

35. INDEMNITY

- 35.1 Subject to the Act, every person who is or has been an Officer must be indemnified out of the property of the Association against any Liabilities incurred in connection with that person's position as an Officer except a Liability:
 - 35.1.1 owed to the Association; or
 - 35.1.2 that did not arise out of conduct in good faith; or
 - 35.1.3 for legal costs in defending or resisting proceedings in which the person is found by a court to have a Liability for which the person cannot be indemnified under any of the foregoing provisions of this clause; or
 - 35.1.4 for legal costs in defending or resisting criminal proceedings in which the person is found guilty.
- 35.2 For the purposes of clause 35.1:
 - 35.2.1 **legal costs** means legal costs on a solicitor and own client basis; and
 - 35.2.2 **proceedings** means any initial legal proceeding and any appeal proceeding.



-
- 35.3 The Association need not indemnify a person under clause 35.1 in respect of a Liability to the extent that the person is entitled to an indemnity in respect of that Liability under a contract of insurance.
- 35.4 Where a person seeks to rely on the indemnity contained in clause 35.1, that person must:
- 35.4.1 immediately notify the Association of any claim which gives rise to or could give rise to a Liability of the Association to that person under the indemnity;
 - 35.4.2 permit the Association to conduct any negotiations and proceedings in respect of the claim in the name of the person and to have the sole arrangement and the control of such negotiations or proceedings and to settle or compromise the claim or make any admission or payment in relation thereto;
 - 35.4.3 not make any admission without the prior written consent of the Association;
 - 35.4.4 promptly render all reasonable assurance and co-operation to the Association as requested by the Association.
- 35.5 The Association must make available for inspection by any person who is or has been an Officer the books and records of the Association at all reasonable times for the purposes of any proceedings in connection with that person's position as an Officer:
- 35.5.1 to which the person is a party; or
 - 35.5.2 that the person proposes in good faith to bring; or
 - 35.5.3 that the person has reason to believe will be brought against the person.
- 35.6 The obligations of the Association in respect of any person who is or has been an Officer under clause 35.5 cease on the expiry of seven years after that person ceases to be an Officer.

36. **INSURANCE**

- 36.1 Subject to the Act, the Association must maintain at its cost a policy of insurance (**Policy**) with a reputable Australian insurer insuring every person who is or has been an Officer against any Liabilities incurred by that person in connection with that person's position as an Officer except a Liability of the kind referred to in clauses 35.1.1 to 35.1.4.
- 36.2 The Policy must provide for an insurance payout to the person of at least \$5,000,000.00 per claim.
- 36.3 The Policy must provide public liability cover to the amount of \$20,000,000.00 per claim.
- 36.4 The Association must not by any act or omission render the Policy void or voidable or otherwise vitiate the Policy.



-
- 36.5 The Association must promptly upon request by each person who is or has been an Officer, produce to him or her, a copy of the insurance policy or any certificates of insurance or other reasonable documentary evidence of the currency of the Policy maintained in accordance with this clause.
- 36.6 The obligations of the Association in respect of any person who is or has been an Officer of the Association under this clause ceases on the expiry of seven years after that person ceases to be an Officer.



Schedule 1 - Initial Board Members

Rory McEwen

Maria McGann

Sonya Meziniec



Schedule 2 - Proxy

THE RIDDOCH ARTS & CULTURAL TRUST INCORPORATED

PROXY

The
Name of Member

of
Address

being a Member of the Association

appoint
Name of proxy or office held

or if no person is named, the chairperson of the meeting, as my proxy to vote on my behalf:

- at the General Meeting of the Association to be held at [date] and [time] and at any adjournment of that meeting;
- all General Meetings until revoked.

Direction to proxy

If you want to direct your proxy how to vote, mark one box only for each resolution. If you do not want to direct your proxy how to vote, do not mark any box for the resolution. If you wish not to vote on a particular resolution, mark the 'Abstain' box.

I direct my proxy to vote as follows:

| Resolutions | For | Against | Abstain |
|---------------------|------------|----------------|----------------|
| <i>Descriptions</i> | | | |

Date

The common seal of City of Mount Gambier was affixed in the presence of:

.....
Signature of Mayor

.....
Signature of Chief Executive Officer

.....
Name of Mayor (print)

.....
Name of Chief Executive Officer (print)



Schedule 3 – Appointment of Council Representative

THE RIDDOCH ARTS & CULTURAL TRUST INCORPORATED

REPRESENTATIVE

The
City of Mount Gambier
Name of Member

of
10 Watson Terrace Mount Gambier South Australia
Address

being a Member of the Association

appoint
Name of representative or office held

or if no person is named, the executive officer of the Council, as representative to do all things necessary to give effect to the role of Council and Representative as set out in the Constitution of The Riddoch Arts & Cultural Trust Incorporated.:



MEMBER'S AGREEMENT

The Council, being the sole member of the Association at registration, has agreed by resolution passed at a formally constituted meeting of the Council held on the day of in the year to this constitution.

Date:

The common seal of City of Mount Gambier was affixed in the presence of:

.....
Signature of Mayor

.....
Signature of Chief Executive Officer

.....
Name of Mayor (print)

.....
Name of Chief Executive Officer (print)



19.8 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE – REPORT NO. AR23/3721

Meeting: Council
CM9 Reference: AF21/496
Author: Barbara Cernovskis, General Manager City Infrastructure
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR23/3721 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 21 February 2023 be noted.
2. That due to completion of the construction works at Wulanda Recreation and Convention Centre this be the final verbal update report.

BACKGROUND

Council, at its meeting held on 16 August 2022, resolved (in part):

- “3. *That the General Manager City Infrastructure provides a verbal report in open Council on the Wulanda Recreation and Convention Centre construction progress each month.*”

The General Manager City Infrastructure, Barbara Cernovskis, to provide a verbal update report on the monthly progress of the Wulanda Recreation and Convention Centre.

ATTACHMENTS

Nil



19.9 MITCHELL STREET TREES - ATS REPORT – REPORT NO. AR23/8604

| | |
|----------------------------------|--|
| Committee: | Council |
| Meeting Date: | 21 February 2023 |
| Report No.: | AR23/8604 |
| CM9 Reference: | AF22/378 |
| Author: | Michael McCarthy, Manager Governance and Property |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | This report presents an arborists report on the <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) street trees located in Mitchell Street, Mount Gambier. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Council Report No. AR23/8604 titled 'Mitchell Street Trees - ATS Report' as presented on 21 February 2023 be noted.
2. That the arborists report obtained to give effect to the recommendation in the Section 270 Internal Review Report on the matter of the *Lagunaria patersonia* (Norfolk Island Hibiscus) planted along the western side of Mitchell Street, be received and noted.



TYPE OF REPORT

Legislative

BACKGROUND

In December 2022 Council received a report on an internal review conducted under section 270 of the *Local Government Act 1999* of Council's previous 15 June 2021 decision that:

*'After an extensive investigation into the health and risk assessment of the *Lagunaria patersonia* (Norfolk Island Hibiscus) planted along the western side of Mitchell Street, the trees are not considered by Council to warrant their removal.'*

The December 2022 Council Report presenting the internal review report and recommendations (AR22/77592) as contained in the confidential agenda for the December Council meeting provides a detailed background and includes the '*Section 270 Internal Review - Mitchell Street Lagunaria Trees - Final Report*' as an attachment.

Following consideration of Report No. AR22/77592 it was resolved:

That the Council:

- *Reconsider all the information before it at the time it made the Decision;*
- *Consider the information submitted by the Applicants, the report and the conclusion of the report;*
- *Determine to engage an appropriately qualified person to consider and make recommendations on appropriate action regarding alleged nuisance associated with the trees, including what measures Council could/should take in respect of the trees to alleviate any possible nuisance being caused, or potentially caused; and*
- *Following consideration of a report prepared by such an appropriately qualified person, determine whether to affirm, vary or revoke the Decision.*

This report presents the report obtained in response the third dotpoint above (**Attachment 1**), with a further report presented to this meeting to consider, in-confidence, the legal advices received in relation to this matter.

PROPOSAL

Arborman Tree Solutions (ATS) were engaged to consider and make recommendations on appropriate action regarding alleged nuisance associated with the *Lagunaria patersonia* (Norfolk Island Hibiscus) trees planted along the western side of Mitchell Street.

The attached report (**Attachment 1**) dated 14 February 2023 confirms the concerns raised by the Internal Review applicants as being issues associated with these types of trees, and presents control methods for consideration to address the seed pod fibres and honey dew production by insects upon which sooty mould grows.

The report validates the concerns arising in relation to these trees and that they could be identified as a nuisance, but noting that it would be best to obtain legal advice on whether or not the circumstances fit the legal definition of a 'nuisance'.

Legal advice has been obtained to assist Council in its deliberations in this regard, which is presented in a further report attached to this agenda, for consideration in-confidence.

This report recommends that the further arborists report which gives effect to a key recommendation in the Section 270 Internal Review Report on this matter be received. Further commentary on this matter for consideration, including legal advice, is presented in a confidential report attached this meeting agenda.



LEGAL IMPLICATIONS

The information contained in the Arborman Tree Solutions (ATS) report dated 14 February 2023, whilst referencing 'nuisance', does so in the context that is it not legal advice on whether the nuisance referenced fits the legal definition of nuisance.

Having received privileged legal advice on the matter, and with the potential for legal enquiries or actions to ensue, it is appropriate that Council receive legal advice and deliberate its options in confidence.

STRATEGIC PLAN

N/A

COUNCIL POLICY

This matter relates to a review under Council's [C290 - Internal Review of Council's Decision Policy](#).

Council's [Tree Policy T120](#) also has potential application in the circumstances of a request to remove or prune a tree, or treatment of tree debris.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

Any environmental implications, such as may be associated with the subject trees are yet to be determined and will be a matter for a subsequent report if necessary.

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Resource implications for this matter include the cost of the internal review and associated processes.

Internal review (and associated legal advice) costs have previously been reported as \$5,900 (+GST) with the further ATS Report costing \$660 (+GST)..

This is within the initial cost estimate reported to Council at its meeting in April 2022 of being in the vicinity of \$10,000, noting that some ancillary legal and internal costs associated with administering the internal review and associated activities are not included in these costs..

VALUE FOR MONEY

Whilst a relevant consideration, the conduct of a section 270 review is a statutory process that is required to follow the relevant process set out in the legislation and Council policy.

RISK IMPLICATIONS

This report relates merely to the receipt of a report arising from a recommendation in a Section 270 Internal Review Report.

Discussion of risk implications is contained within a separate report in this meeting agenda relating to this matter.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A



ENGAGEMENT AND COMMUNICATION STRATEGY

The resolutions and any associated actions arising from this report will be notified to the consultant acting for the original proponents.

IMPLEMENTATION STRATEGY

The administration will review any actions arising from the deliberation and resolutions arising from this report to determine the appropriate manner with which they should be dealt.

CONCLUSION AND RECOMMENDATION

This report recommends that the further arborists report which gives effect to a key recommendation in the Section 270 Internal Review Report on this matter be received.

Further commentary on this matter for consideration, including legal advice, is presented in a confidential report attached to this meeting agenda.

ATTACHMENTS

1. ATS Report - Mitchell Street - Lagunaria Patersonia (Norfolk Island Hibiscus) [↓](#) 





Reference Number:
ATS6330-MitStTMR

Tuesday, 14 February 2023

City of Mount Gambier
Attn: Darren Barber, General Manager Corporate and Regulatory Services
Civic Centre
10 Watson Terrace
Mount Gambier SA 5290

Dear Darren,

Re: Mitchell Street, Mount Gambier – *Lagunaria patersonia* (Norfolk Island Hibiscus)

Arborman Tree Solutions has assessed the *Lagunaria patersonia* (Norfolk Island Hibiscus) along the western side of Mitchell Street between Alexander Street and Jardine Street. These trees were assessed in May 2021 focusing on the health and structure of the trees, the risk they pose from falling branches and their life expectancy in the street environment. The report concluded the trees were in good to fair overall condition with extended useful life expectancies and they all achieved a Low Risk Rating and did not warrant remedial action at that stage. The trees have been reassessed in relation to the potential nuisance factors associated with this species and the opportunities for remedial treatment to reduce any such nuisance.

Concerns

The trees are on the western side of the street adjacent to what was until recently vacant land, historic street view images indicate there has been no occupation or activity on the site since at least 2008. In 2018 the site was subdivided to create twelve residential allotments, five of these allotments share a boundary with Mitchell Street adjacent to Trees 7-14. The owner of the southernmost allotment, allotment 12 adjacent to Trees 7 and 8, has raised concerns regarding the extent of nuisance the trees are causing and the impact this is having on the usage of their home. The issues raised include the following:-

1. The irritant nature of the white fibres in the seed pods that are coming into the house and gardens causing discomfort to people and pets. The owner has reported the problems with this and they include:
 - a. Friends and relatives not being able to visit due to the irritation of their throat causing coughing and breathing difficulties.
 - b. Being unable to open the windows as the fibres enter through the fly screen, this is particularly a problem in the bedroom nearest the trees with the fibres getting into the bed sheets.
 - c. Having to wash towels and sheets more often than normal to try and remove the fibres from these items. I believe this has led to early replacement of some of these items.
 - d. Pets continually licking their feet leading to sores.
2. The impact of the fibres, leaves and exudate from the trees on the functionality of the dwelling include:
 - a. Leaf and fibre build up in the gutters causing blocked downpipes and contaminating the rainwater to the point it is not collected.
 - b. The fibres entering the water filter vent and contaminating the water in the house causing it to discolour and smell.



- c. The build-up of honeydew and sooty mould on the roof, causing discoloration and potentially a long-term impact on the Colourbond coating.
 - d. The build-up of honeydew and sooty mould on the solar panels reducing their functionality and value.
 - e. The cost of cleaning the roof and solar panels, this has been quoted at \$3,940 to clean the build-up that has accumulated since the roof was installed approximately two years ago.
3. The level of maintenance required to minimise the impact of the trees including having to use an outdoor vacuum to try and pick up the fibres, the additional gutter cleaning, the extra washing of clothes, particularly when undertaking maintenance, and the loss of a functional rainwater harvesting system.

The above concerns are similar to those raised by many residents and business owners where this species has been planted as a street tree. These types of concerns have led to a number of local and interstate councils removing this species from streets in both residential and commercial areas. Whilst this species is available through the nurseries it does not appear to be being planted as a street tree anymore.

Norfolk Island Hibiscus could be identified as causing a 'nuisance' and it appears in this case that the impact of trees would fit into this definition. However, it would be best to obtain legal opinion on whether or not this case would fit the legal definition of a 'nuisance'.

Controls

Control of the fibres from the seed pods is difficult as is preventing insects producing the honey dew that the sooty mould grows on. The following are options that should be considered:

| Method | Advantage | Disadvantage |
|------------------------|---|--|
| Tree Removal | Removes the problem completely and allows for the replacement with a more suitable species. | The loss of amenity in the short-term and the time and resources to replace the trees can be substantial. |
| Tree Pruning | Can reduce the amount of fruit and foliage reducing both the level of fibre and honeydew. | The level of pruning required will disfigure the trees and substantially reduce their amenity value. |
| Improve Tree Condition | Similar to Queensland Brush Box the Norfolk Island Hibiscus seeds more prolifically when it is under stress. Improving the root zone with soil ameliorants, fertilisers, mulch and regular watering can assist in reducing the volume of fruit produced. | Requires the removal of the footpath and installation of the required watering system. This will reduce the level of fruit, however there will still be fruit present and the issues with the fibres may remain at an unacceptable level. |
| Insect Control | Stem injections with a systemic insecticide can control the sap-sucking insects that are producing the honeydew removing this as an attractant for the sooty mould. | Will make not only the leaves but also the flowers toxic which will impact on insects, bees and potentially birds feeding on the nectar. Requires repeat treatments for the first two or three years then boosters every two years to maintain the toxicity. |
| Fruit Suppression | There are stem injections available that reduce the setting of fruit either by reducing flowering or the formation of fruit post flowering. There is one Melbourne based company that advertises Fruit Suppression in Norfolk Island Hibiscus and has completed a successful trial in 2019. | It is not clear from the available information how successful this type of injection is in reducing the fruit set and the associated issues with the fibres within the seedpods or the long-term impact on the trees. |





Conclusion

The Norfolk Island Hibiscus in Mitchell Street are adjacent to a new residential development and as the development has progressed the trees are causing potential nuisance issues that require consideration as to how they should be managed. It is recommended that legal opinion is sought as to whether or not the identified concerns are within the legal definition of 'nuisance' as this will assist in determining the best management practice. Once the determination of the level of nuisance is defined, a suitable and proportionate management solution or combination of solutions can be implemented.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please contact me and I will be happy to be of assistance.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Lodge', is written over a light blue circular stamp.

MARCUS LODGE

Senior Consulting Arborist

Institute of Australian Consulting Arboriculturists – Accredited Consultant

Australian Arborist License AL11

Diploma in Arboriculture

International Society of Arboriculture – Tree Risk Assessment

VALID Tree Risk Assessment (VALID) – 2018 and 2021

Native Vegetation Council Trained Arborist 2019





Tree Location

Tree locations and numbers along Mitchell Street.



20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - RAIL TRAIL COMMUNITY PLANTING PROJECT

Meeting: Council
CM9 Reference: AF22/378
Member: Sonya Mezinec, Councillor

I, Councillor Sonya Mezinec, give notice that at the next Ordinary Meeting of Council to be held on 21 February 2023, I intend to move the following motion:

MOTION

1. That Council Report No. AR23/9356 titled 'Notice of Motion - Rail Trail Community Planting Project' as presented on 21 February 2023 be noted.
2. That Council Administration scope out a draft plan for a community planting project to vegetate the Rail Trail beyond the Rail Lands Precinct.
3. That the draft plan include, but not be limited to the following considerations:
 - Collaboration with and drawing on the expertise of Glenelg Nature Trust and Burrandies
 - Preference be given to indigenous and hardy plants requiring minimal maintenance
 - Division of the Rail Trail into sections with a variety of plantings along the trail
 - Scheduling a series of community planting days inviting community groups, school groups, social clubs, business and groups of residents along the trail to participate.
4. That the draft plan be presented to a workshop for Councillors in May 2023.

RATIONALE

The Rail Trail is 12.4 kilometres in length. It was constructed in four stages and extends from Wandillo Road in the west to OneFortyOne in the east with an extension from White Avenue to Tollner Road completed in February 2021. In December 2022 160 solar lights were installed along 8.4 kilometres of the Rail Trail further improving the amenity and extending the capacity for the community to safely use the trail.

The Rail Trail has become a well and frequently used recreational resource for our community enjoyed by many for walking, cycling, running and as a thoroughfare to travel from one side of the city to the other. However, many residents have commented that the rail trail can be very hot and in many places the areas bordering the track are unattractive and unsightly thereby negatively impacting on their experience when using the track.

Some sections of the track have been planted out by school groups in conjunction with Glenelg Nature Trust and these planting have significantly improved those locations. However, the bulk of the Rail Trail has not received that same treatment hence the need for a plan to vegetate the whole trail.

I commend this Notice of Motion to Council.



ATTACHMENTS

Nil



21 URGENT MOTIONS WITHOUT NOTICE

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



23 NEW CONFIDENTIAL ITEMS

23.1 SECTION 270 INTERNAL REVIEW - MITCHELL STREET TREES - LEGAL ADVICE – REPORT NO. AR23/10258

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/10258 Section 270 Internal Review - Mitchell Street Trees - Legal Advice.

The Council is satisfied that, pursuant to section 90(3) (g) and (h) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter for consideration includes associated legal advice obtained in relation to the nuisance matters being associated with the subject matter of the report, and attachments to the Internal Review report contain 3rd party information for which Council has no express or implied licence to publish and so disclosure could reasonably be expected to breach a law or duty of confidence in relation to that content.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR23/10258 Section 270 Internal Review - Mitchell Street Trees - Legal Advice and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) and (h) be kept confidential and not available for public inspection until the matter has been considered by Council, with Resolutions/Minutes to be released immediately following consideration by Council, the covering report AR23/10258 and legal advice (Attachment 2) be retained in confidence and reviewed annually in accordance with the *Local Government Act 1999*.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**23.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #25 - AS AT 07/02/2023 –
REPORT NO. AR23/9397**

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/9397 Project Control Group (PCG) Progress Report #25 - As At 07/02/2023.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/9397 Project Control Group (PCG) Progress Report #25 - As At 07/02/2023 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

24 MEETING CLOSE



COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 24 JANUARY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Mezinec

| | | |
|--------------------------------|---|---|
| OFFICERS IN ATTENDANCE: | Chief Executive Officer General Manager City Infrastructure General Manager Corporate and Regulatory Services Acting General Manager City and Community Growth Manager Financial Services Media and Communications Coordinator Communications Officer Project Manager Executive Administrator | - Mrs S Philpott - Ms B Cernovskis - Mr D Barber - Mrs G Davison - Mrs J Scoggins - Mr J McDonald - Ms M Brookes - Ms T McPherson - Ms S Wilson |
|--------------------------------|---|---|

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/1

Moved: Cr Sonya Mezinec

Seconded: Cr Kate Amoroso

That the minutes of the Ordinary Council meeting held on 13 December 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - JANUARY 2023

- Assistance with Final Meal for the 2022 Year at the Sunset Kitchen

- Limestone Coast Landscape Board Meeting
- Meeting with James Morrison
- Elected Members Bus Tour of Council Area / Sites / Projects
- Tour of Wulanda with Member for Barker
- Blue Lake Carols
- SAROC Induction Meeting - Virtual
- Opening Ceremony and Function – SA Country Swimming Championships
- Meeting with EO, LCLGA
- With CEO, Meeting with Office of the Member for Barker, Member for Mount Gambier, Mayor and CEO of DC Grant
- Elected Member Briefing – Regional Planning Preparation (1)
- SAROC Committee Meeting
- Meeting with Minister Picton’s Adviser and Member for Mount Gambier
- Australia Day Awards at Government House
- Site Visit – Badger Australia

RESOLUTION 2023/2

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral report made on 24 January 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

| | |
|------------------|--|
| Cr Josh Lynagh | Assistance with Christmas meal - Sunset Kitchen, bus tour of Council assets. |
| Cr Ben Hood | Landscape Board Meeting, Wulanda Opening, Blue Lake Carols, SA Country Swimming Championships. |
| Cr Paul Jenner | Sunset Kitchen, Elected Members bus tour of Council area and sites, Limestone Coast Landscape Board. |
| Cr Sonya Mezinac | Attended opening days of Wulanda Recreation and Convention Centre. |
| Cr Frank Morello | Bus tour of Council area, Blue Lake Carols. |

RESOLUTION 2023/3

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

That the reports made by Councillors on 24 January 2023 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - RAINWATER TANKS

Cr Max Bruins asked the following Question with Notice:

Question:

Can Council please be advised whether properties constructed after July 2006 are permitted to remove rainwater tanks post construction, or if a rainwater tank plumbed to the premises remains an ongoing homeowner obligation for the life of the property under current legislation?

Answer:

Since 2006 as part of any Building Consent and Development Approval, a dwelling must be provided with an additional water supply collected in a rainwater tank that is to be plumbed to a toilet, hot water service or the laundry cold water tap.

The removal of this additional water supply (rainwater tank) would be a breach of the Building Consent and Development Approval. Council has the ability to undertake enforcement action to correct the breach of the approval and there are a number of pathways we could follow in relation to the enforcement action. We would recommend a soft approach in the first instance by contacting the customer directly and if there is no action would formally write a letter to the property owner.

7.2 QUESTION WITH NOTICE - EV CHARGING STATIONS

Cr Max Bruins asked the following Question with Notice:

Question:

Noting the TBW article from 13 January 2023 regarding the installation of the first of the RAA/State Govt EV charging stations:

- (a) Did COMG have any input into the location of the charging stations, and if so, why was the first charging station selected to be installed at a private business outside the CBD when there are 6 Tesla Superchargers nearby at On The Run?
- (b) Have the sites for the remaining chargers to be installed in Mt Gambier been finalised? If so, how many of these are within the CBD?
- (c) When is work anticipated to be finalised on the remaining sites?

Answer:

There was a tender released by State Government for the installation of EV charging stations in which the RAA have been appointed to deliver the program.

Council has identified sites of interest for the placement of EV charging stations and have been liaising with RAA regarding installation of a charger at the Wulanda Recreation and Convention Centre. We are currently working through some issues with this site location due to the Community Land Management Plan and investigation is underway to identify other possible sites within the CBD, such as Commerce Place that the RAA can consider.

Council is not aware of the number of other sites identified nor the process undertaken for RAA for site selection in Mount Gambier nor when the works will be completed.

7.3 QUESTION WITH NOTICE - FREW PARK PICKET FENCE AND SEATING

Cr Frank Morello asked the following Question with Notice:

Question:

Given the picket fence and seating around Frew Park are in poor condition and require repair, are there plans to update/repair this infrastructure?

Answer:

Council plans to undertake minor repairs and improvements to this infrastructure and are aware of the condition they are currently in. However, there are issues with management of stormwater that is a major contributor to the damage being caused to not only the picket fence but the broader area. There are also behavioural issues at this site causing damage to the infrastructure and grounds.

Council will continue to work with the Department for Planning and Infrastructure to resolve the stormwater issue. While we acknowledge this location needs improvement, the core issues need to be addressed in order to efficiently address these issues moving forward.

8 QUESTIONS WITHOUT NOTICE

Nil resolved

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 14/12/2022 TO 19/01/2023

RESOLUTION 2023/4

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/2468 titled 'Elected Member Information/Briefing Sessions from 14/12/2022 to 19/01/2023' as presented on 24 January 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS**14.1 COUNCIL ACTION ITEMS - 13/12/2022****RESOLUTION 2023/5**

Moved: Cr Mark Lovett

Seconded: Cr Ben Hood

1. That Council Report No. AR23/3385 titled 'Council Action Items - 13/12/2022' as presented on 24 January 2023 be noted.

CARRIED

Cr Frank Morello left the meeting at 6:17 pm.

15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS**19.1 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE**

A verbal update was provided by Barbara Cernovskis, General Manager City Infrastructure on the construction progress of the Wulanda Recreation and Convention Centre.

Cr Frank Morello returned to the meeting at 6:20 pm.

RESOLUTION 2023/6

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Council Report No. AR23/1378 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 24 January 2023 be noted.

CARRIED**19.2 CRATER LAKES BUSHFIRE RESPONSE / RECOVERY UPDATE****RESOLUTION 2023/7**

Moved: Cr Ben Hood

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/8149 titled 'Crater Lakes Bushfire Response / Recovery Update' as presented on 24 January 2023 be noted.
2. That the longer term rehabilitation plan of the Crater Lakes Precinct be presented to Council with associated budgetary implications.
3. That Council notes the informal "emergency" budgetary reporting in response to the fire (provided via the 'Friday Edition') will cease as further actions will be subject to specific budget allocations.

CARRIED**19.3 CREATIVE ARTS FUND - UPDATE****MOTION**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
 - Parts 1-2 of the resolution remain unchanged:
 - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:
 - from MOD – University of Adelaide,
 - to MOD – University of South Australia.
 - Parts 4-6 of the resolution remain unchanged.

AMENDMENT

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
 - Parts 1-2 of the resolution remain unchanged:
 - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:

from MOD – University of Adelaide,
to MOD – University of South Australia.
 - Parts 4-6 of the resolution remain unchanged.
3. That due to delay in approval of 2022/2023 Creative Arts Fund and therefore the ability for MOD University of South Australia to complete their original project by the deadline, MOD University of South Australia be granted approval to commission a Mount Gambier artist to produce a new work to be delivered in Mount Gambier by 2024.

The Amendment was put and

CARRIED

The Amendment became the Motion

RESOLUTION 2023/8

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
 - Parts 1-2 of the resolution remain unchanged:
 - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:

from MOD – University of Adelaide,
to MOD – University of South Australia.
 - Parts 4-6 of the resolution remain unchanged.
3. That due to delay in approval of 2022/2023 Creative Arts Fund and therefore the ability for MOD University of South Australia to complete their original project by the deadline, MOD University of South Australia be granted approval to commission a Mount Gambier artist to produce a new work to be delivered in Mount Gambier by 2024.

CARRIED

19.4 PROPOSED ITEMS OF BUSINESS 2023 LGA ORDINARY GENERAL MEETING**RESOLUTION 2023/9**

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

- (a) That Council Report No. AR22/87446 titled 'Proposed Items of Business 2023 LGA Ordinary General Meeting' as presented on 24 January 2023 be noted.
- (b) That an item of business be prepared and submitted for consideration by SAROC for the purpose of a motion to the 2023 LGA Ordinary General Meeting (OGM) on the following matters:
 1. Compulsory Swimming Lessons (pending outcome of Notice of Motion AR23/2231, as contained in Council Meeting agenda dated 24 January 2023).
 2. Regionalisation (as contained in the 21 June 2022 Council meeting, report no. AR22/40057) as follows: "This LGA Annual General Meeting calls on the South Australian Government to establish and appropriately resource effective implementation of the regionalisation agenda through strengthening regional centres, and to work closely with Federal Government on regionalisation initiatives."
 3. The LGA liaise with Minister for Local Government and the Electoral Commissioner on reviewing the provisions under the Local Government Act and Election Regulations, which govern the local government election process and prevent the display or notification of nominations for local government member positions prior to the close of nominations.

CARRIED

19.5 ALGA JUNE 2023 NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS**RESOLUTION 2023/10**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/2652 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 24 January 2023 be noted.
2. That draft motions for the June 2023 ALGA NGA be prepared and presented to Council on the following issues relevant to the work of local government nationally:
 - (i) Given the increasing, devastating impact that natural disasters are having on Local Government infrastructure and public amenity a formal request that there be bipartisan agreement to commit to the ongoing provision of SLRP and LRCI funding.

CARRIED

Pursuant to Section 75 of the Local Government Act 1999, Cr Mark Lovett disclosed a material conflict of interest in Item 19.6:

"I am a signed applicant on the First Nations South East Claim Group."

In accordance with Section 75C of the Local Government Act 1999 Cr Lovett did not participate in the meeting for Item 19.6.

Cr Mark Lovett left the meeting at 6:50 pm.

19.6 FIRST NATIONS OF THE SOUTH EAST NATIVE TITLE CLAIM NO.1 - UPDATE

RESOLUTION 2023/11

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/2738 titled 'First Nations of the South East Native Title Claim No.1 - Update' as presented on 24 January 2023 be noted.
2. That the progress of the First Nations of the South East Native Title Claim (No 1) be noted.
3. That Native Title and the interests of our Traditional Owners are further embedded as a primary consideration in relation to matters associated with the management of Crown Land.

CARRIED

Cr Mark Lovett returned to the meeting at 6:51 pm

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Meziniec disclosed a general conflict of interest in Item 19.7:

"I am the Council Representative on the Riddoch Arts and Cultural Trust Inc."

In accordance with Section 75B of the Local Government Act 1999 Cr Meziniec did not participate in the meeting for Item 19.7.

Cr Sonya Meziniec left the meeting at 6:52 pm.

19.7 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - ANNUAL GENERAL MEETING

RESOLUTION 2023/12

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/4430 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Annual General Meeting' as presented on 24 January 2023 be noted.
2. That Council waive the 21 days notice for the first Annual General Meeting of the Riddoch Arts and Cultural Trust, noting that the Riddoch Arts and Cultural Trust Board must coordinate and hold an Annual General Meeting by 19 February 2023.

3. That future Annual General Meetings be coordinated and held by the Riddoch Arts and Cultural Trust Board in accordance with the Constitution.

CARRIED

Cr Sonya Meziniec returned to the meeting at 6:53 pm.

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - MERGING OF UNISA AND THE UNIVERSITY OF ADELAIDE

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 20.1:

"I work for Hon. Clare Scriven with the motion recommending a letter be sent to all local members, which includes Clare Scriven."

Cr Lynagh informed the meeting of the manner in which they intend to deal with the general conflict of interest in Item 20.1 as follows:

"I intend to stay in the meeting and vote on the matter. I will not be engaging in discussion or debate on the matter."

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 20.1.

RESOLUTION 2023/13

Moved: Cr Ben Hood

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/85206 titled 'Notice of Motion - Merging of UniSA and the University of Adelaide' as presented on 24 January 2023 be noted.
2. That Council note the currently media reports around discussions of merging UniSA and the University of Adelaide into a single Adelaide University.
3. That Council note the great opportunities and educational pathways that the Mount Gambier UniSA campus currently provide our community.
4. That the Council write to the Premier Peter Malinauskas, Minister for Education Blair Boyer, University of Adelaide Vice Chancellor Peter Hoj, UniSA Vice Chancellor David Lloyd requesting that, in any discussions of the future of university education in South Australia through a proposed merger, consider decentralising courses into the regions and that an expansion of tertiary courses and campus footprint in Mount Gambier be a priority to encourage more students to study in the region and for students from inter- and intra-state to make Mount Gambier their base for higher education.
5. That copies of the letter be sent to Independent Member for Mount Gambier Troy Bell, The Hon. Clare Scriven, Federal Member for Barker Tony Pasin MP, Leader of the Opposition David Speirs MP and Shadow Minister for Education John Gardner.

CARRIED

Having participated in the meeting for Item 20.1 under Section 75B Cr Lynagh voted in favour of the motion.

20.2 NOTICE OF MOTION - COMPULSORY SWIMMING LESSONS**RESOLUTION 2023/14**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR23/2231 titled 'Notice of Motion - Compulsory Swimming Lessons' as presented on 24 January 2023 be noted.
2. Council write to the Premier - Peter Malinauskas MP, Minister for Education, Training and Skills - Blair Boyer MP, Minister for Police, Emergency Services and Correctional Services - Joe Szakacs MP, Minister for Human Services - Nat Cook MP, Minister for Health and Wellbeing - Chris Picton MP, Minister for Recreation, Sport and Racing - Katrine Hildyard MP and Member for Mount Gambier, Troy Bell MP requesting:
 - (a) that an additional sports voucher for each child from 6 months of age be provided to support families with the cost of swimming lessons
 - (b) that swimming lessons are made compulsory through the education system at both public and private schools.

CARRIED**20.3 NOTICE OF MOTION - MOUNT GAMBIER MOUNTAIN BIKE CLUB****RESOLUTION 2023/15**

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/3454 titled 'Notice of Motion - Mount Gambier Mountain Bike Club' as presented on 24 January 2023 be noted.
2. That Mount Gambier Mountain Bike Association president Shane de Jong be invited to brief Council on the condition of the Crater Lakes trails, safety considerations, maintenance priorities and the club's future plans.
3. That the briefing occurs before April 2023.
4. That the Crater Lakes Trails audit be circulated to members before the briefing.

CARRIED**21 MOTIONS WITHOUT NOTICE**

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS

23.1 ANIMAL POUND AND SHELTER SERVICES – REPORT NO. AR22/79574

RESOLUTION 2023/16

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, G Davison, J Scoggins, J McDonald, M Brookes, T McPherson and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/79574 Animal Pound and Shelter Services.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because it relates to a proposed tender that is yet to be finalised, released and determined.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To further discuss Item 23.1.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7:25 pm.

Cr Kate Amoroso left the meeting at 7:30 pm.

Cr Kate Amoroso returned to the meeting at 7:33 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:41 pm.

RESOLUTION 2023/17

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR22/79574 Animal Pound and Shelter Services and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 15 January 2024.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED**24 MEETING CLOSE**

The Meeting closed at 7:41 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 February 2023.

.....
PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
AUDIT AND RISK COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 9 FEBRUARY 2023 AT 5.30 P.M.**

PRESENT: Mr Paul Duka, Mayor Lynette Martin (OAM), Mr Alexander Brown, Ms Belinda Johnson

| | | |
|--------------------------------|---|-------------------|
| OFFICERS IN ATTENDANCE: | Chief Executive Officer | - Mrs S Philpott |
| | General Manager Corporate and Regulatory Services | - Mr D Barber |
| | General Manager City Infrastructure | - Ms B Cernovskis |
| | Manager Financial Services | - Mrs J Scoggins |
| | Executive Administrator | - Mrs S Dohnt |

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGY

COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Belinda Johnson

That the apology from Cr Sonya Mezinec be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Alexander Brown

Seconded: Belinda Johnson

That the minutes of the Audit and Risk Committee meeting held on 6 December 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil received.

5 REPORTS

5.1 COUNCIL INVESTMENTS AND BORROWINGS

COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Alexander Brown

1. That Audit and Risk Committee Report No. AR22/60852 titled 'Council Investments and Borrowings' as presented on 09 February 2023 be noted.

CARRIED

5.2 EXTERNAL AUDIT MANAGEMENT REPORT

COMMITTEE RESOLUTION

Moved: Paul Duka

Seconded: Belinda Johnson

1. That Audit and Risk Committee Report No. AR23/5855 titled 'External Audit Management Report' as presented on 09 February 2023 be noted.

CARRIED

6 MOTIONS WITHOUT NOTICE

Nil

7 MEETING CLOSE

The Meeting closed at 6.08 p.m.

The minutes of this meeting were confirmed at the Audit and Risk Committee.

.....
PRESIDING MEMBER

16.2 COUNCIL INVESTMENTS AND BORROWINGS – REPORT NO. AR22/60852

| | |
|----------------------------------|--|
| Committee: | Audit and Risk Committee |
| Meeting Date: | 9 February 2023 |
| Report No.: | AR22/60852 |
| CM9 Reference: | AF11/863 |
| Author: | Julie Scoggins, Manager Financial Services |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | Investments - Council's investments earned \$795 of interest in 2021/22, and the LGFA bonus paid was \$12,459. Borrowings - At 30 June 2022 were \$23,302,038 including \$6,350,000 in variable cash advance debentures and \$16,952,038 in fixed credit foncier loans. |
| Strategic Plan Reference: | Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Audit and Risk Committee Report No. AR22/60852 titled 'Council Investments and Borrowings' as presented on 09 February 2023 be noted.



TYPE OF REPORT

Legislative

BACKGROUND

1. **Legislation** - In accordance with Section 140 of the Local Government Act,
A council must, at least once in each year, review the performance (individually and as a whole) of its investments.
2. **Treasury Management Policy Required Reporting** - As detailed in T150 Treasury Management Policy:
At least once a year Council shall receive a specific report regarding treasury management performance relative to this policy document. The report shall highlight:
 - *For each Council borrowing and investment, the quantum of funds, its interest rate and maturity date, interest income/expense and changes in the quantum since the previous report; and,*
 - *The proportion of fixed interest rate (split between interest-only borrowings and credit foncier borrowings) and variable interest rate borrowings at the end date of the reporting period and an estimate of the average of these proportions across the period along with key reasons for significant changes.*
3. **Holistic Management of Funds** - In accordance with Council's Treasury Policy, funds are managed holistically in accordance with its overall financial sustainability strategies and targets. Funds are not quarantined for particular future purposes, unless required by legislation.
4. **Investments** - Any funds that are not immediately required for operational needs and cannot be applied to either reduce existing borrowings or avoid the raising of new borrowings, are invested with the Local Government Finance Authority (LGFA).
5. **Banking Services** - Westpac is the current provider of Council's transactional banking services.
6. **LGFA** - The LGFA is administered by a Board of Trustees, and works for the benefit of Councils and other Local Government Bodies within South Australia. It is not part of the Crown, nor is it an agency or instrumentality of the Crown. All South Australian Councils are automatically members of the LGFA, but use of LGFA services for investments and loans is entirely voluntary. In accordance with Section 24 of the *Local Government Finance Authority Act 1983*, *the Treasurer of South Australia guarantees all of the Authority's liabilities, including monies accepted on deposit from clients.*
7. **Annual Distribution** - Member Councils who support the Authority with deposits, or who use their loan facilities, receive an annual distribution (known as the LGFA Bonus) based on deposit and loan utilisation.



8. **Loan Facilities** - Council loan facilities as at 30 June 2022 were as follows:

| Facility | Expiry Date | Interest Rate | Facility Limit | Drawn Down | Available |
|------------------------------|-------------|---------------|----------------------|----------------------|----------------------|
| Credit Foncier 102 (Library) | 15/06/2024 | 5.97% | \$ 1,952,038 | \$ 1,952,038 | \$ - |
| Credit Foncier 109 (WRCC) | 16/05/2032 | 4.75% | \$ 5,000,000 | \$ 5,000,000 | \$ - |
| Credit Foncier 110 (WRCC) | 16/05/2037 | 4.85% | \$ 10,000,000 | \$ 10,000,000 | \$ - |
| | | | \$ 16,952,038 | \$ 16,952,038 | \$ - |
| CAD 104 | 15/12/2023 | 2.80% | \$ 1,000,000 | \$ - | \$ 1,000,000 |
| CAD CV19 104 | 17/06/2028 | 2.05% | \$ 3,200,000 | \$ 3,200,000 | \$ - |
| CAD LGIPP 104 | 17/05/2024 | 2.05% | \$ 800,000 | \$ - | \$ 800,000 |
| CAD 105 | 17/08/2030 | 2.80% | \$ 5,000,000 | \$ 3,150,000 | \$ 1,850,000 |
| CAD 106 | 15/04/2026 | 2.80% | \$ 10,000,000 | \$ - | \$ 10,000,000 |
| CAD 107 | 16/08/2026 | 2.80% | \$ 10,000,000 | \$ - | \$ 10,000,000 |
| | | | \$ 30,000,000 | \$ 6,350,000 | \$ 23,650,000 |
| Total | | | \$ 46,952,038 | \$ 23,302,038 | \$ 23,650,000 |

9. **Accounting Adjustments** – This report provides a summary of the performance of Council's investments and borrowings and as such does not include accounting adjustments for AASB 16 Leases and AASB 9 Financial Instruments.**PROPOSAL****Investments:**

Investment Accounts - Council held funds with both the LGA and Westpac.

- LGFA Funds** -The balance of Council funds held at 30 June 2022 was \$276, compared to \$1,797,608 on 30 June 2021. Funds held are minimised to reduce debt levels and subsequent interest charges.
- LGFA Interest/Bonus** - Bonus payment from the LGFA paid in 2021/22 was \$12,459.
- Westpac Account** - Funds are held with Westpac. The balance reported at 30 June 2022 was \$238,323, compared with \$83,398 as at 30 June 2021.

Borrowings:

- Borrowings** - Council borrowings at 30 June 2022 were \$23,302,038, including \$6,350,000 in cash advance debentures at varying rates (detailed in table above) and three fixed term Credit Fonciers (detailed below).
- Cash Advance** - Two additional CAD's were established during the year within pre-agreed borrowing limits:
 - **CAD 107** - was settled in August 2021 for \$10,000,000.
 - **CAD 108** - settled in February 2022 for \$15,000,000. This was subsequently closed in May 2022 following the settlement of Credit Fonciers 109 and 110.
- CAD Interest Rate** - The CAD standard interest rate at 30 June 2022 was 2.80% (following interest rate increases in May and June 2022). CAD 104 was split in the 2021 Financial year to take advantage of 0.75% reduction that was available to Council. The result of this split is \$4,000,000 at 2.05% and \$1,000,000 at 2.80% (detailed in the table above).
- Credit Foncier Debt (CF)** - Council had three Credit Foncier loans at 30 June 2022:
 - **CF 102** - The existing CF 102 for the Library facility remains with a balance of \$1,952,038 with a fixed interest rate of 5.97%.



- **CF 109** - Was established for \$5,000,000 in May 2022 with a fixed interest rate of 4.75%; and
 - **CF 110** - Was established for \$10,000,000 in May 2022 with a fixed interest rate of 4.85%.
5. **Interest Paid** - Interest paid on the borrowings as outlined above in the year ending 30 June 2022 was \$539,215 compared to \$186,513 in the year ending 30 June 2021 aligned with the increase in borrowings in the year.

LEGAL IMPLICATIONS

Local Government Act 1999 Section 140

STRATEGIC PLAN

Borrowings are required as a source of funding to support the delivery of the strategic plan and specifically the Wulanda Recreation and Convention Centre.

COUNCIL POLICY

T 150 Treasury Management Policy

ECONOMIC IMPLICATIONS

Debt modelling was undertaken to inform the debt strategy and associated structure.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

The Annual Business Plan and Budget includes the estimated borrowings as at the end of the financial year.

VALUE FOR MONEY

Aligned with other SA Councils and previous Council decisions, the LGFA is used as the source of borrowings.

RISK IMPLICATIONS

Risk has been assessed in the debt structure that has been previously presented to Elected Members and the Audit and Risk Committee.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Aligned with legislation and T 150 the Treasury Management Policy it is recommended that this report as presented be noted.



ATTACHMENTS

Nil



16.3 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR23/5855

| | |
|----------------------------------|--|
| Committee: | Audit and Risk Committee |
| Meeting Date: | 9 February 2023 |
| Report No.: | AR23/5855 |
| CM9 Reference: | AF11/863 |
| Author: | Julie Scoggins, Manager Financial Services |
| Authoriser: | Darren Barber, General Manager Corporate and Regulatory Services |
| Summary: | To inform the Audit and Risk Committee of the progress against Council’s External Auditor’s recommendations for the 2020/2021 and the 2021/2022 years and the External Audit Plan for the year ending 30 June 2023. |
| Strategic Plan Reference: | Goal 1: Our People |
| | Goal 2: Our Location |
| | Goal 3: Our Diverse Economy |
| | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage |
| | Goal 5: Our Commitment |

REPORT RECOMMENDATION

1. That Audit and Risk Committee Report No. AR23/5855 titled ‘External Audit Management Report’ as presented on 09 February 2023 be noted.



TYPE OF REPORT

Corporate

BACKGROUND

1. **Audit and Risk Committee Terms of Reference** - The following section of the Audit and Risk Committee Terms of Reference is relevant to this report:
 - 12.5.5 **Annual Audit Plan** - Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement.
 - 12.5.6 **Audit Findings** - Review the findings of the audit with the auditor. This shall include, but not be limited to, the following:
 - A discussion of any major issues which arose during the external audit;
 - Any accounting and audit judgements; and
 - Levels of errors identified during the external audit.
 - 12.5.9 **Management Letter** - Review the management letter and management's response to the external auditor's findings and recommendations. Subsequent to the initial review the Committee will oversee action to follow up on matters raised by the external auditors.
2. **External Auditor Recommendations** - Council's previous external auditor, Galpins Accountants Auditors and Business Consultants, were appointed as Council's external auditor in 2016 and undertook interim and balance date audits over the following 5 years. Recommendations for improvement were put forward by Galpins with follow up actions agreed with Council.
3. **Appointment of External Auditors** - Dean Newbery and Partners were appointed as Council's external Auditors for a period of 5 years commencing with the audit of the financial year ending 30 June 2022.
4. **Audit and Risk Committee Recommendation February 2022** – A report be provided to the Audit and Risk Committee at least on a quarterly basis throughout the financial year to provide an update on the progress against the recommendations raised by the External Auditors.
5. **Interim Audit Visit** - Council's external auditors (Dean Newbery and Partners) undertook an interim site visit in April 2022 in relation to the external audit for the year ended 30 June 2022.
6. **Balance Date Audit** – Council's external auditors (Dean Newbery and Partners) undertook a balance date audit site visit in August 2022 in relation to the external audit for the year ended 30 June 2022.

PROPOSAL

1. **Action Plan** - Council staff have prepared and are continuing to implement an action plan to address the items identified in the Management Reports.
2. **Council's Progress** - This report and its attachments provide an update on Council's progress in implementing the continuous improvement recommendations noted on the 28th February 2022 Audit and Risk Committee Agenda (Attachment 1).
3. **2020/2021 Internal Controls Report** - As shown in Attachment 1 of this report of the five activities highlighted, two have been completed, one is partially completed and two are yet to implemented pending a Business Systems review.
4. **Interim Management Report May 2022 Management Response** - Attachment 2 also shows the progress against the fourteen risks raised can be categorised as follows:
 - **Actions That Are Complete (7 Risks)** - Including User access levels – payroll Masterfile, general journal review, asset revaluation reserve adjusting entry, user access levels –



segregation of duties, payroll and accounts payable back up duties, payroll procedure and procurement exemption register.

- **Actions That Are Partially Complete (7 Risks)** – Including internal financial controls, internal plant hire and full cost attribution, policy register, grants register, Riddoch Art Collection - Curatorial and Preservation Policy and Library books accounting treatment, leases and licences register.
5. **Balance Date Audit 2021/2022** – Two matters were raised to be addressed for future financial years including Caroline Landfill Post Closure Provision Review and Infrastructure Asset Revaluation. These actions have been reviewed and following further consultation the approach and timing of delivery has been changed (details in Attachment 3):
- **Caroline Landfill Post Closure Provision Review** - Further to the resignation of the Manager Waste Management and work currently being undertaken to develop the masterplan with the EPA the required activities will be undertaken in the FY 2024.
 - **Infrastructure Asset Revaluation** - Further to delays in the condition audit works undertaken prior to the revaluation it has been agreed that roads, footpaths and kerbs and guttering asset classes will be included in the FY 2023 and other asset classes in FY 2024.
6. **Audit Plan** - The attached audit plan is aligned with the scope of the external audit engagement as shown below (Attachment 4):

Scope of the Audit:

The scope of the engagement, per Section 129 of the Act includes the audit of the following:

- **Section 129(a):** Council's financial statements for the financial year which is to be prepared in accordance with the requirements under the Act.
- **Section 129(b):** Audit of the controls exercised by Council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

Key Milestones:

- **Audit Plan to Audit and Risk Committee** - February 2023.
 - **Offsite Testing** - April 2023.
 - **Interim Audit Attendance** - May 2023.
 - **Interim Audit Report to Audit and Risk Committee** - June 2023.
 - **Balance Date Audit** - September 2023.
 - **Audit and Risk Committee Review** - October 2023
 - **Council Adoption** – October/November 2023.
7. **Next Update** - The next update will be brought to the Audit and Risk Committee at the March 2023 meeting.

LEGAL IMPLICATIONS

Actions are required to be resolved to ensure compliance with the Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and accounting standards.

Section 129 of the Local Government Act 1999.

STRATEGIC PLAN

N/A

COUNCIL POLICY

[A900 Asset Management Policy](#)



[P420 Procurement, & Disposal of Land and Assets](#)

[Asset Accounting Policy](#)

[B300 Budget Framework](#)

[T150 Treasury Management Policy](#)

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

External audit is a key mitigation action for financial risk.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

CONCLUSION AND RECOMMENDATION

The external audit management reports indicate that overall Council has effective controls in place, with opportunity for improvements noted, action plans established to achieve best practice and progress made to date.

ATTACHMENTS

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4 - Draft External Audit Plan



Attachment 1

| Auditor Recommendation or Comment | Risk | Progress | Target Date | Status | Responsibility | Completion Date |
|---|------|--|-------------|--------------------|----------------|-----------------|
| 2020/21 Internal Controls Letter | | | | | | |
| | | Executive reporting developed and implemented. | 31-Dec-21 | Complete | JS | 31-Dec-21 |
| Purchase Orders raised after invoices are received | M | Revised procurement policy and recommendations from procurement review presented to Executive, Audit and Risk Committee and Council. Updated policy adopted by Council at the April 2022 Council meeting. Procurement procedures have been reviewed and approved by the Executive. | 31-Dec-22 | Complete | JS | 31-Dec-22 |
| No formal maintenance plans supporting general maintenance strategies per the Asset Management Plan. | L | Asset maintenance programs will be developed following service reviews including a review of required service levels. | 31-Dec-23 | Partially Complete | BC | |
| Accounts Payable - Improvements required in process for uploading supplier EFT files into online banking system. | M | A business systems review is scheduled. Any direct interface would need to be considered following completion of the review. As shown in the original response audit checks are already in place that would identify any changes. | 30-Jun-23 | Not started | JS | |
| Payroll - Improvements required in process for uploading supplier EFT files into online banking system. | M | A business systems review is scheduled. Any direct interface would need to be considered following completion of the review. As shown in the original response audit checks are already in place that would identify any changes. | 30-Jun-23 | Not started | JS | |



Attachment 2

| Ref | Auditor Recommendation or Comment | Risk | Progress | Target Date | Status | Responsibility | Completion Date |
|--|---|------|---|-------------|--------------------|----------------|-----------------|
| 2021/22 Interim Management Report | | | | | | | |
| 1 | User Access Levels - Payroll Masterfile | H | A review of finance systems access was undertaken by the Manager Financial Services with recommendations provided to the Executive team in June 2022. All payroll processing and ability to make changes to the payroll masterfile has been removed from staff not directly involved in the processing of payroll. | 30-Jun-22 | Complete | JS | 30-Jun-22 |
| 2 | Internal Control Self Assessment | H | The internal controls policy was reviewed by the Audit and Risk Committee in July and adopted by Council in August. A cross functional team has agreed an approach. A model has been provided by an external consultant with a process to be rolled out in February. | 31-Mar-23 | Partially Complete | JS | |
| 3 | General Journal Review | H | Evidence of journal review was provided to the Auditors for the balance date audit. The responsibility for the raising of journals has been reviewed with recommendations made to the Executive team. | 31-May-22 | Complete | JS | 30-Jun-22 |
| 4 | Asset Revaluation Reserve - Adjusting Entry | H | The entry was reversed at the year-end and highlighted in the year-end reporting. | 31-May-22 | Complete | JS | 31-May-22 |
| 5 | User Access Levels - Segregation of Duties | M | A review of finance systems access was undertaken by the Manager Financial Services with recommendations provided to the Executive team in June 2022. | 30-Jun-22 | Complete | JS | 30-Jun-22 |
| 6 | Internal Plant Hire Rates and Full Cost Attribution | M | Outsourced to external consultant working with the Financial Services team. | 31-Mar-23 | Partially Complete | JS | |
| 7 | Policy Register | M | A quarterly report on policies for review is scheduled in the corporate calendar for presentation to the Executive Leadership Team. | Ongoing | Partially Complete | MM | |
| 8 | Payroll and Accounts Payable Back Up Duties | L | Backfill has occurred whilst key staff have been on leave and the procedures have been tested. | 31-Dec-22 | Complete | JS | 30-Nov-22 |
| 9 | Grants Register | L | A grants schedule was developed in preparation for the year-end process with details of all grants awarded. | 31-Mar-23 | Partially Complete | JS | |
| 10 | Procurement Exemption Register | L | A procurement exemption register was created in April 2022 aligned with the specified requirements. The relevant procurement procedure was amended and presented to the Executive team in June/July 2022 with example reporting. The process has been implemented with training provided to key stakeholders across the organisation. | 30-Jun-22 | Complete | JS | 20-Jul-22 |
| 11 | Riddoch Art Collection - Curatorial and Preservation Policy | L | Draft policy constructed. To be brought to Audit and Risk Committee in the new calendar year. | 31-Mar-23 | Partially Complete | JS | |
| 12 | Library Assets - Capital vs Operating | L | Revised Asset Accounting Policy included for review at Audit and Risk Committee meeting on 25 July 2022. Change in treatment included in Budget Review 1 taken to the December Council meeting for adoption. | 30-Jun-23 | Partially Complete | JS | |
| 13 | Leases and Licences Register | L | The Lease / Licence Register data entry is now 100% complete and up to date. It will continue to be updated as and when things change. It is available in the RelianSys system for various staff to view, use and add actions for them which will provide them with email notifications when due. | 30-Jun-23 | Partially Complete | MM | |
| 14 | Payroll Procedure | L | Payroll procedures have developed and tested. | 31-Dec-22 | Complete | JS | 31-Dec-22 |



Attachment 3

| Ref | Auditor Recommendation or Comment | Risk | Progress | Target Date | Status | Responsibility | Completion Date |
|--|--|------|--|-------------|--------------------|----------------|-----------------|
| 2021/22 Balance Date Audit - Matters to be addressed in future financial years | | | | | | | |
| 1 | Caroline Landfill - Post Closure Provision | H | Further to the resignation of the Manager Waste & Reuse, the work currently being undertaken and further conversations with Council's External Auditors the timeline has been extended by one year to ensure that the required works are outsourced and delivered to accurately inform the post closure provision. | 30-Jun-24 | Partially Complete | BC | |
| 2 | Infrastructure - Asset Revaluation | H | Following the progress made by the external contractor to undertake condition audits, develop unit rates and a forward works program it has been proposed that an asset revaluation will be undertaken for the Roads, Footpaths and Kerb and Guttering asset classes with a date of 30 June 2023 followed by a date of 1 July 2023 for other asset classes within this category. | 30-Sep-23 | Partially Complete | AM/JS | |



City of Mount Gambier

External Audit Plan

30 June 2023

DeanNewbery



Contents

| Section | Page |
|----------------------------|------|
| Foreword | 3 |
| Key Contacts & Information | 4 |
| Introduction | 5 |
| Audit Strategy | 6 |
| Materiality | 7 |
| Internal Controls | 7 |
| Fraud | 7 |
| Key Areas of Audit Focus | 8 |
| Audit Timetable | 10 |
| Communication Strategy | 11 |
| External Confirmations | 11 |
| Independence | 11 |



Foreword

Mr Paul Duka
Presiding Member - Audit and Risk Committee
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

2 February 2023

Dear Mr Duka

We are pleased to present to you our Audit Plan which set out our proposed audit procedures and responsibilities for the 2022/23 financial year audit of the City of Mount Gambier (the Council). Our audit plan is subject to continual review and update as new information and matters arise during the course of the audit. Our proposed audit approach and scope is in accordance with the requirements of the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011*, auditing standards and other applicable professional standards.

Our processes and approach to audit matters will continuously be considered and updated where required to address any changes to the operating environment, identified risks and findings identified from work completed.

Our Audit Plan is tailored specifically to the operations of the Council and places a high emphasis on communicating all audit matters and findings to you and the Elected Members on a timely basis. This document is intended for the Council's Audit and Risk Committee and the Council's Administration only.

I look forward to working with yourself and the other members of the Audit and Risk Committee.

Should you require any further information, please feel free to contact me on the details provided within.

Yours sincerely
DEAN NEWBERY



Samantha Creten
Partner

Key Contacts & Information

Samantha Creten is the Lead Audit Partner appointed to lead the audit team assembled for the engagement. Samantha is highly experienced Local Government Audit Partner who has over 25 years experience auditing the Local Government sector.

The Engagement Manager assisting Samantha, Kyle Harrison is another key contact for the Council and will be managing the field work component of the engagement. Samantha and Kyle are committed to ensuring that a high quality audit service is provided to the Council throughout the term of the engagement.

The engagement team will also be assisted by John Jovicevic to support the audit team on a range of specific audit issues and complex matters as/when they arise.



Samantha Creten
Lead Audit Partner

P. 8267 4777
E. sam@deannewbery.com.au



Kyle Harrison
Engagement Manager

P. 8267 4777
E. kyleharrison@deannewbery.com.au



John Jovicevic
Audit Partner

P. 8267 4777
E. john@deannewbery.com.au

Introduction

Purpose of this Document

This document provides an overview of the planned scope and timing of the audit of the financial statements and internal controls for the City of Mount Gambier (**the Council**) for the financial year ending 30 June 2023.

Audit Objectives

The objective of the audit process is to undertake the necessary work that will enable us to form an opinion per the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* as to whether:

- the financial report is prepared, in all material respects, in accordance with the Australian Auditing Standards and the *Local Government Act 1999* (the Act) and applicable Regulations; and,
- controls exercised by the Council in relation to the receipts, expenditure and investment of moneys, the acquisition and disposal of property and the incurring of liabilities are sufficient to provide assurance that the financial transactions of the council have been conducted properly and in accordance with law. The opinion is to be based on the criteria established in the *Better Practice Model – Financial Internal Control* issued by the Local Government Association of South Australia.

All audit procedures have been designed to be carried out by our audit staff to provide us with reasonable assurance that the financial report, as a whole, is free from material misstatement.

Scope of the Audit

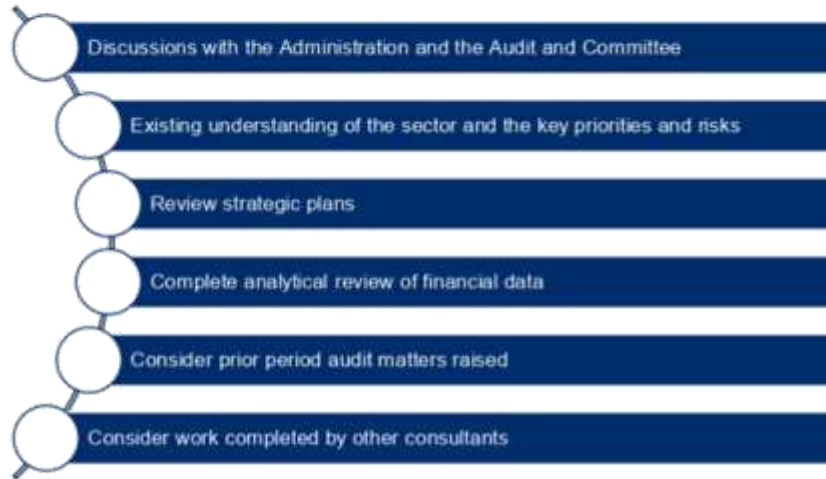
The scope of the engagement per the Act includes the audit of the following:

- Section 129(a): Council's financial statements for the financial year which is to be prepared in accordance with the requirements under the Act.
- Section 129(b): Audit of the controls exercised by Council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.
- The audit of acquittal statements as required, e.g. the Local Government Workers Compensation Scheme Actual Wages Declaration for the year ending 30 June 2023.

Audit Strategy

We follow a risk-based approach to audit planning that reflects our overall assessment of the relevant risks that apply to the Council. This approach ensures that our audit focuses on the areas of highest assessed risk.

Our initial planning of the our audit is based on undertaking the following:



In undertaking the initial audit planning tasks, we aim to achieve the following outcomes:



Materiality

Auditors use materiality to assist with making a judgement of the amount of work needed to be performed on specific balances and to evaluate the effect of misstatements on the financial report. In considering what could potentially be deemed as material, our audit considers factors which may influence the decisions of intended users and accordingly, both quantitative and qualitative matters are taken into consideration.

Materiality is therefore considered in the context of its potential impact on the decision making of intended users of the financial report and if the financial information individually or in aggregate was misstated, omitted and/or not disclosed. Materiality is initially calculated at the commencement of the engagement during the planning stage and subsequently reassessed as additional information is obtained during the audit up until the time of issuing the audit opinion. As part of our communication strategy, we will communicate to you any material and, potentially non-material matters that may have other business improvement or governance related benefits, during the course of the engagement when matters arise through our audit correspondence issued.

Internal Controls

A key component to the audit work we undertake is gaining an understanding of the internal controls in operation that is relevant to assisting us with our risk assessment procedures. In testing the effectiveness of controls, we gather evidence by employing the following techniques:

- Inspection of systems
- Observation of control operating
- Inquire of control operations results
- Recalculation and/or re-performance of control
- Assess the Council's risk assessment process

The objective of the test of controls is to obtain evidence as to whether controls operated as intended to mitigate identified risks.

Should we become aware of any significant deficiencies or consider there to be areas where controls could be further strengthened/improved, we will communicate these matters to the Audit and Risk Committee and Administration.

Fraud

Our audit is not designed nor intended to detect whether there is any fraudulent activity occurring however, should we become aware of it, we will ensure to report any matters. As part of our audit procedures, we make enquiries of the Administration and those charged with governance to identify any instances of known or suspected fraud.

As part of considering fraud, we also consider the risk of management overrides of controls.

Key Areas of Audit Focus

Based on our existing knowledge of the Council and the Local Government sector, we have identified the matters we think present the risk to potential material misstatements in the financial report. Our audit procedures are designed to focus our testing and review of controls on these assessed risk areas based on a risk-based approach. Throughout the engagement, we will continue to monitor and assess our risk assessment to ensure that we factor in any additional testing necessary to consider additional risk areas deemed required to be included in our audit testing.

We have highlighted below the risks we have identified along with our planned approach to respond to those risks as part of the audit work we plan to undertake.

| Focus Area | Audit Approach | Planned Response |
|---------------------------------|---------------------------|---|
| Treatment of Grants | Substantive test | Review key assumptions applied to the recognition and treatment of grant income to ensure appropriate recognition and classification (operating versus non-operating) of income in accordance with AASB 1058 <i>Income of Not-for-Profit Entities</i> and the Model Financial Statements. |
| Management override of Controls | Substantive/Controls test | This is a risk that is a required presumption under the Australian Auditing Standards. Our procedures will involve a review of internal controls and test for any unusual transactions within our samples to determine if any transactions do not appear to be within normal business operations/parameters. |
| Operating Expenditure | Substantive test | Given the material nature and large volume of transactions processed by the Council, a review of controls operating will be reviewed and assessed. Substantive audit procedures will be used to test the substance of transactions recorded to examine the accuracy, completeness and timing of transactions recorded. Our testing includes consideration over the assumptions and data used to process payroll transactions and provisions recorded. |
| Depreciation | Substantive test | Our procedures will review the assumptions and estimates applied in calculating depreciation expense to ensure that it is in line with adopted policies of the Council and meets the requirements of the accounting standards. |

Key Areas of Audit Focus

| Focus Area | Audit Approach | Planned Response |
|---|------------------|---|
| Caroline Landfill Capping and Post Closure Rehabilitation Provision (Liability) | Substantive test | <p>Enquire of the Administration what work has been undertaken since the completion of the FY22 external audit to address previous audit matters raised. Assess the work undertaken to review and update the provision recorded on the Balance Sheet to ensure the liability accurately reflects the estimated future obligation of the Council to cap and remediate the landfill site in accordance with the requirements of its EPA license requirements.</p> <p>We will engage with external consultants engaged by the Council to assist with this review to gain an understanding of the key assumptions and estimates included in liability estimates and assess the appropriateness of disclosures included the financial statements.</p> |
| Infrastructure Asset Condition Assessments and Valuations | Substantive test | <p>Our procedures will incorporate engagement with the Administration to review data collected through asset condition audits completed and ensure they are correctly applied to asset valuation and depreciation calculations. We will obtain valuation reports provided by external valuers and perform a combination of substantive and analytical procedures to assess the appropriate recognition and disclosure of asset valuation data.</p> |
| Accounting for Work in Progress (WIP) | Substantive test | <p>Risk that accounting treatment applied to capital WIP transactions is not in line with accounting standards and that a material error is recorded in the financial statements. Our procedures will review the appropriateness of transactions that are capital in nature to ensure they are correctly recorded. Our testing will include examining the ageing of WIP transactions to ensure that the costs being carried as WIP relate to current/ongoing projects that will result in an eventual asset being recorded.</p> <p>Review capitalisation recorded for Wulanda Recreation & Contention Centre facility to review appropriateness of asset componentisation, allocation of cost per component, commencement of depreciation and the allocation of borrowing costs to the cost of the asset.</p> |

Audit Timetable

Our audit timetable has been formulated based on information obtained from the Administration along with our existing knowledge of the level of work required to be undertaken to form the audit opinion required by the Act.

A summary of our stages of the audit program and expected milestones has been summarised below. Should there be any changes to the expected timetable below, this will be communicated with the Administration and the Audit and Risk Committee.

| Key Audit Milestones | Timeframe |
|---|----------------|
| Submission of Audit Plan to the Audit and Risk Committee | February 2023 |
| Commencement of Interim Audit (Off-Site Testing) | April 2023 |
| Interim Audit (On-Site Attendance) | May 2023 |
| Interim Management Report issued to the Audit and Risk Committee | June 2023 |
| Balance Date Audit requirements checklist to be provided to the Council | June 2023 |
| Balance Date Audit requirements to be provided to auditors | July 2023 |
| Draft financial statements to be provided to auditors | September 2023 |
| Balance Date audit attendance to commence | September 2023 |
| Exit Meeting with the Administration | October 2023 |
| Meet with Audit and Risk Committee | October 2023 |
| Audit Report and Independence Declarations to be issued by auditors | October 2023 |

Communication Strategy

Our Management Letters/Reports are issued at the conclusion of each audit attendance and we will ensure to provide comments and findings as a result of testing completed on key matters reviewed. Our approach is for our Management Letters/Reports to provide only constructive feedback to any audit findings as required by Australian Auditing Standards.

All Management Letters/Reports will be provided as draft reports to the Administration for their review and comment prior to issuing a final version.

External Confirmations

To assist with the gathering of audit evidence necessary to complete the audit, we will be sending the following confirmation requests:

- External bank confirmations for all bank accounts, loans and products (including credit cards)
- Solicitor's representation letter
- Local Government Finance Authority (LGFA) balance confirmations
- External Asset Valuation(s) (where applicable)

Independence

Our audit is required to be conducted to comply with the following independence requirements:

- *Local Government Act 1999*
- *Local Government (Financial Management) Regulations 2011*
- APES 110 – Code of Ethics for Professional Accountants

As part of our audit procedures, we obtain independence declarations from all engagement staff to confirm that all engagement team members meet the above standards prior to the commencement of working on the engagement. We will annually provide the Council with confirmation that we have met with our independence requirements as required by the above legislation and standards.

Should any situation arise where we become aware that an issue over our independence, we will communicate this immediately to the Chief Executive Officer and Audit and Risk Committee.

We confirm that Dean Newbery has not provided any other services to the Council as at the time of preparing this Report.

Disclaimer:

This document is for the exclusive use of the person/organisation named on the front of this document. This document must not be relied upon by any person/organisation who is not the Recipient. Dean Newbery does not take responsibility for any loss, damage or injury caused by use, misuse or misinterpretation of the information in this document by any person who is not the Recipient.

The contents of this document are confidential and may not be reproduced in whole or in part without the permission.

Dean Newbery

ABN 30 164 812 890

Liability limited by a scheme approved under Professional Standards Legislation

DeanNewbery