

8 June 2018

**MAYOR
COUNCILLORS
CITY OF MOUNT GAMBIER**

NOTICE is given that the Operational Standing Committee will meet in the following Meeting Room on the day, date and time as follows:

Operational Standing Committee
(Conference Room - Level 1):

Tuesday, 12 June 2018 at 7:30 a.m.

An agenda for the meeting is enclosed.



Mark McSHANE
CHIEF EXECUTIVE OFFICER

AGENDA INDEX

1.	APOLOGY(IES)	1
2.	CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES	1
3.	QUESTIONS	1
3.1.	With Notice	1
3.2.	Without Notice	1
4.	DEPUTATIONS	1
5.	COMMITTEE MINUTES AND RECOMMENDATIONS	2
5.1.	Minutes of Community Engagement and Social Inclusion Sub-Committee - 16 May 2018	2
5.2.	Yerkalapata - Leading the Way: City of Mount Gambier Reconciliation Action Plan Update - Report No. AR18/18631	2
5.3.	Governance - Community Engagement and Social Inclusion Sub-Committee - Vulnerable Families - Ref. AF17/432	2
5.4.	Minutes of Heritage Sub-Committee - 30 May 2018	2
5.5.	Heritage Adviser Report – March 2018 - AR18/14584	2
5.6.	Heritage Committee - Lake Terrace Cemetery Day – Sunday, 2 September 2018 - Ref. AF17/457	3
5.7.	Heritage Committee - Rook Walk Celebration - Ref. AF17/457	3
5.8.	Heritage Committee - Further Development of Project Plan - Ref. AF17/457.....	3
5.9.	Mount Gambier Railway Roundhouse - Ref. DA DA15/400: DA 381/0356/2015 - 381/V005/2015	3
5.10.	Minutes of Audit Committee - 30 May 2018	3
5.11.	Quarter 3 Budget Revision for the financial year ending 30 June 2018 - Report No. AR18/17363	4
5.12.	Internal Financial Controls 2017/2018 - Report No. AR18/17848.....	4
5.13.	Building and Structure Valuations for Insurance Estimates 2018/2019 - Report No. AR18/16965	4
5.14.	Interim Management Letter FY2018 Galpins May 2018 incl. Management Responses - Report No. AR18/17363	4
5.15.	2018/2019 Annual Business Plan, Budget and Business Unit Planning Update - Report No. AR18/17362	4
6.	OPERATIONAL STANDING COMMITTEE REPORTS	5
6.1.	Fees & Charges Review - Taxi Licence Renewal - Report No. AR18/19889	6
6.2.	Works in Progress – City Infrastructure - Report No. AR18/21240.....	8
6.3.	Traffic Safety – White Avenue (between Shepherdson Road and Tollner Road - Report No. AR18/15475	10



6.4.	Delegation of Powers - Update - Report No. AR18/19965	15
6.5.	Aquatic Centre – Proposed Entrance Fees 2018/2019 - Report No. AR18/22187	18
6.6.	Sport and Recreation Major Capital Works Program Report No. AR18/22666	21
7.	MOTION(S)	25
7.1.	With Notice	25
7.2.	Without Notice	25
8.	CONFIDENTIAL ITEMS	26
8.1	Consideration for Exclusion of the Public.....	26
8.4	Consideration for Exclusion of the Public.....	27
9.	REPORT ATTACHMENTS.....	28



AGENDA OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting to be held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 12 June 2018 at 7:30 a.m.

PRESENT Mayor Andrew Lee

Cr Mark Lovett (Presiding Member)
Cr Christian Greco
Ct Steven Perryman
Cr Ian Von Stanke

COUNCIL OFFICERS	Chief Executive Officer	- Mr M McShane
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager Council Business Services	- Mrs P Lee
	General Manager City Growth	- Dr J Nagy
	General Manager City Infrastructure	- Mr N Serle
	Manager Development Services	- Mrs T Tzioutziouklaris
	Administration Officer Executive Support	- Mrs F McGregor

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.

1. APOLOGY(IES)

Apology(ies) received from Cr Des Mutton

That the apology from Cr Mutton be received.

Moved: Seconded:

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 8 May 2018

That the minutes of the Operational Standing Committee meeting held on 8 May 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Seconded:

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

4. DEPUTATIONS

Nil



5. COMMITTEE MINUTES AND RECOMMENDATIONS

5.1. Minutes of Community Engagement and Social Inclusion Sub-Committee - 16 May 2018

That the minutes of the Community Engagement and Social Inclusion Sub-Committee meeting held 16 May 2018 as previously circulated be noted.

Moved: Seconded

5.2. Yerkalapata - Leading the Way: City of Mount Gambier Reconciliation Action Plan Update - Report No. AR18/18631

- (a) That Community Engagement and Social Inclusion Sub-Committee Report No. AR18/18631 titled '*Yerkalapata – Leading the Way: City of Mount Gambier Reconciliation Action Plan*' as presented to the Community Engagement and Social Inclusion Sub-Committee on 16 May 2018 be noted.
- (b) That Council work with Burrendies and the Boandik Language group to scope a project that may attract funding for the engagement of a consultant or anthropology student to conduct research to assist with collection, curation of and content development for the interpretive signage.

Moved: Seconded:

5.3. Governance - Community Engagement and Social Inclusion Sub-Committee - Vulnerable Families - Ref. AF17/432

- (a) That the verbal report provided by General Manager Community Wellbeing be accepted.

Moved: Seconded:

5.4. Minutes of Heritage Sub-Committee - 30 May 2018

That the minutes of the Heritage Sub-Committee meeting held 30 May 2018 as previously circulated be noted.

Moved: Seconded

5.5. Heritage Adviser Report – March 2018 - AR18/14584

- (a) That Heritage Sub-Committee Report No. AR18/14584 titled '*Heritage Adviser Report – March 2018*' as presented to the Heritage Sub-Committee on 30 May 2018 be noted.

Moved: Seconded:



5.11. Quarter 3 Budget Revision for the financial year ending 30 June 2018 - Report No. AR18/17363

(a) That Audit Committee Report No. AR18/17363 titled '*Quarter 3 Budget Revision for the financial year ending 30 June 2018*' as presented to the Audit Committee on 30 May 2018 be noted.

Moved:

Seconded:

5.12. Internal Financial Controls 2017/2018 - Report No. AR18/17848

(a) That Audit Committee Report No. AR18/17848 titled '*Internal Financial Controls 2017/2018*' as presented to the Audit Committee on 30 May 2018 be noted.

Moved:

Seconded:

5.13. Building and Structure Valuations for Insurance Estimates 2018/2019 - Report No. AR18/16965

(a) That Audit Committee Report No. AR18/16965 titled '*Building and Structure Valuations for Insurance Estimates 2018/2019*' as presented to the Audit Committee on 30 May 2018 be noted.

Moved:

Seconded:

5.14. Interim Management Letter FY2018 Galpins May 2018 incl. Management Responses - Report No. AR18/17363

(a) That Audit Committee Report No. AR18/18776 titled '*Interim Management Letter FY2018 Galpins May 2018 incl. Management Responses*' as presented to the Audit Committee on 30 May 2018 be noted.

Moved:

Seconded:

5.15. 2018/2019 Annual Business Plan, Budget and Business Unit Planning Update - Report No. AR18/17362

(a) That Audit Committee Report No. AR18/17362 titled '*2018/2019 Annual Business Plan, Budget and Business Unit Plan Update*' as presented to the Audit Committee on 30 May 2018 be noted.

Moved:

Seconded:



6. OPERATIONAL STANDING COMMITTEE REPORTS

Operational Standing Committee Reports commence on the following page.



6.1. Fees & Charges Review - Taxi Licence Renewal - Report No. AR18/19889

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 June 2018
REPORT NO.	AR18/19889
RM8 REFERENCE	AF16/305
AUTHOR	Michael McCarthy
SUMMARY	This report presents a proposed fee for Taxi Licence renewals for the period 1 July 2018 to 31 December 2018.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/19889 titled '*Fees & Charges Review – Taxi Licence Renewals*' as presented to the Operational Standing Committee on 12 June 2018 be noted.
- (b) That the Taxi Licence renewal fee for the six month period from 1 July 2018 to 31 December 2018 be \$1 payable on demand and Council's Schedule of Fees & Charges 2018/2019 be updated accordingly.

Moved:

Seconded:



Background

At the Council meeting held on 20 February 2018 Council noted the repeal of the Local Government Act 1934 that prevents Council from making a replacement Taxi By-Law to apply from 1 January 2019.

Under current arrangements Taxi Licences are renewed annually for the period 1 July to the following 30 June. The renewal fees have historically been a full year charge (\$490 for 2017/2018). Due to uncertainty around the Taxi By-Laws continuation beyond 31 December 2018 the renewal fee was listed as TBC (To Be Confirmed) in Council's Schedule of Fees and Charges 2018/2019.

Discussion

Council's Taxi Licences are due for renewal from 1 July 2018 for six months until 31 December 2018, after which the Taxi By-Law that establishes the licensing scheme will expire.

The current (2017/2018) Taxi Licence renewal fee does not specify a part year (pro-rata) amount and the 2018/2019 fee is yet to be determined. With the renewal of licences from 1 July it would be appropriate to specify a renewal amount to be applied to the new licence period.

The Local Government Act provides for the fixing, varying or revoking of fees and charges including that the list (schedule) of fees and charges must be updated and to take reasonable steps to bring the fee or charge to the notice of persons who may be affected.

In considering an appropriate fee Council may wish to consider the circumstances associated with the expiry of the Taxi By-Law and the transitional arrangements that Licencee/operators will need to put in place for their continued operation beyond 31 December 2018.

Conclusion

Having considered the circumstances this report recommends that Taxi Licence renewals from 1 July 2018 be offered for six months to 31 December 2018 for a renewal fee of \$1 payable upon demand and that Council's Schedule of Fees & Charges 2018/2019 be updated accordingly.

Attachments

Nil



Michael McCARTHY
MANAGER GOVERNANCE & PROPERTY



Dr Judy NAGY
GENERAL MANAGER CITY GROWTH

21 May 2018
MMcC



6.2. Works in Progress – City Infrastructure - Report No. AR18/21240

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 June 2018
REPORT NO.	AR18/21240
RM8 REFERENCE	AF17/505
AUTHOR	Daryl Morgan
SUMMARY	Update of works that are currently being undertaken and/or completed by the City Infrastructure Department.
COMMUNITY PLAN REFERENCE	Goal 2: Our Location

REPORT RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/21240 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 June 2018 be noted.

Moved:

Seconded:



Background

Works in progress and works completed are reported on a monthly basis to Council as part of the governance process to ensure planned and budgeted infrastructure works are completed in a timely manner.

Discussion

The following projects have field work currently in progress:

Commenced Tasks	% Completed
• Reuse Market site – site civil works	70%
• Rail Trail (stage 2) shared path	80%
• Webber St road reconstruction	65%
• Caldwell Street road reconstruction	90%
• Doughty St road reconstruction	30%
• Elizabeth St drainage works	90%
• Blackall Lane drainage works and road construction	70%
• Bridges St drainage improvement works	30%
• Alexander St footpath construction	60%

Completed Tasks

- Wireless Road East concrete footpath construction
- Hawkins Road shoulder repairs
- Valley lakes disc golf
- Heriot St drainage improvement works
- Carpark resurfacing program

Conclusion

It is recommended that this report be received and noted for information by Council.

Attachments

Nil



Daryl MORGAN
MANAGER ENGINEERING DESIGN & CONTRACTS



Nick SERLE
GENERAL MANAGER CITY INFRASTRUCTURE

23 May 2018
DM



6.3. Traffic Safety – White Avenue (between Shepherdson Road and Tollner Road - Report No. AR18/15475

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 June 2018
REPORT NO.	AR18/15475
RM8 REFERENCE	AF11/1232
AUTHOR	Daryl Morgan
SUMMARY	<p>This report is in response to Council’s resolution of 19 September 2017 resolving that;</p> <ul style="list-style-type: none"> a) That Council writes to the Department of Planning Transport and Infrastructure highlighting concerns over traffic safety issues at the section of White Avenue, between Shepherdson Road and Tollner Road, noting in particular that this section of road is used for drop off and pick up of children at Tenison Woods College. b) That Council seek a meeting with DPTI, Tenison Woods College and Cr Greco (or nominee) regarding the above and a report be returned to the Operational Standing Committee. c) That Council staff prepare a report with traffic management options to improve safety on this section of road
COMMUNITY PLAN REFERENCE	Goal 2: Our Location

REPORT RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/15475 titled ‘Traffic Safety – White Ave (between Shepherdson Road and Tollner Road)’ as presented to the Operational Standing Committee on 12 June 2018 be noted.
- (b) Council endorse the Traffic management improvement plan to White Ave as prepared by DPTI,
- (c) Once a commitment to install a boundary fence along White Ave and Shepherdson Road as indicated on the proposed plan is received from Tenison Woods College, Council write to DPTI committing to fund the concrete median works and alteration to the footpath and kerbing.



- (d) Council write to Tenison Woods College respectfully declining to contribute \$3,950 towards the cost of the installation of a boundary fence along White Ave and Shepherdson Road as indicated on the proposed plan.

Moved:

Seconded:



Background

Council Officers wrote to DPTI after the Council resolution of September 19 2017, regarding this issue and subsequently DPTI Officers prepared a concept plan for Traffic Management improvements to parts of White Ave and Shepherdson Road intersection. Final concept attached.

It should be noted that White Ave is under the care and control of DPTI (and not Council) so any traffic management devices or road alterations need to be approved and endorsed by DPTI. Council has no authority to install, alter or remove any traffic control devices on DPTI roads.

This proposed concept plan was sent to both Council and Tenison College for comment and a subsequent onsite meeting was arranged between all parties to discuss the current safety issues and suggested improvements.

As a result of the onsite meeting, all parties have generally agreed with the proposed improvement plan and whilst there is currently no formal budget allocated to the construction of the plan, it was generally agreed that any future construction should consider a contribution from all parties given that all stakeholders have some level of interest in this matter, namely;

- DPTI has responsibility for the road infrastructure and vehicular traffic
- Council has responsibility for the footway and pedestrian traffic
- Tenison College has responsibility for the school children and are the main generators of pedestrian movements across White Ave

Discussion

The proposed traffic management improvement plan is aimed at providing an identified location for pedestrians to cross White Ave that has good visibility for approaching motorists and lessens the current practice of pedestrians crossing in a random and unpredictable manner. The proposed plan considers the following elements;

- Provision of a pedestrian walkthrough and refuge island to White Ave (midway between Shepherdson Rd and the entrance road to Tenison College)
- Improved street lighting at the location and approaches to the pedestrian walkthrough
- Line marking and associated parking restrictions to facilitate the installation of the pedestrian walkthrough
- Line marking and delineation at Shepherdson Road intersection to improve awareness of T junction
- Boundary fence along White Ave adjacent to the School with a pedestrian gate located adjacent to the proposed walkway

It should be noted that the pedestrian walkthrough is not a formal pedestrian crossing (such as a Koala crossing with flashing lights) nor is there any proposed reduction in the speed limit for this section of White Ave. DPTI do not support the introduction of 25km/h school zones on DPTI roads and based on the traffic data previously collected by DPTI, there is no justification (due to lack of warrants) for the installation of a pedestrian crossing.



The section of White Ave between Shepherdson Road and Tollner Road is a straight stretch of road with no vertical or horizontal curves and accordingly has very good sight distance. The current posted speed limit is 60km/h and without the inclusion of blind spots created for pedestrians from on street parking and there also being no median break in the centre of the roadway, this section of road is quite safe to cross in normal traffic conditions for the majority of the day. However, the combination of on street parking, additional traffic during peak periods and pedestrians crossing randomly and at numerous locations, increases the safety risk for both motorists and pedestrians.

One key aspect of the proposed improvement plan is the installation of a boundary fence along Tenison College in order to channel pedestrians to the location of the pedestrian walkthrough on White Ave. It was generally agreed that without the boundary fence then the pedestrian walkthrough would have minimal benefit and would most likely not lead to any improvements in traffic safety.

Tenison College have now written to Council (letter attached) requesting Council assistance for the installation of a boundary fence. It is noted the letter from Tenison College refers to a “Koala” crossing however the proposed DPTI plan does not include a “Koala” crossing. Tenison College have included 3 quotes for various fence types with pricing ranging from \$3,950 for a rural type post and wire fence to \$97,365 for a tubular style fence.

As this project currently stands, there is no available funding from either DPTI or Council. However, DPTI have indicated they are willing to fund the project contingent on the fencing being installed. DPTI have commented that there will be minimal safety improvements to be gained by implementing the proposal without the boundary fence being installed.

As a likely joint funding arrangement to see this project implemented, it is suggested that DPTI will fund the upgrade of the lighting and installation of all signs and line marking, and Council will fund the concrete median works and alteration to the footpath and kerbing (estimated cost to Council \$10,000). The matter of the fence is something that DPTI have suggested be resolved between both Tenison and Council directly.

Given the purpose of the fence is to channel school children to the pedestrian refuge, the rural type fence will achieve this purpose however the type of fence and its appearance is a matter for the school to consider.

Conclusion

It will be recommended to Council that,

- a) Council endorse the Traffic management improvement plan to White Ave as prepared by DPTI,
- b) Once a commitment to install a boundary fence along White Ave and Shepherdson Road as indicated on the proposed plan is received from Tennison Woods College, Council write to DPTI committing to fund the concrete median works and alteration to the footpath and kerbing.
- c) Council write to Tenison Woods College respectfully declining to contribute \$3,950 towards the cost of the installation of a boundary fence along White Ave and Shepherdson Road as indicated on the proposed plan.

At this stage and until there is a commitment by all parties, the timing of the works is unknown.



Attachments

[Attachment 1 \(AR18/15516\) – Traffic management proposal prepared by DPTI](#)

[Attachment 2 \(AR18/15520\) – Letter from Tenison Woods College](#)



Daryl MORGAN
MANAGER ENGINEERING DESIGN AND CONTRACTS



Nick SERLE
GENERAL MANAGER CITY INFRASTRUCTURE

19 April 2018
DM



6.4. Delegation of Powers - Update - Report No. AR18/19965

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 June 2018
REPORT NO.	AR18/19965
RM8 REFERENCE	AF11/495
AUTHOR	Michael McCarthy
SUMMARY	A report to update the powers and functions delegated to the Chief Executive Officer under the Acts.
COMMUNITY PLAN REFERENCE	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/19965 titled '*Delegation of Powers - Update*' as presented to the Operational Standing Committee on 12 June 2018 be noted.
- (b) That Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:
- Local Government Act 1999
 - Development Act 1993.
- (c) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instrument of Delegation contained in Appendix 14 (annexed to Operational Standing Committee Report No. AR18/19965 titled '*Delegation of Powers – Update*') as indicated below are hereby delegated this Tuesday, 19th June, 2018 to the person occupying the office of Chief Executive Officer subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions in the proposed Instrument of Delegation:
- Local Government Act 1999 (Appendix 14).
- (d) In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 specified in the proposed Instrument of Delegation contained in Appendix 21 (annexed to Operational Standing Committee Report No. AR18/19965 titled '*Delegation of Powers – Update*') as indicated below are hereby delegated this 19th June, 2018 to



the person occupying the office of Chief Executive Officer, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions in the proposed Instrument of Delegation: under the Development Act 1993:

- Development Act 1993 (Appendix 21).
- (e) The powers and functions may be further delegated by Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with Sections 44 and 101 of the Local Government Act 1999 and other relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- (f) For the purpose of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- (g) For the purpose of these delegations, all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

Moved:

Seconded:



Background

At its meeting on 20 February 2018, Council reviewed delegations to the Chief Executive Officer as required each year in accordance with Section 44(6) of the Local Government Act 1999.

Council further updated delegations at the meeting held on 17 April 2018 for the purposes of the Expiation of Offences Act 1996 and Fines Enforcement and Debt Recovery Act 2017.

Discussion

In response to further legislative changes the Local Government Association has released updated and new delegation templates for the following Acts:

- Development Act 1993
- Local Government Act 1999.

It would be appropriate that updated delegations now be made to the Chief Executive Officer under these Acts and for subsequent sub-delegations to be made to other Council Officers.

Conclusion

This report recommends that delegations be made to the Chief Executive Officer under the Development Act and Regulations and Local Government Act using the Local Government Association delegation templates.

Attachments

[Attachment 1 \(AR18/19981\): Instrument of Delegation Development Act \(Appendix 21\)](#)

[Attachment 2 \(AR18/20012\): Instrument of Delegation Local Government Act \(Appendix 14\)](#)



Michael McCARTHY
MANAGER GOVERNANCE & PROPERTY



Pamela LEE
GENERAL MANAGER COUNCIL BUSINESS SERVICES

21 May 2018
MMcC



6.5. Aquatic Centre – Proposed Entrance Fees 2018/2019 - Report No. AR18/22187

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 June 2018
REPORT NO.	AR18/22187
RM8 REFERENCE	AF11/1451
AUTHOR	Judy Nagy
SUMMARY	The proposed fees and charges for the Mount Gambier Aquatic Centre have been submitted by Innovative Leisure Management and are presented to Council for consideration.
COMMUNITY 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

REPORT RECOMMENDATION
<p>(a) That Operational Standing Committee Report No. AR18/22187 titled '<i>Aquatic Centre – Proposed Entrance Fees 2018/2019</i>' as presented to the Operational Standing Committee on 12 June 2018 be noted.</p> <p>(b) That Council endorse the Mount Gambier Aquatic Centre Administration Fees and Charges for the 2018/2019 swimming season as proposed by Innovative Leisure Management.</p> <p>(c) That Council's Schedule of Fees and Charges 2018/2019 be updated to reflect the Aquatic Centre Admission Fees and Charges for 2018/2019.</p>

Moved:

Seconded:



Background

Section 188 of the Local Government Act provides the authority for Councils to impose fees and charges.

"Section 188 further provides "the Council must keep a list of fees and charges imposed under this section on public display (during ordinary office hours) at the principal office of the Council."

and

"If a Council fixes a fee or charge under this section, or varies a fee or charge under this section the Council must up date the list of fees and charges and take reasonable steps to bring the fee or charge, or the variation of the fee or charge, to the notice of persons who may be affected."

At Council's meeting on 20 February 2018, it considered an Operational Standing Committee Report Number AR18/611 titled Schedule of Fees and Charges - 2018/2019 and approved the fees and charges for the 2018/2019 financial year.

Innovative Leisure Management managers the Mount Gambier Aquatic Centre and their fees and charges for the 2018/2019 financial year were unavailable in January 2018 when Council approved the Fees and Charges Schedule for 2018/2019.

Discussion

On the 5th May 2018, Innovative Leisure Management submitted their Proposed Fees and Charges Schedule for the 2018/19 year.

In accordance with Section 188 of the Local Government Act, Council's Fees and Charges Schedule must be up dated. Notice to the persons who may be affected by the change will be via the updating of the Fees and Charges Schedule on Council's website www.mountgambier.sa.gov.au.

The list of fees and charges below presents increases for rising operating costs and wages over the current year.

	FEES 2016/2017	FEES 2017/2018	FEES 2018/2019
<u>Aquatic</u>			
Adult	\$6.50	\$6.80	\$7.50
Child	\$5.50	\$5.80	\$6.50
Spectator	\$3.00	\$3.00	\$3.00
Family (2+2/3 or 1+3/4)	\$23.00	\$24.00	\$26.00
Baby	N/A	N/A	N/A
Pensioner	\$5.00	\$5.00	\$5.50
Fitness/laps	\$5.50	\$6.00	\$7.00
Vouchers			
Adult	\$55.00	\$55.00	\$60.00
(10 swims)			
Pensioner	\$45.00	\$45.00	\$50.00
Child	\$50.00	\$50.00	\$55.00
Season Pass			
Adult	\$240.00	\$250.00	\$260.00



Pensioner	\$190.00	\$200.00	\$210.00
Child	\$250.00	\$260.00	\$270.00
Family (1/2 adults + 2 children)	\$550.00	\$560.00	\$570.00
(1 + 3)	\$590.00	\$600.00	\$610.00
(2 + 3)	\$620.00	\$630.00	\$640.00
(1 + 4)	\$640.00	\$650.00	\$670.00
(2 + 4)	\$670.00	\$690.00	\$710.00
(2 + 5)	\$720.00	\$740.00	\$760.00

Conclusion

This report presents a recommendation that the fees and charges proposed by Innovative Leisure Management be recommended to Council for endorsement and updating in Council's Fees and Charges Schedule for 2018/2019.

Attachments

[Attachment 1 \(AR18/22191\): Mount Gambier Aquatic Centre – 2018/2019 Financial Year – Proposed Admission Fees and Charges](#)



Judy NAGY
GENERAL MANAGER CITY GROWTH



Mark McSHANE
CHIEF EXECUTIVE OFFICER

5 June 2018
JN



6.6. Sport and Recreation Major Capital Works Program Report No. AR18/22666

COMMITTEE	Operational Standing Committee
MEETING DATE:	12 June 2018
REPORT NO.	AR18/22666
RM8 REFERENCE	AF17/227
AUTHOR	Barbara Cernovskis
SUMMARY	Seek Council consideration of Basketball Mount Gambier Inc. application for capital works financial support.
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 2: Our Location

REPORT RECOMMENDATION
<p>(a) That Operational Standing Committee Report No. AR18/22666 titled '<i>Sport and Recreation Major Capital Works Program</i>' as presented to the Operational Standing Committee on 12 June 2018 be noted.</p> <p>(b) To be determined at the Committee meeting.</p>



Background

For many years Council have provided an allocation in the annual budget for ongoing support for a Sport and Recreation Major Capital Works Program and to publicly call for applications. The 2017/2018 Budget provides an amount of \$70,000 for this Program.

The Sport and Recreation Major Capital Works Program was publicly advertised during November/December 2017. Three submissions received were presented to the December 2017 Council meeting and a total of \$36,360 was endorsed for distribution leaving a balance of \$33,640.

Council have received an out of cycle application from Basketball Mount Gambier Inc seeking financial support against the Sport and Recreation Major Capital Works fund to the value of \$15,090 dated 4 June 2018.

Discussion

The criteria developed for the Program Guidelines includes the following (in brief);

- as a general rule, a minimum total project cost of \$10,000
- preference to high incidence of self help
- preference to matching funds or significant in-kind contribution by the applicant (minimum 25% of total project costs)
- priority for capital renewal or upgrade of existing assets rather than enhancement/additions or new assets
- for projects aimed at increasing community usage of sport and recreation facilities
- not for operating costs, the purchase of land or repayment of loans
- not for projects already commenced or completed
- not for projects submitted by individuals
- projects completed and claims for payment to be submitted by end of financial year.

A copy of the guidelines (Attachment 1) and application form (Attachment 2) developed for the 2017/2018 Program are provided for further information.

Section 1: Membership Details

		Junior		Senior		Total		Grand Total
		M	F	M	F	M	F	
1	Basketball Mount Gambier Inc	240	147	185	43	425	190	615

Section 2: The Project

	Community Benefit	High	Average	Low
1	Basketball Mount Gambier Inc	✓		

Location

1	Basketball Mount Gambier Inc	451 Commercial Street West
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Section 3: Project Funding

	Funding Breakdown	Cash \$	In Kind \$	Voluntary \$	Grant Funding \$	Grant Requested \$	Total
1	Basketball Mount Gambier Inc	1,600	12,915	5,570	0	15,090	35,175

Project Funding - % Contribution by Applicants							
		Cash %	In Kind %	Voluntary	Grant Funding	Total %	
1	Basketball Mount Gambier Inc	5	37	16	0	58	

		Star Club Rating	Financial Statements	Current Bank Statements	Quotations Received	Financial Capacity (to proceed with reduced funding)
1	Basketball Mount Gambier Inc	4	✓			✓

Section 4: Selection Rationale

The following application assessment rationale has been developed (based on the program guidelines) which in turn has influenced the recommended grant allocations.

ASSESSMENT RATIONALE LEGEND								
Rating Legend	High 3	Renew of Existing 3	50% + 3	Yes 1	Provided 1	Provided 1	None Previously 3	Rating 4 3
	Average 2	Enhance/Add to Existing 2	26-50% 2	No 0	Not Provided 0	Not Provided 0	Moderate previously 2	Rating 3 2
	Low 1	New 1	25% 1				Significant previously 1	Rating 2 1

ASSESSMENT									
	Community Benefit	Infrastructure Assessment	Contribution of Club/ Other Contributions		Guidelines Compliance				Score
Application		Infrastructure Priority	% Club Contribution	Other Contributions	Financial/Bank Statements	Quotations Provided	Previous / Level of Grants	Star Club Rating	
BMG Inc	3	3	3	0	1	0	1	3	14

Conclusion

A copy of the Basketball Mount Gambier Inc. funding application is attached (Attachment 3) to this report for Elected Members information along with a list of previous recipients of the funding (Attachment 4).



Attachments

[Attachment 1 \(AR17/49315\): Sport & Recreation Capital Works Program - 2017/2018 Guidelines](#)

[Attachment 2 \(AR17/49317\): Sport & Recreation Capital Works Program - Application Form](#)

[Attachment 3 \(AR17/49302\): Sport & Recreation Capital Works Program – Basketball Mount Gambier Inc.](#)

[Attachment 4 \(AR17/49318\): Sport & Recreation Fund Recipients](#)



Barbara CERNOVSKIS
GENERAL MANAGER COMMUNITY WELLBEING



Mark McSHANE
CHIEF EXECUTIVE OFFICER

7 June 2018
BJC



7. MOTION(S)

7.1. With Notice

Waste Management – Support Grants to Assist Local Government adjust to China’s National Sword Policy – Ref. AF11/362

- (a) Council note the South Australian Government’s recently announced infrastructure and market development support grants to assist the Local Government adjust to impacts of China’s National Sword Policy on the waste management sector.
- (b) Council Officers prepare a report for Council on international and domestic examples of the use of incineration; power generation; recyclable plastics technology (including pelletising plastics for use in road base and other uses; and any other process or technology which would support Council to reuse or recycle waste, or process products for further use as part of Council’s waste management operations. Examples sought should have some regard to the scale of operations and volumes generated, or which could be reasonably expected to be generated if Mount Gambier was to be a hub for such recycling/incineration processes for councils within 330kms of Mount Gambier.

Moved: Cr Perryman

Seconded:

7.2. Without Notice



8. CONFIDENTIAL ITEMS

8.1 Consideration for Exclusion of the Public

Item 8.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - M Lovett, C Greco, S Perryman and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Operation of A Builder’s Yard within the Residential Zone) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- Information concerning the personal affairs of any person (living or dead),
- Information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.
- Legal advice

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

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 as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.2	Illegal Development – Operation of a Builder’s Yard within the Residential Zone - Report No. AR18/21607	(a), (f) and (h)

Moved:

Seconded:



8.4 Consideration for Exclusion of the Public

Item 8.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - M Lovett, C Greco, S Perryman and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, T Tzioutziouklaris and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Cessation of the Storage of Scrap Items, Goods and Materials on the Subject Property) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- Information concerning the personal affairs of any person (living or dead),
- Information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.
- Legal advice

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

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 as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.5	Illegal Development – Cessation of the Storage of Scrap Items, Goods and Materials on the Subject Property - Report No. AR18/21507	(a), (f) and (h)

Moved:

Seconded:

Meeting closed at p.m.

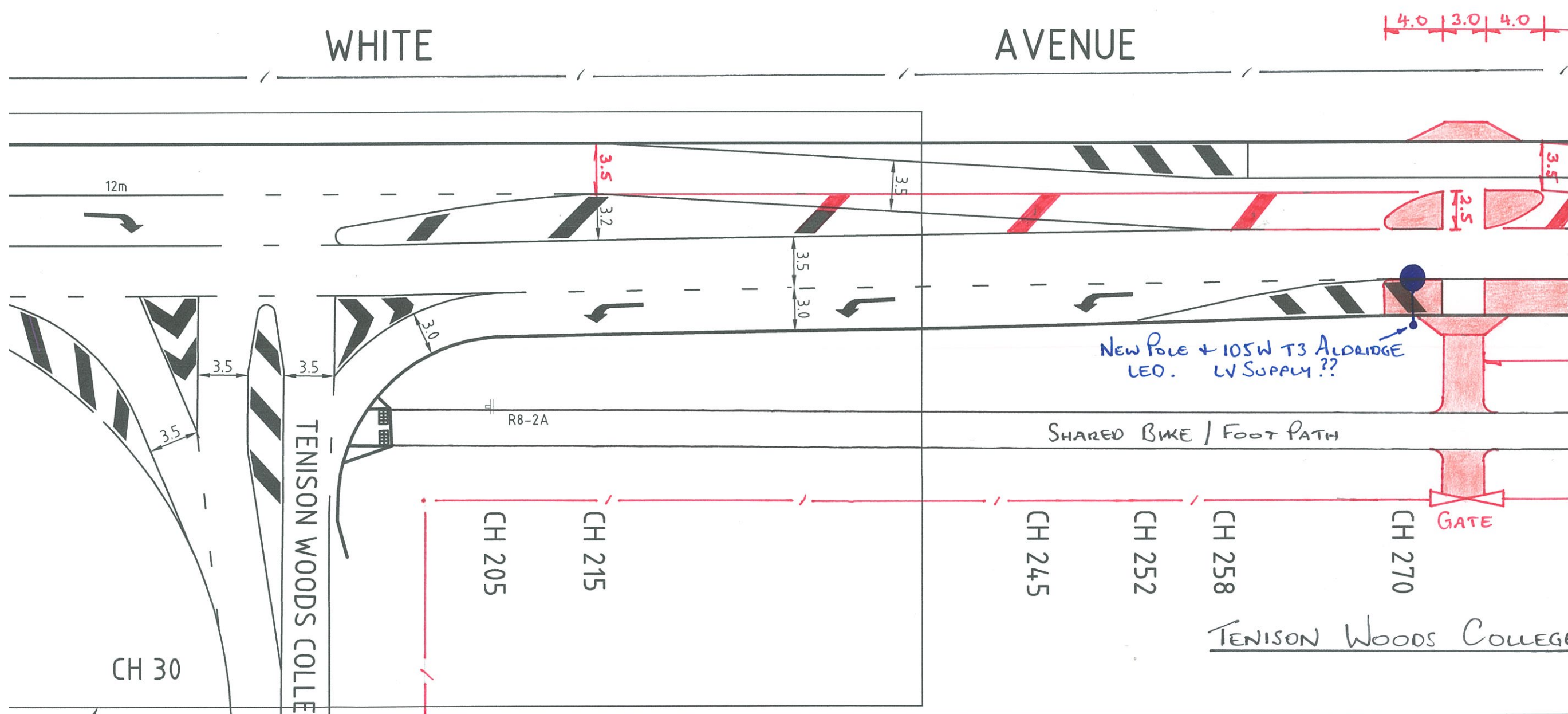
AR18/20866



9. REPORT ATTACHMENTS



MALSEED PARK SPORTS GROUND



WHITE

AVENUE

4.0 | 3.0 | 4.0

12m

New Pole + 105W T3 ALDRIDGE
LED. LV SUPPLY??

SHARED BIKE / FOOT PATH

GATE

CH 30

TENISON WOODS COLLEGE

CH 205

CH 215

CH 245

CH 252

CH 258

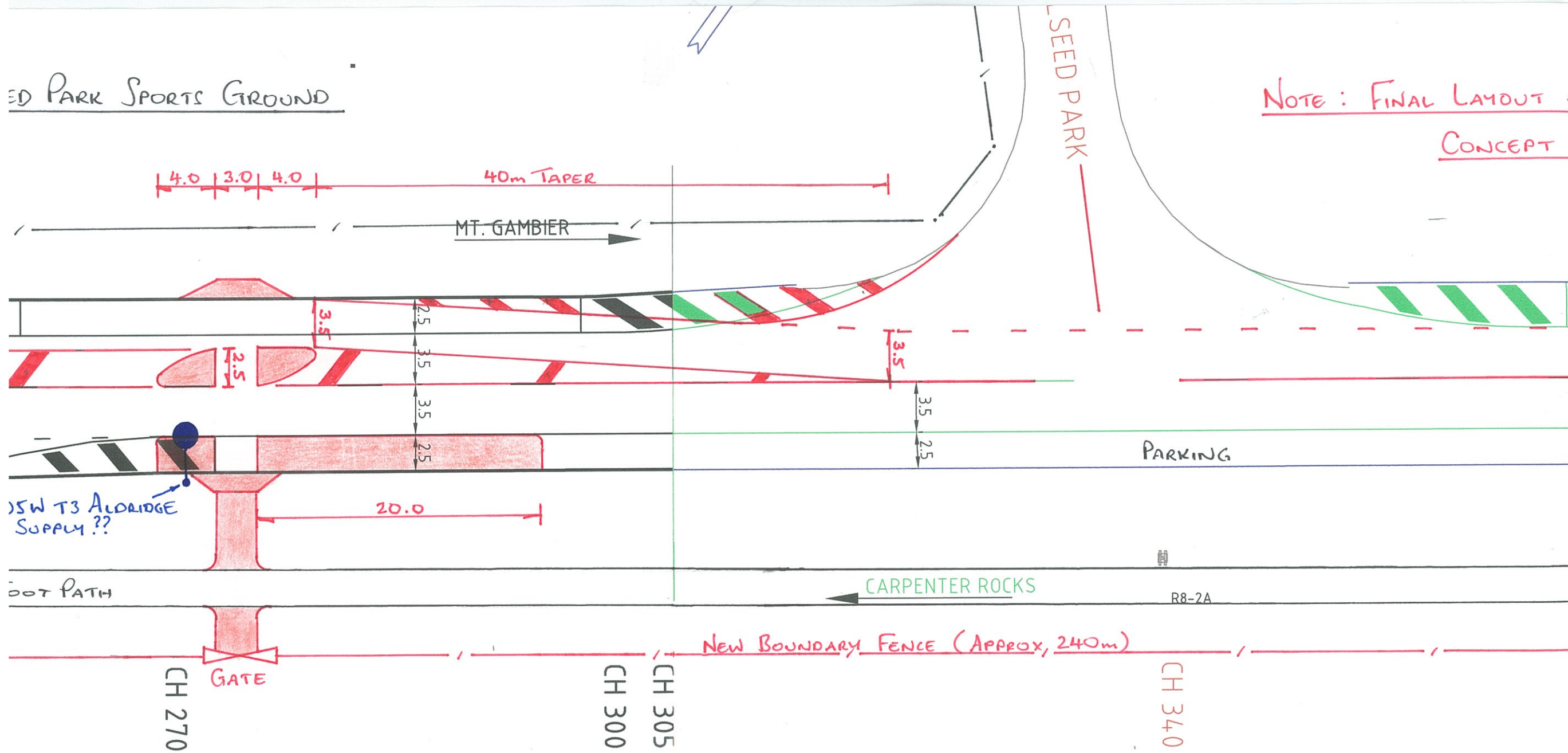
CH 270

TENISON WOODS COLLEGE

R8-2A

ED PARK SPORTS GROUND

NOTE: FINAL LAYOUT
CONCEPT



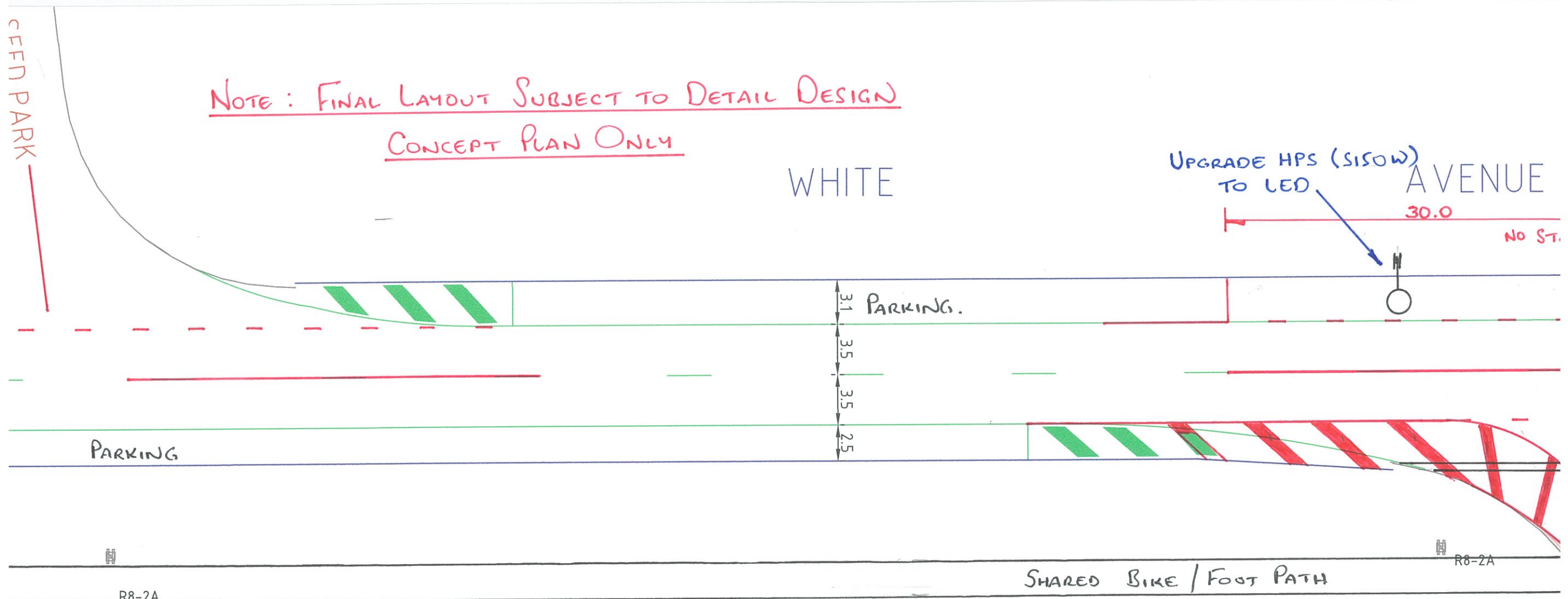
SW T3 ALDRIDGE
SUPPLY??

OOT PATH

ENISON WOODS COLLEGE

PEDESTRIAN REFUGE TO BE INSTALLED IN ACCORDANCE
WITH DPTI OPERATIONAL INSTRUCTION 10.4 'PEDESTRIAN
WALKTHROUGHS AND REFUGES'.

NOTE: FINAL LAYOUT SUBJECT TO DETAIL DESIGN
CONCEPT PLAN ONLY



CEFFN PARK

WHITE

UPGRADE HPS (SISOW)
TO LED

AVENUE

30.0

NO ST.

PARKING.

PARKING

SHARED BIKE / FOOT PATH

R8-2A

R8-2A

240m

CH 340

CH 370

CH 405

CH 435

JCE
STRIAN

TENISON WOODS COLLEGE

MATCH

DESIGN VEHICLE : 26m B-DOUBLE

UPGRADE HPS (SISOW)
TO LED

AVENUE

30.0

30.0

NO STANDING / PARKING

PARKING

3.1
3.5

PARKING

SPOON DRAIN

NO STANDING / PARKING.

UPGRADE HPS (SISOW) +
BOW MV TO LED

SHARED BIKE / FOOT PATH

R8-2A

R8-2A

CH 4.05

CH 4.35

CH 4.60

CH 4.65

CH 4.80

TENISON WOODS COLLEGE

SHEPHERDSON

MATCH TO EXISTING

ING.

Mr Nick Serle

General Manager Infrastructure
City of Mount Gambier
PO Box 56
Mount Gambier SA 5290

4th April 2018

Dear Nick,

RE: Safety Measures on White Avenue

We write to you regarding the Department of Planning, Transport and Infrastructure (DPTI) proposed 'Koala Crossing' on White Avenue adjacent to Tenison Woods College and West Gambier Football Club.

We have been made aware that DPTI will co-finance the construction of the crossing on the proviso that Tenison Woods College erect a fence along our perimeter that essentially funnels the children towards an exit in line with the crossing. It is the belief of DPTI that unless a fence is constructed in this manner, the crossing will be not used to effectively.

Tenison Woods College has in the past, sought quotations for boundary fencing but have found the exercise to be cost prohibitive and have therefore adopted a 'natural' fence line with native vegetation. Unfortunately, this is not an effective deterrent to our students when crossing White Avenue to meet parents/guardians.

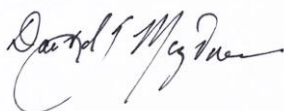
Given the conditions outlined by DPTI and the costly nature to meet this request, Tenison Woods College is approaching the council in the hope that it will consider bearing some of the cost as a joint project with the school. There are many students that leave the school via the White Avenue oval entrance and the construction of the crossing will significantly increase the safety of our students in this vicinity.

I have attached a quotation from DIY Fencing who have quoted on three different fence styles for comparison. They have recommended the black PVC chainmesh fence but we have also considered a rural fence as an option.

We sincerely hope you consider this appeal favourably and would be more than happy to meet and discuss it further should you have any queries or concerns.

My direct phone number is 87244601.

Yours sincerely,



David Meziniec
Principal




Tenison Woods College
Reception to Year 12
Co-Educational Catholic College

Shepherdson Road
PO Box 965,
Mount Gambier SA 5290

Telephone (08) 8725 5455
Facsimile (08) 8724 9303
Email info@tenison.catholic.edu.au

www.tenison.catholic.edu.au

	APPENDIX [21]	TRIM Doc Ref:	AR13/35025 [V6]
	<u>INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT REGULATIONS 2008</u>	Delegation Made:	19/06/2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Concept of Change in the Use of Land
<p>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p>
<p>1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and</p>
<p>1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.</p>
2. Appointment of Authorised Officers
<p>2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.</p>
<p>2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.</p>
<p>2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.</p>
<p>2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</p>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

3. Delegations
3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.
4. Council or Minister May Amend a Development Plan
4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.
4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.
4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.
4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.
4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.
4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.
4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.
5. Amendments by a Council
5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.
5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

5.3	Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:
5.3.1	the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;
5.3.2	the DPA must include an assessment of the extent to which the proposed amendment:
5.3.2.1	accords with the Planning Strategy; and
5.3.2.2	accords with the Statement of Intent; and
5.3.2.3	accords with other parts of the Development Plan; and
5.3.2.4	complements the policies in the Development Plans for adjoining areas; and
5.3.2.5	satisfies the matters prescribed in the Regulations;
5.3.3	the DPA must include:
5.3.3.1	an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and
5.3.3.2	a summary of the conclusions drawn from the investigations and assessments referred to above; and
5.3.3.3	a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);
5.3.4	the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	Regulations, in connection with the preparation of the DPA under the Act;
5.3.5	the DPA must include any other matter prescribed by the Regulations.
5.4	The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.
5.5	The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.
5.6	The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.
5.7	The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.
5.8	The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.
5.9	<u>Process A</u>
5.9.1	The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.
5.9.2	The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

5.9.4	The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.
5.9.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.
5.10	<u>Process B</u>
5.10.1	The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.
5.10.3	The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.
5.10.4	Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.
5.10.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.
5.11	<u>Process C</u>
5.11.1	The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.
5.11.2	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act,

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.
5.11.3	The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:
5.11.3.1	an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and
5.11.3.2	an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations.
5.12	The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:
5.12.1	accords with the Planning Strategy; and
5.12.2	accords with the Statement of Intent; and
5.12.3	accords with other parts of the Development Plan; and
5.12.4	complements the policies in the Development Plans for adjoining areas; and
5.12.5	satisfies the matters prescribed in the Regulations.
5.13	In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:
5.13.1	allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and
5.13.2	subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

5.13.3	appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.
5.14	If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:
5.14.1	informing the owner of the proposed amendment, and
5.14.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.
5.15	If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:
5.15.1	informing the owner of the proposed amendment; and
5.15.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.
5.16	The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.
5.17	The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.
5.18	The duty to send to the Minister:
5.18.1	a copy of a report under Section 25(13)(a); and
5.18.2	a certificate from the Chief Executive Officer;

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.
5.19	The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.
5.20	The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.
5.21	The power pursuant to Section 25(23) of the Act to consult with the Minister.
6.	Amendments by the Minister
6.1	The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
6.2	The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
6.3	The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.
6.4	The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.
6.5	The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.
7.	Parliamentary Scrutiny
7.1	The power pursuant to Section 27(6) of the Act to consult with the Minister.
8.	Strategic Directions Reports
8.1	The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

8.1.1	addresses the strategic planning issues within the area of the Council, with particular reference to:
8.1.1.1	the Planning Strategy; and
8.1.1.2	any other policy or document prescribed by the regulations; and
8.1.2	addresses appropriate amendments to any Development Plan that applies within the area of the Council; and
8.1.3	sets out the Council's priorities for:
8.1.3.1	achieving orderly and efficient development through the implementation of planning policies; and
8.1.3.2	the integration of transport and land-use planning within its area; and
8.1.3.3	implementing any relevant targets set out in the Planning Strategy; and
8.1.3.4	implementing affordable housing policies set out in the Planning Strategy within its area; and
8.1.3.5	infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and
8.1.3.6	other projects or initiatives considered to be relevant by the Council; and
8.1.4	contains such other material as may be:
8.1.4.1	prescribed by the regulations; or
8.1.4.2	required by the Minister.
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

8.2.1	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:
8.2.1.1	the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and
8.2.1.2	the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.
8.3	The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:
8.3.1	by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and
8.3.2	consult with any prescribed authority or body in the manner specified by the regulations.
8.4	The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.
8.5	The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.
8.6	The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:
8.6.1	reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

8.6.2	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.
8.7	The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.
8.8	The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).
8.9	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:
8.9.1	from a requirement to prepare a particular report under Section 30 of the Act; or
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.
8.10	The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.
8.11	The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.
8.12	The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.
8.13	The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.
9.	Copies of Plans to be Made Available to the Public

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

9.1	The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.
10. Matters Against Which Development Must be Assessed	
10.1	The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):
10.1.1	the provisions of the appropriate Development Plan;
10.1.2	the provisions of the Building Rules;
10.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;
10.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;
10.1.5	the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and
10.1.6	such other matters as may be prescribed.
10.2	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.
10.3	If:
10.3.1	a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and
10.3.2	the Council:

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

10.3.2.1	is the relevant authority; and
10.3.2.2	is to make the assessment under that paragraph; and
10.3.3	the Council determines to grant consent under that paragraph,
	the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.
11. Determination of Relevant Authority	
11.1	The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.
11.2	The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.
11.3	The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.
11.4	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel
11.5	The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.
11.6	The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.
12. Special Provisions Relating to Assessment Against Development Plans	

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

12.1	The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).
12.2	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.
12.3	Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.
12.4	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.
12.5	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.
12.6	Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.
13.	Special Provisions Relating to Assessment Against the Building Rules
13.1	The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.
13.2	The power pursuant to and in accordance with Section 36(2) of the Act:
13.2.1	to assess whether a development is at variance with the Building Rules;
13.2.2	to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	the granting of consent;
13.2.3	to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:
13.2.3.1	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or
13.2.3.2	in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.
13.3	The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.
13.4	The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.
13.5	The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:
13.5.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or
13.5.2	such compliance is certified by a private certifier.
13.6	The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

of that classification.	
14. Consultation With Other Authorities or Agencies	
14.1	Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:
14.1.1	refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and
14.1.2	not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).
14.2	The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.
14.3	If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.
15. Preliminary Advice and Agreement	
15.1	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.
15.2	The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.
16. Proposed Development Involving Creation of Fortifications	
16.1	The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

16.2	The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.
16.3	The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:
16.3.1	if the proposed development consists only of the creation of fortifications – refuse the application; or
16.3.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.
16.4	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.
17.	Public Notice and Consultation
17.1	The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.
17.2	Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -
17.2.1	the duty pursuant to Section 38(3a)(a) of the Act to:
17.2.1.1	subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and
17.2.1.2	give any other person of a prescribed class,
	notice of the application; and
17.2.2	the duty pursuant to Section 38(3a)(b) of the Act, to:

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

17.2.2.1	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and
17.2.2.2	forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and
17.2.3	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.
17.3	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.
17.4	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.
17.5	The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.
17.6	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.
17.7	The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.
17.8	The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.
17.9	The duty pursuant to Section 38(12) of the Act, where representations have

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.
17.10	The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.
17.11	The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.
18.	Application and Provision of Information
18.1	The power pursuant to Section 39(2) of the Act to request an applicant to:
18.1.1	provide such additional documents or information to enable assessment of the application;
18.1.2	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;
18.1.3	consult with an authority or body prescribed by the Regulations;
18.1.4	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and
18.1.5	comply with any other requirement prescribed by the Regulations.
18.2	If:
18.2.1	a development is of a kind that is complying development; and
18.2.2	the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and
18.2.3	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.
18.3	If:
18.3.1	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and
18.3.2	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,
	the power and duty pursuant to Section 39(2b)(c) of the Act, to;
18.3.3	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and
	the duty pursuant to Section 39(2b)(d) of the Act, to;
18.3.4	make that request within a period prescribed by the Regulations.
18.4	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:
18.4.1	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and
18.4.2	refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).
18.5	The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.
18.6	The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.
18.7	The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.
18.8	The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.
18.9	The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).
18.10	The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.
18.11	The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
18.12	The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.
18.13	The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.
18.14	The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.
18.15	Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.
18.16	The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.
18.17	The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.
19.	Determination of Application
19.1	The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)
19.2	The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.
20.	Time Within Which Decision Must be Made
20.1	The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.
20.2	If:
20.2.1	the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and
20.2.2	the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,
	the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.
21.	Conditions
21.1	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	to any decision under Division 1 of Part 4 of the Act.
21.2	The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).
21.3	The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.
21.4	The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.
22.	Cancellation by a Relevant Authority
22.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.
23.	Investigation of Development Assessment Performance
23.1	The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.
23.2	The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.
23.3	The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.
24.	Crown Development and Public Infrastructure

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

24.1	The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
24.2	The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.
24.3	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.
25.	Electricity Infrastructure Development
25.1	The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
25.2	The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.
25.3	The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.
26.	Open Space Contribution System
26.1	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:
26.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
26.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or
26.1.3	that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	Act, according to the determination and specification of the Council or Delegate.
26.2	The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.
26.3	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.
26.4	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.
26.5	The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.
26.6	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.
27.	Carparking Fund
27.1	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.
27.2	The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.
27.3	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.
27.4	The power pursuant to Section 50A(5)(d) of the Act to agree with an

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.
27.5	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.
27.6	The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.
27.7	The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.
27.8	The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.
28.	Urban Trees Fund
28.1	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).
28.2	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.
28.3	The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.
28.4	The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.
28.5	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:
28.5.1	maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or
28.5.2	purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute,

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

significant trees under the Act.	
28.6	The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:
28.6.1	if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;
28.6.2	if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.
29. Certificate in Respect of the Division of Land	
29.1	The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.
30. Saving Provisions	
30.1	The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.
31. Avoidance of Duplication of Procedures Etc	
31.1	The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.
31.2	The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
31.3	The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.
31.4	The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
31.5	Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:
31.5.1	in circumstances where:
31.5.1.1	the Commonwealth Minister has given his or her approval to the controlled action; and
31.5.1.2	the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;
	the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

<p>31.5.2</p>	<p>the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>
32. Requirement to Upgrade Building in Certain Cases	
<p>32.1</p>	<p>Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.</p>
<p>32.2</p>	<p>Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code.</p>
33. Urgent Building Work	
<p>33.1</p>	<p>The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.</p>
34. Action if Development Not Substantially Completed	
<p>34.1</p>	<p>The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.</p>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

34.2	The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.
34.3	The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.
35.	Completion of Work
35.1	The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.
35.2	The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.
35.3	The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.
35.4	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.
36.	Council to Establish Development Assessment Panels
36.1	The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.
36.2	The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.
36.3	The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

36.4	The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.
36.5	The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.
36.6	The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:
36.6.1	breach of, or failure to comply with, the conditions of appointment; or
36.6.2	misconduct; or
36.6.3	neglect of duty; or
36.6.4	incapacity to carry out satisfactorily the duty of his or her office; or
36.6.5	failure to carry out satisfactorily the duty of his or her office; or
36.6.6	failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.
36.7	The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.
36.8	The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.
36.9	The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.
36.10	The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).
36.11	The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

36.12	The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.
36.13	The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.
37. Building Rules Assessment Audits	
37.1	The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.
37.2	The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.
37.3	The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.
37.4	The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).
37.5	The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).
37A. Development Plan Assessment Audits	
37A.1	The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.
37A.2	The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.
37A.3	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.
37A.4	The power pursuant to Section 56C(15) of the Act to, if

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

37A.4.1	the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and
37A.4.2	the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,
	consult with the Minister.
38. Land Management Agreements	
38.1	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.
38.2	The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).
38.3	The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.
38.4	The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.
38.5	The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.
38.6	The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.
38.7	The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

entered into by the Minister.	
39. Land Management Agreements - Development Applications	
39.1	The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.
39.2	The duty pursuant to Section 57A(3) of the Act to have regard to:
39.2.1	the provisions of the appropriate Development Plan.
39.2.2	the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.
39.3	The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.
39.4	The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.
39.5	The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.
39.6	The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.
39.7	The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.
39.8	The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.
39.9	The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).
40. Notification During Building	
40.1	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.
41. Classification of Buildings	
41.1	The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.
42. Certificates of Occupancy	
42.1	The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.
42.2	The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.
42.3	The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.
42.4	The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.
43. Temporary Occupation	
43.1	The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.
43.2	The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.
44. Emergency Orders	
44.1	Where an owner of land fails to comply with the requirements of an

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

emergency order issued under Section 69(1) of the Act:
44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and
44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.
44A Fire Safety
44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.
44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.
44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).
44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.
44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.
44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.
44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.
44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.
45. Building Inspection Policies
45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

46. Advertisements
46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:
46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and
46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).
46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.
47. Enforcement Notices
47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.
47.2 The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.
47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:
47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and
47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.
48. Applications to Court
48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

48.2	Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.
49. General Right to Apply to Court	
49.1	Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.
50. Authority to be Advised of Certain Matters	
50.1	The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.
51. Referrals	
51.1	The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.
52. Professional Advice to be Obtained in Relation to Certain Matters	
52.1	The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.
52.2	The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

<u>DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006</u>	
53. Transitional Provisions	
53.1	The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.
53.2	The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.

<u>DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008</u>	
53A. Complying Development – Development Plan Consent	
53A.1	The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:
53A.1.1	in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and
53A.1.2	in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:
53A.2.1 form the opinion that a variation from <i>complying</i> development (including <i>complying</i> development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and
53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from <i>complying</i> development'.
53B. Complying Building Work – Building Rules
53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the <i>Building Code</i> referred to in Schedule 4 Part 2).
54. Infrastructure Planning
54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.
55. Consultation with Government Departments or Agencies
55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.
56. Public Consultation – Section 25 & 26
56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:
56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and
56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and
56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	meeting is to be held, until the decision is made not to hold the meeting); and
56.1.4	providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).
56.2	If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).
56.3	For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.
56.4	The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.
57.	Public Meeting
57.1	The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.
57.2	The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.
58.	Application to Relevant Authority
58.1	The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.
58.2	The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.
58.3	The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

Assessment Commission.	
58.4	The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.
58.4A	The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:
58.4A.1	the Development Assessment number assigned to the development proposed under the application; and
58.4A.2	if the private certifier, at the time of forwarding a copy of an application form under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:
58.4A.2.1	advice about any site contamination that is believed to exist at the site where the development would be undertaken;
58.4A.2.2	advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point; and
58.4A.2.3	advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.
58.5	The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).
58.6	<i>DELIBERATELY LEFT BLANK</i>
58.7	The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:
58.7.1	in the case of an application that is lodged with the Council for assessment as <i>residential code</i> development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

58.7.2	in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).
58.8	The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.
59.	Nature of Development
59.1	The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.
59.2	The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.
59.3	The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.
59.4	The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is not <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.
60.	Non-Complying Development
60.1	The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:
60.1.1	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or
60.1.2	resolve to proceed with an assessment of the application.
60.2	The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

60.3	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.
61.	Notification of Application for Tree-Damaging Activity to Owner of Land
61.1	Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:
61.1.1	to give the owner of land notice of the application; and
61.1.2	to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.
62.	Amended Applications
62.1	The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.
62.2	The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.
63.	Withdrawing/Lapsing Application
63.1	The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.
63.2	Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.
63.3	Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:
63.3.1	take reasonable steps to notify the applicant of the action under consideration; and
63.3.2	allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

submissions.	
64. Contravening Development	
64.1	The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.
65. Referrals	
65.1	The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.
66. Procedure Where Concurrence Required	
66.1	The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.
67. Additional Information or Amended Plans	
67.1	The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.
68. Special Provisions – Referrals	
68.1	The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:
68.1.1	a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or
68.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or
68.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,
	and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

68.2	The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.
68.3	If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:
68.3.1	recommends against the granting of building rules consent; or
68.3.2	concurs in the granting of consent on conditions specified in its report,
	but the Delegate:
68.3.3	proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or
68.3.4	does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
	the duty pursuant to Regulation 28(5a) of the Regulations to:
68.3.5	refer the application to the Building Rules Assessment Commission; and
68.3.6	not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.
68.4	The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.
68.5	The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.
69.	Land Division Applications
69.1	The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.
69.2	The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

Development Assessment Commission does not desire to make a report.	
70. Underground Mains Area	
70.1	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.
70.3	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.
71. Preliminary Advice and Agreement - Section 37AA	
71.1	The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:
71.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and
71.2.2	the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:
71.2.3	to obtain a variation to the agreement under Section 37AA of the Act; or
71.2.4	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.
71.3	The power pursuant to Regulation 31A(7) of the Regulations if:
71.3.1	an application is withdrawn by the Applicant; and
71.3.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,
	to notify the relevant prescribed body of the withdrawal of an application.
71.4	The power pursuant to Regulation 31A(8) of the Regulations if:
71.4.1	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and
71.4.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,
	to notify the relevant prescribed body of the lapsing of an

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

application.	
71.5	The power pursuant to Regulation 31A(9) of the Regulations if:
71.5.1	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and
71.5.2	a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,
to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.	
71A. Public Notice Categories	
71A.1	The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.
72. Public Inspection of Certain Applications	
72.1	The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).
72.2	The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.
72.3	The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.
72.4	The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.
73. Response by Applicant	
73.1	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation
74. Determination of Commission as Relevant Authority	
74.1	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

74.1.1	in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and
74.1.2	in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).
74.2	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.
75. Assessment in Respect of Building Rules Referred to the Council	
75.1	The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.
76. Notification of Decision to Applicant (Including Conditions)	
76.1	The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).
77. Notification of Decision to a Prescribed Body	
77.1	The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.
77.2	The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.
78. Notification of Decision to Owner of Land	
78.1	The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.	
79. Scheme Description – Community Titles	
79.1	The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:
79.1.1	All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. <p style="text-align: center;">OR</p> No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description. Signed: Dated:
79.2	The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.
80. Special Provisions Relating to Staged Consents	
80.1	The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.
81. Endorsed Plans	
81.1	The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.
81A. Minor Variation of Development Authorisation	
81A.1	The power pursuant to Regulation 47A(1) of the Regulations, if a person

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.
82. Lapse of Consent or Approval	
82.1	The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.
83. Width of Roads and Thoroughfares	
83.1	The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.
83.2	The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.
84. Road Widening	
84.1	The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.
85. Requirement as to Forming of Roads	
85.1	The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.
85.2	The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.
85.3	The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.
86. Construction of Roads, Bridges, Drains and Services	
86.1	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.
87. Supplementary Provisions	
87.1	The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

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87.2	The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.
87.3	The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.
88.	General Land Division
88.1	The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.
88.2	The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.
89.	Division of Land by Strata Title
89.1	The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.
90.	General Provisions
90.1	The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.
90.2	The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.
90.3	The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

91. Declaration by The Minister - Section 46	
91.1	The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.
91.2	At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).
91.3	Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.
92. Referral of Assessment of Building Work	
92.1	Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.
92.2	Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:
92.2.1	provide the certification in the form set out in Schedule 12A; and
92.2.2	to the extent that may be relevant and appropriate:
92.2.2.1	issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and
92.2.2.2	assign a classification to the building under the Regulations; and
92.2.2.3	ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> .
92.3	Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations,

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.
93.	Notifications During Building Work
93.1	The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.
93.2	The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.
93.3	The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.
94.	Essential Safety Provisions
94.1	The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.
94.2	The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.
94A	Swimming Pool Safety
94A.1	The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.
95.	Building Rules: Bushfire Prone Areas
95.1	Where:
95.1.1	application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and
95.1.2	the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and
95.1.3	the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),
	the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.
96. Construction Industry Training Fund	
96.1	The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.
96.2	The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.
96.3	The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.
96A Requirement to Up-grade Building in Certain Cases	
96A.1	The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:
96A.1.1	that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or
96A.1.2	that the building work comply with <i>Minister's Specification SA: Upgrading health and safety in existing buildings</i> (to the extent reasonably applicable to the building and its condition).
97. Classification of Buildings	
97.1	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.
97.2	The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.
97.2A	The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that <i>Minister's Specification SA: Upgrading health and safety in existing buildings</i> has been complied with (to the extent reasonably applicable to the building and its present or intended use).
97.3	The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act – 97.3.1 the maximum number of persons who may occupy the building (or part of the building); and 97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.
98.	Certificates of Occupancy
98.1	The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.
98.2	The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.
98.3	The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.
98.4	Where:
98.4.1	a building is required by the Building Rules:
98.4.1.1	to be equipped with a booster assembly for use by a fire authority; or

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

98.4.1.2	to have installed a fire alarm that transmits a signal to a fire station; and
98.4.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,
	the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.
98.5	The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.
98.6	The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.
98.7	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.
99.	Certificate of Independent Technical Expert in Certain Case
99.1	The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.
100.	Fees
100.1	The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.
100.2	The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.
100.3	The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.
100.4	The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:
100.4.1	if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and
100.4.2	if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

101. Register Of Applications
101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.
101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).
102. Registration of Land Management Agreements
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.
102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.
103. Land Management Agreements - Development Applications
103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.
103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.
103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.
103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.
103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.
104. Documents to be Preserved by a Council
104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.
104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.
104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	least 10 years.
104.2	The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.
104.3	The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.
104.4	The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.
104.5	The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:
	104.5.1 for inspection under Regulation 101(4)(a) if to do so would:
	104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or
	104.5.1.2 constitute a breach of any other law; or
	104.5.2 for copying under Regulation 101(4)(b) if to do so would:
	104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or
	104.5.2.2 involve an infringement of copyright in matter contained in a document; or
	104.5.2.3 constitute a breach of any other law.
104A Documents to be Provided by Private Certifier	
104A.1	The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.
105. Transfer of Development Potential	
105.1	The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.
106. System Indicators
106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.
106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.
106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.
107. Schedule 1A – Demolition
107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.
107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.
108. Schedule 4 – New Dwellings
108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.
109. Schedule 6 - Fees
109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.
110. Schedule 8 – Development Near The Coast
110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.
111. Schedule 8 - Development Adjacent To Main Roads

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

111.1	The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:
111.1.1	alter an existing access; or
111.1.2	change the nature of movement through an existing access; or
111.1.3	create a new access; or
111.1.4	encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,
	in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).
112. Schedule 8 - State Heritage Places	
112.1	The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated
113. Schedule 8 – Mining – General	
113.1	The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.
114. Schedule 8 - Activity of Environmental Significance	
114.1	The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.
115. Schedule 8 – Aquaculture Development	
115.1	The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.
116. Schedule 8 – Development Within the River Murray Floodplain Area	
116.1	The power pursuant to and in accordance with Item 19(b) of Clause 2 of

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.
117. Schedule 8 – Development Within the River Murray Tributaries Area
117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.
118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development
118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.
118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.
118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:
118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);
118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).
118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:
118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and
118.4.2 whether the division will change the nature or function of an existing road.
118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

	days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.
118.6	Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:
118.6.1	the duty to not take into account what is included within Schedule 3 of the Regulations; and
118.6.2	the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and
118.6.3	the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.
118.7	The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:
118.7.1	that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and
118.7.2	whether the proposed division will change the nature or function of an existing road.
119.	<i>DELIBERATELY LEFT BLANK</i>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993,
DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil



APPENDIX [14]

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

<u>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</u>	
Section and Power/Function Delegated	
1. Composition and Wards	
1.1	The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,
1.1.1	alter the composition of the Council;
1.1.2	divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.
1.2	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to
1.2.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
1.2.2	alter the name of: <ul style="list-style-type: none"> 1.2.2.1 the Council; 1.2.2.2 the area of the Council;
1.2.3	give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).
1.3	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.
1.4	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.
1.5	Deliberately left blank.
1.6	Deliberately left blank.
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated	
1.8	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.
1.9	The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).
1.10	At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:
1.10.1	provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and
1.10.2	sets out:
1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and
1.10.2.2	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and
1.10.3	sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.
1.11	The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.
1.12	The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.
1.13	The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.
1.14	With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:
1.14.1	insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and
1.14.2	to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.
1.15	Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:
1.15.1	prepare a summary of issues surrounding the proposal to assist persons who may vote at

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated	
	the poll; and
1.15.2	obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and
1.15.3	after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.
1.16	The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.
1.17	The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.
1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.
1.19	The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.
1.20	Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.
1.21	The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.
2. Status of a Council or Change of Various Names	
2.1	The power pursuant to Section 13(1) of the Act, to, by notice in the <i>Gazette</i> , after complying with the requirements of Section 13 of the Act:
2.1.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
2.1.2	alter the name of:
2.1.2.1	the Council;
2.1.2.2	the area of the Council;
2.1.3	alter the name of a ward.
2.2	The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated	
2.2.1	to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;
2.2.2	publish the notice in a newspaper circulating within the area; and
2.2.3	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.
3.	Deliberately left blank
4.	Deliberately left blank
5.	Council Initiated Proposal
5.1	Deliberately left blank
5.2	Deliberately left blank
5.3	The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council, request or consent to the Minister:
5.3.1	amending the proposal;
5.3.1	substituting an alternative proposal.
6.	Public Initiated Submissions
6.1	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or
6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.
6.2	Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Minister are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Minister, pursuant to Section 28(23)(f) and (g).
7.	General Powers and Capacities
7.1	The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.
7.2	The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.
7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:
7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated	
7.3.2	in order to provide services to an unincorporated area of the State.
7.4	The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.
8. Provision Relating to Contract and Transactions	
8.1	The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.
9. Committees	
9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.
9.3	The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.
9.4	The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.
9.5	The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.
10. Delegations	
10.1	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.
10.2	The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.
11. Principal Office	
11.1	The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.
11.2	The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.
11.3	The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.
12. Commercial Activities	
12.1	Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated	
12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:
12.2.1	establish a business;
12.2.2	participate in a joint venture, trust, partnership or other similar body.
13.	Interests in Companies
13.1	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.
14.	Prudential Requirements for Certain Activities
14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
14.00.1	acts with due care, diligence and foresight; and
14.00.2	identifies and manages risks associated with a project; and
14.00.3	makes informed decisions; and
14.00.4	is accountable for the use of Council and other public resources.
14.0	The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.
14.1	Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:
14.1.1	Deliberately left blank.
14.1.2	engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -
14.1.2.1	where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
14.1.2.2	where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or
14.1.2.3	where the Council or Delegate considers that it is necessary or appropriate.
14.2	Deliberately left blank.
14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

15. Contracts and Tenders Policies

15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:

- 15.0.1 obtaining value in the expenditure of public money; and
- 15.0.2 providing for ethical and fair treatment of participants; and
- 15.0.3 ensuring probity, accountability and transparency in procurement operations.

15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:

- 15.1.1 the contracting out of services; and
- 15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and
- 15.1.3 the use of local goods and services; and
- 15.1.4 the sale or disposal of land or other assets.

15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:

- 15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and
- 15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and
- 15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and
- 15.2.4 are consistent with any requirement prescribed by the regulations.

15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).

15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.

16. Public Consultation Policies

16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:

- 16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and
- 16.1.2 in other cases involving Council decision making, if relevant.

16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.

16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

where the Act requires the policy to be followed, provides for:

- 16.3.1 the publication of a notice:
 - 16.3.1.1 in a newspaper circulating within the area of the Council; and
 - 16.3.1.2 on a website determined by the Chief Executive Officer,
 describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
- 16.3.2 the consideration of any submissions made in response to that invitation.

16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.

- 16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:
- 16.5.1 prepare a document that sets out its proposal in relation to the matter; and
 - 16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;
 - 16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.

16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.

16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.

17. Deliberately left blank

18. Inspection of Register

18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.

19. Reimbursement of Expenses

- 19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.
- 19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.

20. Register of Allowances and Benefits

20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated	
21. Insurance of members	
21.1	The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.
22. Training and Development	
22.1	The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.
22.2	The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.
22.3	The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.
22.4	The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).
23. Committee Meetings	
23.1	The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.
23.2	The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account: <ul style="list-style-type: none"> 23.2.1 the availability and convenience of members of the committee; and 23.2.2 the nature and purpose of the committee.
24. Meetings To Be Held in Public Except in Special Circumstances	
24.1	The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.
24.2	The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.
24.3	The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.
25. Minutes and Release of Documents	
25.1	The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.
25.2	Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

- 25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:
- 25.3.1 minutes of the Council and Council committee meetings; and
 - 25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and
 - 25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and
 - 25.3.4 budgetary or other financial statements adopted by the Council.

26. Access to Meetings and Documents – Code of Practice

- 26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt 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 of Chapter 6 of the Act.
- 26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.
- 26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.
- 26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:
- 26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and
 - 26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed.
- 26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.

27. Meetings of Electors

- 27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.
- 27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.
- 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).

28. Obstructing of Meetings

- 28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.

29. Register of Remuneration Salaries and Benefits

- 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.

30. Certain Periods Of Service To Be Regarded As Continuous

30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.

30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.

30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.

31. Deliberately left blank

32. Application of Division

32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.

33. Certain Aspects of Strategic Management Plans

33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.

33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

34. Annual Business Plans and Budgets

34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to,
 34.1.1 prepare a draft annual business plan; and
 34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.

34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.

34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:
 34.3.1 a facility for asking and answering questions; and
 34.3.2 the receipt of submissions,
 on the Council's website during the public consultation period.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

- 34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:
- 34.4.1 ensure:
 - 34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and
 - 34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and
 - 34.4.2 ensure:
 - 34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
 - 34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge),
at the principal office of the Council; and
 - 34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.

35. Accounting Records to be Kept

- 35.1 The duty pursuant to Section 124(1) of the Act to:
- 35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;
 - 35.1.2 keep the Councils accounting records in such manner as will enable:
 - 35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and
 - 35.1.2.2 the financial statements of the Council to be conveniently and properly audited.
- 35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.

36. Internal Control Policies

- 36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.

37. Audit Committee

- 37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.
- 37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

38. Financial Statements

- 38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year:
 - 38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and
 - 38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.
- 38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:
 - 38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and
 - 38.2.2 comply with standards and principles prescribed by the Regulations; and
 - 38.2.3 include the information required by the Regulations.
- 38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.
- 38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.
- 38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

39. The Auditor

- 39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.
- 39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.
- 39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:
 - 39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:
 - 39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and
 - 39.3.1.2 other remuneration;
 - 39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.

40. Conduct of Audit

- 40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

41. Other Investigations

41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.

41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:

41.2.1 unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;

41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.

42. Annual Report to be Prepared and Adopted

42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.

42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.

42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.

42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:

42.4.1 the Presiding Member of both Houses of Parliament; and

42.4.2 to the persons or body prescribed by the Regulations,
on or before the date determined under the Regulations.

42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.

42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

43. Access to Documents

- 43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:
 - 43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and
 - 43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.

- 43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).

- 43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:
 - 43.3.1 agendas for meetings of the Council or Council committees;
 - 43.3.2 minutes of meetings of the Council or Council committees;
 - 43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;
 - 43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;
 - 43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;
 - 43.3.6 the Council's budget (as adopted by the Council for a particular year);
 - 43.3.7 a list of fees and charges imposed by the Council under this Act;
 - 43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;
 - 43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;
 - 43.3.10 the audited financial statements of the Council;
 - 43.3.11 the annual report of the Council;
 - 43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.

44. Related Administrative Standards

- 44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:
 - 44.1.2 to ensure compliance with any statutory requirements; and
 - 44.1.2 to achieve and maintain standards of good public administration.

45. Sources of Funds

- 45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

46. Ability of a Council to Give Security	
46.1	The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including: <ul style="list-style-type: none"> 46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council); 46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act); 46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.
46.2	The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to: <ul style="list-style-type: none"> 46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and 46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.
47. Expenditure of Funds	
47.1	Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.
48. Investment Powers	
48.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.
48.2	The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to: <ul style="list-style-type: none"> 48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and 48.2.2 avoid investments that are speculative or hazardous in nature.
48.3	The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters: <ul style="list-style-type: none"> 48.3.1 the purposes of the investment; 48.3.2 the desirability of diversifying Council investments; 48.3.3 the nature of and risk associated with existing Council investments; 48.3.4 the desirability of maintaining the real value of the capital and income of the investment; 48.3.5 the risk of capital or income loss or depreciation; 48.3.6 the potential for capital appreciation; 48.3.7 the likely income return and the timing of income return; 48.3.8 the length of the term of a proposed investment; 48.3.9 the period for which the investment is likely to be required; 48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment; 48.3.11 the aggregate value of the assets of the Council; 48.3.12 the likelihood of inflation affecting the value of a proposed investment; 48.3.13 the costs of making a proposed investment; 48.3.14 the results of any review of existing Council investments.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>48.4</p> <p>48.4.1</p> <p>48.4.2</p>	<p>Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:</p> <p>the anticipated community benefit from an investment; and</p> <p>the desirability of attracting additional resources into the local community.</p>
<p>48.5</p>	<p>The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.</p>
<p>49. Review of Investment</p>	
<p>49.1</p>	<p>The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.</p>
<p>50. Gifts to a Council</p>	
<p>50.1</p> <p>50.1.1</p> <p>50.1.2</p> <p>50.1.3</p> <p>50.1.4</p> <p>50.1.5</p>	<p>Within the confines of Section 44(3) of the Act:</p> <p>the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;</p> <p>the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;</p> <p>the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;</p> <p>where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and</p> <p>the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the <i>Gazette</i>, within 28 days after that order is made.</p>
<p>51. Duty to Insure Against Liability</p>	
<p>51.1</p>	<p>The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.</p>
<p>52. Writing off Bad Debts</p>	
<p>52.1</p> <p>52.1.1</p> <p>52.1.2</p>	<p>The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:</p> <p>if the Council has no reasonable prospect of recovering the debts; or</p> <p>if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.</p>
<p>52.2</p> <p>52.2.1</p> <p>52.2.2</p>	<p>The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:</p> <p>reasonable attempts have been made to recover the debt; or</p> <p>the costs of recovery are likely to equal or exceed the amount to be recovered.</p>
<p>53. Recovery of Amounts due to Council</p>	
<p>53.1</p>	<p>The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.</p>
<p>54. Land Against Which Rates May be Assessed</p>
<p>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.</p>
<p>55. Basis of Rating</p>
<p>55.1 Before the Council:</p> <p>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</p> <p>55.1.2 changes the basis on which land is valued for the purposes of rating; or</p> <p>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</p> <p>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</p> <p>55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</p> <p>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</p>
<p>55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>
<p>56. General Rates</p>
<p>56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.</p>
<p>57. Service Rates and Service Charges</p>
<p>57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.</p>
<p>57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.</p>
<p>58. Basis of Differential Rates</p>
<p>58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>58.2</p>	<p>The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -</p> <p>58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and</p> <p>58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.</p>
<p>58.3</p>	<p>The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>
<p>59. Notice of Differentiating Factors</p>	
<p>59.1</p>	<p>If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.</p>
<p>60. Preliminary</p>	
<p>60.1</p>	<p>The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.</p>
<p>60.2</p>	<p>The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).</p>
<p>60.3</p>	<p>The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.</p>
<p>60.4</p>	<p>The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.</p>
<p>61. Rebate of Rates - Community Services</p>	
<p>61.1</p>	<p>The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:</p> <p>61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and</p> <p>61.1.27 provides community services without charge or for charge that is below the cost to the body of providing their services; and</p> <p>61.1.3 does not restrict its services to persons who are members of the body.</p>
<p>62. Rebate of Rates - Educational Purposes</p>	
<p>62.1</p>	<p>The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</p> <p>62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or</p> <p>62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or</p> <p>62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

63. Discretionary Rebates of Rates	
63.1	The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):
63.1.1	the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
63.1.2	the community need that is being met by activities being carried out on the land for which the rebate is sought; and
63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;
63.1.4	any other matter considered relevant by the Council or the Delegate.
63.2	The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:
63.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;
63.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;
63.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;
63.2.4	where the land is being used for educational purposes;
63.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;
63.2.6	where the land is being used for a hospital or health centre;
63.2.7	where the land is being used to provide facilities or services for children or young persons;
63.2.8	where the land is being used to provide accommodation for the aged or disabled;
63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;
63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;
63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;
63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:
63.2.12.1	redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or
63.2.12.2	change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

63.2.13	where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:
63.2.13.1	liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or
63.2.13.2	liability that is unfair or unreasonable;
63.2.14	where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or
63.2.15	where the rebate is contemplated under another provision of the Act.
63.3	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:
63.3.1	where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or
63.3.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area; or
63.3.3	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.
63.4	The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.
64. Valuation of Land for the Purposes of Rating	
64.1	The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.
64.2	For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:
64.2.1	valuations made, or caused to be made, by the Valuer-General; or
64.2.2	valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;
	or a combination of both.
64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.
65. Valuation of Land	
65.1	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).
65.2	The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.
65.3	The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

66. Objections to Valuations Made by Council	
66.1	The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where: <ul style="list-style-type: none"> 66.1.1 the objection does not involve a question of law; and 66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and 66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).
66.2	The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.
66.3	The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.
66.4	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is: <ul style="list-style-type: none"> 66.4.1 in the prescribed manner and form; 66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and 66.4.3 accompanied by the prescribed fee.
66.5	The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.
67. Notice of Declaration of Rates	
67.1	The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.
68. Alterations to Assessment Record	
68.1a	The duty pursuant to and in accordance with Section 172(1) to ensure that a record (the assessment record) is kept.
68.1	The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
68.2	The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.
69. Inspection of Assessment Record	
69.1	The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

70. Liability for Rates	
70.1	The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from: <ul style="list-style-type: none"> 70.1.1 the principal ratepayer; or 70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or 70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.
70.2	The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.
70.3	Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.
70.4	The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.
71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year	
71.1	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.
71.2	The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.
72. Service of Rate Notice	
72.1	The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after: <ul style="list-style-type: none"> 72.1.1 the declaration of a rate; or 72.1.2 the imposition of a service charge; or 72.1.3 a change in the rates liability of land.
73. Payment of Rates – General Principles	
73.1	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.
73.2	If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).
73.3	The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

73.4	<p>The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:</p> <p>73.4.1 the amount of the instalment; and</p> <p>73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.</p>
73.5	<p>The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.</p>
73.6	<p>The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.</p>
73.7	<p>The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:</p> <p>73.7.1 the payment of instalments of rates in advance; or</p> <p>73.7.2 prompt payment of rates.</p>
73.8	<p>The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.</p>
73.9	<p>The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.</p>
73.10	<p>The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:</p> <p>73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and</p> <p>73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.</p>
74. Remission and Postponement of Payment	
74.1	<p>The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:</p> <p>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or</p> <p>74.1.2 remit the rates in whole or in part.</p>
74.2	<p>The power pursuant to Section 182(2) of the Act on a postponement of rates:</p> <p>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>74.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates: 74.3.1 to assist or support a business in the Council's area; or 74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.
74.4	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).
74.5	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.
74.6	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).
75.	Postponement of Rates - Seniors
75.1	The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.
75.2	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to: 75.2.1 reject an application for the postponement of rates; or 75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.
76.	Application of money in respect of rates
76.1	The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.
77.	Sale of Land for Non-Payment of Rates
77.1	The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
77.2	The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record: 77.2.1 stating the period for which the rates have been in arrears; and 77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and 77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.
77.3	The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act: 77.3.1 to any owner of the land who is not the principal ratepayer; and 77.3.2 to any registered mortgagee of the land; and 77.3.3 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.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>77.4 If:</p> <p>77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or</p> <p>77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,</p> <p>the power pursuant to Section 184(4) of the Act to effect service of the notice by:</p> <p>77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>77.4.4 leaving a copy of the notice in a conspicuous place on the land.</p>
<p>77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.</p>
<p>77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.</p>
<p>77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.</p>
<p>77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.</p>
<p>77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.</p>
<p>77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.</p>
<p>77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.</p>
<p>78. Objection, Review or Appeal</p>
<p>78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:</p> <p>78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or</p> <p>78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

79. Certificate of Liabilities

- 79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:
- 79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and
 - 79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.

80. Investigation by Ombudsman

- 80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:
- 80.1.1 the Ombudsman; and
 - 80.1.2 if relevant, the person who made the complaint.
- 80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.

81. Fees and Charges

- 81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:
- 81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;
 - 81.1.2 for services supplied to a person at his or her request;
 - 81.1.3 for carrying out work at a person's request;
- 81.2 The power pursuant to Section 188(3) of the Act to provide for:
- 81.2.1 specific fees and charges;
 - 81.2.2 maximum fees and charges and minimum fees and charges;
 - 81.2.3 annual fees and charges;
 - 81.2.4 the imposition of fees or charges according to specified factors;
 - 81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and
 - 81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.
- 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
- 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
- 81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

82. Acquisition of Land by Agreement	
82.1	The power pursuant to Section 190 of the Act to acquire land by agreement.
83. Compulsory Acquisition of Land	
83.1	The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.
83.2	The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.
84. Assumption of Care, Control and Management of Land	
84.1	The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
84.2	The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .
85. Classification	
85.1	The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution:
85.1.1	to exclude land from classification as community land under Section 193(4) of the Act; or
85.1.2	to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.
86. Revocation of Classification of Land as Community Land	
86.1	The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:
86.1.1	prepare and make publicly available a report on the proposal containing:
86.1.1.1	a summary of reasons for the proposal; and
86.1.1.2	a statement of any dedication, reservation or trust to which the land is subject; and
86.1.1.3	a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and
86.1.1.4	an assessment of how implementation of the proposal would affect the area and the local community; and
86.1.1.5	if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and
86.1.2	follow the relevant steps set out in the Council's public consultation policy.
86.2	After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.
86.3	The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

87. Effect of Revocation of Classification	
87.1	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.
88. Management Plans	
88.1	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that: <ul style="list-style-type: none"> 88.1.1 identifies the land to which it applies; and 88.1.2 states the purpose for which the land is held by the Council; and 88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and 88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.
88.2	If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must: <ul style="list-style-type: none"> 88.2.1 identify the owner of the land; and 88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and 88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.
88.3	The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.
89. Public Consultation on Proposed Management Plan	
89.1	Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act: <ul style="list-style-type: none"> 89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and 89.1.2 follow the relevant steps set out in Council's public consultation policy.
89.2	The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
90. Amendment or Revocation of Management Plan	
90.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.
90.2	The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

90.3	The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.
91. Effect of Management Plan	
91.1	The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.
92. Use of Community Land for Business Purposes	
92.1	The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.
93. Sale or Disposal of Local Government Land	
93.1	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:
93.1.1	vested in the Council in fee simple; or
93.1.2	vested in the Council as lessee.
93.2	The power pursuant to Section 201(2) of the Act to:
93.2.1	grant an easement (including a right of way) over community land; and
93.2.2	grant an easement (excluding a right of way) over a road or part of a road.
94. Alienation of Community Land by Lease or Licence	
94.1	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:
94.1.1	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
94.1.2	the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);
94.1.3	any other matter relevant to the use or maintenance of the land.
94.2	The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:
94.2.1	the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
94.3	The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.
94.4	The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

95. Register	
95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.
95.2	The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register: <ul style="list-style-type: none"> 95.2.1 contains the information required by the Regulations; and 95.2.2 contains copies of current management plans.
95.3	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.
95.4	The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
96. Ownership of Public Roads	
96.1	The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the <i>Gazette</i> .
97. Ownership of Fixtures and Equipment Installed on Public Roads	
97.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.
98. Conversion of Private Road to Public Road	
98.1	The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.
98.2	The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to: <ul style="list-style-type: none"> 98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and 98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and 98.2.3 give public notice of the proposed declaration.
98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.
98.4	The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.
99. Highways	
99.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

100. Power to Carry Out Roadwork

- 100.1 The power pursuant to Section 212(1) and 212(2) and in accordance with Section 212(3) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.
- 100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:
 - 100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and
 - 100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and
 - 100.2.3 the roadwork in relation to a private road is only carried out if:
 - 100.2.3.1 the owner agrees; or
 - 100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or
 - 100.2.3.3 the identity or whereabouts of the owner is unknown; and
 - 100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).

101. Recovery of Cost of Roadwork

- 101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.
- 101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:
 - 101.2.1 the person who caused the damage; or
 - 101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.
- 101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.

102. Contribution Between Councils where Road is on Boundary Between Council Areas

- 102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

103. Special Provisions for Certain Kinds of Roadwork	
103.1	If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:
103.1.1	ensure that adjoining properties have adequate access to the road; and
103.1.2	construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.
103.2	The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:
103.2.1	there is no significant risk of damage to the adjoining property; or
103.2.2	the road work does not significantly increase the risk of damage to adjoining property.
103.3	The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.
104. Power to Order Owner of Private Road to Carry out Specific Roadwork	
104.1	The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.
104.2	The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
104.2.1	any proposal to make an order; and
104.2.2	if an order is made, any order, under Section 216(1) of the Act.
105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.	
105.1	The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:
105.1.1	to carry out specified work by way of maintenance or repair; or
105.1.2	to move the structure or equipment in order to allow the Council to carry out roadwork.
105.2	Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.
106. Power to Require Owner of Adjoining Land to Carry Out Specific Work	
106.1	The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
106.2	The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
106.2.1	any proposal to make an order; and
106.2.2	if an order is made, any order under Section 218(1) of the Act.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

107. Power to Assign a Name, or Change the Name, of a Road or Public Place	
107.1	The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.
107.2	The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.
107.3	Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to: <ul style="list-style-type: none"> 107.3.1 give the adjoining council at least 2 months notice of the proposed change; and 107.3.2 consider any representations made by the adjoining council in response to that notice.
107.4	The duty pursuant to Section 219(3) of the Act to: <ul style="list-style-type: none"> 107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and 107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.
107.5	The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.
107.6	The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.
107.7	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.
107.8	The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act: <ul style="list-style-type: none"> 107.8.1 in the Gazette; and 107.8.2 in a newspaper circulating in the area of the council; and 107.8.3 on a website determined by the Chief Executive Officer.
108. Numbering of Premises and Allotments	
108.1	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.
108.2	The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.
108.3	The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.
108.4	The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.
108.5	The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.
108.6	The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt,

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	alter or substitute a numbering system.
108.7	The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.
109. Alteration of Road	
109.1	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:
109.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
109.1.2	erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
109.1.3	changing or interfering with the construction, arrangement or materials of the road; or
109.1.4	changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or
109.1.5	planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.
109.2	Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:
109.2.1	unduly obstruct the use of the road; or
109.2.2	unduly interfere with the construction of the road; or
109.2.3	have an adverse effect on road safety.
109.3	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:
109.3.1	for a particular act or occasion; or
109.3.2	for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.
110. Permits for Business Purposes	
110.1	The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.
110.2	Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.
110.3	The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

111. Public Consultation	
111.1	The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit: 111.1.1 that confers a right of exclusive occupation; or 111.1.2 that would have the effect of restricting access to a road; or 111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.
111.2	The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.
112. Conditions of Authorisation or Permit	
112.1	The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.
113. Cancellation of Authorisation or Permit	
113.1	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition. 113.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or 113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.
113.2	The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to: 113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and 113.2.2 consider any representations made in response to the notice.
113.3	The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.
113.4	The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.
113A Location Rules – General	
113A.1	The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.
113A.2	The power pursuant to Section 225A(4) of the Act to: 113A.2.1 from time to time amend the Council's location rules; 113A.2.2 amend its location rules in order that the rules comply with: 113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or 113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

114. Register

114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:

114.1.1 includes the information required by regulation; and

114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.

114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.

115. Trees

The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):

115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -

115.1.1 environmental and aesthetic issues; and

115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and

115.1.3 road safety matters; and

115.1.4 other matters (if any) considered relevant by the Delegate; and

115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.

116. Damage

116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.

117. Council's Power to Remove Objects etc from Roads

117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:

117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or

117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.

117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.

117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

118. Deposit of Rubbish etc	
118.1	The power pursuant to Section 235(1) of the Act to authorise or permit the following: 118.1.1 the deposit of rubbish on a public road or public place; or 118.1.2 the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.
119. Abandonment of Vehicles and Farm Implements	
119.1	The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.
120. Removal of Vehicles	
120.1	The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle: 120.1.1 by written notice in the prescribed form: 120.1.1.1 served on the owner personally; or 120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or 120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
120.2	If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.
120.3	The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if: 120.3.1 the vehicle is offered for sale but not sold; or 120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.
120.4	The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows: 120.4.1 firstly, in payment of the costs of and incidental to the sale; 120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act; 120.4.3 thirdly, in payment of the balance to the owner of the vehicle.
120.5	The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.
120.6	The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

goods.
121. Time Limits for Dealing with Certain Applications
121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.
121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.
122. Registrar-General to Issue Certificate of Title
122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.
122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows: 122.2.1 in a manner and form approved by the Registrar-General; and 122.2.2 accompanied by: 122.2.2.1 Deliberately left blank 122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and 122.2.2.3 a fee fixed by the Registrar-General.
123. Liability for Injury, Damage or Loss Caused by Certain Trees
123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).
124. Council May Require Bond or Other Security in Certain Circumstances
124.1 Subject to Section 245A of the Act, if, 124.1.1 a person has approval to carry out development under the Development Act 1993; and 124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development, the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
125. Power to Make By-Laws
125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.

126. Passing By-Laws

126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:

126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and

126.1.2 by notice in a newspaper circulating in the area of the Council:

126.1.2.1 inform the public of the availability of the proposed by-law; and

126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.

126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:

126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and

126.2.2 the by-law is not in conflict with the Act.

126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the *Gazette*.

126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.

127. Model By-Laws

127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the *Gazette*.

127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.

128. Register of By-Laws and Certified Copies

128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.

128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.

128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.

129. Power to Make Orders

129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

130. Procedures to be Followed

- 130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:
- 130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and
 - 130.1.2 stating the reasons for the proposed action; and
 - 130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).
- 130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.
- 130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:
- 130.3.1 to make an order in accordance with the terms of the original proposal; or
 - 130.3.2 to make an order with modifications from the terms of the original proposal; or
 - 130.3.3 to determine not to proceed with an order.
- 130.4 The power pursuant to Section 255(5) of the Act to:
- 130.4.1 include two or more orders in the same instrument;
 - 130.4.2 direct two or more persons to do something specified in the order jointly.
- 130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:
- 130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and
 - 130.5.2 states the reasons for the order.
- 130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.
- 130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.
- 130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.
- 130.9 If the Delegate, in the circumstances of a particular case, considers:
- 130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or
 - 130.9.2 that an emergency situation otherwise exists,
- the Delegate has the power pursuant to Section 255(12) of the Act to:
- 130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and
 - 130.9.4 require immediate compliance with an order despite Section 255(6)(a).

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

131. Rights of Review	
131.1	The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.
132. Action on Non-Compliance	
132.1	The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.
132.2	The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.
132.3	The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.
132.4	The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period: <ul style="list-style-type: none"> 132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and 132.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.
133. Councils to Develop Policies	
133.1	The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.
133.2	The power and duty pursuant to Section 259(2) of the Act to: <ul style="list-style-type: none"> 132.2.1 prepare a draft of a Policy; and 133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).
133.3	The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.
133.4	The power pursuant to Section 259(4) of the Act to amend a policy at any time.
133.5	The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.
133.6	The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
133.7	The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.

134. Appointment of Authorised Persons

134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.

134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.

134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:

134.3.1 containing a photograph of the authorised person; and

134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.

134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.

135. Procedures for Review of Decisions and Requests for Services

135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:

135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and

135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.

135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:

135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and

135.0.2 using information gained from the Council's community to improve its services and operations.

135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:

135.1.1 the Council;

135.1.2 employees of the Council;

135.1.3 other persons acting on behalf of the Council,

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>135.2</p> <p>135.2.1</p> <p>135.2.2</p> <p>135.2.3</p> <p>135.2.3A</p> <p>135.2.4</p> <p>135.2.5</p>	<p>The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):</p> <p>the manner in which an application for review may be made;</p> <p>the assignment of a suitable person to reconsider a decision under review;</p> <p>the matters that must be referred to the Council itself for consideration or further consideration;</p> <p>in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</p> <p>the notification of the progress and outcome of an application for review;</p> <p>the timeframes within which notifications will be made and procedures on a review will be completed.</p>
<p>135.3</p> <p>135.3.1</p> <p>135.3.2</p> <p>135.3.3</p>	<p>The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:</p> <p>the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>it appears that the application is frivolous or vexatious; or</p> <p>the applicant does not have a sufficient interest in the matter.</p>
<p>135.4</p>	<p>The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>
<p>135.5</p>	<p>The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.</p>
<p>135.6</p> <p>135.6.1</p> <p>135.6.2</p> <p>135.6.3</p> <p>135.6.4</p>	<p>The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:</p> <p>the number of applications for review made under Section 270; and</p> <p>the kinds of matters to which the applications relate; and</p> <p>the outcome of applications under this Section; and</p> <p>such other matters as may be prescribed by the Regulations.</p>
<p>135.7</p>	<p>The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.</p>
<p>136. Mediation, Conciliation and Neutral Evaluation</p>	
<p>136.1</p>	<p>The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.</p>
<p>136.2</p>	<p>The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

136A. Provision of Information to Minister	
136A.1	The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.
136A.2	The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if: 136AA.2.1 the information was given to the Council in confidence; or 136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
136B. Minister May Refer Investigation of Council to Ombudsman	
136B.1	The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.
136B.2	The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.
136C. Action on a Report	
136C.1	The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.
136D. Deliberately left blank	
136D.1	Deliberately left blank
136D.2	Deliberately left blank
136E. Action on a Report	
136E.1	The power pursuant to Section 275(2) of the Act to make submissions to the Minister.
137. Special Jurisdiction	
137.1	The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council: 137.1.1 proceedings to try the title of a member to an office; 137.1.2 proceedings to try the right of a person to be admitted or restored to an office; 137.1.3 proceedings to compel restoration or admission; 137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment; 137.1.5 proceedings to try the validity of a rate or service charge; 137.1.6 proceedings to try the validity of a by-law; 137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.
138. Service of Documents by Councils etc	
138.1	Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.
139. Service of Documents on Councils	
139.1	The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.</p>	
<p>140. Recovery of Amounts from Lessees or Licensees</p>	
140.1	<p>Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.</p>
<p>141. Ability of Occupiers to Carry out Works</p>	
141.1	<p>Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.</p>
<p>142. Power to Enter and Occupy Land in Connection with an Activity</p>	
142.1	<p>The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.</p>
142.2	<p>The duty pursuant to Section 294(3) of the Act:</p> <ul style="list-style-type: none"> 142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and 142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and 142.2.3 within 6 months of ceasing to occupy the land: <ul style="list-style-type: none"> 142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and 142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;
142.3	<p>The duty pursuant to Section 294(5) of the Act, at the request of an owner of occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.</p>
<p>143. Reclamation of Land</p>	
143.1	<p>Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.</p>
143.2	<p>The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.</p>
143.3	<p>The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.</p>
143.4	<p>The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.</p>

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

144. Property in Rubbish
144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.
145. Power of Council to Act in Emergency
145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.
146. Deliberately left blank
147. Costs of Advertisements
147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.
148. Whistleblowing
148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.
148A Use of Facilities
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.
149. Deliberately left blank
150. Deliberately left blank
151. Deliberately left blank
151A Preparation of Stormwater Management Plans by Councils
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: <ul style="list-style-type: none"> (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.
151B Authority May Issue Order
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

152. Deliberately left blank

153. Deliberately left blank

154. Special Powers in Relation to Land

154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:

- (a) enter and occupy any land; and
- (b) construct, maintain or remove any infrastructure; and
- (c) excavate any land; and
- (d) inspect, examine or survey any land and for that purpose:
 - (i) fix posts, stakes or other markers on the land; and
 - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
 - (iii) remove samples for analysis.
- (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and
- (f) hold any water in a watercourse or lake or by any other means; and
- (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and
- (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and
- (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and
- (j) undertake any testing, monitoring or evaluation; and
- (k) undertake any other activity of a prescribed kind.

154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.

155. Entry and Occupation of Land Other Than Council Land

155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.

155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.

156. Vesting of Infrastructure, etc

156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.



INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	Nil

MOUNT GAMBIER AQUATIC CENTRE 2018/2019 FINANCIAL YEAR PLANNING

PROPOSED ADMISSION FEES AND CHARGES

	CURRENT FEES 2017/2018	PROPOSED FEES 2018/2019
<u>Aquatic</u>		
Adult	\$6.80	\$7.50
Child	\$5.80	\$6.50
Spectator	\$3.00	\$3.00
Family (2+2/3 or 1+3/4)	\$24.00	\$26.00
Baby	N/A	N/A
Pensioner	\$5.00	\$5.50
Fitness/laps	\$6.00	\$7.00
Vouchers		
(10 swims)		
Adult	\$55.00	\$60.00
Pensioner	\$45.00	\$50.00
Child	\$50.00	\$55.00
Season Pass		
Adult	\$250.00	\$260.00
Pensioner	\$200.00	\$210.00
Child	\$260.00	\$270.00
Family (1/2 adults + 2 children)	\$560.00	\$570.00
(1 + 3)	\$600.00	\$610.00
(2 + 3)	\$630.00	\$640.00
(1 + 4)	\$650.00	\$670.00
(2 + 4)	\$690.00	\$710.00
(2 + 5)	\$740.00	\$760.00



SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM

2017/2018 GUIDELINES

The aim of the City of Mount Gambier Sport and Recreation Major Capital Works Program is to foster and assist in the development and/or capital renewal of Sport and Recreation infrastructure, within the City.

For the 2017/2018 year, Council will again make available significant funds for allocation to eligible Sport and Recreation groups and organisations.

Applications for funding under the Sport and Recreation Major Capital Works Program, as a general rule, should be for projects with a minimum total project cost of \$10,000. An allocation of \$70,000 has been made in Councils 2017/2018 budget for distribution in this annual program.

As a general rule, preference will be given to applications which can demonstrate a high incidence of self help as evidenced by matching funds or significant in kind contributions by the organisation, towards the project evidenced by bank statements or written commitment from funding partner/s.

The applicant's contributions for this purpose may include cash from the organisation's own resources, grants or funds from sponsors or other sources or in kind support in the form of labour or services. If the applicant's contribution includes a grant from another source, the applicant must provide evidence that the grant has been awarded or confirmed with an application under this program.

The Applicants 'Self Help' contribution, as defined, must equate to a minimum contribution of at least 25% of the total project costs.

The following guidelines are provided to assist in the preparation of applications.

What Types of Projects are eligible for Program Funding?

The types of projects which would be considered appropriate for Sport and Recreation Major Capital Works Program funding include:

- Capital renewal of existing asset infrastructure e.g. replace lighting, pitches, upgrade courts, capital repair of buildings, grounds etc.
- Capital upgrades to enhance existing asset infrastructure e.g. building extensions, rebuild structures, upgrade lighting, additional new facilities etc.
- New capital assets - to build/develop assets not previously provided e.g. new clubrooms, toilets, lighting, change rooms etc.
- Projects which are aimed at increasing the community usage of specific sport or recreation facilities.

In respect of projects involving buildings or infrastructure, preference will be given to applications which aim to renovate, overhaul or repair existing buildings or facilities, rather than the construction of new or additional facilities.

What is not eligible for Program Funding?

Grants will not be awarded to fund:

- Routine or ongoing operating costs (staff wages, rent, electricity, water, insurance etc), the purchase of land or the repayment of financial loans.

- Projects which have already been commenced or completed prior to grants being awarded.
- Projects submitted by individuals.

Who can apply for Grant Funding?

In recognition of Council's support of the Office of Recreation and Sport Starclub Program to be eligible grant applicants must:

- Be an existing Starclub Member - minimum 4* with commitment to achieving 5* rating as pre-condition for release of funds, or
- Be a new Starclub Member - registered prior to closing date for applications with commitment to achieving 2* rating as a pre-condition for release of funds.
- Any Sport or Recreation organisation, which is based in the City of Mount Gambier area and who's activities are predominantly conducted within the City of Mount Gambier.
- Applicants **must** have a current Australian Business Number (**ABN**) issued by the Australian Taxation Office (ATO). Applications will not be considered unless the applicant has an ABN at the time of submitting the grant application.

Any individual or organisation can apply for an ABN very easily on-line via the Australian Business Register at <http://www.abr.gov.au/>

An organisation may only submit one application per annum.

Primary and Secondary schools are generally excluded from applying, unless they can demonstrate that their project is predominantly for the benefit of the wider community.

Assessment:

Council grant funding is subject to landowner/council consent including any engineering/building requests.

Council may seek additional information and support from Local or Regional Association or equivalent when and if required for assessment of application.

Payment Conditions of Grants:

Grant funds will be paid to successful applicants following receipt by Council of evidence clearly demonstrating that the project has been completed that include:

- Written Quotes – x 2 for works >\$5,000, x3 for works >\$20,000
- Invoices for completed works
- Development approvals / landowner consent
- Evidence of completed works (ie. Photos, Certificate/Statement of Completion, Electrical or Plumbing Certificates)
- Warranty Certificates/documentation
- As-Constructed plans including specifications and service locations
- Financial summary of completed project
- Payment will not be made for a completed project which is not the project detailed in the grant application.

- If the grant recipient is registered for GST, a tax invoice must accompany the Claim for payment.

Acquittal documentation must be submitted by 16th June 2018 to enable the release of funds before the end of the financial year.

Funds that are not acquitted by 30 June 2018 will be forfeited unless an extension has been sought and granted in writing by 31 May 2018. The applicant must demonstrate that the project is substantively complete at the time of submitting an extension request.

Claims for payment of a Grant which are received by Council after 30 June 2018 will not be considered under any circumstances.

Applications must be received by the Chief Executive Officer, City of Mount Gambier by 5.00 p.m. on the advertised closing date for the program.

Mark McSHANE
CHIEF EXECUTIVE OFFICER
City of Mount Gambier
Civic Centre
10 Watson Terrace
(P O Box 56)
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au





**SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM
2017/2018 APPLICATION**

SECTION 1 - INFORMATION ABOUT YOUR ORGANISATION

1. Name of Organisation				
2. ABN (Mandatory)				
3. Registered for GST ?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
4. Address of Organisation	Street Address :			
	Suburb/Town :	Postcode :		
5. Postal Address <small>(If different to Street Address)</small>	Address :			
	Suburb/Town :	Postcode :		
6. Contact Person	Title : Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/>			
	First Name :			
	Surname :			
	Position :			
	Phone :			
	Mobile :			
	Email :			
7. Is your Club/Association registered for the StarClub Development Program	Yes <input type="checkbox"/> No <input type="checkbox"/>			
8. Is your Club/Association registered as a Good Sports Club?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
	If yes, which Level: Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 0 <input type="checkbox"/> (accreditation Level for clubs without a Liquor Licence)			
9. About Your Membership <small>(Indicate numbers under each heading)</small>	Junior Senior Total			
	Male			
	Female			
	Total			

SECTION 2 - INFORMATION ABOUT YOUR PROJECT

(Please attach extra pages if insufficient space is provided)

1. Title of your Project

--

2. Describe what you are planning to do

3. Describe why you are doing it

4. Will the wider community benefit from your project, and how will they benefit?

5. Where will the project be conducted? (If the project involves construction)

If the construction is to occur on land owned by City of Mount Gambier, you **MUST** obtain approval from Council **PRIOR** to submitting this application, or your application will not be considered.

Address:

SECTION 3 - PROJECT COSTS, FUNDING SOURCES AND GRANT SOUGHT

PROJECT COSTS

A. Project Cash Expenses

Item (List all items and expenses you will have to pay for with cash)	Amount (Inc GST)
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

Sub Total (A)

\$

B. Project In Kind Contributions

Item (List all items which are to be provided IN KIND toward your Project)	Estimated Value
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

Sub Total (B)

\$

C. Project Voluntary Labour Contributions

Item (Provide an estimate of any voluntary labour directly involved in your Project)	Estimated Value		
Skilled (Trade) Voluntary Labour	(hours)	X \$45/hour =	\$
Unskilled Voluntary Labour	(hours)	X \$20/hour =	\$

Sub Total (C)

\$

D. Total Project Cost (A + B + C)

\$

PROJECT FUNDING

	Amount
E. Your Organisation’s Cash Contribution	\$
F. Grant/s from other sources (Attach evidence that other grants have been awarded)	\$
G. Value of In Kind Contributions (Sub Total B from previous page)	\$
H. Value of Voluntary Labour (Sub Total C from previous page)	\$
I. Value of Grant Requested from Council	\$
J. Total Project Funding (E + F + G + H + I)	\$

[The Total Costs at (D) must equal the Total Funding at (J)]
 [Please ensure that the total of (e), (f), (g) and (h) equate to at least 25% of (j)].

Applications which are not accompanied by the following documents will not be considered.

The following documents for your organisation must be attached to this application :

1. Most recent annual financial statements (do not have to have been audited).
2. All bank statements for the last 3 months up to the current date.
3. Starclub Membership of minimum 4* (with commitment to achieving 5* rating), or
4. Starclub Membership registered prior to closing date for applications with evidence of commitment to achieving 2* rating

REDUCED GRANT VALUE

1. Will your Organisation be able to proceed with the Project if Council awards a Grant of a lower value than that requested in (I) above ? Yes No
2. If your Project can still proceed with a lower value Grant, how will you meet the funding shortfall for the Project ?

Signature :	
Name :	
Position :	
Date :	

Applications may be lodged at the Council Office, Civic Centre, 10 Watson Terrace, posted to P O Box 56, Mount Gambier SA 5290 or emailed to city@mountgambier.sa.gov.au but must be received by Council by **5.00 p.m. on Friday, 1 December, 2017.**

**BASKETBALL MOUNT GAMBIER INC
PO Box 656
MOUNT GAMBIER SA 5290**

June 4th, 2018.

**Mr Mark McShane
CEO
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290**

Dear Mark,

I am submitting this Application on behalf of Basketball Mount Gambier Inc.

The Board of Management is committed to providing a safe and healthy environment for our local basketball community to enjoy participating in the sport of basketball. This commitment presents continuing challenges in maintaining and upgrading the Bern Bruning Stadium.

Some time ago a building and fire audit was conducted on the facility. In discussion following the visit, Auditors Chris Tully and George Rodis declared the main entrance as non-compliant in relation to Building Access and Egress Standards. The gate-keeper's box was described as an illegal obstruction to the main entrance and exit.

In recent months Basketball Mount Gambier has met substantial costs of more than \$10,000 to re-roof the area over the spectator seating on the Commercial Street end of Court 1, to install a new sewerage pump and to erect backing on the seating area on Court 1.

Basketball Mount Gambier has received a Grant from the Office of Recreation and Sport to resurface Courts 2 and 3 later this year.

The Pioneers Basketball Club has done a magnificent job in refurbishing the VIP Room of the facility and both parties are now addressing the upgrade of the main entrance.

In order to further implement the Strategic Plan of the Board to upgrade the physical features of the facility, Basketball Mount Gambier hereby submits the enclosed Application for funding for the upgrade of the main entrance.

During each year thousands of visitors from throughout South Australia, Victoria and NSW come to the Stadium to participate in a diverse range of events, including SEABL games, South East Highland Dancing Championships, Follow Your Dreams Dancing Competition, Australian Indoor Bowls Championships, School based Tournaments and the City of Mount Gambier Basketball Tournament, which attracts more than 100 teams.

In view of this nation-wide exposure, it is important that the main entrance of the facility portrays a compliant, appealing and welcoming environment for our members and visitors.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matt Sutton', with a stylized flourish extending to the right.

Matt Sutton

**Basketball Development Manager
Basketball Mount Gambier Inc.**

**SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM
2017/2018 APPLICATION**

SECTION 1 - INFORMATION ABOUT YOUR ORGANISATION

1. **Name of Organisation** BASKETBALL MOUNT GAMBIER INCORPORATED.

2. **ABN (Mandatory)** 88 141 577 814

3. **Registered for GST ?** Yes No

4. **Address of Organisation**

Street Address: 451 COMMERCIAL STREET WEST.

Suburb/Town: MOUNT GAMBIER, SA. Postcode: 5290.

5. **Postal Address**
(If different to Street Address)

Address: POST OFFICE BOX 656,

Suburb/Town: MOUNT GAMBIER SA. Postcode: 5290.

6. **Contact Person**

Title: Mr Mrs Miss Ms Dr

First Name: MATTHEW

Surname: SUTTON

Position: BASKETBALL MOUNT GAMBIER DEVELOPMENT MANAGER

Phone: (08) 87232050

Mobile: 04 07 609 549.

Email: matt@basketballmtgambier.com.au

7. **Is your Club/Association registered for the StarClub Development Program** Yes No

8. **Is your Club/Association registered as a Good Sports Club?** Yes No

If yes, which Level: Level 1 Level 2 Level 3
Level 0 (accreditation Level for clubs without a Liquor Licence)

9. **About Your Membership**
(Indicate numbers under each heading)

	Junior	Senior	Total
Male	240	185	425
Female	147	43	190
Total			615

SECTION 2 - INFORMATION ABOUT YOUR PROJECT

(Please attach extra pages if insufficient space is provided)

1. Title of your Project

MAIN ENTRANCE UPGRADE OF BERN BRUNING BASKETBALL STADIUM

2. Describe what you are planning to do

- REMOVE EXISTING GATE KEEPER'S BOX
- COVER EXISTING MASONRY WALLS WITH PLASTER BOARD.
- INSTALL CEILINGS IN AREA AND IMPROVED LIGHTING (SAFETY FACTOR)
- PAINT AREA.
- REMOVE FLOORING AND REPLACE WITH NON-SLIP CARPET AND TILING SURFACES.
- FIT NEW DOORS AT EXTERNAL AND SECONDARY ENTRANCES.

3. Describe why you are doing it

- TO COMPLY WITH BUILDING ACCESS AND EGRESS STANDARDS.
(GATEKEEPER'S BOX OBSTRUCTION TO EXIT AND SIGNAGE)
- TO IMPROVE THE APPEAL AND SAFETY OF MAIN ENTRANCE
- TO CREATE A MORE WELCOMING AND POSITIVE ATMOSPHERE ON ENTRY TO THE FACILITY.

4. Will the wider community benefit from your project, and how will they benefit?

- COMPLIANCE AND MARKED IMPROVEMENT IN TERMS OF SAFETY AND CONVENIENCE THROUGH BETTER LIGHTING, SAFER FLOOR COVERING AND MORE SPACE FOR ENTRY AND EXIT FROM FACILITY FOR 600-700 MEMBERS EACH WEEK.

5. Where will the project be conducted? (If the project involves construction)

If the construction is to occur on land owned by City of Mount Gambier, you MUST obtain approval from Council PRIOR to submitting this application, or your application will not be considered.

Address: 451 COMMERCIAL STREET WEST
MOUNT GAMBIER.

SECTION 3 - PROJECT COSTS, FUNDING SOURCES AND GRANT SOUGHT

PROJECT COSTS

A. Project Cash Expenses

Item (List all items and expenses you will have to pay for with cash)	Amount (Inc GST)
RUBBISH REMOVAL	\$ 1000-00 .
DEMOLITION - STRUCTURAL	\$ 1600-00
ELECTRICAL - NEW FITTINGS AND INSTALLATION	\$ 1320-00
TILES, GLUE AND GROUT, TILING LABOUR	\$ 2840-00 .
ENTRANCE DOORS	\$ 6250-00 .
CARPENTRY MATERIALS .	\$ 550-00 .
CONTINGENCY (10%)	\$ 3200-00 .

Sub Total (A)

\$ 16690-00 .

B. Project In Kind Contributions

Item (List all items which are to be provided IN KIND toward your Project)	Estimated Value
MATERIALS AND LABOUR - WALLS and CEILINGS	\$ 12515-80 .
TILES, GLUE AND GROUT (PART DONATION)	\$ 400-00 .
	\$
	\$
	\$
	\$
	\$
	\$

Sub Total (B)

\$ 12915-80 .

C. Project Voluntary Labour Contributions

Item (Provide an estimate of any voluntary labour directly involved in your Project)	Estimated Value
Skilled (Trade) Voluntary Labour	97 (hours) X \$45/hour = \$ 4370-00 .
Unskilled Voluntary Labour	60 (hours) X \$20/hour = \$ 1200-00 .

Sub Total (C)

\$ 5570-00 .

D. Total Project Cost (A + B + C)

\$ 35175-80

PROJECT FUNDING

	Amount
E. Your Organisation's Cash Contribution	\$ 1600 - 00
F. Grant/s from other sources (Attach evidence that other grants have been awarded)	\$
G. Value of In Kind Contributions (Sub Total B from previous page)	\$ 12 915 - 80 .
H. Value of Voluntary Labour (Sub Total C from previous page)	\$ 5570 - 00 .
I. Value of Grant Requested from Council	\$ 15090 - 00 .
J. Total Project Funding (E + F + G + H + I)	\$ 35175 - 80

[The Total Costs at (D) must equal the Total Funding at (J)]
 [Please ensure that the total of (e), (f), (g) and (h) equate to at least 25% of (j)]

Applications which are not accompanied by the following documents will not be considered.

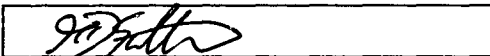
The following documents for your organisation must be attached to this application :

1. Most recent annual financial statements (do not have to have been audited).
2. All bank statements for the last 3 months up to the current date.
3. Starclub Membership of minimum 4* (with commitment to achieving 5* rating), or
4. Starclub Membership registered prior to closing date for applications with evidence of commitment to achieving 2* rating

REDUCED GRANT VALUE

1. Will your Organisation be able to proceed with the Project if Council awards a Grant of a lower value than that requested in (I) above ? Yes No
2. If your Project can still proceed with a lower value Grant, how will you meet the funding shortfall for the Project ?

CURRENTLY BASKETBALL MOUNT GAMBIER COULD MEET UP TO 10% OF TOTAL COST OF PROJECT.
 THERE WOULD BE A MUCH LONGER TIME FRAME TO ACCUMULATE THE NECESSARY FUNDS TO UNDERTAKE AND COMPLETE THIS COMPLIANCE PROJECT.

Signature : 
 Name : Matthew Sutton
 Position : Basketball Development Manager
 Date : 4.6.18

Applications may be lodged at the Council Office, Civic Centre, 10 Watson Terrace, posted to P O Box 56, Mount Gambier SA 5290 or emailed to city@mountgambier.sa.gov.au but must be received by Council by 5.00 p.m. on Friday, 1 December, 2017.

Basketball Mount Gambier Incorporated

PO Box 656
MOUNT GAMBIER SA 5290

Profit & Loss [Last Year Analysis]

December 2017 through April 2018

	This Year	Last Year	Budgeted
Income			
Club Competition			
Match Fees	\$31,192.83	\$38,620.61	\$96,000.00
Fines	\$1,045.39	\$434.04	\$1,000.00
Registrations	\$13,225.10	\$29,098.46	\$65,000.00
Player Insurance	\$0.00	\$36.39	\$0.00
Team Nominations	\$488.02	\$229.09	\$0.00
Junior Program Fees	\$4,131.79	\$2,052.78	\$8,000.00
Adult Skills Training	\$18.18	\$0.00	\$0.00
Total Club Competition	\$50,101.31	\$70,471.37	\$170,000.00
Referees			
Referee Income	\$529.99	\$0.00	\$0.00
Total Referees	\$529.99	\$0.00	\$0.00
CBL			
CBL Income			
CBL Admission	\$369.09	\$0.00	\$0.00
CBL General	(\$36.36)	\$0.00	\$0.00
Total CBL	\$332.73	\$0.00	\$0.00
November Jnr Tournament Income			
Nov Tournament Income	\$999.46	\$0.00	\$23,000.00
Nov Tournament Canteen	\$0.00	\$0.00	\$12,000.00
Nov Tournament Sponsorship	\$363.64	\$0.00	\$11,000.00
Nov Tournament Raffle	\$200.00	\$72.73	\$0.00
Total November Jnr Tournament	\$1,563.10	\$72.73	\$46,000.00
Junior Town Teams			
Town Team Fees	\$13.63	\$2,436.33	\$20,000.00
Town Team Clothing & Bags	\$83.64	\$163.64	\$10,000.00
Camp Fees	\$0.00	\$1,567.82	\$0.00
Total Junior Town Teams	\$97.27	\$4,167.79	\$30,000.00
Canteen			
Canteen Receipts	\$13,731.10	\$20,205.18	\$57,000.00
Total Canteen	\$13,731.10	\$20,205.18	\$57,000.00
Bar			
Bar Receipts	\$5,376.13	\$7,314.57	\$20,000.00
Total Bar	\$5,376.13	\$7,314.57	\$20,000.00
General			
Badminton	\$204.00	\$428.00	\$1,000.00
Bank Interest	\$857.61	\$990.80	\$2,000.00
Facilities Use/Hire	\$3,227.24	\$3,450.02	\$8,000.00
Cleaning Fees	\$0.00	\$0.00	\$500.00
DNSP	\$1,549.90	\$695.90	\$3,000.00
Fundraising Income	\$9,115.00	\$850.54	\$0.00
Sponsorship	\$527.27	\$569.10	\$6,000.00
Donations	\$71.45	\$0.00	\$0.00
Grant 2018 - Resurface Courts	\$23,000.00	\$0.00	\$0.00
Junior Sporting Foundation	\$2,300.00	\$3,500.00	\$4,000.00
Miscellaneous	\$3,984.52	\$0.00	\$1,000.00
Stadium Hire Pioneers	\$1,585.71	\$0.00	\$4,000.00
Pioneers - Stadium cleaning	\$698.19	\$232.73	\$1,500.00
Recycling	\$0.00	\$179.00	\$0.00
Total General	\$47,120.89	\$10,896.09	\$31,000.00
Total Income	\$118,852.52	\$113,127.73	\$354,000.00
Expenses			
Club Competition			
Club Comp BA & SACBC Levies	\$0.00	\$25,082.30	\$0.00
Club Comp Player Insurance	\$0.00	\$2,106.45	\$0.00
Club Comp Trophies	\$1,305.45	\$1,447.36	\$2,500.00
Club Comp General Exp	\$2,681.35	\$1,786.82	\$4,500.00
Club Comp Jnr Training Program	\$0.00	\$1,090.92	\$2,000.00
Total Club Competition	\$3,986.80	\$31,513.85	\$9,000.00
Referees			
Referee Payments	\$13,030.89	\$13,957.25	\$27,700.00
Referee General	\$600.00	\$55.23	\$300.00
Referee Development	\$561.50	\$0.00	\$3,000.00
Total Referees	\$14,192.39	\$14,012.48	\$31,000.00
Town Team/CBL			
CBL			
CBL Referees	\$80.00	\$0.00	\$0.00
CBL - General	\$1,588.81	\$0.00	\$0.00
Total CBL	\$1,668.81	\$0.00	\$0.00
Jnr Town Teams			
Town Team Noms & Admissions	\$9,023.63	\$9,972.72	\$16,000.00
Town Team General	\$55.45	\$0.00	\$0.00

To be done in September 2018 →

Town Team Clothing & Bags	\$0.00	\$157.42	\$12,000.00
Town Team Coaching	\$0.00	\$0.00	\$1,000.00
Total Town Team/CBL	\$10,747.89	\$10,130.14	\$29,000.00
November Junior Tournament			
Nov Tournament Expenses	\$713.50	\$59.09	\$4,000.00
Nov Tournament Referee Payments	\$0.00	\$0.00	\$8,000.00
Total November Junior Tournament	\$713.50	\$59.09	\$12,000.00
Bar			
Bar Expense	\$2,827.74	\$2,769.91	\$11,000.00
Total Bar	\$2,827.74	\$2,769.91	\$11,000.00
Canteen			
Canteen Expenses	\$7,073.87	\$7,991.05	\$39,800.00
General			
Gifts	\$215.00	\$0.00	\$200.00
Fundraising Expense	\$0.00	\$100.00	\$0.00
Junior Sporting Foundation	\$2,300.00	\$3,500.00	\$5,000.00
Audit Fees	\$2,110.00	\$1,890.00	\$2,200.00
Administration	\$1,580.00	\$0.00	\$3,500.00
Bank Fees	\$186.80	\$109.08	\$300.00
Advertising	\$769.59	\$0.00	\$1,300.00
Insurance	\$0.00	\$0.00	\$6,800.00
Security	\$347.27	\$553.82	\$900.00
Licences & Fees	\$867.71	\$1,287.26	\$1,500.00
Coaching Fees	\$669.09	\$0.00	\$0.00
Sportsmans Evening	\$0.00	\$145.45	\$0.00
Hire - Tenison Woods College	\$413.62	\$254.54	\$3,000.00
First Aid	\$84.91	\$85.06	\$0.00
Postage, Printing	\$510.48	\$319.46	\$2,500.00
Stationery	\$1,332.64	\$999.68	\$1,800.00
Raffle purchases	\$1,351.36	\$0.00	\$0.00
Miscellaneous	\$660.91	\$2,491.77	\$4,000.00
Minor Assets	\$0.00	\$6,495.00	\$0.00
Cleaning consumables	\$435.00	\$1,320.40	\$2,000.00
Total General	\$13,834.38	\$19,551.52	\$35,000.00
Facilities			
Maintenance & Repairs	\$7,022.11	\$3,019.41	\$10,000.00
Icehouse Lease Payments	\$0.00	\$0.00	\$200.00
Equipment Repairs & Replacemen	\$1,280.44	\$0.00	\$14,000.00
Vermin control	\$180.00	\$180.00	\$500.00
Total Facilities	\$8,482.55	\$3,199.41	\$24,700.00
Utilities			
Power & Fuel	\$3,841.09	\$4,897.64	\$13,400.00
Water	\$1,164.63	\$1,245.56	\$2,800.00
Telephone	\$735.05	\$782.73	\$2,500.00
Total Utilities	\$5,740.77	\$6,925.93	\$18,700.00
Employment Expenses			
Cleaner employment expenses			
Cleaning Wages	\$6,284.41	\$5,474.70	\$15,000.00
Cleaning superannuation	\$577.31	\$520.09	\$1,500.00
Gatekeepers employment expense			
Gate Keeper Super	\$490.21	\$458.97	\$2,000.00
Gate Keeper Wages	\$6,707.37	\$7,262.24	\$20,000.00
Admin Employment Expenses			
Admin Casual Wages	\$9,632.83	\$17,031.75	\$36,000.00
Admin staff super	\$915.12	\$1,635.12	\$4,000.00
Basketball Manager Expenses			
Basketball Manager Wages	\$21,524.07	\$19,940.54	\$51,700.00
Basketball Mgr Phone Allowance	\$0.00	\$0.00	\$3,200.00
Basketball Manager Super	\$2,044.80	\$1,894.37	\$5,200.00
Development Off Employment Exp			
Development Officer	\$0.00	\$2,855.00	\$0.00
Dev officer Superannuation	\$0.00	\$271.23	\$0.00
WorkCover	\$0.00	\$1,005.04	\$5,000.00
Notional Alloc A/L & LSL	\$0.00	\$0.00	\$3,000.00
Total Employment Expenses	\$48,176.12	\$58,349.05	\$152,800.00
Total Expenses	\$115,776.01	\$154,502.43	\$363,000.00
Operating Profit	\$3,076.51	(\$41,374.70)	(\$9,000.00)
Other Expenses			
Net Profit / (Loss)	\$3,076.51	(\$41,374.70)	(\$9,000.00)

Basketball Mount Gambier Incorporated

PO Box 656
MOUNT GAMBIER SA 5290

Balance Sheet [Last Year Analysis]

13th Period 2017

28/02/2018

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	This Year	Last Year
Assets		
Current Assets		
National Australia Bank		
Cheque Account	\$68,142.66	\$43,562.01
NAB Term Deposit Capital Exp	\$0.00	\$18,116.86
TD 2 - Employment Entitlements	\$8,807.57	\$8,627.46
TD 3 - Assets Capital Repairs	\$28,578.22	\$27,985.85
TD 4 - Assets Capital Repairs	\$9,733.00	\$9,533.97
TD 5 - Feas. Future Expansion	\$10,000.00	\$10,000.00
NAB Business Payments Card	\$300.74	\$706.48
TD 6 - Staging Major Events	\$10,508.00	\$10,293.12
TD 7 - Future New Cap. Assets	\$37,559.10	\$36,811.84
TD 8 - Future New Cap. Assets	\$30,647.36	\$30,000.00
Petty Cash	\$0.00	\$490.00
Sundry Debtors	\$6,336.00	\$0.00
Cash on Hand (Floats)	\$1,472.00	\$1,272.00
Trade Debtors		
Trade Debtors	\$18,409.55	\$28,541.25
Total Trade Debtors	\$18,409.55	\$28,541.25
Total Current Assets	<u>\$230,494.20</u>	<u>\$225,940.84</u>
Property & Equipment		
Equipment		
Equipment at Cost	\$76,634.49	\$75,899.49
Equipment Accum Depn	-\$53,323.30	-\$49,077.57
Total Equipment	<u>\$23,311.19</u>	<u>\$26,821.92</u>
Upgrades		
Court Upgrade	\$160,143.43	\$160,143.43
Canteen Upgrade	\$66,400.59	\$66,400.59
Light Upgrade	\$11,520.00	\$0.00
Toilet Upgrade	\$32,626.46	\$32,626.46
Accum Depreciation	-\$96,780.63	-\$77,231.18
Total Upgrades	<u>\$173,909.85</u>	<u>\$181,939.30</u>
Total Property & Equipment	<u>\$197,221.04</u>	<u>\$208,761.22</u>
Total Assets	<u>\$427,715.24</u>	<u>\$434,702.06</u>
Liabilities		
Current Liabilities		
Trade Creditors	\$20,025.03	\$11,056.10
GST		
GST (Recd)	\$12,434.24	\$13,433.74
GST (Paid)	-\$2,494.90	-\$3,821.43
Total GST	<u>\$9,939.34</u>	<u>\$9,612.31</u>
Payroll Liabilities		
PAYE Tax Payable	\$4,310.50	\$2,304.00
Workcover levy due annually	\$0.00	-\$157.81
Superannuation Payable	\$977.33	\$0.00
Total Payroll Liabilities	<u>\$5,287.83</u>	<u>\$2,146.19</u>
Employee entitlements		
Long Service Leave	\$0.00	\$7,018.83
Provision for Annual Leave	\$1,403.65	\$3,321.05
Total Employee entitlements	<u>\$1,403.65</u>	<u>\$10,339.88</u>
Monies for Unfortunate Kids	\$0.00	\$600.00
CBL Funds	\$0.00	\$6,140.14
ITC funds in trust	\$0.00	\$1,036.11
Referees Fund	\$1,248.32	\$1,103.64
Donations for Specialist coach	\$0.00	\$531.49
Grant - Active Club Program	\$0.00	\$2,164.91
Limestone Coast Funds	\$4,399.83	\$4,399.83
Total Current Liabilities	<u>\$42,304.00</u>	<u>\$49,130.60</u>
Total Liabilities	<u>\$42,304.00</u>	<u>\$49,130.60</u>

Basketball Mount Gambier Incorporated

Balance Sheet [Last Year Analysis]

13th Period 2017

28/02/2018
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	This Year	Last Year
Net Assets	<u>\$385,411.24</u>	<u>\$385,571.46</u>
Equity		
Retained Earnings	\$385,571.46	\$357,509.04
Current Year Earnings	-\$160.22	\$28,062.42
Total Equity	<u>\$385,411.24</u>	<u>\$385,571.46</u>

Basketball Mount Gambier Incorporated

PO Box 656
MOUNT GAMBIER SA 5290

Profit & Loss [Last Year Analysis]

December 2016 through 13th Period 2017

28/02/2018

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	This Year	Last Year
Income		
Club Competition		
Match Fees	\$113,788.33	\$100,919.89
Fines	\$1,438.52	\$1,608.96
Registrations	\$51,725.29	\$62,988.63
Player Insurance	\$36.40	\$2,386.44
Team Nominations	\$1,042.64	\$477.28
Junior Progam Fees	\$10,225.83	\$6,208.62
Adult Skills Training	\$82.72	\$0.00
Clinic Income	\$0.00	\$718.11
Total Club Competition	<u>\$178,339.73</u>	<u>\$175,307.93</u>
Referees		
Referee Misc Income	\$197.72	\$0.00
Coaching Fees	\$0.00	\$687.27
Total Referees	<u>\$197.72</u>	<u>\$687.27</u>
CBL		
CBL Income		
CBL Admission	\$374.64	\$0.00
CBL General	\$4,995.03	\$0.00
CBL Sponsorship	\$3,050.00	\$0.00
Total CBL	<u>\$8,419.67</u>	<u>\$0.00</u>
November Jnr Tournament Income		
Nov Tournament Income	\$28,263.63	\$0.00
Nov Tourn Gen Admis TT	\$0.00	\$22,390.92
Nov Tournament Canteen	\$11,621.81	\$11,683.03
Nov Tournament Sponsorship	\$4,618.23	\$8,918.20
Nov Tournament Raffle	\$1,369.88	\$1,301.57
Total November Jnr Tournament Income	<u>\$45,873.55</u>	<u>\$44,293.72</u>
Junior Town Teams		
Town Team Fees	\$21,791.22	\$20,463.48
Town Teams Fundraising	\$0.00	\$505.54
Town Team Clothing & Bags	\$3,772.18	\$11,127.72
Camp Fees	\$1,567.82	\$110.00
Total Junior Town Teams	<u>\$27,131.22</u>	<u>\$32,206.74</u>
Canteen		
Canteen Receipts	\$63,276.15	\$56,245.68
Total Canteen	<u>\$63,276.15</u>	<u>\$56,245.68</u>
Bar		
Bar Receipts	\$22,285.12	\$24,948.82
Total Bar	<u>\$22,285.12</u>	<u>\$24,948.82</u>
General		
Badminton	\$1,108.18	\$1,525.73
Bank Interest	\$2,886.94	\$2,902.46
Schools Knockout Competition	\$763.63	\$740.89
Facilities Use/Hire	\$9,552.75	\$6,865.92
Cleaning Fees	\$407.27	\$370.91
DNSP	\$2,522.15	\$1,418.18
Fundraising Income	\$1,527.81	\$0.00
Sponsorship	\$6,581.84	\$3,859.58
Donations	\$6,419.67	\$0.00
Junior Sporting Foundation	\$4,300.00	\$3,720.00
Miscellaneous	\$263.64	\$2,059.14
Stadium Hire Pioneers	\$2,114.29	\$3,374.98
Pioneers - Stadium cleaning	\$930.91	\$1,590.00
Recycling	\$453.00	\$0.00
Unrealised Expenses	\$0.00	\$118.80
Total General	<u>\$39,832.08</u>	<u>\$28,546.59</u>
Total Income	<u>\$385,355.24</u>	<u>\$362,236.75</u>
Expenses		
Club Competition		
Club Comp BA & SACBC Levies	\$25,082.30	\$22,829.83

Basketball Mount Gambier Incorporated

Profit & Loss [Last Year Analysis]

December 2016 through 13th Period 2017

28/02/2018

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	This Year	Last Year
Club Comp Player Insurance	\$2,106.45	\$0.00
Club Comp Trophies	\$2,646.00	\$2,597.72
Club Comp General Exp	\$4,110.45	\$4,786.90
Club Comp Jnr Training Program	\$1,318.20	\$1,978.96
Total Club Competition	\$35,263.40	\$32,193.41
Referees		
Referee Payments	\$25,610.99	\$22,901.80
Referee General	\$815.38	\$459.10
Total Referees	\$26,426.37	\$23,360.90
Town Team/CBL		
CBL		
CBL Nominations	\$450.00	\$727.27
CBL - General	\$302.73	\$0.00
Jnr Town Teams		
Town Team Noms & Admissions	\$17,731.81	\$16,664.02
Town Team General	\$0.00	\$1,679.56
Town Team Clothing & Bags	\$2,860.79	\$14,570.21
Total Town Team/CBL	\$21,345.33	\$33,641.06
November Junior Tournament		
Nov Tournament Expenses	\$3,560.72	\$3,668.04
Nov Tournament Referees	\$9,993.95	\$5,896.00
Total November Junior Tournament	\$13,554.67	\$9,564.04
Bar		
Bar Expense	\$9,144.46	\$10,810.83
Total Bar	\$9,144.46	\$10,810.83
Canteen		
Canteen Expenses	\$43,049.65	\$38,332.77
General		
Gifts	\$200.00	\$0.00
Fundraising Expense	\$100.00	\$0.00
Junior Sporting Foundation	\$7,950.00	\$4,600.00
Audit Fees	\$1,890.00	\$1,840.00
Accounting Fees	\$2,900.00	\$0.00
Bank Fees	\$335.88	\$61.43
Advertising	\$742.62	\$1,387.06
Insurance	\$6,209.28	\$5,860.93
Security	\$1,060.55	\$683.64
Licences & Fees	\$1,406.34	\$1,491.13
Coaching Fees	\$405.45	\$0.00
Sportsmans Evening	\$145.45	\$0.00
Hire - Tenison Woods College	\$1,145.44	\$795.45
First Aid	\$227.13	\$175.93
Postage, Printing	\$1,767.78	\$2,022.51
Stationery	\$1,598.77	\$788.41
General	\$2,854.62	\$4,000.74
Minor Assets	-\$1,802.18	\$268.18
Cleaning consumables	\$1,897.40	\$1,568.00
Total General	\$31,034.53	\$25,543.41
Facilities		
Maintenance & Repairs	\$14,476.61	\$8,792.97
Icehouse Lease payments	\$200.00	\$200.00
Equipment Repairs & Replacemen	\$1,079.64	\$0.00
Vermin control	\$630.00	\$0.00
Depreciation Expense	\$23,795.18	\$24,411.75
Total Facilities	\$40,181.43	\$33,404.72
Utilities		
Power & Fuel	\$14,694.24	\$14,044.90
Water	\$3,365.19	\$0.00
Telephone	\$1,906.09	\$2,265.00
Total Utilities	\$19,965.52	\$16,309.90
Finance Fees - On Line Payment		
Finance Fees - On Line 3.9%	\$0.00	\$8.26
Employment Expenses		
Cleaner employment expenses		

Basketball Mount Gambier Incorporated

Profit & Loss [Last Year Analysis]

December 2016 through 13th Period 2017

28/02/2018

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	This Year	Last Year
Cleaning Wages	\$17,117.65	\$12,432.81
Cleaning superannuation	\$1,626.18	\$1,181.12
Gatekeepers employment expense		
Gate Keeper Super	\$1,359.34	\$1,456.36
Gate Keeper Wages	\$21,418.02	\$23,078.70
Admin Employment Expenses		
Admin Casual Wages	\$40,858.20	\$42,396.88
Admin staff super	\$4,701.37	\$3,965.49
Basketball Manager Expenses		
Basketball Manager Wages	\$48,786.74	\$0.00
Basketball Manager Super	\$4,634.77	\$0.00
Development Off Employment Exp		
Development Officer	\$2,855.00	\$19,238.94
Dev officer Superannuation	\$271.23	\$1,943.16
Court Supervisor Expenses		
Court Supervisor Wages	\$0.00	\$3,150.00
Court Supervisor Super	\$0.00	\$281.44
Employer Expenses	-\$486.41	\$0.00
WorkCover	\$2,408.01	\$1,880.13
Total Employment Expenses	<u>\$145,550.10</u>	<u>\$111,005.03</u>
Inactive accounts		
Total Expenses	<u>\$385,515.46</u>	<u>\$334,174.33</u>
Operating Profit	<u>-\$160.22</u>	<u>\$28,062.42</u>
Other Expenses		
Net Profit / (Loss)	<u>-\$160.22</u>	<u>\$28,062.42</u>

BASKETBALL MOUNT GAMBIER INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31th NOVEMBER 2017

Note 1: Statement of Significant Accounting Policies

The financial statements are a special purpose financial report prepared for use by members of the Association. The committee have determined that the Association is not a reporting entity and therefore there is no requirement to apply Australian Accounting Standards, Australian Accounting Interpretations and other authoritative pronouncements of the Australian Accounting Standards Board in the preparation and presentation of these financial statements.

The financial statements have been prepared from historical cost records and do not take into account changing money values or, except where stated, current valuations of non-current assets. The accrual basis of accounting has been adopted. The financial statements have been prepared on the going concern basis, and the concept of materiality has been applied. No accounting standards, accounting interpretations or other authoritative pronouncements have been applied.

The following material accounting policies which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial statement.

(a) **Income Tax**

The association is exempt from Income Tax.

Basketball Mount Gambier Incorporated

PO Box 656
MOUNT GAMBIER SA 5290

General Journal

1/12/2016 To 30/11/2017

28/02/2018
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Page 1

	ID#	Acct#	Account Name	Debit	Credit	Job No.
GJ		1/02/2017	To capitalise light upgrade			
	AUDIT	1-3322	Light Upgrade	\$5,760.00		
	AUDIT	6-7910	Minor Assets		\$5,760.00	
GJ		21/02/2017	To capitalise audio system			
	AUDIT	1-3210	Equipment at Cost	\$735.00		
	AUDIT	6-7910	Minor Assets		\$735.00	
GJ		30/11/2017	To adjust provisions			
	AUDIT	2-1502	Provision for Annual Leave	\$1,917.40		
	AUDIT	2-1501	Long Service Leave		\$1,430.99	
	AUDIT	6-9203	Employer Expenses		\$486.41	
GJ		30/11/2017	For refund of light payments			
	AUDIT	1-1142	Sundry Debtors	\$6,336.00		
	AUDIT	4-7769	Donations		\$5,760.00	
	AUDIT	2-1300	GST (Paid)		\$576.00	
GJ		30/11/2017	Depreciation expense 2017			
	AUDIT	6-8150	Depreciation Expense	\$23,795.18		
	AUDIT	1-3220	Equipment Accum Depn		\$4,245.73	
	AUDIT	1-3330	Accum Depreciation		\$19,549.45	
GJ		30/11/2017	To clear GST holding accounts			
	AUDIT	2-1200	GST (Recd)	\$466.00		
	AUDIT	2-1300	GST (Paid)		\$466.00	
			Grand Total:	<u>\$39,009.58</u>	<u>\$39,009.58</u>	

SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAMPrevious Years Allocations

Year	Organisation	Amount \$	Total Program Annual Allocated \$
2010	Mount Gambier Little Athletics	10,000	
	Basketball Mount Gambier	20,000	
	Suttontown Tennis	15,000	45,000
2011	Apollo Soccer	12,242	
	Mount Gambier Softball	25,000	
	Basketball Mount Gambier	31,046	
	West Gambier Cricket	22,312	
	Mount Gambier Tennis	9,400	100,000
	Lower South East Hockey	40,000	
2012	Mount Gambier Croquet	10,000	
	Mount Gambier Netball Association	20,000	
	Basketball Mount Gambier	30,000	100,000
	West Gambier Football Club	11,000	
	MG Greyhound	11,000	
2013	MG Softball League	18,000	
	MG Tennis Club	10,000	
	North Gambier Football/Netball	50,000	100,000
	West Gambier Football Club	10,000	
	East Gambier Sportsmen's Club	20,000	
2014	North Gambier Football Club	8,000	
	Mount Gambier Little Athletics	24,000	
	Blue Lake BMX Club	8,000	70,000
	Apollo Soccer Club	15,000	
	Mt Gambier Harness Racing Club	20,000	
2015	Mt Gambier Cricket Association	30,000	65,000
	West Gambier Football Club	40,000	
	South Gambier Football Club	9,000	
	Mount Gambier & District Baseball League	14,000	
2016	Blue Lake Soccer Club	7,000	70,000
	South Gambier Football Club	15,000	
	Millel Cricket Club	6,360	
	Mount Gambier Harness Racing Club	15,000	36,360