



THE COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday 2 March 2021
at 5:30 pm

in the Colonel Light Room
Adelaide Town Hall

Members - The Right Honourable the Lord Mayor, Sandy Verschoor
Deputy Lord Mayor, Councillor Couros (Chair)
Councillors Abrahamzadeh, Donovan, Hou, Hyde, Khera, Knoll,
Mackie, Martin, Moran and Simms (Deputy Chair).

1. Acknowledgement of Country

At the opening of The Committee meeting, the Chair will state:

'Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Apologies and Leave of Absence

Apology:

Councillor Martin

3. Confirmation of Minutes – 16/2/2021 & 23/2/2021 [TC]

That the Minutes of the meeting of The Committee held 16 February 2021 and the Special meeting of The Committee held on 23 February 2021, be taken as read and be confirmed as an accurate record of proceedings.

4. Presentations

Nil

5. All reports in this section will be presented to Council

All reports in this section will be presented to Council on 9 March 2021 for consideration and determination

Strategic Alignment – Thriving Communities

5.1 Attracting millennials to live and work in the City [2018/00568-2] [Page 2]

5.2 Disabled Parking in Residential Permit Zones [2017/03545] [Page 8]

Strategic Alignment – Dynamic City Culture

5.3 Strategic Asset Management Plan [2020/01521] [Page 14]

Strategic Alignment – Enabling Priorities

5.4 Barton Terrace West Landscaping [2018/004053] [Page 29]

5.5 Representation Review Options Paper [2018/04004] [Page 33]

5.6 Delegations for the Planning, Development and Infrastructure Act 2016 [2019/00196] [Page 37]

6. Closure

Attracting more millennials to live and work in the City

ITEM 5.1 02/03/2021

The Committee

Strategic Alignment - Thriving Communities

Program Contact:

Michelle English, AD Park Lands,
Policy & Sustainability 8203 7687

2018/00568-2

Public

Approving Officer:

Tom McCready, Acting Director
City Shaping

EXECUTIVE SUMMARY

On 25 June 2019, Council resolved that Administration investigate ways in which millennials (aged between 24-39) can be attracted to live and work in the City, including engagement with the millennials segment to better understand their thoughts and insights. A “Millennial Forum” was undertaken in June 2020, in collaboration with Solstice Media’s 40Under40 Awards initiative, to achieve this.

Council Members subsequently provided positive feedback on a range of options that were presented in a workshop on 17 November 2020, including:

1. Continue promoting the city as a desirable place to live and work through regular marketing campaigns to the three target markets, of which millennials is one (referred to as Fulfillment Seekers / Youth).
2. Initiate an Under 40’s City Living Reference Group, following the success of the Lord Mayor’s Millennial Forum, to brainstorm ideas and to use as a test bed for new concepts and marketing strategy.
3. Scope up a ‘Try Before You Buy’ project whereby a millennial single or couple is selected to live in an apartment free of charge for a limited time as an introduction to city living.
4. Scope up a Graduate Retention Strategy via a High Performing Graduate Internship and Subsidised Housing Package, in partnership with State Government, the universities and the private sector.
5. Progress development of criteria and methodology for a Home Buyer’s Rate Remission Scheme for key workers (a proportion of who will be in the millennial age bracket), as endorsed by Council in October 2020.

The first two proposals can be implemented within existing resources and budget allocation. The third and fourth proposals will require an additional budget allocation and will be presented to Council for further consideration at a later date. The financial implications of the rate remission scheme will be modelled based on projected take-up and presented to Council via a separate report.

.....

The following recommendation will be presented to Council on 9 March 2021 for consideration

That Council:

1. Note that millennials are one of the three market segments (referred to as Fulfillment Seekers/Youth) to be targeted to live and work through regular marketing campaigns.
 2. Approves the creation of an Under 40’s City Living Reference Group to brainstorm ideas and to use as a test bed for new concepts and marketing strategy.
 3. Approves the scoping of a “Try Before You Buy” project, including the proposed methodology, risk assessment and budget implications, for further consideration by Council in 2021.
 4. Approves the scoping of a Graduate Retention Strategy via a High Performing Graduate Internship and Subsidised Housing Package, in partnership with State Government, the universities and the private sector including budget implications, for further consideration by Council in 2021.
 5. Notes that the development of criteria and methodology for a Home Buyer’s Rate Remission Scheme is underway and will be reported back to Council for consideration, including projected take-up by the millennial demographic.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Thriving Communities The Strategic Plan aspires for Adelaide to be the most liveable city in the world. To achieve this, Council has identified four community outcomes of which Thriving Communities is one. This seeks a well-planned and inclusive residential population growth.
Policy	Not as a result of this report
Consultation	A Lord Mayor’s 40 Under 40 Forum conducted in June 2020 has informed the recommendations of this report.
Resource	Not as a result of this report
Risk / Legal / Legislative	There are potential risks associated with the “Try Before You Buy” proposal, which will be investigated as part of the scoping exercise and reported to Council for further consideration.
Opportunities	Liaise with State Government agencies and through the Capital City Committee as appropriate, to explore partnership opportunities to attract millennials to live and work in the city.
20/21 Budget Allocation	A budget of \$80,000 has been approved for the City Living Marketing Strategy 2020/21. Fulfillment Seekers/Youth (including millennials) is one of three identified target markets.
Proposed 21/22 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. On 25 June 2019, Council resolved:

‘That, as part of our ongoing residential and economic growth strategies, the City of Adelaide targets millennials to live and work in the City by:

 - a) *Consolidating the work undertaken to date in developing the Adelaide City Living Market Research – Volume 1 - Adelaide Metropolitan Market and the Residential Action Plan to better understand the demand for city living from millennials.*
 - b) *Engage with millennials to better understand their thoughts and insights on living and working in the City.*
 - c) *Report back to Council in late 2019 with recommendations to progress this work based on the existing research and new findings.’*
2. A “Millennial Forum” was undertaken in June 2020, in collaboration with Solstice Media’s 40Under40 Awards initiative, to achieve this.
3. Council Members subsequently provided positive feedback on a range of options that were presented in a workshop on 17 November 2020.

City Growth Trends

4. The current permanent resident population of the City of Adelaide is estimated at 25,456. The city’s population has been growing steadily for the past 40 years and has more recently been averaging an increase of around 550 new residents per year. This represents an annual growth rate of 2.4%, exceeding the Greater Adelaide growth rate of 1%.
5. The city continues to have a diverse demographic profile, with a third of all residents being young adult workers, 24-39 years, commonly known as millennials, followed by tertiary students and young independent workers, 18-24 years, representing just under a further third.
6. Older workers, pre-retirees/retirees and empty-nesters (50-69 years) represent a fifth of the city residents.
7. There are many factors that influence where people choose to live, however one of the most important factors is attitude.

Marketing Strategy and Campaigns

8. The *Adelaide City Living Market Research* (2016) revealed that nearly a quarter (24%) of the Adelaide metropolitan population would consider living in the City, irrespective of their age.
9. The research found that people who are attracted to city living will have similar attitudinal characteristics. They are confident and outgoing, adventurous and risk taking, enjoy diversity and have an open mindset.
10. Based on these factors, other factors such as income and equity, and additional psychographic research undertaken by Administration, three target markets were identified as being likely prospects for city living, millennials being one of these groups, identified as Fulfillment Seekers / Youth:
 - 10.1. Fulfillment Seekers / Youth – Young extroverted, optimistic creatives who are community minded and take risks. Millennials who are community and environmentally conscious. Focus on: lifestyle benefits, convenience factors, social and lifelong learning opportunities, community connectivity, quality of life and wellbeing.
 - 10.2. Note - This target market is distinct from students who are attracted to the city for proximity to their place of education.
 - 10.3. Downsizers / Empty-Nesters – Downsizing in space but upsizing in lifestyle. Primarily from metropolitan Adelaide but could be from Melbourne and Sydney. May still be working, semi-retired or retired and looking for a life change – either to downsize in space and upsize in lifestyle or to escape the business and congestion of the eastern seaboard cities. High incomes, high levels of equity in their homes and an interest in apartment living. May be expatriates.
 - 10.4. Business Migrants – High net worth individuals, entrepreneurs, employer sponsored migrants and general skilled migrants. Not determined by age or demographic, rather their attitude – considered to be leaders, confident, outgoing, adventurous, risk takers who are cultured and attracted to cultural diversity, diverse architecture, sustainability and enjoy staying active and fit. Also, those that are tele-commuters who would work anywhere in the world.

11. The City Living Marketing Strategy (Stage 2) (Link 1 view [here](#)) has taken these factors into account in terms of the messaging, marketing mix and channels to market. It has also adopted a long term vision with objectives focussed on building brand awareness of the city as a desirable place to live by illustrating the benefits of a city lifestyle. The overarching benefits of city living have been identified as convenience, quality of life (saving time and sense of community), world class events, cultural diversity, lock up and leave lifestyle and more affordable and less congestion than eastern seaboard cities.
12. The strategy acknowledges that buying a house is a high involvement, high cost decision that can take time.
13. Three marketing campaigns have been undertaken over the past 18 months and the millennial age group, together with first home buyers, has proven to be highly engaged in all three campaigns.
14. The marketing approach has been weighted towards digital advertising for its ability to accurately target the identified market segments, its wide reach, value for money and agility, allowing for changes to be made according to performance.
15. In summary, the marketing activities have included: social media (paid and organic), Google search and display ads, a dedicated webpage, outdoor advertisements, radio advertising, a City Living magazine (digital and hard copy), photography and case studies (digital and print) and a series of videos used for YouTube advertising and Council owned screens.
16. The use of case studies featuring stories about the lives of existing residents have performed extremely well, particularly with the millennial market. <https://www.cityofadelaide.com.au/blog/alex-tin-sonny-and-a-bunch-of-delicious-spots/>
17. Advertising on www.realestate.com.au has been undertaken in previous campaigns, specifically during the Free Rates for Five Years promotion in 2018/19. This platform is a primary information source for people who are house hunting. Due to high costs however (\$5,000 per month), it is not recommended as an ongoing option.

Under 40's City Living Reference Group

18. A "Millennial Forum" was hosted by the Lord Mayor in partnership with Solstice Media in June 2020 to seek ideas from some of Adelaide's brightest and most successful young people on how the city could best position itself as a creative and liveable hub into the future. Participants were alumni from Solstice Media's 40 Under 40 Awards initiative. The event was featured in InDaily <https://indaily.com.au/events/40-under-40/2020/07/06/city-looks-to-young-leaders-for-post-covid-reboot/>
19. Three key questions were asked of the participants and a high level summary of the feedback to each is outlined below. A full summary can be viewed at Link 2 view [here](#).
20. Question 1 -What are the essential priorities to ensure the City and State can remain a creative and liveable hub into the future?
 - 20.1. Re-purpose commercial space, activate city spaces and the Park Lands and create unique visitor experiences, improve transport options eg bike lanes, have events throughout the year, promote a youthful and adventurous vision to attract young people from other major Australian cities, involve employers, universities and future leaders in Strategy development, create job and career pathways, act fast (don't polish so much), market globally and promote strengths to differentiate ourselves, leverage Gig City and the entrepreneurial spirit, affordable housing initiatives, essential services for residents and extended opening hours, food/alcohol innovation hub, creative industries eg commercialising marijuana products.
21. Question 2 - Given Covid-19, what are your biggest industry challenges & opportunities?
 - 21.1. Opportunities – Business can be done anywhere, embracing local opportunities and technology, local supply chains, spaces need to be mixed use and adaptable, permission to pivot, less bureaucracy, utilise technology for attracting global audiences, online education has boomed.
 - 21.2. Challenges – Uncertainty, redefining consumer behaviour, difficulty with social distancing on public transport, fear, mental health concerns, hard to plan when the future is uncertain.
22. Question 3 - How can you support the City of Adelaide to achieve its vision of becoming the world's most creative and liveable city?
 - 22.1. Lead by example, build a positive culture and become role models, be bold and not following rules that we followed before, Alumni to work collaboratively with government, industry and academia, employ locals, advocacy, bridge the gap between high schools and universities, funding for 40U40 alumni and/or free access to venues for activities, become mentors/get mentored, speak up, help drive an innovation culture, be involved in partnerships and collaborations.

23. It would be beneficial to tap into this audience (and other millennials) on a regular basis as part of the city living campaign planning and to test concepts for new initiatives. The ideas outlined in this report, together with the concept of a city living ambassadors/influencers program, could be workshopped through this avenue in the first instance.
24. It is therefore recommended that a **Under 40's City Living Reference Group** be established as the vehicle to achieve this.

Proposed "Try Before You Buy" Project

25. The concept of a "Try Before You Buy" initiative has been mooted by Elected Members in the past as a fun and novel way of introducing the benefits of city living by offering a single or couple the chance to live in an apartment free of charge for a limited time.
26. The following factors will need to be considered as part of the process, including:
 - 26.1. Objectives – promotion by an independent third party and/or decision to buy and live in the city after the experience
 - 26.2. Demographics of the participant/s – age, income
 - 26.3. Location, price and size/type of the apartment
 - 26.4. Apartment selection process - ensuring equity and transparency
 - 26.5. Timeframe e.g. 1 month/6 months
 - 26.6. Costs involved – rent, relocation costs of the participants, promotion
 - 26.7. Risks - particularly if the experience is not positive
27. Given these factors, it is recommended that the initiative be fully scoped and costed in the first instance, for further consideration by Council. If supported, a Business Case will be developed as part of the Business Plan and Budget preparation process, if necessary.

Graduate Retention Strategy via a Graduate Internship and Subsidised Housing Package

28. The State Government and Council have shared objectives of growing the city's residential population, supporting job growth and fostering and growing innovation and entrepreneurialism.
29. The Graduate Retention Strategy could be a joint project designed to achieve these combined objectives. It would therefore require the support of the State Government, the university sector, private business and Council.
30. The primary objective would be to curate exciting and desirable city-based career pathways for young talented university graduates, enabling them to stay in Adelaide to fulfill their early career ambitions.
31. Another key objective would be to introduce the graduates to the benefits of city living, in the hope they enjoy the experience and become long term residents.
32. It is recommended that graduates from degrees aligning with key city-based growth industries be targeted for the project, such as artificial intelligence, cyber security, space, defence and the creative industries.
33. It is also recommended that creative city-based housing be offered as a key plank of the project, providing a unique and exciting experience for the participants. Some ideas for consideration include:
 - 33.1. A co-housing arrangement, housing all the participants in the one place to foster a sense of community, informal collaboration and providing a support base.
 - 33.2. Adaptive re-use of a vacant commercial building, including state of the art environmental features and communal spaces.
34. It is recommended that the project be further scoped for concept testing with the identified key stakeholders to gauge interest and likely budget requirements.
35. The proposal would involve an upfront and ongoing financial commitment from the State Government, for both the internships and housing component. It would therefore require in principle support before progressing further.
36. As part of these investigations, financial opportunities through the State Government's Affordable Housing Fund could be explored for the housing component of the project (adaptive re-use project and ongoing subsidy).

Rate Rebates (underway)

37. In October 2020, Council Members approved the introduction of a Home Buyer's Rate Remission Scheme to attract key city workers to live in the city. Key workers typically include health, education and emergency service workers.
38. Providing rate rebates is one of the few financial levers Council can access to assist with alleviating the post purchase costs of home ownership. This is particularly relevant for people on low to moderate incomes who are renting but would like to transition to home ownership.
39. While further investigation is underway regarding the criteria and methodology for the rate rebate, it is likely that there will be an overlap with the millennial age group.
40. It should be noted the City of Adelaide, State Government agencies and Key Stakeholders are reviewing ways to improve housing options in particular the delivery of affordable / key worker housing to the City.
41. A separate report will be prepared for further consideration by Council Members in April 2021.

Complementary Council initiatives

42. The importance of delivering high quality services and activities, together with an ongoing program of innovative projects and programs, should not be underestimated in their ability to attract people to the City.
43. Creating a cool, green and leafy, attractive, safe and inviting public realm will also contribute enormously to positively position the City as a desirable place to live while assisting to reduce the impacts of extreme heat.

DATA AND SUPPORTING INFORMATION

Link 1 – Stage 2 City Living Marketing Strategy 2019/20

Link 2 – Feedback Summary – Lord Mayor's 40 Under 40 Millennials Forum June 2020

ATTACHMENTS

Nil

- END OF REPORT -

Disabled Parking in Residential Permit Zones

ITEM 5.2 02/03/2021
The Committee

Strategic Alignment - Thriving Communities

2017/03545
Public

Program Contact:
Stephen Zaluski, Associate
Director, Regulatory Services
8203 7641

Approving Officer:
Klinton Devenish, Director
Services, Infrastructure &
Operations

EXECUTIVE SUMMARY

At the 13 October 2020 meeting, Council requested Administration investigate options to allow the use of Disability Parking Permits in Residential Permit zones, and the feasibility of a dual Disability and Residential Permit zones on-street.

This report provides feedback from current Residential Parking Permit holders and the City of Adelaide's Access & Inclusion representatives regarding on-street parking desired outcomes, pressures and potential impacts. It outlines options and alternative solutions to balance and accommodate the specific parking needs of Disability Parking Permit and Residential Parking Permit holders.

The following recommendation will be presented to Council on 9 March 2021 for consideration

That Council

1. Notes the findings of the report and feedback from Residential Parking Permit holders
2. Notes the continued focus on user needs assessments to guide the funding of additional accessible (disabled) spaces in desired locations.
3. Approves the retainment of existing Residential Parking Permit and Disability Parking Permit schemes
4. Approves a six-month trial to broaden the conditions and allowances of the Visitor Permit Scheme to assist residents and their visitors who hold a Disability Permit. During the trial:
 - 4.1. Residents would be able to purchase existing Visitor Permit Booklets and issue the one-off permits to any Disability Parking Permit holder visiting them.
 - 4.2. Residents who are not eligible for a Residential Parking Permit, however hold a valid Disability Permit, would be able to purchase existing Visitor Permit Booklets and use the one-off permits for their own vehicle when displaying a Disability Permit.
 - 4.3. Vehicles displaying both a valid Disability Parking Permit and Visitor Permit would be permitted to park in Residential Permit zones, for a period of up to 2-hours.
 - 4.4. At the conclusion of the trial, results will be reviewed with a view to a longer-term decision being made.
5. Notes the available options and potential impacts presented regarding implementing on-street parking zones which cater specifically for vehicles displaying both a Residential Parking Permit and a Disability Parking Permit.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Thriving Communities
Policy	A safe, affordable, accessible, well-connected city for people of all ages and abilities, and all transport modes.
Consultation	Relaxation of the Visitor Permit Operating Guidelines criteria through the On-Street Parking Policy to include residents and/or their visitors who hold a Disability Parking Permit.
Resource	Engagement with current Residential Parking Permit holders was undertaken in November 2020 to determine the desire and potential impacts of allowing Disability Permit holders the ability to use Residential Permit zones.
Risk / Legal / Legislative	It is expected that any additional resources required to process and issue Visitor Permit Booklets would be found within existing capacity.
Opportunities	The additional revenue generated from an increased number of Visitor Permit Booklets sold is unknown, but not expected to be major.
20/21 Budget Allocation	Not as a result of this report
Proposed 21/22 Budget Allocation	To increase the number of on-street parking spaces in residential locations available to Disability Permit holders.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Six-months, should Council endorse the trial proposed
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. At the Council meeting of 13 October 2020, it was resolved:

That Council:

Noting that Disabled Car Parking is provided at a small number of on street locations in the City of Adelaide, requests the Administration provide a report for January meeting of the elected body on;

Any steps the City could take to assist the drivers of vehicles with a disabled parking permit to park in residential permit zones where disabled parking spaces, timed or other suitable parking is not available for short stays associated with driver or passenger movements or loading and unloading of the vehicle without incurring an expiation

The possibility of providing residents of the City of Adelaide with both residential parking permits and disability parking permits a zone which would allow the use of both permits, how such a zone might operate and any recommendation on steps that would need to be taken to adopt this reform.'

2. On-street parking is a shared community asset for which demand regularly exceeds supply. It is a complex task to carefully manage & balance parking controls to ensure a wide range of competing users have fair and reasonable access.
3. There are 22,230 current Disability Parking Permits in South Australia, under the scheme managed by the State Government.
4. Within the City of Adelaide there are currently:
 - 4.1. 1,064 on-street Residential Parking Permit spaces (193 full time and 871 part time)
 - 4.2. 781 Residential Parking Permits in operation
 - 4.3. 163 on-street disability parking spaces
 - 4.4. 9,300 unpaid time limit spaces and 3,000 paid time limit on-street parking spaces in the City and North Adelaide
 - 4.5. 6,000 off-street parking spaces within our nine UParks.
5. Creating accessible (disabled) parking bays requires additional space compared to a standard parking bay, as well as the installation of specific infrastructure (e.g. ramps). At times they cannot be achieved due to the local environment i.e. road surface, camber (slope) of road, and width of the road.
6. Funds required to install a compliant disability parking bays can differ significantly depending on site specific circumstances. This can range from \$5K to re-line and install a ramp, to \$20K for a complex installation that requires protuberances.

Current City of Adelaide Parking Provisions

7. Several provisions already exist for Disabled Permit holders, Residential Parking Permit holders and residential visitors within the City and North Adelaide for both on and off-street parking.
8. Complete details of these provisions are available via the links below:
 - 8.1. [Accessible parking | City of Adelaide](#)
 - 8.1.1. A Disability Permit holder has the option of parking in a time-limited parking space and will be entitled to additional time to the marked sign as follows:
 - 8.1.2. If the signed time limit is less than 30 minutes, the time limit for a Disability Permit holder will be 30 minutes.
 - 8.1.3. If the signed time limit is between 30 minutes and one hour, the time limit for a Disability Parking Permit holder will be two hours.
 - 8.1.4. If the signed time limit is more than one hour, the time limit for a Disability Permit holder is twice the period indicated on the sign.
 - 8.1.5. If in a paid parking space, the above concessions still apply and the Disability Permit holder is not required to pay for the parking session (via ticket or mobile app).
 - 8.2. [Disabled Parking in Adelaide | UPark](#)
 - 8.2.1. Disability Permit holders can apply for an Accessibility Pass which entitles the Permit holder to two hours free parking, up to 52 times per year.

8.3. [Residential Parking Permit | City of Adelaide](#)

8.3.1. Within our Residential Parking Permit criteria, eligible residents requiring daily medical treatment can apply for a Carer's Permit.

8.3.2. This Permit may be issued for the sole use of an approved person providing daily care to a resident (e.g. Medical Practitioners, Physiotherapists, Registered and Enrolled Nurses and Accredited Carers).

8.4. [Visitor Parking Permits | City of Adelaide](#)

8.4.1. Through the purchase of temporary Permit Booklets, Visitor Permits allow residents of the City of Adelaide additional parking allowances for themselves or their guests when parking on-street, including:

8.4.1.1. An additional two hours parking to the signed time limit.

8.4.1.2. When used in paid parking zones, no payment is required

8.4.1.3. Can also be used in two-hour event parking zones, allowing up to a maximum of four hours.

Engagement with Residential Parking Permit Holders

9. Engagement to support this report was undertaken via a survey sent to all Residential Parking Permit holders in November 2020.

10. Survey results are presented in Link1 view [here](#).

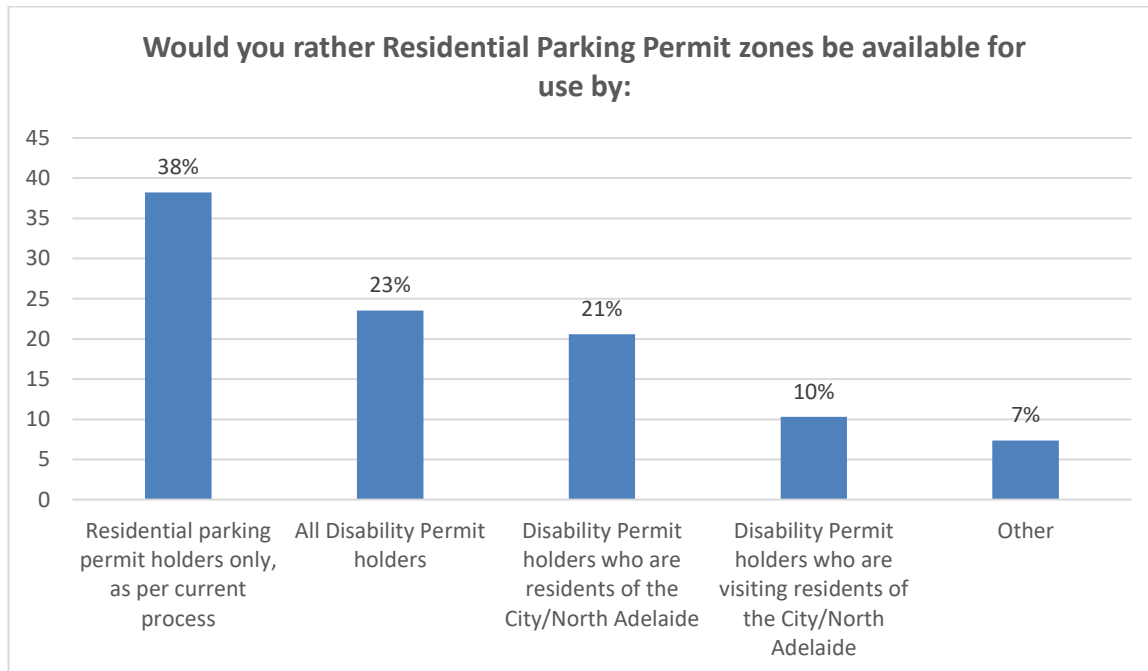
11. While feedback was mixed and some Permit holders did support such a scheme, the majority of responses indicated a desire to retain the status quo, and not offer Disability Permit holders the option to park in Residential Permit zones (response summary shown in Figure 1 below).

12. The common themes leading to this view were:

12.1. The desire for creating additional accessible (disabled) parking spaces in relevant areas, rather than using residential zones.

12.2. The potential for increased parking pressures.

Figure 1: Survey Results



Council's Access & Inclusion Plan

13. The City of Adelaide Disability Access and Inclusion Plan 2019-2022 (DAIP) includes the following actions in relation to parking:

- 13.1. Provide and promote the UPark Accessibility Pass.
- 13.2. Review all accessible car parking – with quarterly reporting on numbers of car parks available.
- 13.3. Review of Category 3 – Residential Parking Permit (Daily Care Parking Permit).
- 13.4. Park Adelaide/Blue Bays app promoted.
- 14. The actions within the DAIP aim to ensure that people with a disability can participate in the life of the city, including easy access and use of CoA facilities such as the Aquatic Centre, Golf Links, Libraries, Community Centres, event spaces, playgrounds.
- 15. The funding and installation of additional accessible (disabled) parking bays is generally focused on areas which provide access to public services and facilities.

Enabling Disability Permit holders to park in Residential Permit zones

- 16. There are a number of ways to achieve the intent of the Council decision.
- 17. Noting the feedback from Residential Parking Permit holders and potential impacts, it is not recommended to alter the Residential Parking Permit Scheme or allow all Disability Permit holders to park in Residential Zones as a blanket exemption.
- 18. However, support exists for allowing greater parking availability for some Disability Permit holders, and it is noted that the intent of the Council decision focused on '*short stays*' when other parking is not available.
- 19. It is recommended that a six month trial be conducted to broaden the conditions and allowances of the existing Visitor Permit Scheme, to assist Disability Parking Permit holders visiting City of Adelaide residents, and assist residents of the City who are not currently entitled to a Residential Parking Permit, but do have a Disability Permit.
- 20. During such a trial:
 - 20.1. Residents eligible for the current Visitor Permit scheme would be able to purchase Visitor Permit Booklets and issue the one-off permits to Disability Permit holders visiting them.
 - 20.2. The trial would also extend the ability for residents not currently entitled to a Residential Parking Permit, but who do hold a valid Disability Permit, to purchase a Visitor Permit Booklet (which is not currently supported).
 - 20.3. Vehicles displaying both a valid Disability Permit and Visitor Permit would be permitted to park in Residential zones (which is not currently allowed), for a 2-hour period.
 - 20.4. The trial would support Disability Permit holders parking for short stays in residential zones, and mitigate (however not eliminate) the potential impact on Residential Parking zone availability through limiting the option to purchase Booklets to existing eligible residents.
 - 20.5. It is envisaged the requirement to pay for Visitor Permits will assist to ensure they are used only when needed, on occasions '*where disabled parking spaces, timed or other suitable parking is not available*' as per the Council decision.
 - 20.6. It is proposed the trial runs for six months to allow the benefits and impacts to be assessed.
- 21. Noting the feedback and desire to create additional accessible parking spaces in relevant locations, Administration will continue to work with the Access & Inclusion Advisory Panel to conduct user-needs assessments and use allocated funds to install additional accessible parking spaces in priority areas.

Creating a 'dual zone' for holders of both Residential and Disability Parking Permits

- 22. Council has the ability to allow Disability Permit holders to park in existing Residential Parking zones, using a range of exemption powers. However, it is understood that the intent of this component of the Council decision is to create a new and specific zone for dual permit holders.
- 23. External legal advice has confirmed it is not possible to legally install a parking zone with signage stating it is a dual parking zone for holders of Residential Parking and Disability Permits.
- 24. However, the desired intent can be achieved through an alternative approach.
- 25. Such a zone would need to be signed as a standard 'Permit Zone', using signage which meets the Australian Road Rules.
- 26. Council can then designate the eligibility requirements it desires for that Permit Zone. This can be achieved as a blanket exemption for any vehicle displaying both permits, or could be managed through developing a permit application scheme, eligibility criteria and potential fee.

27. Council would then have the ability to review parking controls on-street to identify and select where to implement such a Permit Zone, and promote accordingly.
28. In assessing the practical impacts of this option, it is considered that such a zone may create unintended consequences within the community, such as:
 - 28.1. It is assumed that in creating such zones, it would be the intent that they are installed to an accessible parking standard.
 - 28.2. As the creation of accessible parking bays requires additional funds, public value may be lessened if the amount of people able to access the park is limited to only Residential Parking Permit holders.
 - 28.3. The requirement to use standard 'Permit Zone' signage may confuse the public as to why the zone exists and who is permitted to access the space, and does not support the aims of the On-Street Parking Policy which recognises the *'need for on street parking controls which are simple and easy to understand'*
 - 28.4. Anecdotally, Administration are only aware of one instance where such a zone has been requested.
 - 28.5. Based on the above information, this option is not recommended.

DATA AND SUPPORTING INFORMATION

[Accessible parking | City of Adelaide](#)

[Disabled Parking in Adelaide | UPark](#)

[Residential parking permit | City of Adelaide](#)

[Visitor parking permits | City of Adelaide](#)

Link 1 - Residential Parking Permit Survey Feedback

ATTACHMENTS

Nil

- END OF REPORT -

Strategic Asset Management Plan

ITEM 5.3 02/03/2021
The Committee

Strategic Alignment - Dynamic City Culture

Program Contact:
Matthew Morrissey, AD
Infrastructure 8203 7462

2020/01521
Public

Approving Officer:
Klinton Devenish, Director
Services, Infrastructure &
Operations

EXECUTIVE SUMMARY

The City of Adelaide is the custodian of community infrastructure assets which provide the community with services that are essential to their quality of life. These services and assets are managed through the Asset Management discipline. Asset Management is a key business function for all councils to manage their infrastructure portfolio responsibly and effectively.

The City of Adelaide coordinates infrastructure related objectives through its Asset Management Plans, per legislation Section 122 of the *Local Government Act 1999 (SA)*. The Strategic Asset Management Plan (SAMP), will specify how the City of Adelaide's strategic priorities are to be converted into asset management objectives, the approach for developing Asset Management Plans, and the role of the asset management framework in supporting achievement of the asset management objectives.

Council approval is sought for the Draft Strategic Asset Management Plan to go out to public consultation.

.....

The following recommendation will be presented to Council on 9 March 2021 for consideration

That Council:

1. Approves the Draft Strategic Asset Management Plan, Attachment A to Item # on the Agenda for the meeting of Council held on 9 March 2021, for public consultation for a period of six weeks.
 2. Authorises the Chief Executive Officer to make minor editorial amendments to the Draft Strategic Asset Management Plan prior to the release of the Plan for consultation.
 3. Approves Administration report back to Council in June 2021 on the consultation feedback and finalise the Strategic Asset Management plan for endorsement.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment - Dynamic City Culture Develop asset management plans to provide for future generations
Policy	The Strategic Asset Management Plan (SAMP) aligns to Council's approved Asset Management Policy. Approval and release for public comment of the SAMP will meet the requirements of Council's engagement policies.
Consultation	The required six-week community engagement period will be undertaken through the YourSay Adelaide Platform.
Resource	Development of the plan including consultation activities will be undertaken within existing 2020-21 budget allocations.
Risk / Legal / Legislative	Meets Council's requirement under Section 122 of the <i>Local Government Act 1999</i> to develop and adopt an asset management plan covering a period of at least ten years.
Opportunities	Adopting the SAMP for public consultation will result in the Plan, and associated summary material, being made available to the public to allow them to provide feedback and comment. In doing so, we will seek feedback from the community on how Council is currently performing in relation to the management of its assets, we will also seek comment on Council's plans to manage its assets over the next ten years.
20/21 Budget Allocation	Not as a result of this report
Proposed 21/22 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The SAMP will be revised at an interval no greater than four years and within two years of a local government election.
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. Councils have an obligation to ensure that assets they control are managed efficiently and effectively and that decisions regarding the acquisition of new assets and the sale and maintenance of existing assets are undertaken in an open and transparent fashion.
2. Pursuant to Section 122 of the *Local Government Act 1999(SA)*, Councils are required to develop and adopt an asset management plan covering a period of at least ten years.
3. Council must in any event, undertake a comprehensive review of its strategic management plans within two years after each general election of the Council.
4. In addition, Councils are required to adopt a long-term financial plan also covering a period of at least ten years. The long-term financial plan must reflect the optimal level of proposed asset maintenance, renewal and replacement outlays necessary to achieve the Council's specified service levels, while minimising whole-of-life-cycle asset costs and maintain services, as specified in the Council's Asset Management Plans.
5. The City of Adelaide has been practising formal asset management for over 20 years with the last plans approved by Council in 2016.
6. Council has a diverse and complex \$2 billion infrastructure asset portfolio consisting of the following asset classes:
 - 6.1. Transportation
 - 6.2. Water
 - 6.3. Buildings
 - 6.4. Park Lands and Open Space
 - 6.5. Urban Elements
 - 6.6. Lighting and Electrical

Strategic Asset Management Plan

7. The Asset Management Policy approved by Council in February 2019 requires us to prepare an Asset Management Strategy, this is provided in the form of a Strategic Asset Management Plan (SAMP).
8. The SAMP creates the strategy to update our Asset Management Plans for each of our six complex asset classes.
 - 8.1. The SAMP also details the actions we will undertake to deliver the asset management policy approved by Council in February 2019 (Link 1 view [here](#)).
 - 8.2. The Draft SAMP is attached to this report (**Attachment A**).

Consultation Requirements

9. There is a legislative requirement that this strategic asset management plan be released for public consultation. The City of Adelaide engagement policy requires a six-week consultation period.
10. We are seeking feedback through public consultation on the draft SAMP and actions associated with its implementation. The questions we will be asking the community are available at Link 2 view [here](#).
11. The consultation process for updating our individual Asset Management Plans (per asset class) will involve workshops with Council and extensive public consultation to agree our levels of service. This will inform individual asset management plans that will be integrated and costed into the Long-Term Financial Plan.

Recovery Principles / Covid-19 Context

12. The SAMP is a long-term strategy and not a response to Covid-19, however it is important to understand how this strategy supports Council's recovery principles through the business plan and budget process. The Principles agree in the SAMP will inform the development of AMP's per Asset Class.
 - 12.1. Principle: Asset Renewals will be prioritised based on audit condition and risk

While we adapt to the impacts of Covid-19 we will prioritise assets based on condition audit and risk. As the city recovers we will develop a resource prioritisation method following the strategy set in the SAMP which incorporates other considerations such as, links to the strategic plan, asset use, asset demand, hierarchy in network, community expectation and other risk factors. The revised prioritisation method will be included in our asset management plans and enable sound decision making for our future capital works programs.

The SAMP also supports the need for demand driving assets which stimulate economic growth and jobs as a priority as we recover from the impacts of Covid-19.

12.2. Principle: Asset Enhancements will be delivered through partnership

The financial sustainability principle detailed in the SAMP prioritises seeking partnerships for delivery of upgrades to our existing infrastructure.

12.3. Principle: We will seek Government Funding for new Infrastructure.

The financial sustainability principle detailed in the SAMP prioritises seeking government funding for delivery of new and significant upgrades to infrastructure.

12.4. Principle: Our service delivery will reflect on the needs of the community

The Community Benefit principle detailed in the SAMP prioritises community benefit and understanding community expectations of “levels of service” to inform our capital works programs.

Building on the work commenced through the consultation on the 2020-21 Business Plan and Budget, we will undertake significant public consultation to understand the levels of service related to infrastructure required by the community prior to preparing our asset management plans and subsequent capital works programs.

Asset Management Levers

13. The SAMP also includes six levers related to the management of our infrastructure, which might impact on the LTFP. These levers will be detailed in the SAMP and the application of the levers will be workshopped through the Asset Management Plans per asset category.

Next Steps

14. Following the mandatory consultation process, we will review and incorporate relevant feedback and return to Council with a final version of the SAMP to be approved.

DATA AND SUPPORTING INFORMATION

Link 1: Asset Management Policy approved by Council in February 2019

Link 2: Proposed questions for public consultation

ATTACHMENTS

Attachment A – Strategic Asset Management Plan

- END OF REPORT -



CITY OF
ADELAIDE



City Of Adelaide

Strategic Asset Management Plan

2020–2024





Table of Contents

1	Introduction	2
1.1	What is Asset Management?	3
1.2	Strategic Plan objectives	4
1.3	Strategic Asset Management Plan	5
2	City of Adelaide asset portfolio	7
2.1	Our Assets	9
3	Our changing city	10
3.1	Environmental challenges	10
3.2	Population Growth and Demographic Changes	11
3.3	Technology	13
3.4	Impact of Covid19 Pandemic	13
4	How the City of Adelaide will respond	14
4.1	Community Benefit	14
4.2	Evidence-Based Decision making	14
4.3	Financial Sustainability	15
4.4	Environmental Sustainability	15
4.5	Continuous improvement	15
5	How we will fund our Asset Management Objective	16
5.1	Optimisation	16
5.2	Review of Levels of Service	16
5.3	Asset Sustainability Ratio	16
5.4	Divesting Assets and Accepting Assets	17
5.5	External Funding Opportunity	17
5.6	Resource Allocation Strategy	17
6	References	18

Kaurna Aknowlegement

The city of Adelaide and its assets are located on the traditional Country of the Kaurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

1 Introduction

City of Adelaide currently owns and manages approximately \$2 billion worth of assets on behalf of our communities. These community assets range from significant structures such as roads and buildings through to park furniture and play equipment. These assets are a significant investment and require sound strategic management and planning.

The *Local Government Act 1999* requires the preparation of strategic management plans, including long term financial plans and infrastructure asset management plans. The long-term costs of owning

and operating infrastructure assets continue to be a financial challenge to local government and requires Councils to take a whole of life approach to determining the cost of owning and managing infrastructure.

We are implementing an integrated asset management approach that aims to:

- Ensure the appropriate level of service
- Ensure the asset's service is delivered in the most effective and efficient way
- Embrace environmental sustainability
- Promote economic sustainability
- Ensure our financial sustainability
- Management of risks

The strategic planning and decisions made by Council, benefit not just the local community, but often flow to all South Australians. City of Adelaide provides hundreds of services and facilities that contribute to building strong and vibrant communities, improve the community's quality of life and enhance their experiences.

City residents, business owners and visitors alike can enjoy a safe, clean and vibrant city and beautiful Park Lands and live the life of their choice. Our infrastructure assets are critical to delivering these experiences.

Today, like in many Australian communities, many of our assets are aging and require significant ongoing maintenance, partly because most of our assets were built decades ago. Our community has grown, and expectations have increased, as well as the demand for new and improved services. Our assets are also vulnerable to climate change impacts such as heavier localised storms, extended heatwaves and other unexpected events. At the same time, new advancements in technology and engineering need to be understood to plan for the future.

It is important that investment decisions on our infrastructure are based on the ability to fund the upfront capital costs and also include allowances for the ongoing operational, maintenance and future replacement costs.

1.1 What is Asset Management?

Infrastructure is at the heart of our economy and enriches of our community's experience in the city. As infrastructure assets can provide services over extended periods of time, the choices we make today can impact the quality of life of future generations. Asset Management is a systematic business practice to manage and maintain infrastructure in a sound and reliable condition and is based on minimizing whole-of-life costs, it also aims to significantly reduce operating and maintenance cost, as well as long-term capital expenses.

Asset Management provides the organisation with the ability to understand the immediate, medium, and long-term impacts of decisions and provide solutions on how to mitigate the risks to the organisation.

Asset Management benefits include:

- Improve the cost efficiency by looking at the whole of lifecycle costs,
- Target critical assets to ensure performance is maintained and risk is managed,
- Understand what level of service can be achieved for different costs,
- Ensure infrastructure networks are appropriately funded for the long term and
- Improve customer satisfaction by matching the services we provide to the community's expectations

In simple terms, asset management is about how we manage our assets throughout their lifecycle on both a day to day basis as well as in the medium to long term.

Day to day asset management requirements include the monitoring of our assets as well as operational and maintenance activities to ensure our assets are kept in a safe and serviceable condition. This includes activities like maintenance inspections, cleansing, grass mowing, graffiti removal, as well as maintenance activities such as road patching and footpath repairs.

Medium to Long term asset management requirements include planning, renewal, creation and disposal of assets. This includes comprehensive condition audits of our asset networks, stakeholder engagement, development of Asset Management Plans, development of a comprehensive five year Capital Works program, Project Design and Construction Management.

1.2 Strategic Plan objectives

Our aim is to listen, understand and respond to its community. The City of Adelaide today not only delivers traditional council services, but acts as champion, influencer, advocate and enabler to be a leader in the ways we bring benefit to the community. We work to continually develop, improve and innovate to achieve our vision. As a capital city council, the City of Adelaide has wide-ranging responsibilities. From community wellbeing to urban planning, events, lifestyle experiences to heritage, business growth to climate action. Council works across sectors and issues to ensure the best outcomes for ratepayers, residents, workers and visitors in the city.

The City of Adelaide Strategic Plan for 2020 to 2024 ensures Council Members, our people and the community can share a vision for the future and embrace the opportunities around us. The City of Adelaide 2020–2024 Strategic Plan's vision is for Adelaide to become the most liveable city in the world.

The Strategic Plan's guiding principles include:

- Community Benefit
- Embracing Innovation
- Accessible Participation
- Being Accountable

Key outcomes for the Strategic Plan include:

Thriving Communities

- Healthy and resilient communities
- Safe and welcoming community spaces
- Well-planned and inclusive residential population growth
- Functional zero homelessness
- A safe, affordable, accessible, well-connected city for everyone, and all transport modes
- Increase community use of and access to the Adelaide Park Lands

Strong Economies

- The lowest-cost capital city with the least red tape
- Greater digital capabilities and connectivity through Ten Gigabit Adelaide, enhancing capacity for innovation
- Attraction and retention of a broad range of businesses and investment
- Be a test bed for innovation in diverse industries
- Main streets activated for economic growth

Dynamic City Culture

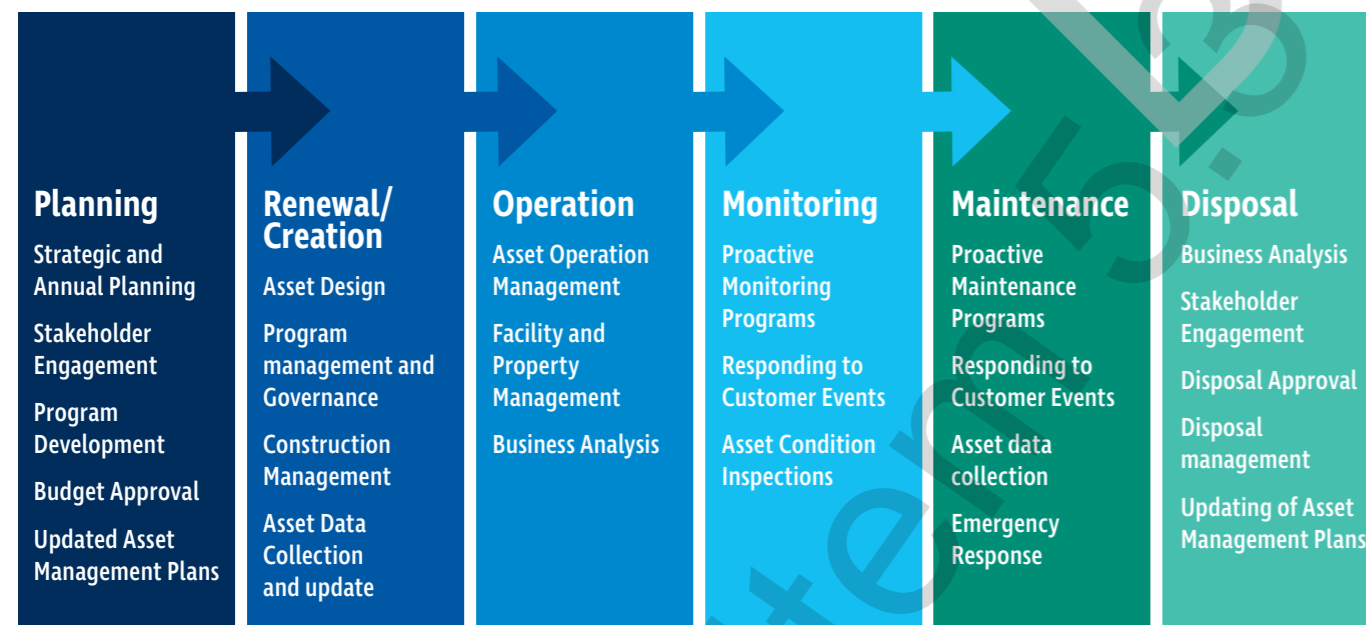
- Aboriginal people and culture strongly represented in city life
- Beautiful, surprising places
- Global connections and collaborations
- Celebration of diverse community, culture and creativity
- New cultural infrastructure
- Protection, preservation and promotion of our unique built, natural and cultural heritage

Environmental Leadership

- A city where sustainability is core
- A transition to low carbon and circular economies
- Enhanced greening and biodiversity
- A climate ready organisation and community
- Integrated and sustainable development

The Strategic Asset Management Plan provides the framework to consider all Council strategies when planning for infrastructure, as an example it supports the strategic property review's aims to optimise the performance of the City's property portfolio ensuring improved alignment of Council's existing holdings with its strategic, community and financial objectives.

Asset Management Lifecycle



1.3 Strategic Asset Management Plan

The purpose of the Strategic Asset Management Plan (SAMP) is to provide a high-level integrated framework to deliver on the infrastructure needs and objectives identified in the City of Adelaide Strategic Plan 2020–2024. This will be delivered through our Asset Management Plans.

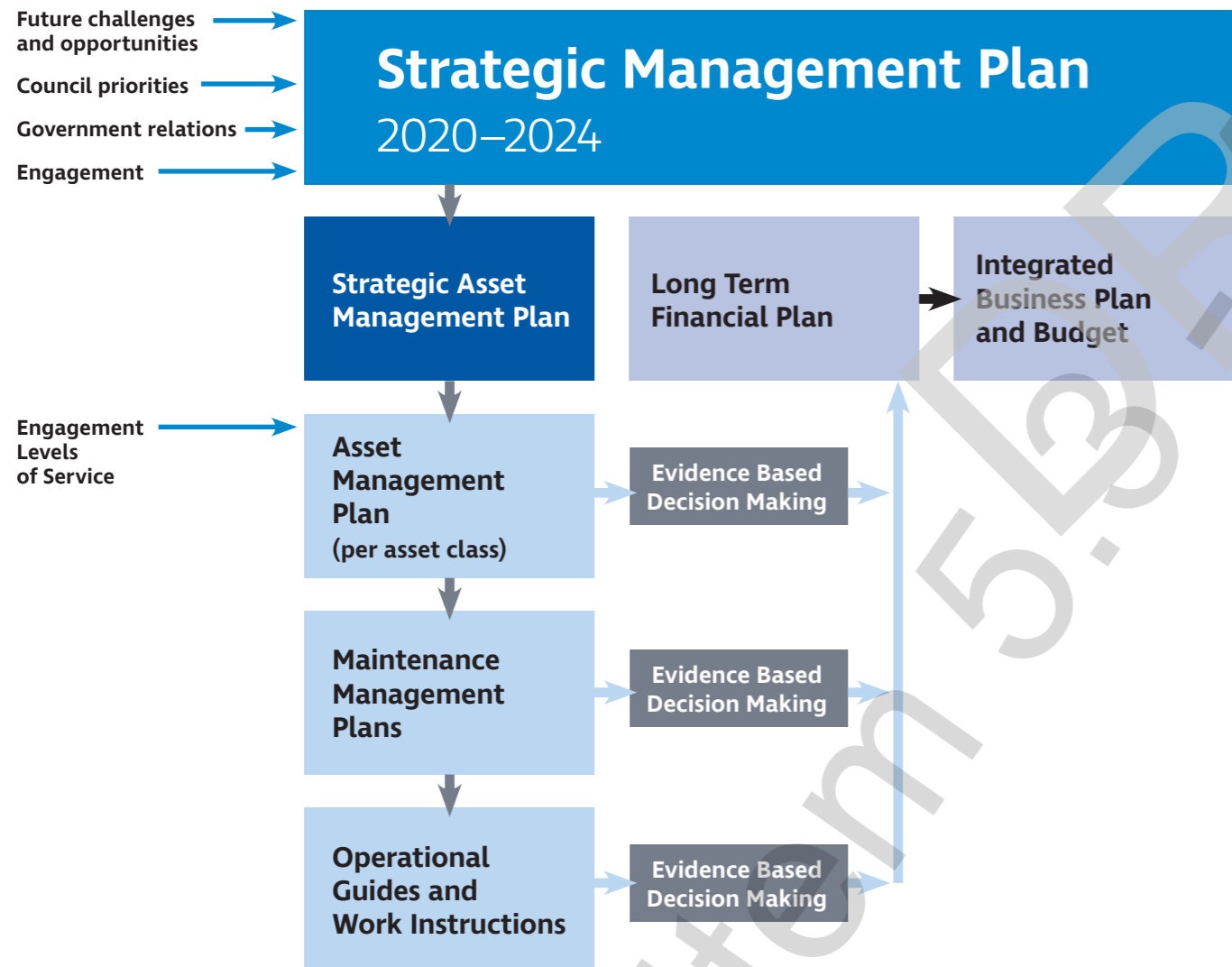
Our Asset Management Plans will be divided into six Asset Categories. Asset Management Plans for each of our six asset categories are established in consultation with our community to document a scenario that allows us to cost-effectively manage our assets to a defined level of service within risk, resource and financial constraints. These plans project the long term financial requirements of each asset category across renewal, upgrade and new, maintenance and operational expenditure streams.

Financial projections relating to each asset management plan are incorporated in the City of Adelaide's LTFP.

The Strategic Asset Management Plan provides the framework to consider all Council strategies when planning for infrastructure, as an example it supports the strategic property review's aims to optimise the performance of the City's property portfolio ensuring improved alignment of Council's existing holdings with its strategic, community and financial objectives.

The aim of this plan is to transform the way that the City of Adelaide manages assets to enable long-term sustainability. This approach will enable Adelaide to grow and prosper over the next decade without diminishing levels of service and will also ensuring intergenerational equality.

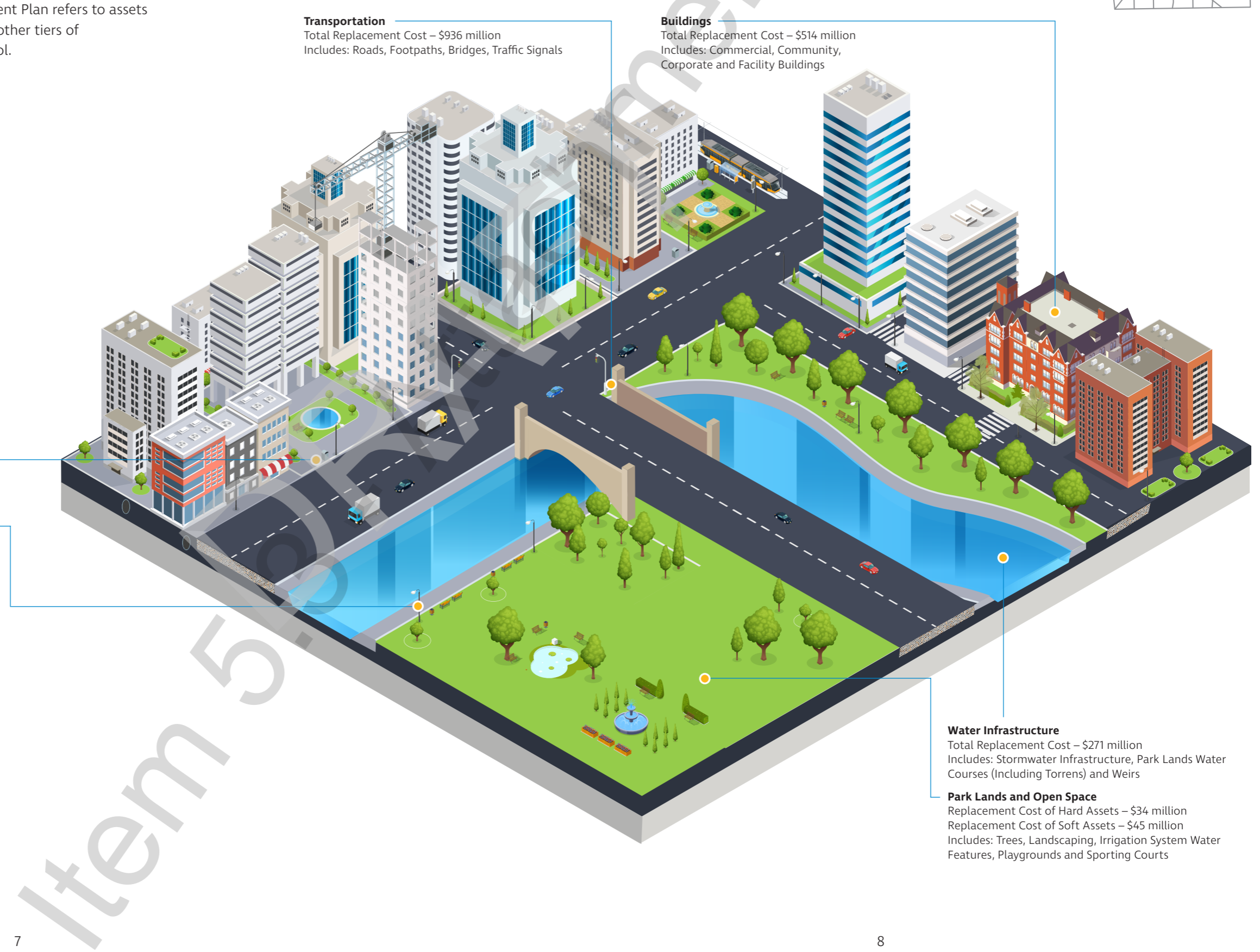
The Strategic Asset Management Plan will implement industry standard systems and processes. These will support evidence-based decision making and delivery of our infrastructure to our community in a financially sustainable way supporting a strong economy. These best practice solutions will ensure City of Adelaide is an industry leader in Asset Management.



2 City Of Adelaide Asset Portfolio

2.1 Our Assets

Our city is comprised of a vast range of assets, each of which provide specific services to our community. This Strategic Asset Management Plan relates to six specific asset categories. The Strategic Asset Management Plan refers to assets that are owned by us as well as some assets owned by other tiers of government or agencies where we have care and control.



Transportation
Total Replacement Cost – \$936 million
Includes: Roads, Footpaths, Bridges, Traffic Signals

Buildings
Total Replacement Cost – \$514 million
Includes: Commercial, Community, Corporate and Facility Buildings

Urban Elements
Total Replacement Cost – \$96 million
Includes: Street Furniture, Bins, Public Art, Monuments, Park Lands Structures

Lighting and Electrical
Total Replacement Cost – \$131 million
Includes: Public Lighting, Electricity Distribution, CCTV

Water Infrastructure
Total Replacement Cost – \$271 million
Includes: Stormwater Infrastructure, Park Lands Water Courses (Including Torrens) and Weirs

Park Lands and Open Space
Replacement Cost of Hard Assets – \$34 million
Replacement Cost of Soft Assets – \$45 million
Includes: Trees, Landscaping, Irrigation System Water Features, Playgrounds and Sporting Courts

Asset Categories:

1. Transportation

City of Adelaide's transportation assets provide safe and efficient movement of pedestrians, cyclists, commuter vehicles and public transport services throughout the City. These assets include roads, footpaths, bridges, kerb and water table and traffic signal infrastructure. With projected growth for both the City and greater metropolitan Adelaide, it is anticipated there will be increased use of public space, which will put additional demand on the transportation network.

Asset Class	Asset Subclass
Transportation	Roads
	Footpaths
	Bridges
	Kerb and Water Table
	Traffic Signals

2. Buildings

City of Adelaide's building assets provide accommodation for the civic, administrative and operational functions of Council as well as providing community services. These are services such as sporting and recreational activities which include libraries, community centres and public toilets. The building portfolio also includes several sites used for commercial (income generating) purposes.

Asset Class	Asset Subclass
Building	Commercial
	Community
	Corporate
	Facility
	Leased Building

3. Water Infrastructure

City of Adelaide's water infrastructure assets provide services to the entire city of Adelaide area. To deliver these services, the City of Adelaide manages a portfolio of water infrastructure assets including, an underground stormwater drainage network that provides flood protection for rainfall events, a network of watercourses providing amenity and supporting ecosystems and biodiversity through the Park Lands, and a group of Weirs, boat landings, earth retaining structures and environmental equipment to support the Torrens Lake.

Asset Class	Asset Subclass
Water	Stormwater Network Structure
Infrastructure	Torrens River and Creeks
	Sewer Infrastructure

4. Park Lands and Open Space

City of Adelaide's open space assets are contained within 760 ha of Adelaide Park Lands, city streets and associated public realm areas. These assets to support the vision for the Adelaide Park Lands. The Adelaide Park Lands Management Strategy and City of Adelaide Community Land Management Plans proposes a transformation of the Park Lands to meet the challenges and needs of an increasingly diverse population in and around the city. These strategies support a robust framework for future park management and development and illustrates the significant contribution that the Park Lands make to the social life of Adelaide.

Asset Class	Asset Subclass
Park Lands and Open Space	Irrigation System
	Open Space Area
	Water Feature
	Recreational Spaces

5. Urban Elements

City of Adelaide's Urban Elements asset portfolio aims to provide services and amenity to enhance the experience for those living within our community as well as visitors to the City.

Asset Class	Asset Subclass
Urban Elements	Arts and Culture
	Furniture
	Other Structures
	Parking
	Signs
	Structure
	Waste

6. Lighting and Electrical

City of Adelaide's lighting and electrical assets provide services to the entire Council area through facilitating safe access and enjoyment of the city and its amenities. These assets include the infrastructure to support the delivery of electricity to our assets to keep the city safe.

Asset Class	Asset Subclass
Lighting and Electrical	Public Lighting
	Electrical Distribution
	CCTV
	Smart Technology Assets

3 Our changing city

We have identified four key areas with the potential to significantly impact our ability to meet the community's needs. These challenges also provide opportunities which we can leverage to our advantage. These include:

1. **Environmental Challenges**
2. **Population Growth and Demographic Changes**
3. **Technology**
4. **Impact of Covid-19 Pandemic**

Demand for infrastructure is expected to continue to increase, due to urban densification and increase number of visitors per day. Population forecasts show an increase significantly over the next 20 years. The types of infrastructure required will be guided by the demographics of the developed areas. Additional demand will come from the need for public realm improvements to our centres and to cater for medium and higher density developments.

It is recognised that the type and form of infrastructure required for these areas will differ to traditional approaches, requiring high functioning assets that facilitate several uses and potentially catering for higher volumes and intensity of use.

Our current forecasting over the next 10 years indicates significant investments in asset renewals to sustain our existing assets as well as new capital projects to support city growth and other strategic objectives.

A detailed resource modelling project, which commenced in 2020, aims to analyse the resourcing impacts of demand for all services across the organisation, including demand for new and upgraded infrastructure, to further inform our demand modelling and the prioritisation of financial resources.

3.1 Environmental challenges

Adelaide's climate is projected to significantly change over the coming decades. The Millennium Drought presented a significant challenge, hotter and longer heat waves over the Summer of 2019 as well as the Adelaide Hills bushfires. An overall drying trend is predicted with a reduction in Spring rainfall, however the intensity of individual rainfall events in Adelaide is expected to increase.

Climate Data



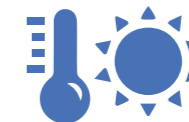
Temperature

Annual average temperatures to increase by 1°C by 2050, +3.3°C by 2090



Rainfall

Spring rainfall to decline by 7.4% by 2050



Extreme Heat

26 days over 35°C by 2030, 47 days over 35°C by 2090 (Extreme Heat Days to double by 2090)



Extreme Rain

Rainfall intensity to increase by at least 10% by 2050



Fire Danger

Days of 'severe' fire danger rating to increase by more than 200% by 2090



Climate Fact

Adelaide experienced 17 days of temperatures above 40°C in 2019

Most of our current infrastructure was designed, built and intended to be maintained on the premise that our future climate would be similar to that in which had been previously experienced. Current scientific opinion indicates this is no longer the case. The potential risks to the our assets and infrastructure are significant. The City of Adelaide's recent climate change risk assessment identified over three quarters of risks were associated with the increase in average temperatures including increased frequency of very hot days and heatwaves; and changing rainfall patterns, extreme rainfall and flooding events.

Extensive risk assessment for council owned assets, understanding community demands and climate change adaption, can provide useful insights to support the sustainable management of assets.

Adapting our assets so they are climate ready and sustainable will require innovative solutions. New technologies are already being trialled such as roads constructed using 100% recycled materials, installation of raingardens and water sensitive urban design features, cool road surface treatments and increasing tree canopies for shading.

The City of Adelaide is striving to be one of the world's first carbon neutral cities and has already begun transforming assets. These transformations include street-lights to LED, installing solar systems on large buildings to reduce greenhouse gas emissions and purchasing renewable energy resources.

These actions will help mitigate future climate change impacts and ensure that assets are adaptive. The impact to our current assets and those planned for the future, could be immense if City of Adelaide continues to design, build and maintain without considering the potential risks posed by a changing climate.

The useful life of horticultural assets-built infrastructure and stormwater drainage systems is likely to be shortened by extreme heat, reduced rainfall and flooding events. The use of community assets will change to accommodate human impacts of climate change. Changes due to heat could include an increasing demand for 'cool refuges', less outdoor events or cancellations due to heat, and reduced open space use or pedestrian activity. There will also be an increase the mortality of trees and other vegetation on very hot days resulting in urban heat island implications. Increased frequency of extreme rain events will affect the capacity and maintenance of our

stormwater infrastructure. Increased extreme heat and rainfall will affect our road surfaces and footpaths requiring more frequent maintenance and renewal.

3.2 Population Growth and Demographic Changes

The City of Adelaide has been growing at a significant rate since 2016, and this is expected to continue. In 2016 the population was 23,552 and it is to an estimated 31,280 in 2021. This growth is expected to continue to trend up at about 5% annually to a population of 36,931 in 2026. This is based on current data available and the longer-term impacts of COVID19 is yet to be determine.

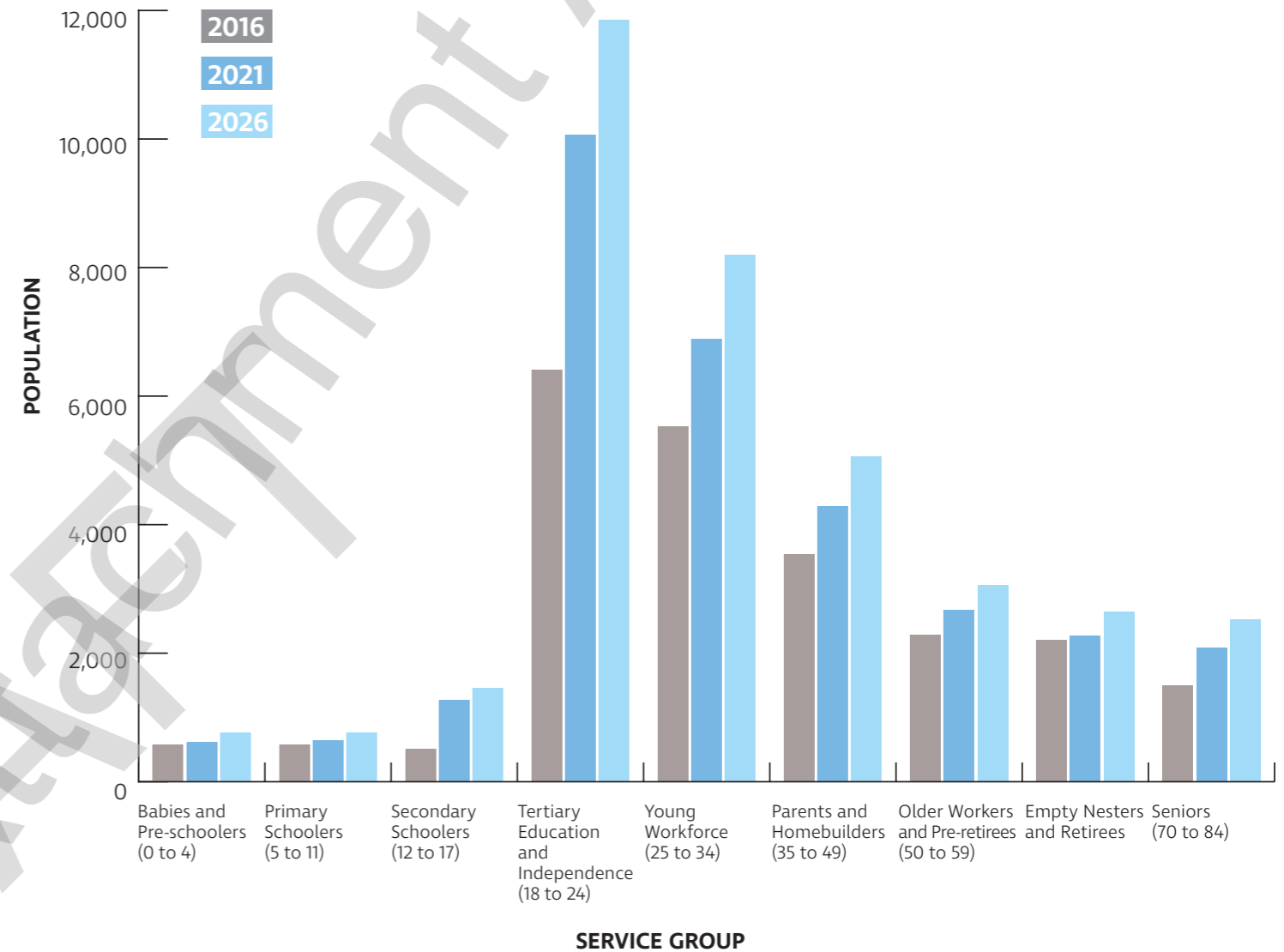
The impacts of this growth on the City of Adelaide are significant. This increase will have an impact on demand for services and infrastructure. The opportunities available for expansion and development are limited with an extremely low availability of unused public land.

The demographic profile of the city of Adelaide will also change over the next six years, and with it, the service and assets needs of the community.

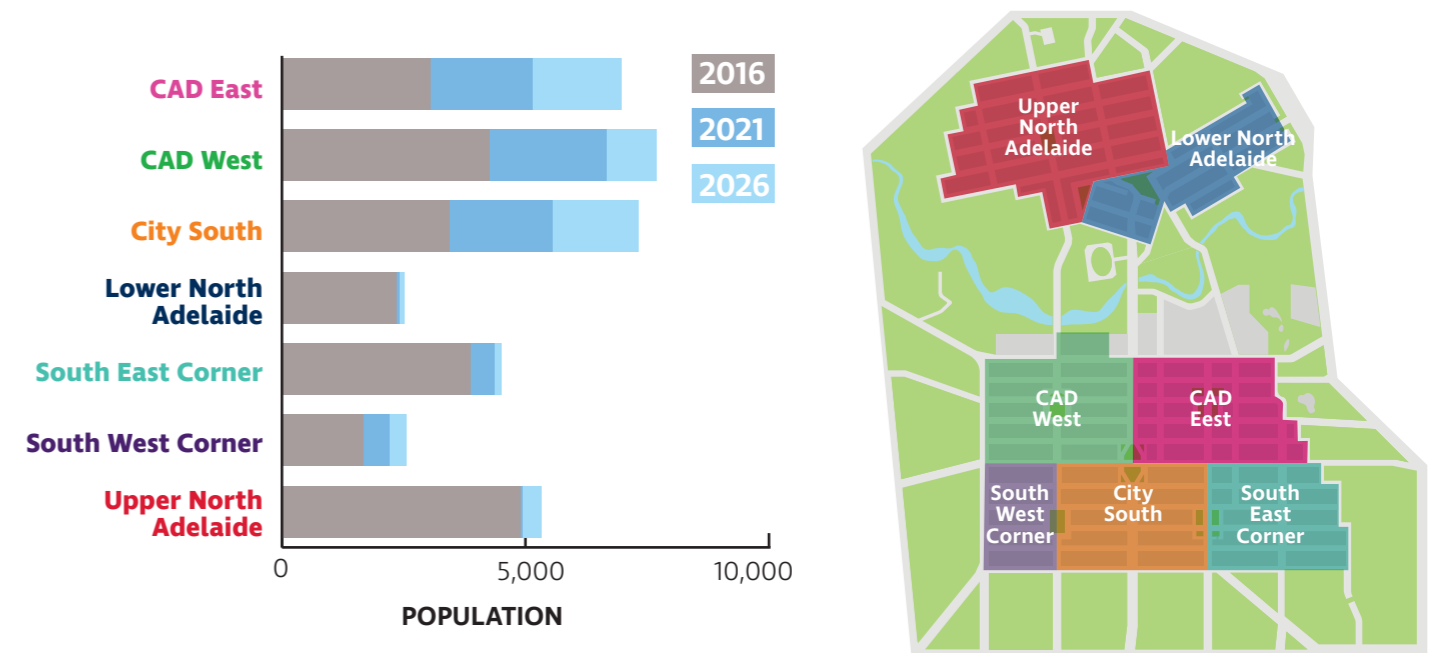
The biggest change comes in the number of residents in the 'Tertiary Education and Independence (18 to 24)' service group, growing from 6,412 in 2016 to 11,858 by 2026. A slight decrease across the other service age groups is currently expected. The 18 to 24 service group are densely populated in the CAD East (49.3% of area population) & West (53.8% of area population).

The other major demographic for the City of Adelaide is the 'Young Workforce (25 to 34)' who, when combined with the 18 to 24 service group, project to account for 54% of the population. Metropolitan growth projections and increased number of people coming into the City to work, study, tourism and leisure, putting additional demand on services we provide and associated assets.

Demographic changes



Estimated changes to population in specific areas of the City of Adelaide



3.3 Technology

Advancements in technology are reshaping the way the city operates. These changes affect the way City of Adelaide plans and delivers its services, and by extension assets to the community. These advancements also change the way in which our community engages with us.

The changes in technology challenge the City of Adelaide to ensure it keeps pace with new technologies, but also provide an opportunity for our asset management systems.

Data is becoming the key component to linking the community, our assets and the City of Adelaide. Data analysis is what helps to inform many of our asset decisions such as our strategic planning and long-term capital renewal planning.

The development of new technologies open up new and exciting ways of obtaining data and turning it into wisdom and knowledge through sharing and collaboration. These technologies include cloud-based services, the Internet of Things, smart phones, smart meters, people movement and other sensors.

Access and understanding of the data available and systems to support this, will enable the City of Adelaide to better understand our asset performance and model our future requirements. This data will allow us to better engage with our community and allow them to participate in prioritising and making asset decisions.

3.4 Impact of Covid19 Pandemic

In the first half of 2020 during the early stages of the COVID-19 pandemic the way in which people used the city changed. While too early to fully understand the impacts of social distancing, temporary health advisory signage, increased cleaning regimes and reduced commuter traffic all have implications on the city's infrastructure. All decision making will consider the impact the situation has on the assets and how they are managed.

4

How City of Adelaide will respond

The City of Adelaide is committed to sustainable asset management which involves managing the levels of service, risk and investment on infrastructure assets in an optimal manner throughout their lifecycle. As such, Council adopted the Asset Management Policy in February 2019, which includes the principals to develop and maintain consistent Asset Management Policy, which are:

1. Community benefits:

Development of service levels and standards to ensure an appropriate balance of expectations and the objectives and requirements of the City of Adelaide.

2. Financial sustainability:

Investment decisions for new and upgraded infrastructure will consider costs of constructing, operating and maintaining to ensure adequate funding is allocated in the long-term financial plan.

3. Environmental sustainability:

Efficient use of resources and protection of the natural environment will be embedded into asset lifecycle planning to support the environmental sustainability objectives of the city.

4. Continuous improvement:

Commitment to advancing the practice of asset management including the use of smart technology to optimise decisions, performance and reporting.

5. Evidence based decision making:

Development and maintenance of an asset management information system that will underpin effective asset lifecycle analysis and sound financial management to enable accountability and sustainable management of infrastructure assets and services.

The City of Adelaide aims to ensure alignment with any key international standards, including the International Asset Management Standard (ISO 55000) and both the International Infrastructure Management Manual and International Infrastructure Financial Management Manual, associated Guidance Documents and Practice Notes. These are proven industry standards to achieve best outcome for the organisation and the community.

4.1 Community Benefit

By working with the community City of Adelaide will develop levels of service that are needs based and easily understood.

Actions:

- Together with the community, use community-based levels of service to inform our strategic objectives.
- Align City of Adelaide's Strategies to identify future opportunities and ensure better community outcomes.
- Utilise Council-endorsed prioritisation methods and levels of service to determine the feasibility of projects and biggest impact to the community.
- Effectively adapt and respond to community needs without adversely impacting the asset management plans and agreed level of service.

4.2 Evidence-Based Decision making

Evidence Based Decision-Making is critical to ensure that there is a line of sight between proposed investments and requirements associate with levels of service, risk management and strategic objectives.

This will allow us to effectively and accurately demonstrate the ongoing renewal and maintenance requirements for our existing assets as well as the investments needed for new and upgrade infrastructure. This evidence comes in several forms, but most common is digital data. System and data management is critical to build an organisations knowledge base over time.

Actions:

- Develop a data governance policy and procedures to ensure that data and information are sufficiently accurate, reliable and secure. Then use the information to determine, measure and monitor key indicators to demonstrate the organization's performance.

- b. Undertake optimised scenario modelling to identify impacts of funding and/or service levels, risk profiles and investment strategies on our assets over the long term. Then model that prioritised expenditure across all of our asset portfolio and Capital Works Program.
- c. Make all data needed available to the relevant people to make the right decision at the right time.
- d. Use information to better understand the whole of lifecycle benefits and costs of our assets.

4.3 Financial Sustainability

A council's long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services. City of Adelaide will manage assets to deliver the organisation's objectives through effective asset lifecycle management at the lowest cost to the community.

Actions:

- a. Maintain a strategic approach to the delivery of all services and capital works programmes with a sustainable 10 year Long Term Financial Plan to achieve Council's long-term strategic objectives.
- b. Model investment requirements associated with different level of service scenarios.
- c. Work with industry to leverage opportunities for innovative techniques with cost saving opportunities
- d. Identify opportunities to partner or to secure grant and other government funding to support our infrastructure.
- e. Ensure there is fairness between generations of rate payers and Adelaide remains an affordable and attractive city to work, live and experience into the future.

4.4 Environmental Sustainability

City of Adelaide will ensure the challenge presented by a changing climate is taken into account when planning and managing assets.

Actions:

- a. Consider 'green' over 'grey' infrastructure where appropriate, cost effective and deliver the same level of service.
- b. Investigate and implement sustainable infrastructure solutions.
- c. Consider projected environmental changes when planning and implementing infrastructure solutions today
- d. Promote and support sustainable procurement strategies
- e. Minimise impacts to the natural environment.
- f. Recycle and minimise waste to landfill where appropriate and re-purposing of existing assets to meet changing community needs.

4.5 Continuous improvement

Community's expectation can change over time. The challenge is to be able to anticipate these changes, while still providing services. Improving our asset management capability will give us greater ability to adapt to changing community requirements.

Actions:

- a. Systems – Develop or enhance data processes and systems capability to ensure accurate, consistent, complete data is available.
- b. Capability – Develop improvement programs to advance and mature our Asset Management capabilities.
- c. Process - Develop reporting capability to determine whole of lifecycle benefits and costings to enable better decision making.

5 How we will fund our Asset Management Objectives

Asset Management Plans will project the long-term financial requirements of each asset category, and consider funding requirements to monitor, maintain and renew our existing assets, as well as identify the requirement for new and upgraded assets. Financial projections relating to each asset management plan are incorporated into the Long-Term Financial Plan (LTFP). The LTFP seeks to ensure that we can deliver services, maintain assets and achieve its strategic objectives in a financially sustainable manner. It provides guidance to support decision making and confirms that we have the financial capacity to meet our longer-term commitments.

With consideration of our current financial position following the covid-19 pandemic, during our recovery it is critical that we look to reduce whole-of-life costs associated with the management of our asset portfolio. To do this, a number of 'levers' can be considered moving forward to inform the development of asset management plans and the associated LTFP. These levers include:

- Optimisation of Renewals
- Review of Levels of Service
- Asset Sustainability Ratio
- Divesting Assets and Accepting Assets
- External Funding Opportunities
- Resource Allocation Strategy

5.1 Optimisation of Renewals

Utilising predictive modelling, a number of asset investment strategies can be modelled with consideration of level of service, cost and risk. Rather than assets being replaced through the conventional 'worst first' approach, various other management strategies can be modelled and considered.

Optimisation through predictive modelling allows specific treatments to be identified for specific assets to ensure works are prioritised to reduce the whole-of-life costs of an asset network. In the long term this will allow optimisation of both level of service outcomes as well as renewal and maintenance expenditure.

Optimisation of asset renewals would be considered through the development of Asset Management Plans and reviewed on an annual basis to align with the Capital Works program that informs the Business Plan and Budget.

5.2 Review of Levels of Service

Levels of service describe the objectives that we intend to deliver to our community through assets, with consideration of quality, function and capacity.

Levels of service are the building blocks of asset management and establishing levels of service is a key requirement to effectively provide services from assets.

To ensure assets are managed in a sustainable manner, it is important that levels of service are periodically reviewed to understand the financial impacts associated with a reduction, maintenance or increase in an assets service provision.

A review to Levels of Service would be undertaken in consultation with the community as well as with Council through workshops in the leadup to the development of Asset Management Plans. Considerations would include:

- Material palettes and design standards, including where they are utilised within the City
- Intervention criteria for undertaking renewal and maintenance works on our assets
- Responsiveness to reactive maintenance activities (e.g. repairing a pothole in a road)
- Frequency of planned operational and maintenance activities (e.g. street sweeping and lawn mowing)
- Functionality and capacity of assets to meet community needs.

5.3 Asset Sustainability Ratio

The Asset Sustainability Ratio indicates whether we are renewing our assets at the same rate that they deteriorate. Adhering to an asset sustainability ratio of between 90-110% ensures that we are sustainably managing the current state of our assets. Where an asset sustainability ratio falls to less than 90% over the medium-long term, it indicates that the state of our assets will deteriorate over time and level of service objectives will not be met. It is important that our assets are sustainably managed over the medium-to-long term to ensure that the cost to maintain and replace them does not become a burden for future ratepayers.

Through reviewing our levels of service, optimising asset renewals and considering asset investment strategies to inform the development of asset management plans, there is an opportunity to ensure we are able to sustainably manage our assets into the future at a reduced cost.

5.4 Divesting Assets and Accepting Assets

A number of our assets provide services not only for our local community, but also the greater metropolitan Adelaide. With consideration of these services, there is opportunity to strategically reconsider ownership and management responsibilities between City of Adelaide, State Government and other interested parties. Through strategically divesting specific assets that may be underperforming or not in our interest to continue to own and operate, the value of our overall asset portfolio would decrease as well as the ongoing lifecycle management costs, allowing funding to be reallocated towards other priorities. Divestment and partnership opportunities for impacted assets would be workshopped with Council. Through deeds and agreements, we regularly accept gifted assets from State Government and developers through third-party projects. Understanding and assessing the ongoing maintenance, operating and replacement costs of these gifted assets is critical to ensure that they can be accommodated within our financial capacity and allow us to continue to sustainably manage our asset portfolio.

5.5 External Funding Opportunities

Leveraging off external funding opportunities for projects will allow us to maintain and enhance the quality of the service we provide through assets, while reducing financial pressures through the efficiencies in an increased revenue. We will continue to work in partnership with both the State and Federal Governments to pursue these opportunities for both renewal and significant upgrade/new projects.

5.6 Resource Allocation Strategy

Implementing a Resource Allocation Strategy will provide a governance structure and line of sight regarding how project initiatives are prioritised and delivered through the Annual Business Plan and Budget. The Resource Allocation Strategy would create a score and ranking for each project initiative, with consideration of the criteria below:

- Strategic Plan Alignment
- Asset Management Plan Alignment
- Demand on Assets
- Community Expectations
- Contribution to Economic Growth
- Environmental and Financial Sustainability
- Project Readiness

The intent is that new project initiatives would be scored, ranked and considered through annual reviews of Asset Management Plans and the LTFP.

6 References

6.1.1 Strategic Asset Management Implementation Program (ACC2020/122266)

6.1.2 National State of the Assets 2018 – Australian Local Government Association cdn.alga.asn.au/wp-content/uploads/2018-National-State-of-the-Assets-1.pdf

6.1.3 Key documents and related processes

Plan or process	Input from AMP	Output to AMP
Corporate and strategic planning		
Strategic Plan 2020–24 and related strategic management plans	Consolidation of strategic asset management implications and requirements	Confirms key strategies and directions as detailed within the strategic management plans informing asset management planning and priorities. Strategies, directions and required functions to be facilitated or delivered through provision of assets
Council Policy		Council policy refers to sustainability and Council's role as owner/custodian and service provider
Asset Management Policy	Life cycle asset requirements including Service Levels, sustainability and financial implications	Endorsed asset management framework and key processes
Financial Planning		
Long Term Financial Plan and Funding Policy	Financial forecasts modelling and sustainability impacts	Endorsed and forecast funding levels
Annual Business Plan and Budget	New assets, asset renewal, operating and maintenance requirements, budgets and programs	Resulting endorsed budgets are then included in the AM planning process
Project and Capital Works (PCW)	Proposed programs and input to the PCW planning process including definition of requirements, pressures and issues for each category	Endorsed prioritised and scheduled works programs and forecasts
Operational Planning		
Business Plans (local work area plans, Project Register)	Service levels, work programs, processes and budgets defined in asset management plans are incorporated into business plans as activity budgets, management strategies and performance measures	Business plans provide schedule and resource information for inclusion in asset management planning
Service specifications and standards	Required service delivery specifications and resulting intervention levels	Resource requirements and capacity issues
Works programs – (PCW, maintenance and operational)	Programs defined by asset management planning and PCW	Program completion and changes provide input to AM planning
Specific studies, strategic and planning documents		Studies, strategic and tactical planning documents are required as input to the asset management planning process
Other		
Contracts	Service levels, strategies and information requirements contained in the asset management plans are incorporated into contract specifications	Contracts provide for the provision of required asset management data

Barton Terrace West Landscaping

ITEM 5.4 02/03/2021
The Committee

Strategic Alignment - Enabling Priorities

Program Contact:
Matthew Morrissey, Associate
Director, Infrastructure 8203 7462

2018/004053
Public

Approving Officer:
Klinton Devenish, Director
Services, Infrastructure &
Operations

EXECUTIVE SUMMARY

At its meeting on the 10 November 2020, there was a Council decision for an Administration report on which parts of the 2017 constructed Barton Street West Landscaping project had not yet been completed in accordance with the images and written descriptions provided at the time of the public consultation. An explanation was also requested as to why any elements were not delivered, when residents can expect the project to be completed and what funds would be required.

The following recommendation will be presented to Council on 9 March 2021 for consideration

That Council

1. Notes the works undertaken in 2017 were completed to a Council endorsed budget of \$200,000.
 2. Notes the kerb replacement could not be completed within the approved budget and was therefore removed from the scope.
 3. Notes the road is currently due for renewal in 2026, at which time the kerb can be considered for renewal.
 4. Notes that replacement of the kerb prior to end of useful life has impacts on the Asset Sustainability Ratio and long term financial plan and works would be considered as new and/or significant upgrade, of which funds would need to be borrowed.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p>Strategic Alignment – Enabling Priorities</p> <p>Council will continue to work innovatively and collaboratively with partners and the community.</p>
Policy	Not as a result of this report
Consultation	Public Consultation undertaken, as detailed in this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
20/21 Budget Allocation	If proposed works are required, the additional elements would not be able to be designed and constructed this financial year.
Proposed 21/22 Budget Allocation	Additional \$285,000 if additional works are required.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. At its meeting on 10 November 2020, Council resolved the following:

That Council:

Noting it conducted a public consultation with engagement sessions onsite and subsequently allocated funds as part of its 2016 -2020 Strategic Plan to green the City “to landscape the previously unkempt areas between Barton Terrace (West) and the Golf Course, promising through artists illustrations and words to :

1. *Plant turf either side of the Park Lands Trail to the edge of the Golf Course to help create “a spectacular area of Park Lands” and install an irrigation structure for the turf to enhance vistas*
2. *Create understorey plantings, including at the northern edge of Barton Terrace West*
3. *Renew the kerb along the north side of the street;*

Asks the Administration to report to Council’s January 2021 meeting which parts of the project have not yet been completed in accordance with the images and written descriptions provided at the time of the public consultation, why any elements were not delivered, when residents can expect the project to be completed and what funds would be required.’

2. The Barton Terrace West Landscaping project was initiated and allocated \$200,000 through the 2016/17 Business Plan and Budget.
3. The scope of the project was to consider, understorey planting, formalised turfing of the area, installation of irrigation infrastructure and renewal of kerbing along the north side of Barton Terrace.
4. The project delivered:
 - 4.1. Installation of new turf and new irrigation system to ensure adequate maintenance.
 - 4.2. Fifteen new large specie native trees, 74 understorey plants were planted.
 - 4.3. Poor performing landscape elements were either removed or pruned to open the vistas into the golf course environs and to improve the overall landscape amenity.
 - 4.4. Existing bench seating was repositioned to supply a more integrated landscape outcome.
5. Concept design for consultation was conducted through November and December 2016 (Link 1 view [here](#)).
6. During the consultation period between 21 November 2016 and 16 December 2016, there was total of 328 visitors to the “Your say” website for public consultation (these are unique visitors, which could be individuals or individuals visiting on behalf of organisations).
7. Of these 328, 153 visitors explored the available consultation materials more closely to learn more about the project by browsing through the consultation information available (eg they may have downloaded supporting documents such as the Information Pack).
8. One of the 153 visitors submitted feedback through the online engagement tool.
9. Although the concept design did not include the renewal of the kerbs, it was included as a consideration as part of this project and excluded from scope because:
 - 9.1. Landscaping, irrigation, and greening improvements were prioritised for delivery within the available budget.
 - 9.2. Waterflow on the north side of the road is directed through the natural grades and levels between the road and surrounding landscape with support of asphalt kerb in some sections to minimise ponding on the rubble verge.
 - 9.3. Current kerb infrastructure is in fair and serviceable condition (assessed in 2019) with any small maintenance issues able to be addressed and a remaining useful life of 5 to 10 years.
 - 9.4. Possible concrete kerb and water table could provide improved amenity, but be considered as an upgrade and not a renewal as the infrastructure is still in a fair condition.
 - 9.5. The upgrade to standard concrete kerb and water table would have created considerable additional costs to adjust surface levels and would be considered as an upgrade not a renewal, which means additional funds would have to be borrowed to undertake this element.
 - 9.6. This change in scope was communicated to residents through the community consultation process (Link 2 view [here](#) and Link 3 view [here](#)).

- 9.7. To undertake the kerb replacement is estimated at \$285,000, however detailed design would be required to confirm this solution and cost.
- 9.8. The installation of a new kerb could be considered in line with the next road renewals which is currently nominated for 2026 (pending funding).

DATA AND SUPPORTING INFORMATION

Link 1 – Concept Design for Barton Terrace West Landscaping

Link 2 – S711 Barton Terrace West Landscaping Consultation Letter

Link 3 – S711 - BTW Notification of Works

ATTACHMENTS

Nil

- END OF REPORT -

Representation Review Options Paper

ITEM 5.5 02/03/2021
The Committee

Strategic Alignment - Enabling Priorities

Program Contact:
Kerry Loughhead, Acting
Manager Governance

2018/04004
Public

Approving Officer:
Justin Lynch, Chief Operating
Officer, Corporate Services

EXECUTIVE SUMMARY

At its 13 October 2020 Council Meeting, Council appointed Helen Dyer of Holmes Dyer Pty Ltd (the Consultant) as the suitably qualified person pursuant to section 12(5) of the *Local Government Act 1999 (SA)* to prepare the Representation Review Options Paper for the City of Adelaide. The report from the Consultant has now been received.

.....

The following recommendation will be presented to Council on 9 March 2021 for consideration

That Council

1. Notes the Representation Review Options Paper as per Attachment A to Item # on the Agenda for the meeting of Council held on 9 March 2021, for the purposes of public consultation.
 2. Authorises the Chief Executive Officer to make editorial amendments or formatting changes of a minor nature to the Representation Options Paper as part of the preparation for public consultation (if required).
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Not as a result of this report
Consultation	There will be two rounds of public consultation as required by section 12(7) and (9) of the <i>Local Government Act 1999 (SA)</i> .
Resource	The Governance Project Officer will assist the suitably qualified person during the multi-staged process.
Risk / Legal / Legislative	This review is required to be conducted in accordance with Section 12 of the <i>Local Government Act 1999 (SA)</i> . An independent consultant has been procured to deliver the options paper on behalf of Council.
Opportunities	Changes to the City of Adelaide Council composition and or wards may provide for updated representation.
20/21 Budget Allocation	\$60,000 reserved for the two statutory public consultations, legal services and contingency relating to the representation review process.
Proposed 21/22 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Section 12 (4) of the *Local Government Act 1999 (SA)* (the Act) requires each Council to undertake a review of all aspects of its composition and the division (or potential division) of the Council area into wards (the Representation Review), as prescribed by the Minister from time to time by a notice published in the Government Gazette.
2. The City of Adelaide last completed a Representation Review in 2013. The most recent Notice of Determination of Relevant Period for section 12 (4) of the Act was published by the Minister in the SA Government Gazette on 1 August 2019. The Notice indicates that the City of Adelaide is required to undertake a review during the period of June 2020 - October 2021.
3. A Representation Review is a mechanism for examining the existing composition and electoral structure, assessing the advantages and disadvantages of various options available for the composition and structure of the elected Council and ensuring that structures will be in place to ensure effective and efficient governance to meet future community requirements.
4. A Representation Review also gives the community an opportunity, on a regular basis, to have input into the optimum number of elected representatives on Council and the structure of the Council that best meets the needs of the community.
5. Following the Council Meeting held on 13 October 2020, Council appointed Helen Dyer of Holmes Dyer Pty Ltd (the Consultant) as the suitably qualified person pursuant to section 12(5) of the *Local Government Act 1999 (SA)* to prepare the Representation Review Options Paper for the City of Adelaide.
6. The Representation Review Options Paper has now been finalised by the Consultant and is ready to be released for the purposes of community consultation.
7. The Representation Review Options Paper provides information on possible representation structures for consultation purposes, including:
 - 7.1. Composition of the Council.
 - 7.2. Elector Representation – with regard to elector ratios and number of councillors.
 - 7.3. Demographic trends – taking into account current elector numbers and population projections.
 - 7.4. Ward Structure – which considers no wards, variations of ward representation and the number of wards.
8. It should be noted that Section 12 (6) of the Act requires that where there are more than 12 members of Council, the review must consider reducing the number of members. Furthermore, where the Council is divided into wards, the review must consider whether the wards should be abolished.
9. The Statutes Amendment (Local Government Review) Bill 2020 (the Bill), which was introduced into Parliament on 17 June 2020, proposes reforms to local government legislation, including the provisions which relate to elector representation reviews. The proposed legislative amendments for elector representation reviews seek to:
 - 9.1. Cap the number of elected members (including the Lord Mayor) at 12.
 - 9.2. Introduce a new abridged process which incorporates the preparation/provision of only one report (for public consultation purposes) and only one public consultation stage.
10. The Bill remains the subject of debate within Parliament. However, it is noted that as the Representation Review process has been started, Council has committed to the statutory course as per the current unreformed legislation. Notwithstanding, some regard must be given to ensure changes are not vastly at odds with the proposed Bill.
11. The Options Paper sets out six different options:
 - 11.1. Option 1 – No Wards (Lord Mayor and Elected Members)
 - 11.2. Option 2 – Three Wards (as close as practicable to existing)
 - 11.3. Option 3 – Three Wards with material boundary revisions (equal representation)
 - 11.4. Option 4 – Three Wards – North, East and West
 - 11.5. Option 5 – Four Wards
 - 11.6. Option 6 – Six Wards

12. The following table explains the public consultation/marketing that is proposed to accompany the release of the Representation Review Options Paper:

Timeframe	Milestone/ Engagement/ Marketing Tactic
Thursday 9 March 2021 – Friday 30 April 2021	The Representation Review Options Paper released for a period not less than six weeks for community consultation
Session 1 - Thursday 22 April 2021 Session 2 - Tuesday 27 April 2021	Two community forums – one held for the business community and the other for the city residential community (both will be recorded and released for those who are unable to attend)
Thursday 9 March 2021 – Friday 30 April 2021	Electronic engagement with ratepayers via the rates database- Qualtrics
Thursday 9 March 2021 – Friday 30 April 2021	Engagement with city community via YourSay (materials will be the same as Qualtrics)
Thursday 9 March 2021 – Friday 30 April 2021	Provision of copies of the Representation Review Options Paper for inspection on the City of Adelaide's website and at the principle office of the Council and community centres
Thursday 9 March 2021 – Friday 30 April 2021	Direct engagement and discussion available with the Corporate Governance and Risk Team via email or phone call as provided with online materials
Thursday 9 March 2021 – Friday 30 April 2021	Direct engagement with the international student residential community as identified by the databases of the Community Wellbeing Team (inclusive of WeChat marketing engagement)
Thursday 9 March 2021 – Friday 30 April 2021	Direct online engagement with the city business community as per database provided by AEDA administration
Thursday 9 March 2021 – Friday 30 April 2021	Tactical marketing collateral including posters & flyers in areas of significant communities of interest and city business hubs. Public notices, online advertising, CoA social media accounts and monthly Your Say EDM.

13. While the conduct of the City of Adelaide Representation Review is a legislative requirement, the review provides a positive opportunity for reform and meaningful community engagement and participation. It is anticipated that following Council approval, the public consultation period will run from 9 March 2021 until close of business 30 April 2021.
14. This affords the community approximately seven weeks to engage in the first public consultation element. Additional time has been recommended by the Electoral Commission of South Australia to factor in public holidays during this time.
15. A report will then be presented to Council which will contain a consolidated post engagement summary and analysis– addressing results from the public consultation, a response on the issues arising from the consultation and a proposal that will satisfy the requirements of Section 12 of the Act. The results of the consultation will inform Council's eventual Representation Review proposal.
16. The Representation Review Report will be subject to a further three-week public engagement period, where at the conclusion, members of the community will be invited to speak to the Council directly on Council's in-principle preferred option.
17. Any decision regarding the representation structure of Council will take effect from the next General Election, scheduled to occur in November 2022.

ATTACHMENTS

Attachment A – Representation Review Options Paper as prepared by Holmes Dyer Pty Ltd (To be sent out separately)

Delegations for the Planning, Development and Infrastructure Act 2016

ITEM 5.6 02/03/2021
The Committee

Strategic Alignment - Enabling Priorities

Program Contact:
Kerry Loughhead, Acting Manager
Governance 8203 7442

2019/00196
Public

Approving Officer:
Justin Lynch, Chief Operating
Officer, Corporate Services

EXECUTIVE SUMMARY

In April 2016, Parliament passed the *Planning, Development and Infrastructure Act 2016 (SA)* (PDI Act) to replace the *Development Act 1993 (SA)*. This report includes required Chief Executive Officer delegations under the new PDI Act.

This report contains the instruments of delegation containing the relevant powers and functions, drafted by the Local Government Association, for adoption by councils.

.....
The following recommendation will be presented to Council on 9 March 2021:

That Council:

1. Revokes all previous delegations to the Chief Executive Officer, and any sub-delegations, of those powers and functions contained within the *Planning, Development and Infrastructure Act 2016 (SA)* and its Regulations as approved in the meeting of Council held on 25 June 2019.
2. Delegates the Powers of the Council as a Council, Designated Authority and Designated Entity under the *Planning, Development and Infrastructure Act 2016 (SA)* as follows:
 - 2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999 (SA)* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation included in Attachment A are hereby delegated this day 9 March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999 (SA)* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
3. Delegates the Powers of the Council as a Relevant Authority under the *Planning, Development and Infrastructure Act 2016 (SA)* as follows:
 - 3.1 In exercise of the power contained in section 100 of the *Planning, Development and Infrastructure Act 2016 (SA)* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed instrument of delegation included in Attachment B are hereby delegated this day 9 March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the schedule of conditions in the proposed instrument of delegation.
 - 3.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Appropriate legal delegations allow the Administration to achieve the goals, annual objectives and Council directives as established in the City of Adelaide Strategic Plan and Integrated Business Plan
Policy	Delegations are presented in accordance with Council's Application of Delegations Policy.
Consultation	Consultation is occurring across the Administration to ensure appropriate sub-delegations will be in place following the delegation of the powers and functions contained in the Attachments to this report to the Head Delegates.
Resource	Not as a result of this report
Risk / Legal / Legislative	Without appropriate delegations, Council will be responsible for a burden of operational matters. Without further sub-delegations in place, the decisions of Council Officers may be subject to legal challenge.
Opportunities	Not as a result of this report
20/21 Budget Allocation	Not as a result of this report
Proposed 21/22 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Section 44 of the *Local Government Act 1999 (SA)* (the Act) provides that the Council's powers, functions and duties under that Act and any other Act, may be delegated by the Council to a Council Committee, a Subsidiary of the Council, an employee of the Council, or an employee of the Council occupying a particular office or position.
2. The Council may still act in its own right in any matter, and when it does so the delegate should not act or exercise any delegated power or function. In addition, all delegations of the Council can be revoked at will and do not, except in limited circumstances, prevent the Council from acting in a matter itself.
3. A delegation must be clear, certain and specific and it is for this reason that purported blanket delegations of "all the powers and functions under this Act hereby delegated to..." will not withstand legal scrutiny. All delegations should set out the specific power, by reference to the section in the Act which is being delegated. City of Adelaide adopts the instruments of delegation which contain the specific powers and functions of the legislation, prepared for the Local Government Association, for use by all councils.
4. Section 44 of the Act also requires that the Council must have a recorded list of all delegated functions and powers. This is required to be reviewed at least once every Council term and must be made available to the public, pursuant to Schedule 5 of the Act. The Administration undertakes a minor review of delegations every year to ensure operational activities are compliant with relevant legislation.
5. The PDI Act provides the basis for a major overhaul of the planning and development system in South Australia. All metropolitan Councils within SA are required to implement the PDI Act by 19 March 2021. This implementation completes a three-stage process replacing all operations under the *Development Act 1993* with the new legislation.
6. The PDI Act delegation implementation and approval schedule includes:
 - 6.1. **Attachment A** – Council as a Council, a Designated Authority, and a Designated Entity delegating to the Chief Executive Officer.
 - 6.2. **Attachment B** – Council as a Relevant Authority delegating to the Chief Executive Officer
 - 6.3. Delegations directly to the Council Assessment Panel (CAP), which was included in a report to CAP at the meeting held on 22 February 2021
 - 6.4. Delegations directly to the Assessment Manager position (already delegated as a Statutory Authority in their own right).

ATTACHMENTS

Attachment A – Instrument A: Delegations of a Council as a Council, Designated Authority and Designated Entity

Attachment B – Instrument B: Delegations of a Council as a Relevant Authority (for building consent and development approval)

- END OF REPORT -

INSTRUMENT A

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

OF POWERS OF A COUNCIL AS:

- A COUNCIL;
- A DESIGNATED AUTHORITY;
- A DESIGNATED ENTITY

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.	Planning Regions and Greater Adelaide
1.1	The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.
2.	Subregions
2.1	The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.
3.	Environment and Food Production Areas – Greater Adelaide
3.1	The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.
4.	Functions
4.1	The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.
5.	Planning Agreements
5.1	The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.
5.2	The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:
5.2.1	the setting of objectives, priorities and targets for the area covered by the agreement; and
5.2.2	the constitution of a joint planning board including, in relation to such a board:
5.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and
5.2.2.2	subject to Section 35(4) of the PDI Act, the criteria for membership; and
5.2.2.3	the procedures to be followed with respect to the appointment of members; and
5.2.2.4	the terms of office of members; and
5.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and
5.2.2.6	the appointment of deputy members; and
5.2.2.7	the procedures of the board; and
5.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and
5.2.4	the staffing and other support issues associated with the operations of the joint planning board; and
5.2.5	financial and resource issues associated with the operations of the joint planning board, including:
5.2.5.1	the formulation and implementation of budgets; and
5.2.5.2	the proportions in which the parties to the agreement will

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	be responsible for costs and other liabilities associated with the activities of the board; and
5.2.6	such other matters as the delegate thinks fit.
5.3	The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).
5.4	The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.
6.	Appointment of Administrator
6.1	The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.
7.	Community Engagement Charter
7.1	The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).
7.2	The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.
7.3	The power pursuant to Section 44(10) of the PDI Act to:
7.3.1	seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and
7.3.2	with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

8.	Preparation and Amendment of Charter
8.1	The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.
9.	Preparation and Amendment
9.1	The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:
9.1.1	seek the approval of the Minister to initiate a proposal to amend a designated instrument; and
9.1.2	initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.
9.2	The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:
9.2.1	to prepare a draft of the relevant proposal; and
9.2.2	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and
9.2.3	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and
9.2.4	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:
9.2.4.1	an owner or occupier of the land; and
9.2.4.2	an owner or occupier of each piece of adjacent land,
	a notice in accordance with the regulations; and
9.2.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

9.2.6	to carry out such investigations and obtain such information specified by the Commission; and
9.2.7	to comply with any requirement prescribed by the regulations.
9.3	The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.
9.4	The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.
9.5	The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).
10. Parliamentary Scrutiny	
10.1	The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.
11. Entities Constituting Relevant Authorities	
11.1	The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.
12. Panels Established by Joint Planning Boards or Councils	
12.1	The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:
12.1.1	appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

12.1.2	determine:
12.1.2.1	the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and
12.1.2.2	the procedures to be followed with respect to the appointment of members; and
12.1.2.3	the terms of office of members; and
12.1.2.4	conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and
12.1.2.5	the appointment of deputy members; and
12.1.2.6	who will act as the presiding member of the panel and the process for appointing an acting presiding member.
12.2	The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.
12.3	The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.
12.4	The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.
13.	Panels Established by Minister
13.1	The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other councils.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

13.2	The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other councils (or parts of such areas).
14. Substitution of Local Panels	
14.1	The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.
15. Notification of Acting	
15.1	The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.
16. Relevant Authority - Commission	
16.1	The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.
17. Matters Against which Development Must be Assessed	
17.1	The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.
17.2	The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.
17.3	The power pursuant to Section 102(1)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.
18. Restricted Development	
18.1	The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER

THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

	planning consent.
18.2	The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.
18.3	The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.
19.	Level of Detail
19.1	The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.
20.	EIS Process
20.1	The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.
21.	Amendment of EIS
21.1	The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.
22.	Essential Infrastructure – Alternative Assessment Process
22.1	The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.
22.2	The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.
23.	Development Assessment – Crown Development
23.1	The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.
23.2	The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

24. Land Division Certificate	
24.1	The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.
24.2	The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.
25. Action if Development Not Completed	
25.1	The power pursuant to Section 141(1) of the PDI Act, if:
25.1.1	an approval is granted under the PDI Act; but
25.1.2	-
25.1.2.1	the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or
25.1.2.2	in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,
	to apply to the Court for an order under Section 141 of the PDI Act.
25.1.3	The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.
25.1.4	The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:
25.1.4.1	to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

26. Completion of Work
26.1 The power pursuant to Section 142(1) of the PDI Act, if:
26.1.1 an approval is granted under the PDI Act; but
26.1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval,
to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.
26.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.
26.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.
26.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:
26.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
27. Notification During Building
27.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.
28. Classification of Buildings
28.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.
28.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER

THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

	classification assigned to the building.
29.	Certificates of Occupancy
29.1	The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.
29.2	The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.
29.3	The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.
29.4	The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.
29.5	The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.
29.6	The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:
29.6.1	the refusal; and
29.6.2	the reasons for the refusal; and
29.6.3	the applicant's right of appeal under the PDI Act.
29.7	The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.
29.8	The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.
30.	Temporary Occupation
30.1	The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

30.2	The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.
30.3	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:
30.3.1	the refusal; and
30.3.2	the reasons for the refusal; and
30.3.3	the applicant's right of appeal under the PDI Act.
31.	Emergency Orders
31.1	The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.
31.2	The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.
31.3	The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
32.	Fire Safety
32.1	The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.
32.2	The power pursuant to Section 157(17) of the PDI Act to:
32.2.1	appoint to the appropriate authority:
32.2.1.1	a person who holds prescribed qualifications in building surveying; and
32.2.1.2	an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	authority; and
32.2.1.3	a person with expertise in the area of fire safety; and
32.2.1.4	if so determined by the delegate, a person selected by the delegate;
32.2.2	specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;
32.2.3	remove a member of the appropriate authority from office for any reasonable cause;
32.2.4	appoint deputy members;
32.2.5	determine the appropriate authority's procedures (including as to quorum).
33.	Initiation of Scheme
33.1	The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.
33.2	The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.
34.	Initiation of Scheme
34.1	The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.
34.2	The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.
35.	Consideration of Proposed Scheme
35.1	The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.
36.	Adoption of Scheme
36.1	The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

37. Funding Arrangements
37.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.
37.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.
38. Contributions by Constituent Councils
38.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.
38.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.
39. Imposition of Charge by Councils
39.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.
40. Authorised Works
40.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.
40.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:
40.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and
40.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and
40.2.3 ensure that proper consideration is given to the views of the road

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER

THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

	maintenance authority.
40.3	The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.
40.4	The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.
41.	Entry onto Land
41.1	The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:
41.1.1	enter and pass over any land; and
41.1.2	bring onto any land any vehicles, plant or equipment; and
41.1.3	temporarily occupy land; and
41.1.4	do anything else reasonably required in connection with the exercise of the power.
41.2	The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.
42.	Acquisition of Land
42.1	The power pursuant to Section 189(1) of the PDI Act, to:
42.1.1	seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> ; and
42.1.2	with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .
43.	Land Management Agreements
43.1	The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

43.2	The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.
43.3	The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:
43.3.1	the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and
43.3.2	the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.
43.4	The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.
43.5	The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.
43.6	The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.
43.7	The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.
43.8	The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.
43.9	The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.
43.10	The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.
43.11	The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.
43.12	The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes payable to the Crown.
43.13	The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.
43.14	The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.
44.	Land Management Agreements – Development Applications
44.1	The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:
44.1.1	the person; and
44.1.2	any other person who has the benefit of the development authorisation; and
44.1.3	the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).
44.2	The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).
44.3	The power pursuant to Section 193(3) of the PDI Act to have regard to:

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

44.3.1	the provisions of the Planning and Design Code; and
44.3.2	the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.
44.4	The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.
44.5	The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.
44.6	The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.
44.7	The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.
44.8	The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.
44.9	The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.
45.	Off-setting Contributions
45.1	The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act.
45.2	The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:
45.2.1	development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	site); or
45.2.2	planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or
45.2.3	any other initiative or policy:
45.2.3.1	designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;
45.2.3.2	prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.
45.3	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:
45.3.1	an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):
45.3.1.1	to make a contribution to a fund established as part of the scheme; or
45.3.1.2	to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or
45.3.1.3	to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,
	in order to provide for or address a particular matter identified by the scheme; and
45.3.2	an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and
45.3.3	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.
45.4	The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.
45.5	The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

45.6	The power pursuant to Section 197(7) of the PDI Act to:
45.6.1	seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and
45.6.2	to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.
46. Open Space Contribution Scheme	
46.1	The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:
46.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
46.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or
46.1.3	that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,
	according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.
46.2	The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.
46.3	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.
46.4	The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.
46.5	The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

47. Urban Trees Fund
47.1 The power pursuant to Section 200(1) of the PDI Act to,
47.1.1 seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and
47.1.2 to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area).
47.2 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.
47.3 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.
47.4 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.
47.5 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:
47.5.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or
47.5.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.
47.6 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).
48. Appointment of Authorised Officers
48.1 The power pursuant to Section 210(1) of the PDI Act to:
48.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and
48.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

48.2	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.
48.3	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:
48.3.1	containing a photograph of the authorised officer; and
48.3.2	stating any conditions of appointment limiting the authorised officer's appointment.
48.4	The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.
49.	Enforcement Notices
49.1	The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:
49.1.1	direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;
49.1.2	direct a person to make good any breach in a manner, and within a period, specified by the delegate;
49.1.3	take such urgent action as is required because of any situation resulting from the breach.
49.2	The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.
49.3	The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.
49.4	The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action
49.5	The power pursuant to Section 213(7) of the PDI Act, if an amount is

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
50. Applications to Court	
50.1	The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.
50.2	The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.
50.3	The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.
50.4	The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.
50.5	The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.
50.6	The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.
50.7	The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.
50.8	The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent
50.9	The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
50.10	The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

51. Proceedings for Offences
51.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.
52. Adverse Publicity Orders
52.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.
52.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:
52.2.1 take the PDI Action or actions specified in the order; and
52.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.
52.3 The power pursuant to Section 223(5) of the PDI Act, if:
52.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and
52.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,
to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.
52.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.
53. Civil Penalties
53.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court,

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	an amount as a civil penalty in respect of the contravention.
53.2	The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.
53.3	The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.
53.4	The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.
53.5	The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.
54.	Make Good Order
54.1	The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.
55.	Recovery of Economic Benefit
55.1	The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.
56.	Enforceable Voluntary Undertakings
56.1	The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.
56.2	The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.
56.3	The power pursuant to Section 230(7) of the PDI Act to agree in writing with a

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER

THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

	person who has made an undertaking to:
56.3.1	vary the undertaking; or
56.3.2	withdraw the undertaking.
56.4	The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.
56.5	The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.
56.6	The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.
57.	Advertisements
57.1	The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:
57.1.1	disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or
57.1.2	is contrary to the character desired for a locality under the Planning and Design Code,
	to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).
57.2	The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

58. Professional Advice to be Obtained in Relation to Certain Matters
58.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.
58.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.
59. Charges on Land
59.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.
59.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.
60. Registering Authorities to Note Transfer
60.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.
61. Reporting
61.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.
62. Review of Performance
62.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	remedial action), to the Minister.
62.2	The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.
62.3	The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.
62.4	The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.
63.	Planning and Design Code
63.1	The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.
64.	General Schemes
64.1	The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSITIONAL
PROVISIONS) REGULATIONS 2017**

65.	Adoption of DPAs
65.1	The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

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

66. Calculation or Assessment of Fees
66.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):
66.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and
66.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).
66.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
66.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.
67. Waiver or Refund of Fee
67.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:
67.1.1 waive the payment of the fee, or the payment of part of the fee; or
67.1.2 refund the whole or a part of the fee.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

68. Underground Main Areas
68.1 The power pursuant to Regulation 78(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) if the delegate considers an area should be declared an underground mains area

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	to seek a report from the relevant electricity authority in relation to the matter.
68.2	The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.
69.	Width of Roads and Thoroughfares
69.1	The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.
69.2	The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.
69.3	The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.
70.	Road Widening
70.1	The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.
71.	Requirement as to Forming of Roads
71.1	The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.
71.2	The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.
71.3	The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER

THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

	Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.
71.4	The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.
71.5	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.
72.	Construction of Roads, Bridges, Drains and Services
72.1	The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.
73.	Supplementary Provisions
73.1	The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.
73.2	The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.
73.3	The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.
74.	General Provisions
74.1	The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.

INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER

THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY

74.2	The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:
74.2.1	evidences the consent of the Council to an encroachment by a building over other land; and
74.2.2	sets out:
74.2.2.1	the date on which any relevant building was erected (if known); and
74.2.2.2	the postal address of the site.
74.3	The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.
75. Notifications During Building Work	
75.1	The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.
75.2	The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on or before development approval is granted in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.
76. Essential Safety Provisions	
76.1	The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:
76.1.1	the essential safety provisions were installed
76.1.1.1	under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or
76.1.1.2	as part of a performance solution under the Building Code; or
76.1.2	the building has been the subject of a notice under Section 157 of

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

the PDI Act.	
77.	Classification of Buildings
77.1	The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:
77.1.1	such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.
77.2	The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.
77.3	The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).
77.4	The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:
77.4.1	the maximum number of persons who may occupy the building (or part of the building); and
77.4.2	if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.
78.	Certificates of Occupancy
78.1	The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:
78.1.1	if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	conditions have been satisfied;
78.1.2	if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:
78.1.2.1	in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or
78.1.2.2	in any other case - that the building is suitable for occupation.
78.2	The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:
78.2.1	the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and
78.2.2	it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.
78.3	The power pursuant to Regulation 103(4) of the General Regulations if:
78.3.1	a building is:
78.3.1.1	to be equipped with a booster assembly for use by a fire authority; or
78.3.1.2	to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and
78.3.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act,
	to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.
78.4	The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.
78.5	The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy.
78.6	The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:
78.6.1	if:
78.6.1.1	there is a change in the use of the building; or
78.6.1.2	the classification of the building changes; or
78.6.1.3	building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or
78.6.1.4	the building is about to undergo, or is undergoing or has undergone, major refurbishment,
	and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or
78.6.2	if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or
78.6.3	if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or
78.6.4	if the delegate considers:
78.6.4.1	that a condition attached to a relevant development authorisation has not been met, or has been contravened,

**INSTRUMENT A
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	and that, in the circumstances, the certificate should be revoked; or
78.6.4.2	that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.
79.	Mining Production Tenements
79.1	The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.
80.	Register of Land Management Agreements (Section 193)
80.1	The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.
80.2	The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.
81.	Authorised Officers and Inspections
81.1	The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:
81.1.1	who is an accredited professional who is:
81.1.1.1	an Accredited professional - building level 1; or
81.1.1.2	an Accredited professional - building level 2; or
81.1.1.3	an Accredited professional - building level 3; or
81.1.1.4	an Accredited professional - building level 4; or
81.1.2	who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or
81.1.3	who holds an approval from the Chief Executive.

INSTRUMENT A

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL
AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

SCHEDULE OF CONDITIONS

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

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

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

INSTRUMENT B

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019 OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY

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.	Environment and Food Production Areas – Greater Adelaide
1.1	The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.
1.2	The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
2.	Related Provisions
2.1	The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.
2.2	The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

3.	Matters Against Which Development Must be Assessed
3.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).
3.2	The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.
4.	Building Consent
4.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).
4.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.
4.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:
4.3.1	the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:
4.3.1.1	that:
	(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and
	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	were not to be allowed; or
4.3.1.2	in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.
4.4	The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.
4.5	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building rules consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.
4.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.
4.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:
4.7.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or
4.7.2	such compliance is certified by a building certifier.
4.8	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification
4.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):
4.9.1	the variance; and
4.9.2	the grounds on which the decision is being made.
5.	Application and Provision of Information
5.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.
5.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:
5.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;
5.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;
5.2.3	to consult with an authority or body prescribed by the regulations;
5.2.4	to comply with any other requirement prescribed by the regulations.
5.3	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
5.4	The power pursuant to Section 119(9) of the PDI Act to:
5.4.1	permit an applicant:
5.4.1.1	to vary an application;
5.4.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application,
	(provided that the essential nature of the proposed development is not changed);
5.4.2	permit an applicant to lodge an application without the provision of

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	any information or document required by the regulations;
5.4.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);
5.4.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
5.5	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.
5.6	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.
5.7	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.
6.	Outline Consent
6.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.
6.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
6.2.1	grant any consent contemplated by the outline consent; and
6.2.2	not impose a requirement that is inconsistent with the outline consent.
7.	Referrals to Other Authorities or Agencies
7.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	be assessed by a relevant authority, to:
7.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and
7.1.2	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made
	where the regulations so provide, subject to Section 122 of the PDI Act.
7.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:
7.2.1	to refuse the application; or
7.2.2	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)
	where the regulations so provide.
7.3	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.
7.4	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.
8.	Proposed Development Involving Creation of Fortifications
8.1	The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).
8.2	The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:
8.2.1	if the proposed development consists only of the creation of

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	fortifications – refuse the application;
8.2.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.
8.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.
8.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.
9.	Determination of Application
9.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
9.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
10.	Conditions
10.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
10.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

11. Variation of Authorisation
11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
12. Saving Provisions
12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.
13. Requirement to Up-grade
13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
13.2 The power pursuant to Section 134(1) of the PDI Act, if:
13.2.1 an application for a building consent relates to:
13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or
13.2.1.2 a change of classification of a building; and
13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,
to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.
13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.
13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:
13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and
13.4.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed
13.5	The power pursuant to Section 134(4) of the PDI Act if:
13.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and
13.5.2	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
13.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:
13.6.1	subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and
13.6.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.
14.	Urgent Building Work
14.1	The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.
15.	Cancellation of Development Authorisation
15.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	authorisation previously given by the relevant authority.
15.2	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.
16.	Professional Advice to be Obtained in Relation to Certain Matters
16.1	The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.
16.2	The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.
17.	Continuation of Processes
17.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:
17.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and
17.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

18. Accredited Professionals
18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.
19. Verification of Application
19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:
19.1.1 determine the nature of the development; and
19.1.2 if the application is for planning consent - determine:
19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and
19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and
19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and
19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):
19.1.4.1 check that the appropriate documents and information have been lodged with the application; and
19.1.4.2 confirm the fees required to be paid at that point under the

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	<i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</i>
19.1.4.3	provide an appropriate notice via the SA planning portal; and
19.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):
19.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and
19.1.5.2	provide an appropriate notice via the SA planning portal.
20.	Amended Applications
20.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
20.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
21.	Withdrawing/Lapsing Applications
21.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:
21.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and
21.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	of the withdrawal.
21.2	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:
21.2.1	take reasonable steps to notify the applicant of the action under consideration; and
21.2.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.
22.	Court Proceedings
22.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.
23.	Additional Information or Amended Plans
23.1	The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.
24.	Building Matters
24.1	The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:
24.1.1	a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or
24.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or
24.1.3	special problems for fire fighting could arise due to hazardous

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	conditions of a kind described in Section E of the Building Code,
	refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.
24.2	The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
24.3	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.
24.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:
24.4.1	recommends against the granting of building consent; or
24.4.2	concurs in the granting of consent on conditions specified in its report,
	but the delegate:
24.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or
24.4.4	does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
	to:
24.4.5	refer the application to the Commission; and
24.4.6	not grant consent unless the Commission concurs in the granting of the consent.
24.5	The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

25. Notice of Decision (Section 126(1))
25.1 The power pursuant to Regulation 57(4) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
26. Consideration of Other Development Authorisations
26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.
27. Certificate of Independent Technical Expert in Certain Cases
27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.
28. Urgent Work
28.1 The power pursuant to Regulation 63(1) of the General Regulations to,
28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and
28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
29. Variation of Authorisation (Section 128)
29.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	(including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.
30. Plans for Building Work	
30.1	The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if:
30.1.1	the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or
30.1.2	the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,
	to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.

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

31. Calculation or Assessment of Fees	
31.1	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):
31.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and
31.1.2	to make any other determination for the purposes of the Fees

**INSTRUMENT B
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

	Regulations or a related set of regulations (even if the Council is not a relevant authority).
31.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
31.3	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.
32.	Waiver or Refund of Fee
32.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:
32.1.1	waive the payment of the fee, or the payment of part of the fee; or
32.1.2	refund the whole or a part of the fee.

INSTRUMENT B

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

SCHEDULE OF CONDITIONS

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

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

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