



AGENDA

**FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD
ON**

**16 AUGUST 2021 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr J Woodman (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Proleta
Cr S Reardon (Deputy Chairman)
Cr G Reynolds

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
A/General Manager City Development, Mr C Zafirooulos
Manager Governance, Mr R Deco
Governance Coordinator, Ms J Rowett

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 19 July 2021.

Presentation of the Minutes of the Confidential Governance and Compliance Committee Meeting held on 19 July 2021.

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OTHER BUSINESS

CLOSE



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY ON**

19 JULY 2021

MEMBERS PRESENT

Cr J Woodman (Chairman)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Proleta
Cr G Reynolds

OBSERVERS

Cr C Buchanan (from 7:42 pm)

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Environmental Health and Safety, Mr J Darzanos
Manager Strategic Procurement, Mr B Kempster
Governance Coordinator, Ms J Rowett

The meeting commenced at 6:58 pm

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

Apologies were received from Mayor G Aldridge and Cr S Reardon.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Cr D Proleta

The Minutes of the Governance and Compliance Committee Meeting held on 21 June 2021, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.2 Review of Procurement Policy

Moved Cr G Reynolds
Seconded Cr K Grenfell

1. Council notes and receives the information.
2. Council adopts the Procurement Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 19/07/2021 Item No. 3.0.2) with the addition of minor editorial changes and the following amendments:
 - Additional dot point on page 5 of the Policy – *“Supporting the circular economy through working collaboratively with NAWMA and other relevant organisations to identify opportunities for the use of recycled materials.”*
 - Amend the dot point on Page 5 of the Policy *“Supporting the economic development of the Northern Region”* to *“Supporting the economic development of the City of Salisbury and the broader Northern Adelaide region”*.

CARRIED

3.0.3 Review of Disposal of Assets other than Land Policy

Moved Cr G Reynolds
Seconded Cr K Grenfell

1. Council receives and notes the information.
2. Council adopts the Disposal of Assets other than Land Policy as set out in Attachment 1 to this report (Governance and Compliance 19/07/2021, Item No. 3.0.3). subject to the following amendment:
 - Clause 5.2 – Amend *“All avenues to mitigate landfill are to be explored”* to *“All avenues to mitigate landfill are to be explored including disposal of assets to Not for Profit sporting and community groups located within the City of Salisbury after the above avenues are exhausted.”*

CARRIED

For Decision

3.1.1 Review of the Representation of the City of Salisbury by Elected Members Policy

Moved Cr K Grenfell
Seconded Cr B Brug

Council adopts:

1. The Representation of the City of Salisbury by Elected Members Policy as set out in Attachment 1 to this report (Resources and Governance 3.1.1, 19/07/2021)

CARRIED

3.1.2 Dog and Cat Management Plan 2022 - 2026

Moved Cr G Reynolds
Seconded Cr K Grenfell

1. Council receives and notes the information.
2. Council endorses the draft Dog and Cat Management Plan 2022 - 2026 as presented in Attachment 3 to this report (Governance and Compliance Committee 19 July 2021, Item No. 3.1.2) to come into effect from 1 September 2021 and approved for a period of five years subject to the following amendments:
 - Corrections to headings on Page 19 of the Plan
 - Correction to Table 3 Header, to read Dog Management Customer Request Trends
 - Amendments to paragraphs 1 and 2 on Page 21 of the Plan to read

Existing Services

The responsibility for the management of dogs and cats within the City of Salisbury rests within the City Development Department. Council has Authorised Persons who are authorised to carry out specific functions and powers under the Dog and Cat Management Act 1995.

Council's dog management services are funded by a combination of general rate revenue, and fees generated under the provisions of the Act including dog registrations, and fees from penalties and fines for breaches of the Dog and Cat Management Act 1995. Twenty-four percent (24%) of these fees are payable to the Dog and Cat Management Fund as required under the Act and administered by the Dog and Cat Management Board. The remaining funds allocated to animal management and initiatives within the City of Salisbury including:

- Amendments to dot points on Page 21 to include cats in the following;
 - Reuniting lost dogs and cats with their owners

And adding the following dot points:

- Investigating cat nuisances
- Providing cat traps for community cat trapping

CARRIED

3.1.3 Local Government Association Annual General Meeting: 29/10/2021 - Proposed Items of Business

Moved Cr G Reynolds
Seconded Cr D Proleta

1. The information be received, noting that a submission regarding the Places of Worship will not be made at this time.

CARRIED

For Information

3.2.1 Annual Report on Internal Reviews of Council decisions in the year ending 30 June 2021 under Section 270 of the Local Government Act 1999.

Moved Cr B Brug
Seconded Cr K Grenfell

1. Council receives and notes the information.

CARRIED

OTHER BUSINESS

Nil

CONFIDENTIAL ITEMS

3.4.1 Appointment of Independent Members on the Council Assessment Panel

Moved Cr K Grenfell
Seconded Cr G Reynolds

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). (See below for definition of personal affairs)*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *This report contains personal information in relation to the applicants' personal circumstances.*

*On that basis the public's interest is best served by not disclosing the **Appointment of Independent Members on the Council Assessment Panel** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED

The meeting moved into confidence at 7:42 pm
The meeting moved out of confidence at 8:01 pm
The meeting closed at 8:01 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 August 2021
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

That Council:

1. Receives and notes the information.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Report authors and General Managers.

2.2 External

- 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	Heading and Resolution	Officer
26/07/2021 3.0.2	<p>Review of Procurement Policy</p> <p>2. Administration bring back a further report with further explanation regarding two additional dot points.</p> <ul style="list-style-type: none"> - Additional dot point on page 5 of the Policy – “Supporting the circular economy through working collaboratively with NAWMA and other relevant organisations to identify opportunities for the use of recycled materials.” - Amend the dot point on Page 5 of the Policy “Supporting the economic development of the Northern Region” to “Supporting the economic development of the City of Salisbury and the broader Northern Adelaide region”. <p>3. Further advice and consideration of further amendments with the aim to increase local procurement practices to increase local content and job creation in the City of Salisbury.</p>	Ben Kempster
Due:	October 2021	
26/07/2021 MWON12.1	<p>Motion Without Notice: Improvement of Video Capability in the Council Chamber</p> <p>1. That staff bring back a report on options and costs by no later than December on improving video capability in Chambers for the purpose of online meeting participation with the intent to make the speaker clearly visible via the video camera.</p>	Rudi Deco
Due:	December 2021	

4. CONCLUSION / PROPOSAL

4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer:	Executive Group	GMBE	MG
	09/08/2021	05/08/2021	05/08/2021

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 August 2021
PREV REFS	Resources and Governance 3.2.1 Committee 16/11/2020
HEADING	Building Fire Safety Committee Appointment
AUTHOR	Chris Zafiroopoulos, Assessment Manager, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report seeks a Council decision on the appointment of a member to the Building Fire Safety Committee as a result of a vacancy on the Committee, and to approve minor updates to the Terms of Reference considering advice from the Local Government Association.

RECOMMENDATION

That Council:

1. Adopts the amended City of Salisbury *Building Fire Safety Committee Terms of Reference* contained in Attachment 1 to this report (Governance and Compliance 16/08/2021, Item No. 3.1.1).
2. Appoints Mr Paul Peters (City of Salisbury staff member) as a member of the City of Salisbury Building Fire Safety Committee for a period to 19 March 2024, being a person who holds the prescribed qualifications in building surveying, to replace Mr Jackson Ryan.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Building Fire Safety Committee Terms of Reference

1. BACKGROUND

- 1.1 This report seeks Council's decision to appointment a staff member to the Building Fire Safety Committee (the BFSC).
- 1.2 A copy of the BSFC Terms of Reference, with the updated membership is provided in Attachment 1.

2. REPORT

- 2.1 The BFSC is charged with the responsibility for all matters arising under Section 157 (17) of the *Planning Development and Infrastructure Act 2016* (Act) including associated regulations which are of a building fire safety nature.
- 2.2 The primary role of the BFSC is to ensure the fire safety of all buildings in the City with particular attention to those which have been identified as a high risk (e.g. aged care facilities, accommodation buildings including boarding houses, public assembly buildings and the like) and also those that have inadequate fire safety provisions.
- 2.1 The Act provides that the BFSC be constituted of:
- (i) *a person who holds prescribed qualifications in building surveying appointed by the council or councils; and*
 - (ii) *an authorised officer under Part 3 Division 5 or section 86 of the Fire and Emergency Services Act 2005 who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and*
 - (iii) *a person with expertise in the area of fire safety appointed by the council or councils; and*
 - (iv) *if so determined by the council or councils—a person selected by the council or councils.*
- 2.2 The current members of the BFSC, were appointed by Council in November 2020 and their terms are due to expire on 19 March 2024. The current members are:
- Mr Jeff Shillabeer (City of Salisbury staff) [Presiding Member] - qualifications in building surveying.
 - Mr Jackson Ryan (City of Salisbury staff) – an accredited Building Surveyor.
 - Mr James Sunjaya, Director J Squared Engineering Pty Ltd - independent member with expertise in the area of fire safety.
 - Mr Peter Hilhorst – Member nominated by the Chief Officer South Australian Metropolitan Fire Service (SAMFS).
 - Mr Andrew Sharrad, Deputy Member nominated by the Chief Officer South Australian Metropolitan Fire Service (SAMFS).
- 2.3 Mr Jackson Ryan (City of Salisbury staff member) has however resigned from his position at Council. It is proposed to appoint Mr Paul Peters, Senior Building Officer who holds prescribed qualifications in building surveying, into the vacant position for the remaining term of this committee.

- 2.4 Recent advice from the LGA is that *...under the PDI Act, councils cannot appoint or determine the term of the BFSC member that is approved by the Chief Officer of the relevant fire authority pursuant to section 157(17)(a)(ii), nor can councils remove that BFSC member from office.* This has no material implication for the committee as Council did appoint the recommended SAMFS representatives in November 2020. It may be that these representatives may change in the future and Council will not have to endorse these representatives, and Council will not be required, or able, to determine the term of the fire authority members on the BFSC.
- 2.5 Minor changes to the Terms of Reference have been made to reflect the advice provided above by the LGA in relation to the SAMFS representative. Additional clauses for appointment of members have also been added that explicitly allow Council to reappoint existing members, if so determined by Council.

3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that the Council adopt the amended Terms of reference and appoint Mr Paul Peters to the Building Fire Safety Committee.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 09/08/2021



BUILDING FIRE SAFETY COMMITTEE

Terms of Reference

Draft for Council endorsement August 2021

Establishment and Status of the Building Fire Safety Committee

Pursuant to Section 157 (17) of the *Planning Development and Infrastructure Act 2016* (“PDI Act”), the City of Salisbury (“the Council”) establishes a body to be known as the Salisbury Building Fire Safety Committee (“the Building Fire Safety Committee”).

The Building Fire Safety Committee is established for the purpose of acting as the “*appropriate authority*” (as that term is defined in the *Planning Development and Infrastructure Act 2016*) in respect of all fire safety matters arising under the PDI Act.

Membership

1. Membership of the Building Fire Safety Committee shall consist of –

Members

- Mr Jeff Shillabeer (City of Salisbury staff), being a person appointed by the Council and who holds prescribed qualifications in building surveying.
 - Mr Paul Peters (City of Salisbury staff), being a person appointed by the Council and who holds prescribed qualifications in building surveying.
 - Mr James Sunjaya, Director J Squared Engineering Pty Ltd, being a person appointed by the Council as a person with expertise in the area of fire safety.
 - an authorised officer under Part 3 Division 5 or section 86 of the Fire and Emergency Services Act 2005 who, depending on the location of the Council area, has been approved by the Chief Officer of the relevant fire authority to participate as a BFSC Member of the Appropriate Authority (SAMFS Representative)
2. The Council appoints Jeffrey Shillabeer as the Presiding Member of the Building Fire Safety Committee.
 3. Other than the SAMFS Representative, all members of the BFSC are appointed for a term of 3 years.
 4. A BFSC Member is eligible for reappointment for a further term, upon the expiry of his or her current term.
 5. A BFSC Member whose term of office has expired may nevertheless continue to act as a BFSC Member until the vacancy is filled or for a period of six (6) months from the expiry of the BFSC Member’s term of office, whichever occurs first.
 6. The office of a member of the Building Fire Safety Committee (other than a SAMFS Representative) will become vacant if the member –

- dies; or
- completes a term of office and is not reappointed; or
- resigns by written notice addressed to the Council; or
- removed from office by the Council for any reasonable cause.

Terms of Reference

7. The terms of reference and condition for the Building Fire Safety Committee are as follows –
 - a. The Building Fire Safety Committee is charged with the responsibility for all matters arising under Section 157 of the *Planning Development and Infrastructure Act 2016* including associated regulations which are of a building fire safety nature.
 - b. A member of the Building Fire Safety Committee who has a personal interest or a direct or indirect pecuniary interest in any matter before the Building Fire Safety Committee (other than an indirect interest which exists in common with a substantial class of persons) must not take part in any deliberations or decisions of the Building Fire Safety Committee in relation to that matter.
 - c. All committee appointees must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to members.

Meeting procedures

8. A quorum for a meeting of the Building Fire Safety Committee shall be three (3) persons.
9. All decisions of the Building Fire Safety Committee shall be made on the basis of a majority decision of the members present
10. The Building Fire Safety Committee shall meet at the main office of the City of Salisbury at 34 Church Street, Salisbury or at such other places as the Building Fire Safety Committee may, from time to time, determine.
11. The Building Fire Safety Committee shall meet at a day and at a time determined by the Presiding Member with a minimum three (3) ordinary meetings in each calendar year and may hold a special meeting at any other time at the direction of the Presiding Member.
12. The following provisions apply to the calling of meetings –
 - a. in the case of an ordinary meeting of the Building Fire Safety Committee, the Presiding Member must give each member of the Building Fire Safety Committee notice of a meeting at least five (5) clear business days before the date of the meeting.

- b. in the case of a special meeting of the Building Fire Safety Committee, the Presiding Member must give each member of the Building Fire Safety Committee notice of the meeting at least four (24) hours before the commencement of the meeting.
- c. notice may be given to a member of the Building Fire Safety Committee –
- personally;
 - by delivering it to any place authorised in writing by the member; or
 - by an email known to be used by the person.
13. All decisions shall be made on the basis of majority decision of the members present and made by majority consensus.
14. The Presiding Member of the Building Fire Safety Committee must keep, or arrange to be kept, minutes of every meeting of the Building Fire Safety Committee. The minutes of the proceedings and meetings of the Building Fire Safety Committee must include –
- the names of the members present;
 - any disclosure of interest made by a member, and
 - all decisions.
15. The City of Salisbury will be responsible for all record holding as required under the *State Records Act 1997*.
16. All committee proceedings shall be treated as confidential.
17. The procedure to be observed at a meeting of the Building Fire Safety Committee insofar as the procedure is not prescribed by these terms of reference may be determined by the Committee.

ITEM	3.1.2		
	GOVERNANCE AND COMPLIANCE COMMITTEE		
DATE	16 August 2021		
PREV REFS	Governance and Compliance Committee	3.1.3	14/12/2020
	Governance and Compliance Committee	3.1.4	15/03/2021
HEADING	Updated Delegations for Planning, Development and Infrastructure Act 2016		
AUTHOR	Chris Zafiroopoulos, Assessment Manager, City Development		
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community		
SUMMARY	The Local Government Association has recommended updates for delegations under the <i>Planning, Development and Infrastructure Act 2016</i> following amendments to regulations and statutory instruments under this legislation. This report provides information with respect to, and seeks Council endorsement of, the updated delegations.		

RECOMMENDATIONThat Council:

1. Revokes its previous delegations to the Chief Executive Officer of those powers and functions contained in Instrument of Delegation A under the *Planning Development and Infrastructure Act 2016*, adopted by Council on 14 December 2020, in accordance with Section 44(4)(c) of the *Local Government Act 1999*.
2. Delegates to the person occupying or acting in the office of Chief Executive Officer of the Council the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation A contained in Attachment 1 to this report (Governance and Compliance Committee, 16/08/2021, Item No. 3.1.2) subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation in exercise of the power contained in Section 44 of the *Local Government Act 1999*.
3. Notes that 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* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Instrument of Delegation A

1. BACKGROUND

- 1.1 Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the *Planning, Development and Infrastructure Act 2016* (PDI Act).
- 1.2 Council is assigned specific roles in the PDI Act and as a consequence must provide delegations via two separate instruments.
 - *Council as a Council, Designated Authority and Designated Entity* Instrument of Delegation A.
 - *Council as Relevant Authority (Final Approval & Building Rules)* Instrument of Delegation B.
- 1.3 The Local Government Association has prepared model delegations for Councils. Council endorsed these delegations in December 2020, and endorsed updates to Instrument of Delegation B in March 2021.
- 1.4 This report provides Council information in relation further updates for Instrument of Delegation A under the PDI Act.

2. REPORT

- 2.1 The Local Government Association (LGA) has provided advice in relation to updated Instrument of Delegation A that Council considered in December 2020.
- 2.2 The LGA has recommended that councils adopt the updated instrument. The LGA advises that the amendments relate to technical matters and have been made out of an abundance of caution and/or for clarification purposes in relation to the following matters.
 - 2.2.1 The preparation and amendment of designated instruments (clauses 70-76).
 - 2.2.2 Urban Tree Canopy Off-set Scheme (clause 83).
- 2.3 A copy of the updated instrument of delegation with tracked changes is provided in Attachment 1.

3. CONCLUSION / PROPOSAL

- 3.1 That Council adopts the revised Instrument of Delegation A contained as Attachment 1 to this report.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 09/08/2021

INSTRUMENT A

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS:

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

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)(b) 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 concur in the granting of the development authorisation to the development.
2.	Functions
2.1	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.
3.	Planning Agreements
3.1	The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.

3.2	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:
3.2.1	the setting of objectives, priorities and targets for the area covered by the agreement; and
3.2.2	the constitution of a joint planning board including, in relation to such a board:
3.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and
3.2.2.2	subject to Section 35(4) of the PDI Act, the criteria for membership; and
3.2.2.3	the procedures to be followed with respect to the appointment of members; and
3.2.2.4	the terms of office of members; and
3.2.2.5	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
3.2.2.6	the appointment of deputy members; and
3.2.2.7	the procedures of the board; and
3.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and
3.2.4	the staffing and other support issues associated with the operations of the joint planning board; and
3.2.5	financial and resource issues associated with the operations of the joint planning board, including:
3.2.5.1	the formulation and implementation of budgets; and

	3.2.5.2	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and
	3.2.6	such other matters as the delegate thinks fit.
3.3		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).
3.4		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.
4.		Community Engagement Charter
4.1		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).
4.2		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.
4.3		The power pursuant to Section 44(10) of the PDI Act to:
	4.3.1	seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and
	4.3.2	with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.
5.		Preparation and Amendment of Charter
5.1		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.
6.		Preparation and Amendment
6.1		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:

6.1.1	to prepare a draft of the relevant proposal; and
6.1.2	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and
6.1.3	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
6.1.4	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:
6.1.4.1	an owner or occupier of the land; and
6.1.4.2	an owner or occupier of each piece of adjacent land,
	a notice in accordance with the regulations; and
6.1.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and
6.1.6	to carry out such investigations and obtain such information specified by the Commission; and
6.1.7	to comply with any requirement prescribed by the regulations.
6.2	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.
6.3	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)).
7.	Parliamentary Scrutiny

7.1	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.
8.	Complying Changes – Planning and Design Code
8.1	The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).
9.	Entities Constituting Relevant Authorities
9.1	The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.
10.	Panels Established by Joint Planning Boards or Councils
10.1	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:
10.1.1	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;
10.1.2	determine:
10.1.2.1	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
10.1.2.2	the procedures to be followed with respect to the appointment of members; and
10.1.2.3	the terms of office of members; and

	10.1.2.4 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
	10.1.2.5 the appointment of deputy members; and
	10.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.
10.2	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.
10.3	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.
10.4	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.
11.	Substitution of Local Panels
11.1	The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.
12.	Notification of Acting
12.1	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.
13.	Matters Against which Development Must be Assessed
13.1	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.

13.2	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.
13.3	The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.
14.	Restricted Development
14.1	The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.
14.2	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.
14.3	The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.
15.	Level of Detail
15.1	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.
16.	Essential Infrastructure – Alternative Assessment Process
16.1	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.
16.2	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.
17.	Development Assessment – Crown Development

17.1	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.
17.2	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.
18.	Land Division Certificate
18.1	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.
18.2	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.
19.	Action if Development Not Completed
19.1	The power pursuant to Section 141(1) of the PDI Act, if:
19.1.1	an approval is granted under the PDI Act; but
19.1.2	-
	19.1.2.1 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
	19.1.2.2 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.

19.1.3	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.
19.1.4	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:
	19.1.4.1 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.
20.	Completion of Work
20.1	The power pursuant to Section 142(1) of the PDI Act, if:
20.1.1	an approval is granted under the PDI Act; but
20.1.2	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.
20.2	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.
20.3	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.
20.4	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:
20.4.1	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.
21.	Notification During Building
21.1	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.
22.	Classification of Buildings
22.1	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.
22.2	The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.
23.	Certificates of Occupancy
23.1	The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.

23.2 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.

23.3	The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.
23.4	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.
23.5	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.
23.6	The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:
23.6.1	the refusal; and
23.6.2	the reasons for the refusal; and
23.6.3	the applicant's right of appeal under the PDI Act.
23.7	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.
23.8	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.
24.	Temporary Occupation
24.1	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.
24.2	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.
24.3	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:

24.3.1	the refusal; and
24.3.2	the reasons for the refusal; and
24.3.3	the applicant’s right of appeal under the PDI Act.
25.	Emergency Orders
25.1	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.
25.2	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.
25.3	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.
26.	Fire Safety
26.1	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.
26.2	The power pursuant to Section 157(17) of the PDI Act to:
26.2.1	appoint to the appropriate authority:
26.2.1.1	a person who holds prescribed qualifications in building surveying; and
26.2.1.2	an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
26.2.1.3	a person with expertise in the area of fire safety; and

	26.2.1.4 if so determined by the delegate, a person selected by the delegate;
26.2.2	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;
26.2.3	remove a member of the appropriate authority from office for any reasonable cause;
26.2.4	appoint deputy members;
26.2.5	determine the appropriate authority's procedures (including as to quorum).
27.	Consideration of Proposed Scheme
27.1	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.
28.	Funding Arrangements
28.1	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.
28.2	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.
29.	Imposition of Charge by Councils
29.1	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.
30.	Authorised Works
30.1	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.

30.2	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:
30.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and
30.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and
30.2.3	ensure that proper consideration is given to the views of the road maintenance authority.
30.3	The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.
30.4	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.
31.	Entry onto Land
31.1	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:
31.1.1	enter and pass over any land; and
31.1.2	bring onto any land any vehicles, plant or equipment; and
31.1.3	temporarily occupy land; and
31.1.4	do anything else reasonably required in connection with the exercise of the power.
31.2	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.
32.	Land Management Agreements
32.1	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.

32.2	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.
32.3	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:
32.3.1	the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and
32.3.2	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.
32.4	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.
32.5	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.
32.6	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.
32.7	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.
32.8	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.
32.9	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.

32.10	The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.
32.11	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.
32.12	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.
32.13	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.
33.	Land Management Agreements – Development Applications
33.1	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:
33.1.1	the person; and
33.1.2	any other person who has the benefit of the development authorisation; and
33.1.3	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).
33.2	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).
33.3	The power pursuant to Section 193(3) of the PDI Act to have regard to:
33.3.1	the provisions of the Planning and Design Code; and

33.3.2	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.
33.4	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.
33.5	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.
33.6	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.
33.7	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.
33.8	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.
33.9	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.
34.	Off-setting Contributions
34.1	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:
34.1.1	development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or

34.1.2	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
34.1.3	any other initiative or policy:
	34.1.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;
	34.1.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.
34.2	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:
34.2.1	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):
	34.2.1.1 to make a contribution to a fund established as part of the scheme; or
	34.2.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or
	34.2.1.3 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
34.2.2	an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and
34.2.3	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.
34.3	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.
34.4	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.

35. Open Space Contribution Scheme	
35.1	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:
35.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
35.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or
35.1.3	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.
35.2	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.
35.3	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.
35.4	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.
35.5	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.
36. Urban Trees Fund	
36.1	The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.

36.2	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.
36.3	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.
36.4	The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:
36.4.1	to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or
36.4.2	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.
36.5	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).
37.	Appointment of Authorised Officers
37.1	The power pursuant to Section 210(1) of the PDI Act to:
37.1.1	appoint a person to be an authorised officer for the purposes of the PDI Act; and
37.1.2	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.
37.2	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.
37.3	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:
37.3.1	containing a photograph of the authorised officer; and
37.3.2	stating any conditions of appointment limiting the authorised officer's appointment.

37.4	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.
38.	Enforcement Notices
38.1	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:
38.1.1	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;
38.1.2	direct a person to make good any breach in a manner, and within a period, specified by the delegate;
38.1.3	take such urgent action as is required because of any situation resulting from the breach.
38.2	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.
38.3	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.
38.4	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
38.5	The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
39.	Applications to Court
39.1	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.

39.2	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.
39.3	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.
39.4	The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.
39.5	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.
39.6	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.
39.7	The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.
39.8	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
39.9	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.
39.10	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.
40.	Proceedings for Offences
40.1	The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.
41.	Adverse Publicity Orders

41.1	The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.
41.2	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:
41.2.1	take the PDI Action or actions specified in the order; and
41.2.2	authorise a person in writing to take the PDI Action or actions specified in the order.
41.3	The power pursuant to Section 223(5) of the PDI Act, if:
41.3.1	the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and
41.3.2	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.
41.4	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.
42.	Civil Penalties
42.1	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, an amount as a civil penalty in respect of the contravention.

42.2	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.
42.3	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.
42.4	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.
42.5	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.
43.	Make Good Order
43.1	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.
44.	Recovery of Economic Benefit
44.1	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.
45.	Enforceable Voluntary Undertakings
45.1	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.
45.2	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.
45.3	The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:

45.3.1	vary the undertaking; or
45.3.2	withdraw the undertaking.
45.4	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.
45.5	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.
45.6	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.
46.	Advertisements
46.1	The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:
46.1.1	disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or
46.1.2	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).
46.2	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.
47.	Professional Advice to be Obtained in Relation to Certain Matters

47.1	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.
47.2	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.
48.	Charges on Land
48.1	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.
48.2	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.
49.	Registering Authorities to Note Transfer
49.1	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.
50.	Reporting
50.1	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.
51.	Review of Performance
51.1	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.

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

52. Mutual Liability Scheme – Rights of Indemnity
52.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:
52.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and
52.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,
have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.
52.2 The power pursuant to Regulation 11B(5) of the General Regulations to:
52.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and
52.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,
have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.
53. Performance Assessed Development and Restricted Development
53.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.

54. Underground Main Areas	
54.1	The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.
54.2	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.
55. Width of Roads and Thoroughfares	
55.1	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.
55.2	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.
55.3	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.
56. Road Widening	
56.1	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.
57. Requirement as to Forming of Roads	
57.1	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.

57.2	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.
57.3	The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.
57.4	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.
57.5	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.
58.	Construction of Roads, Bridges, Drains and Services
58.1	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.
59.	Supplementary Provisions
59.1	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.
59.2	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.

59.3	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.
60. General Provisions	
60.1	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.
60.2	The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:
60.2.1	evidences the consent of the Council to an encroachment by a building over other land; and
60.2.2	sets out:
60.2.2.1	the date on which any relevant building was erected (if known); and
60.2.2.2	the postal address of the site.
60.3	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.
61. Notifications During Building Work	
61.1	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.
61.2	The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of

	the PDI Act relate.
62.	Essential Safety Provisions
62.1	The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:
62.1.1	the essential safety provisions were installed
	62.1.1.1 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
	62.1.1.2 as part of a performance solution under the Building Code; or
62.1.2	the building has been the subject of a notice under Section 157 of the PDI Act.
63.	Classification of Buildings
63.1	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:
63.1.1	such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.
63.2	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.

63.3	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).
63.4	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:
63.4.1	the maximum number of persons who may occupy the building (or part of the building); and
63.4.2	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.
64.	Certificates of Occupancy
64.1	The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:
64.1.1	if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;
64.1.2	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:
64.1.2.1	in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or
64.1.2.2	in any other case - that the building is suitable for occupation.

64.2	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:
64.2.1	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
64.2.2	it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.
64.3	The power pursuant to Regulation 103(4) of the General Regulations if:
64.3.1	a building is:
64.3.1.1	to be equipped with a booster assembly for use by a fire authority; or
64.3.1.2	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
64.3.2	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 facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.
64.4	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.
64.5	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.

64.6	The power pursuant to Regulation 103(6a) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.
64.7	The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:
64.7.1	if:
64.7.1.1	there is a change in the use of the building; or
64.7.1.2	the classification of the building changes; or
64.7.1.3	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
64.7.1.4	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
64.7.2	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
64.7.3	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
64.7.4	if the delegate considers:
64.7.4.1	that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or

	64.7.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.
65. Mining Production Tenements	
65.1	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.
66. Register of Land Management Agreements (Section 193)	
66.1	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.
66.2	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.
67. Authorised Officers and Inspections	
67.1	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:
67.1.1	who is an accredited professional who is:
	67.1.1.1 an Accredited professional - building level 1; or
	67.1.1.2 an Accredited professional - building level 2; or
	67.1.1.3 an Accredited professional - building level 3; or
	67.1.1.4 an Accredited professional - building level 4; or
67.1.2	who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or
67.1.3	who holds an approval from the Chief Executive.

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

68. Calculation of Assessment of Fees	
68.1	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):
68.1.1	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
68.1.2	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).
68.2	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.
68.3	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.
69. Waiver or Refund of Fee	
69.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:
69.1.1	waive the payment of the fee, or the payment of part of the fee; or
69.1.2	refund the whole or a part of the fee.

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2 PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS

70. Requirements in Relation to Preparing an Engagement Plan

70.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an community engagement plan that:
70.1.1	meets the principles and performance outcomes of the Charter;
70.1.2	describes the persons or bodies to be consulted <u>on the proposed amendment of the Designated Instrument, which must include any persons or bodies;</u>
70.1.2.1	<u>require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act;</u>
70.1.2.2	<u>specified by the Commission under Section 73(6)(e) of the PDI Act;</u>
70.1.2.3	<u>who must be consulted with under the Charter;</u>
70.1.3	outlines any relevant previous engagement undertaken to inform the proposal;
70.1.4	describes the evaluation framework for the engagement.
70.2	The power pursuant to clause 5(2) of PD2 to submit the community all engagement plans <u>which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan</u> to the Commission for approval
	prior to commencement of formal engagement on the proposal with the exception of an amendment to the Code and a Design Standard.
71.	<u>Requirements in Relation to Preparing Preparation of</u> an Engagement Report (Following Consultation)
71.1	The power pursuant to clause 6(2) of PD2 to set out in the <u>an engagement</u> report:
71.1.1	details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to that <u>the engagement</u> plan;
71.1.2	the outcome of the engagement including a summary of the <u>written submission or</u> feedback made <u>received</u> ;

71.1.3	the response to the details of, and reasons for, changes to the proposal to prepare or amend a designated instrument when compared to the proposal that was engaged on, and to specifically indicate any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates:
	71.1.3.1 where changes are proposed to the e Designated Instrument based on <u>or as a result of</u> the engagement; and
	71.1.3.2 any other changes <u>which are</u> proposed based on <u>or as a result of</u> additional investigations or information <u>which was</u> not available when the proposal was released for engagement.
71.2	The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:
71.2.1	the principles of the Charter have been achieved; and
71.2.2	all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).
72.	Requirements in Relation to Initiating a Code Amendment Pursuant to Section 73 of the Act
72.1	The power pursuant to clauses s 7(1) <u>and (2)</u> of PD 2 to lodge provide a <u>p</u> Proposal to <u>initiate with the Department via the SA Planning Portal Commission to initiate a code amendment</u> that sets out:
72.1.1	Code Policy – an outline of: Area Affected – A map or description of the area affected by the proposed amendment;
72.1.1.1	<u>any overlay, general policy, zone or subzones in the Code being proposed for amendment; and/or</u>
72.1.1.2	<u>the intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area;</u>

72.1.2	<u>Affected Area State Planning Policies</u> – an identification of the relevant key state planning policies and a statement of assessment of the amendment’s consistency with those policies;
	72.1.2.1 <u>a map or description of the Affected Area;</u>
72.1.3	<u>State Planning Policies Regional Plans</u> – An indication of how the matters or issues proposed to be addressed by the amendment will relate to the relevant regional plan and any relevant infrastructure planning;
	72.1.3.1 <u>identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment’s alignment with those State Planning Policies;</u>
72.1.4	<u>Regional Plan Infrastructure Provision</u> –
	72.1.4.1 <u>identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</u>
	72.1.4.2 an explanation of any infrastructure provision that is required and how the infrastructure provision will be provided; and
	72.1.4.3 an indication whether it is likely that an infrastructure agreement or agreements will need to be entered into in connection with the code amendment process, identifying the tools that will be used for this process;
72.1.5	<u>Consultation - Joint Planning Board Comments</u> – that the Council has discussed the proposal with the relevant Regional Planning Board;
	72.1.5.1 <u>matters raised by the relevant Council and/or a relevant Joint Planning Board on the Proposal to Initiate;</u>
	72.1.5.2 <u>information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</u>
	72.1.5.3 <u>details of further consultation proposed to be undertaken with respect to the proposed code Amendment;</u>

72.1.6	<i>Investigations - Consultation</i> — information regarding any other consultation that has occurred;
72.1.6.1	information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment;
72.1.6.2	an outline of the further investigations that will be undertaken to support the proposed Code Amendment;
72.1.6.3	details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;
72.1.6.4	details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment;
72.1.7	<i>Timetable</i> in relation to designating a place as a place of local heritage value or a heritage area – a heritage review prepared by a heritage architect or historian or similar occupation in accordance with the Commission’s guidelines prepared under Section 67(2)(c) of the PDI Act;
72.1.7.1	an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.
	72.1.8 in relation to designating a tree a significant tree – an assessment of the tree against the criteria under Section 68(1)(a) of the PDI Act;
	72.1.9 in relation to designating a stand of trees to be significant trees – an assessment of the trees against the criteria under Section 68(1)(b) of the PDI Act.
72.2	The power pursuant to clause 7(23) of PD2 to, in addition <u>relation to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which:</u> provide:

72.2.1	<u>includes a heritage datasheet for each proposed Local Heritage Place, which includes: Timetable – an outline of the proposed timetable for each step of the process (ensuring that the process is completed within reasonable time limits), and a commitment on the part of the Council that it will take steps to update this timetable if it appears at any stage that the Council will require an extension;</u>
72.2.1.1	<u>all relevant property details and descriptions (including images);</u>
72.2.1.2	<u>historical background and thematic analysis;</u>
72.2.1.3	<u>a statement of heritage value;</u>
72.2.1.4	<u>an assessment against the Local Heritage Criteria; and</u>
72.2.1.5	<u>the extent of listing (including any exclusions);</u>
72.2.2	<u>includes an analysis of historic themes of importance to the area; Investigations – an outline of the investigations and justifications that will be undertaken (and those that may have already been undertaken) and the form that those investigations will take in order to address the strategic and social, economic and environmental issues of the proposed amendment, or an explanation and summary of the investigations undertaken and how these support the amendment.</u>
72.2.3	<u>is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</u>
72.2.4	<u>is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</u>
72.3	<u>The power pursuant to clause 7(4) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which:</u>
72.3.1	<u>includes relevant details and descriptions of the tree or stand of trees (including images as necessary);</u>
72.3.2	<u>includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;</u>

72.3.3	<u>is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.</u>
73.	<u>Requirements in Relation to Preparation of the a Draft Proposal Code Amendment (Prior to Consultation) and Decision</u>
73.1	The power pursuant to clause 8(1) of PD 2 to, <u>prior to consultation occurring on a draft Code Amendment, to: prior to consultation, provide to the Department:</u>
73.1.1	<u>carry out investigations and obtain such information: instructions that set out the intent of the proposed policy amendment for the purposes of the Department writing the draft Code Policy for the Council;</u>
73.1.1.1	<u>as provided in the Proposal to Initiate approved by the Minister;</u>
73.1.1.2	<u>as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</u>
73.1.1.3	<u>as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</u>
73.1.2	<u>provide the Department with: any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council;</u>
73.1.2.1	<u>written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</u>
73.1.2.2	<u>mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</u>
73.1.3	<u>prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</u>

73.1.4	<u>provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</u>
73.1.5	<u>provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.in relation to heritage lists a local heritage data sheet and a significant trees data sheet.</u>
73.2	The power pursuant to clause 8(2) of PD2, <u>where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal.if amendments are proposed to the consultation versions, to provide to the Department:</u>
	<u>73.2.1 instruction to write the amendments to the Code Policy;</u>
	<u>73.2.2 amendments to the maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.</u>
74.	Requirements <u>For a in Relation to Preparation of the Draft Code Amendment Proposal for Consultation</u>
74.1	The power pursuant to clause 9(1) of PD2 to, <u>for engagement purposes,</u> support a <u>draft eCode aA</u> amendment by the following information:
74.1.1	an explanation <u>of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment)about why and how the Code is proposed to be amended;</u>
74.1.2	<u>an explanation of the amendments to the Code policy proposed for the Affected Area;an assessment of the amendment against the relevant provisions of State Planning Policies and the relevant regional plan;</u>

	<p>74.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans; if any amendment is not fully consistent with the State Planning Policies or the region plan, to so specifically identify that and include an explanation setting out the reason or reasons for the inconsistency;</p>
	<p>74.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and an explanation and summary of the investigations undertaken and how these support the amendment;</p>
	<p>74.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when provision that is required and how the infrastructure will be provided.</p>
<p>75.</p>	<p>Requirements in Relation to Complying Changes to the Code Under Section 75</p>
<p>75.1</p>	<p>The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the eDepartment:</p>
	<p>75.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment; a reference to the documentation and recommendation in relation to the proposed amendment in the relevant regional plan;</p>
	<p>75.1.2 a summary of the any consultation which has occurred in accordance with the Charter that has occurred in relation to the proposal proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report including reference to the Engagement Report prepared for the relevant rRegional pPlan and any additional consultation that has occurred for the proposed Code Amendment;</p>
	<p>75.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment policy amendment for the purposes of the eDepartment writing the draft Code Ppolicy for inclusion in the Council draft Code Amendment; and</p>

75.1.4	mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to any maps in an industry standard GIS format to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment. production version of mapping to be prepared and returned to the Council.
76. Requirements in Relation to Early Commencement of a Code Amendment Under Section 78	
76.1	The power pursuant to clause 12(1) of PD2, in relation to a request for <u>early commencement of a Code Amendment under Section 78 of the PDI Act to come into operation without delay, to</u> provide to the d Department:
76.1.1	explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is: an explanation about how early commencement is required to counter applications for undesirable development (development that would detract from, negate the object of the amendment) during consultation and consideration of the code amendment;
76.1.1.1	necessary in the interest of the orderly and proper development of an area of the state; and
76.1.1.2	required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;
76.1.2	written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment policy amendment for the purposes of the Department writing the draft Code Policy for inclusion in the draft Code Amendment; and the Council;
76.1.3	mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment. any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.

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

77. Responsibility to Undertake Notification
77.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority’s reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.

STATE PLANNING COMMISSION PRACTICE DIRECTION (COUNCIL INSPECTIONS) 2020

78. Mandatory Inspections
78.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:
78.1.1 primary structural elements;
78.1.2 structural framing and roof trusses;
78.1.3 wet areas and waterproofing;
78.1.4 barriers to prevent falls;
78.1.5 cladding;
78.1.6 egress provisions;
78.1.7 bushfire protection systems;
78.1.8 passive and active fire safety elements;
78.1.9 private bushfire shelters; and
78.1.10 performance solutions.
79. Additional Inspections

Item 3.1.2 - Attachment 1 - Instrument of Delegation A

79.1	The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.
80. Inspections Generally	
80.1	The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.
81. General Requirements	
81.1	The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.

**STATE PLANNING COMMISSION PRACTICE DIRECTION 10 (STAGED
OCCUPATION OF MULTI-STOREY BUILDINGS) 2020**

82. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building	
82.1	The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10)) to, agree to partial occupancy of a partially completed multistorey building.

URBAN TREE CANOPY OFF-SET SCHEME

83. USE OF MONEY FROM FUND	
1.1	The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose):
	1.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or
	1.1.2 the purchase of land within a designated local government area to

	ensure:
1.1.2.1	the preservation of trees; or
1.1.2.2	that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.

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

ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 August 2021
HEADING	Response to Motion Without Notice: Elected Member Attendance at Council Meetings
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report provides information with respect to Elected Member attendance at Council Meetings.

RECOMMENDATIONThat Council:

1. Notes the information.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At its meeting on 26 July 2021, Council resolved as follows:

12.2 Elected Member Attendance at Council Meetings

1. *That a report be presented to Council with amendments to the Code of Practice for Meeting Procedures requiring members to attend full Council meetings in person unless public health directions by the State Coordinator apply.*

Resolution No. 1058/2021

2. REPORT

- 2.1 Section 90(7a) of the *Local Government Act 1999* provides for remote access by members as follows:

(7a) A council committee meeting will be taken to be conducted in a place open to the public for the purposes of this section even if 1 or more committee members participate in the meeting by telephone or other electronic means in accordance with any procedures prescribed by the regulations or determined by the council under section 89 (provided that members of the public can hear the discussion between all committee members and subject to the qualification that a council may direct a committee not to use telephone or other electronic means for the purposes of its meetings).

- 2.2 Consultation with the Local Government Association confirmed that the ordinary remote participation provisions within the Act (as shown above) are only applicable to Committee meetings and do not apply to Council meetings.
- 2.3 New section 302B of the Act empowers the Minister for Local Government to, by Notice published in the Government Gazette, vary or suspend operation of provisions of the Act where it is reasonably necessary during a public health emergency (where relevant declarations have been made).
- 2.4 The first Notice made by the Minister in exercise of his new emergency powers was the *Electronic Participation in Council Meetings Notice 2020* (Notice) issued on 31 March 2020. This Notice enabled councils to continue making decisions for their communities, while protecting the health and safety of the public, Council Members and Council staff.
- 2.5 This Notice provided variations to the Act to enable some or all Council Members to participate in a council meeting by electronic means, something which is not permitted under the ordinary application of the Act or the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). The Notice will cease to apply 28 days after all relevant emergency declarations are revoked, in which case we revert back to the ordinary application of the Act, requiring in person meeting participating for Council meetings.
- 2.6 In order for the Ministerial Notice to take full effect, councils needed to vary their respective Code of Practice for meetings in order to apply these measures.
- 2.7 At its Special meeting on 1 April 2020, Council adopted amendments to its Code of Practice for Meeting Procedures in line with the Notice as follows:

S.RP REMOTE PARTICIPATION IN COMMITTEE AND COUNCIL MEETINGS

- (2) *This Code of Practice for Meeting Procedures is amended to enable Elected Members to attend meetings of Council by electronic means, in accordance with the Electronic Participation in Council Meetings Notice 2020 (SA Government Gazette, 31 March 2020) issued by the Minister for Local Government. (Resolution No 0488/2020, Council, 1 April 2020).*
- 2.8 Schedule 3 of the Emergency Management (Activities – General No 2) (COVID-19) Direction 2021 (Direction) issued on 20 July 2021 defines an authorised worker as a person who performs work that is essential for the continued operation of the following:
 - (1)(ze) *Activities of members or office bearers of a council, council committee, or subsidiary of a council (all within the meaning of the Local Government Act), and other persons working or otherwise engaged in official duties at an ordinary or special meeting of the council, council committee or subsidiary;*
 - 2.9 Consequently, under the Notice, Elected Members may choose to attend a Council meeting by remote participation or they may elect to attend in person as they are authorised workers under this Direction.

2.10 The Code of Practice for Meeting Procedures will be fully reviewed following commencement of the *Statutes Amendment (Local Government Review) Act 2021* and resulting changes to Regulations and relevant proposed updates will be presented to Council for consideration.

3. CONCLUSION / PROPOSAL

3.1 Council's Code of Practice for Meeting Procedures currently allows for remote participation at Council meetings in context of the application of the Electronic Participation in Council Meetings Ministerial Notice 2020 (Notice) issued on 31 March 2020. The Notice will cease to apply 28 days after all relevant emergency declarations are revoked, in which case we revert back to the ordinary application of the Act, requiring in person meeting participating for Council meetings

CO-ORDINATION

Officer:	Exec Group	MG
Date:	09/08/2021	10/08/2021

ITEM	3.1.4
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 August 2021
HEADING	Review of the Audit Committee Terms of Reference
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report presents the amended Terms of Reference for the Audit Committee for Council adoption.

RECOMMENDATION

That Council:

1. Adopts the amended Audit Committee Terms of Reference as contained in Attachment 1 to this report (Governance and Compliance Committee 16/08/2021, Item No. 3.1.4).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Amended Terms of Reference - Audit Committee

1. BACKGROUND

- 1.1 Following a specific training request from the Audit Committee, Kelledy Jones provided a training session on Meeting Procedures for the Audit Committee Members during which better practice meeting procedures relevant to the Audit Committee were discussed.
- 1.2 In particular, the Committee was advised by Kelledy Jones that it should consider applying the provisions of Part 1 – Preliminary, Part 3 – Meetings of Other Committees and Part 4 – Miscellaneous of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures* rather than Part 2 of the Regulations.
- 1.3 The Audit Committee Members reached consensus during this training session that indeed this would optimise their ability to question and discuss matters and discharge their obligations under section 126 (4) of the *Local Government Act 1999* without being constrained by procedures that might hinder such discussion. This is in particular relevant in context of the assurance role of an Audit Committee and the expertise sought from Independent Audit Committee Members.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Internal Auditor and Risk Coordinator

2.1.2 Manager Governance

2.2 External

2.2.1 Kelledy Jones Lawyers

3. REPORT

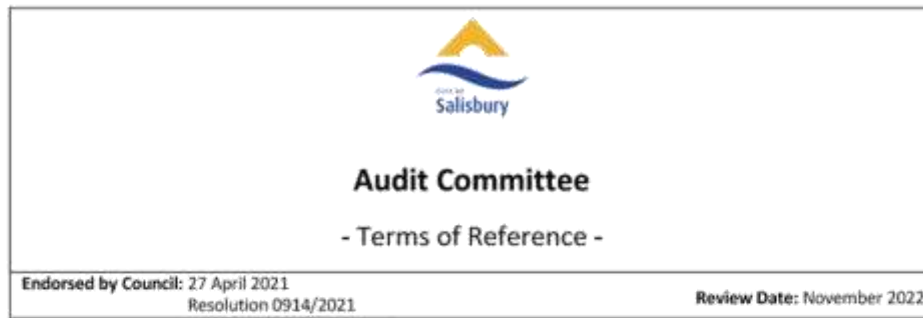
3.1 In response to the advice provided at the Meeting Procedures training session conducted by Kelledy Jones on 13 July 2021, the Audit Committee's Terms of Reference have been reviewed and amended to reflect the advice received.

4. CONCLUSION / PROPOSAL

4.1 The Audit Committee's Terms of Reference have been reviewed and amended to reflect advice received regarding applicable meeting procedures and is presented to Council for adoption.

CO-ORDINATION

Officer:	Exec Group	MG
Date:	09/08/2021	11/08/2021



1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council establishes a committee to be known as the **Audit Committee** ("the Committee").
- 1.2 The Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Committee is established as a Standing Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Committee is established to assist the Council in the performance of its functions as set out in the attached Special Term 1.

3. Authority

- 3.1 The Committee is mandated under section 126 of the Act.
- 3.2 The Audit Committee can request the conduct of investigations into any matters within the scope of its responsibility. It is empowered to:
 - Recommend to Council the appointment and oversee the work of any external auditor appointed by the City of Salisbury.
 - Resolve any disagreements between management and the external auditor regarding financial reporting.
 - Pre-approve all auditing and non-audit services.
 - Request through the Chief Executive Officer (CEO) the right to retain independent counsel, accountants or others to advise the committee or assist in the conduct of an investigation.
 - Seek any information it requires from anyone employed by City of Salisbury, all of whom are directed to cooperate with the committee's requests or those of external parties acting on behalf of the committee.
 - Meet with City of Salisbury employees or the appointed external auditors as necessary.



- 3.3 The Committee does not enjoy the delegation of any powers or functions of the Council but acts in accordance with these Terms of Reference and any additional authorisations provided by the Council.
- 3.4 All decisions of the Committee will, therefore, constitute recommendations to the Council.

4. Membership

- 4.1 Membership of the Committee is determined by the Council and is set out in the attached Special Term 2, noting that it is a legislated requirement that the majority membership consist of independent members.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Members of the Committee, where they are not elected members of the Council must, nevertheless, comply with the *Code of Conduct for Council Members* and all members of the Committee must comply with the conflict of interest provisions of the Act. In particular, sections 62 (general duties), 63 (code of conduct) and 73, 74, 75 and 75A (conflicts of interest, must be observed).
- 4.5 The appointment of the Chair will be made by the Council for a term determined by the Council.
- 4.6 The Deputy Chair will be appointed at the first meeting of the Committee for a period of 12 months, after which time the Committee will make another 12-month appointment.
- 4.7 The Committee shall be provided with administrative support by the services of an employee of the Council appointed by the Chief Executive Officer or his/her delegate.



5. Operational Matters

5.1 [In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public.](#)

5.15.2 Meetings of the Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/ Committee Rooms. Meetings will occur on such dates and times as set out in Special Term 3.

5.25.3 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.

5.35.4 In accordance with section 87 of the Act, a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members to the Committee.

5.45.5 Public notice of meetings will be given through publication of the annual meeting schedule on the City of Salisbury website. A copy of the Notice of Meeting and Committee Agenda will be displayed publicly on a monthly basis.

5.55.6 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the Act.

5.65.7 The quorum is determined by dividing the total number of members of the Committee in office by two (ignoring any fractions) and adding one. See Special Term 3.

6. Meeting Procedures

6.1 All meetings will be held in accordance with the Act and [observing the provisions of Part 1 – Preliminary, Part 3 – Meetings of Other Committees and Part 4 – Miscellaneous of the Local Government \(Procedures at Meetings\) Regulations 2013](#) (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*. Insofar as the Act and Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure. Refer to Special Term 4 for more detail regarding meeting procedures.



- 62 All members of the Committee have equal voting rights. A question arising for decision will be decided by a majority of votes cast by all members present.
- 63 Each member must vote on a question arising for decision.
- 64 The Chair has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 65 In the event of an equality of votes, the Committee has not made a decision on that item, which will then be referred to the Council for decision.

7. Minutes and Documents

- 7.1 Minutes and documents will be managed in accordance with the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 7.2 Minutes will be kept of the proceedings at each Committee meeting. Members of the Council will be provided with a copy of all minutes of the proceedings of the Committee within five (5) days ~~after~~of a Committee meeting.
- 7.3 Members of the public are entitled to access to all documents received at a meeting of the Committee unless it is resolved to be confidential under the Act.

8. Reporting

- 8.1 The Committee reports directly to the Council.
- 8.2 Decisions made by the Committee will be referred to the next Council meeting, presented as Committee recommendations to Council.

9. Winding Up of the Committee

The Committee cannot be "wound up", it is mandated under section 126 of the Act.



SPECIAL TERM 1	
Clause 2	<p>Functions and Responsibilities</p> <p>The Audit Committee is charged with undertaking the following functions:</p> <p>2.1 In accordance with section 126(4) of the <i>Local Government Act 1999 (the Act)</i> the committee's roles include -</p> <p style="padding-left: 20px;"> <i>"(a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and</i> <i>(ab) proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and</i> <i>(ac) proposing, and reviewing, the exercise of powers under section 130A; and</i> <i>(b) liaising with the council's auditor; and</i> <i>(c) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis".</i> </p> <p>2.2 The Committee, in order to fulfil its role and provide the necessary assurance to Council, will:</p> <ul style="list-style-type: none"> • Satisfy itself that appropriate policies, practices and procedures of internal control are implemented and maintained. • Ensure that these controls are appropriate for achieving the council's goals and objectives, safeguarding the council's assets and as far as possible maintaining the accuracy and reliability of council records. • Satisfy itself that the organisation is meeting its fiduciary and legislative responsibilities. <p>2.3 Taking into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.</p>
SPECIAL TERM 2	
Clause 4	<p>Membership</p> <p>The membership of the Committee comprises two Elected Members of the City of Salisbury, with three independent members who are appointed for a four year term of office, with a review undertaken every two years, and will serve no more than two consecutive terms.</p>

 Audit Committee - Terms of Reference -	
Endorsed by Council: 27 April 2021	Review Date: November 2022

SPECIAL TERM 3	
Clause 5	Operational Matters The Committee meets on at least a quarterly basis. Quorum for the Committee is 3 members, at least two of whom will be <u>independent members</u> .
SPECIAL TERM 4	
Clause 6	Meeting Procedures The Committee applies Part 1 – Preliminary, Part 3 – Meetings of Other Committees and Part 4 – Miscellaneous of the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) and the City of Salisbury Code of Practice for Meeting Procedures, Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 .