

WATTLE RANGE COUNCIL

Minutes of the Ordinary Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on 10 August 2021 at 5.00 pm.

1. OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY / RECORDING OF MEETINGS

2. PRESENT

His Worship the Mayor D Noll

Cr D Burrow

Cr S Cox [attended at 5.03 pm]

Cr J Drew

Cr P Dunnicliff

Cr K McGrath

Cr D Muhovics

Cr M Neagle

Cr D Price

Cr G Slarks

Mr BJ Gower (Chief Executive Officer)

Mr PA Duka (Director Corporate Services)

Mr PA Halton (Director Engineering Services)

Ms EF Clay (Director Development Services)

Ms CP Allen (Executive Assistant)

3. APOLOGIES

Cr D Agnew

Mayor Noll welcomed Roger Babolka, Manager Economic Development and Samuel Hoopmann to the Meeting who is a UniSA Marketing Intern. Emma Clay advised that Samuel will be developing a Tourism Marketing Strategy.

4. DISCLOSURE OF INTERESTS

Cr Muhovics disclosed that he had an Actual Conflict of Interest in regard to Item 15.3.2 Southend Tourist Park and Bush Camp Area.

5. CONFIRMATION OF THE MINUTES

5.1 Ordinary Meeting of Council – 13 July 2021 (Folio 9702 – Folio 9711)

Cr Dunnicliff moved that the Minutes of the Ordinary Meeting dated 13 July 2021 be taken as presented and confirmed.

Cr Burrow seconded

CARRIED

[Cr Cox attended the meeting at 5.03 pm]

5.2 Confidential Meeting of Council – 13 July 2021 (CM 932 – CM 934) – Not Fully Released

Cr Drew moved that the Minutes of the Confidential Meeting dated 13 July 2021 be taken as presented and confirmed.

Cr Dunnicliff seconded

CARRIED

5.3 Special Meeting of Council – 27 July 2021 (Folio 9712 – Folio 9714)

Cr Muhovics moved that the Minutes of the Special Meeting dated 27 July 2021 be taken as presented and confirmed.

Cr Neagle seconded

CARRIED

5.4 Confidential Special Meeting of Council – 27 July 2021 (CM 935 – CM 937) – Not Fully Released

Cr Burrow moved that the Minutes of the Confidential Special Meeting dated 27 July 2021 be taken as presented and confirmed.

Cr Price seconded

CARRIED

6. MATTERS ARISING FROM THE MINUTES

NIL

7. ADJOURNMENTS

NIL

8. MAYORAL COMMUNICATIONS

8.1 Mayoral Communications

Cr Burrow moved that Mayoral Communications be received and noted.

Cr Cox seconded

CARRIED

9. DEPUTATIONS

NIL

10. PETITIONS

NIL

11. REPORTS FROM COUNCIL MEMBERS

Cr McGrath attended on Saturday, 7 August 2021 a HAC zoom meeting and advised that the hospital is still pushing ahead to have an open day in October 2021.

Cr Drew attended the Millicent Lions Club changeover meeting on behalf of the Mayor on 17 July 2021.

12. QUESTIONS WITH NOTICE

NIL

13. QUESTIONS WITHOUT NOTICE

Various questions were asked but there was no resolution that entry be made into the Minutes.

14. REPORTS FROM COUNCIL COMMITTEES

- 14.1 Greenrise Lake Advisory Committee - Minutes of Meeting held on 3 May 2021 (Amended) and 5 July 2021

Cr Burrow moved that the Minutes of the Greenrise Lake Advisory Committee Meeting dated 3 May 2021 (Amended) and 5 July 2021 be received and noted.

Cr Dunnicliff seconded

CARRIED

15. REPORTS FROM COUNCIL OFFICERS

- 15.1 Chief Executive Officer

- 15.1.1 Monthly Project Status Report

Cr Drew moved that Council receive and note the report.

Cr Muhovics seconded

CARRIED

- 15.1.2 Delegations Update

Cr McGrath moved that Council:

1. Receive and note the report.

Cr Cox seconded

CARRIED

Cr Price moved that Council:

2. Resolves to grant the delegation of powers and functions of the Council as provided for in the attached instrument of delegation (Attachment 1), *Local Government Act 1999* (Attachment 2) and *Roads (Opening and Closing) Act 1991* (Attachment 3) and the Instrument of authorisation *Road Traffic Act 1961* (Attachment 4).
3. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 10 August 2021 and entitled Delegations Review and marked (Attachment 5) are hereby delegated this 10 August 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
4. 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.

Cr Slarks seconded

CARRIED

15.1.3 Resignation of Councillor Rick Paltridge

Cr Burrow moved that Council:

1. Receive and note the report.

Cr Neagle seconded

CARRIED

The Mayor and Elected Members congratulated Cr Paltridge on his thoughtful, well researched contribution to Council debate and passionate service to Riddoch Ward.

Cr Neagle moved that Council:

2. Write to Rick Paltridge thanking him for his representation of the Riddoch Ward during his term as Councillor.

Cr Price seconded

CARRIED

Cr Price moved that Council

3. Adjourn the nomination to replace Cr Paltridge on the Greenrise Lake Advisory Committee until the election of the Riddoch Ward Councillor.

Cr Neagle seconded

CARRIED

Cr Muhovics moved that Council

4. Approve a budget variation of \$15,000 to conduct the Supplementary Election.

Cr Cox seconded

CARRIED

Cr Burrow moved that Council acknowledges former Cr Paltridge's service to this Council and send a card in appreciation.

Cr Price seconded

CARRIED

15.2 Director Corporate Services

15.2.1 Greenrise Lake Advisory Committee – Terms of Reference

Cr Price moved that Council:

1. Receive and note the report.

Cr Slarks seconded

CARRIED

Cr Dunnicliff moved that Council:

2. Adopt as presented the updated Terms of Reference for the Section 41 Committee - Greenrise Lake Advisory Committee.

Cr Burrow seconded

CARRIED

15.3 Director Development Services

15.3.1 Millicent 150th Year Celebration

Cr Slarks moved that Council:

1. Receive and note the report.

Cr Neagle seconded

CARRIED

Cr Dunnicliff moved that Council:

2. Endorse the draft program of activities for the Millicent 150th Anniversary Celebrations and vary the 2021/22 budget for the events to \$20,000.

Cr Cox seconded

CARRIED

15.3.2 Southend Tourist Park and Bush Camp Area

Cr Dennis Muhovics advised that he had an Actual Conflict of Interest in regard to this issue as he has been a Contractor on the site and will deal with the Conflict by leaving the Chamber.

[Cr Muhovics declared a Conflict of Interest and left the Chamber at 5.42 pm]

Cr Dunnicliff moved that Council:

1. Receive and note the report.

Cr McGrath seconded

CARRIED

Cr Neagle moved that Council:

2. Approve a variation to the 2021/22 Budget of an additional \$15,328.84 for the unforeseen additional works required at the Southend Tourist Park.

Cr McGrath seconded

CARRIED

Cr Dunnicliff moved that Council:

3. Allocate \$80,000 to the 2021/22 Budget for temporary sand replenishment works in Southend, noting an application will be made to the Coastal Protection Board for \$40,000 to support this work. If the application for funding is unsuccessful, Council allocates \$42,520 to the 2021/22 Budget for the relocation of the Tourist Park fence and battering of the foredune sand, including reduced income from the decrease in usable sites within the Caravan Park.

Cr Slarks seconded

CARRIED

[Cr Muhovics resumed the Chamber at 6.15 pm]

[Cr Price left the meeting at 6.15 pm]

15.4 Director Engineering Services

15.4.1 New Administration Building

Cr Neagle moved that Council:

1. Receive and note the report.

Cr Burrow seconded

CARRIED

[Cr Price resumed the meeting at 6.16 pm]

[Cr Cox left the meeting at 6.30 pm]

[Cr Cox resumed the meeting at 6.31 pm]

Cr Dunnicliff moved that Council:

2. Endorse the current Conceptual Plans for the proposed Administration Centre and authorise the CEO to lodge a development application.

Cr Slarks seconded

CARRIED

Cr Slarks moved that Council:

3. Allocate \$295,000 to the 2021/22 budget for the detailed design and development application for the proposed Administration Centre.

Cr Drew seconded

CARRIED

15.4.2 Road Resheet Program 2021/22

Cr Price moved that Council:

1. Receive and note the report.

Cr Cox seconded

CARRIED

Cr Dunnicliff moved that Council:

2. Adopt the revised unsealed road resheeting program for 2021/22.

Cr Muhovics seconded

CARRIED

ADJOURNMENT OF MEETING

Cr Dunnicliff moved that the meeting be adjourned for dinner until 7.20 pm

Cr Cox seconded

CARRIED

The meeting adjourned at 6.50 pm.

The meeting reconvened at 7.21 pm.

16. CORRESPONDENCE

16.1 Lake George Management Committee

Cr Dunnicliff moved that the correspondence from Hon David Speirs MP to Mr Jim Pegler dated 5 July 2021 regarding the Lake George Management Committee becoming an Advisory Committee under section 10 of the *Crown Lands Management Act 2009* be received and noted.

[Cr Burrow attended the meeting at 7.23 pm]

Cr McGrath seconded

CARRIED

16.2 Lake Leake Catchment Area

Cr Price moved that:

1. The correspondence from Hon David Basham MP, Minister for Primary Industries and Regional Development dated 7 July 2021 be received and noted.
2. The correspondence from Mick Theobald, General Manager Operations, OneFortyOne Plantations dated 28 July 2021 be received and noted.
3. Council investigate the possible transfer / rededication of Crown Land (reserved for forestry purposes) currently under the care and control of Council, identified as surplus to Council's requirements (i.e. Section 207, Hundred of Kennion, A8446).

Cr Neagle seconded

CARRIED

Cr Price moved that Council write to the relevant Minister requesting the change to the rules governing OneFortyOne Plantations for the forest area (with a copy to the Shadow Minister) and ask that the Minister initiate a review of the Lake Leake catchment area ultimately leading to a creation of a conservation park.

Cr Neagle seconded

CARRIED

16.3 Statutes Amendment (Local Government Review) Bill 2020

Cr Burrow moved that the correspondence from Hon Emily Bourke MLC dated 9 July 2021 regarding the Statutes Amendment (Local Government Review) Bill 2020 be received and noted.

Cr Muhovics seconded

CARRIED

16.4 Minister for Health and Wellbeing - Excellence in Public Health Awards

Cr Slarks moved that the correspondence from Professor Nicola Spurrier dated 8 July 2021 regarding the Minister for Health and Wellbeing – Excellence in Public Health Awards be received and noted.

Cr Cox seconded

CARRIED

16.5 Local Government Finance Authority - AGM - Friday, 29 October 2021

Cr Slarks moved that:

1. That the correspondence be received and noted.

Cr Neagle seconded

CARRIED

Cr Cox moved:

2. That Mr Paul Duka be nominated by Council as voting delegate and this information be submitted prior to Friday, 20 August 2021.

Cr Drew seconded

CARRIED

17. MOTIONS ON NOTICE

17.1 Black Spot Funding for Mobile Phone Towers

Cr Price moved Council writes to Mr Tony Pasin MP, Federal Member for Barker, Federal Minister for Telecommunications and State Cabinet requesting the Federal Government and State Government adopt a more flexible approach to Black Spot funding for mobile phone towers to resolve this issue. Funding limits should be altered as necessary to deliver quality mobile phone services to regional areas.

Cr Neagle seconded

CARRIED

18. URGENT MOTIONS WITHOUT NOTICE

NIL

19. ITEMS FOR CONSIDERATION IN CONFIDENCE

19.1 Confidential - Periodic Pump out of Septic Tanks and Disposal of Associated Bio-Waste - Tender Evaluation Report

Cr Slarks moved:

That:

1. Pursuant to Sections 90(2) and 90(3)(k) of the *Local Government Act 1999* the Council orders that the public be excluded from attendance at the part of this meeting relating to Item 19.1, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PA Halton – Director Engineering Services
- Ms EF Clay – Director Development Services
- Ms C Allen – Executive Assistant / Minute Taker

To enable the Council to consider Item 19.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.1 tenders for the supply of goods, the provision of services and the carrying out of works.

Specifically, the present matter relates to a tender for the periodic pump out of septic tanks and the disposal of the associated bio-waste for the Wattle Range Council.

2. Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Cr Muhovics seconded

CARRIED

Cr Price moved that Council:

1. Receive and note the report.

Cr Slarks seconded

CARRIED

Cr Slarks moved:

2. Delegate to the CEO to enter into contract negotiations with Tenderer 1, Jury's Liquid Waste for a contract term of four (4) years for the price detailed in table 2 of this report.

Cr Cox seconded

CARRIED

Cr Neagle moved:

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(k) of the Act:

- **The Report of Item 19.1 of 10 August 2021**

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to a tender for the periodic pump out of septic tanks and the disposal of the associated bio-waste for the Wattle Range Council.

This order shall operate until 10 August 2022 and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Burrow seconded

CARRIED

Meeting closed at 8.01 pm.

Taken as presented and confirmed.

.....
MAYOR

.....
DATE

ATTACHMENT 1

Wattle Range Council

**Instrument of delegation**

1. The Wattle Range Council (**Council**) delegates each function or power of the Council:
 - (a) listed in the attached tables to the delegate or delegates identified in respect of the function or power; and
 - (b) contained in each by-law of the Council in operation as at the date of this instrument to the Chief Executive Officer.
2. The delegations are granted pursuant to section 44 of the *Local Government Act 1999*. Excepting that the functions and powers of the Council:
 - (a) The powers of delegation conferred on councils by the Roads Opening and Closing Act 1991 under s 46 of the Roads Opening and Closing Act 1991.
3. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.
4. The delegations are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power in accordance with:
 - (i) applicable legislative and other legal requirements; and
 - (ii) due regard to relevant policies and guidelines adopted by the Council;
5. Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.
6. If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.
7. The delegations provided for in this instrument of delegation will come into operation on 11 August 2021.
8. Previous delegations granted by the Council of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.
9. The delegations granted by this instrument will remain in force until varied or revoked by resolution of the Council.

By resolution of the Council

on:.....

ATTACHMENT 2

	Local Government Act 1999			
Capacity of council	Statutory provision	Power/function	Delegate	Sub-delegate
council	section 12(4)	Undertake a review under section 12 of the Local Government Act at least once in each relevant period prescribed by the regulations	CEO	
council	section 245A(1)	Require a person to enter into an agreement with the council in regard to work under an approval under the <i>Planning, Development and Infrastructure Act 2016</i> which could cause damage to any local government land (including a road) within the vicinity of the site of the development	CEO	

ATTACHMENT 3

	<i>Roads (Opening and Closing) Act 1991</i>			
Capacity of council	Statutory provision	Power/function	Delegate	Sub-delegate
council	section 34B(2)(a)(i)	Receive notice of a proposal to open or close a road in an environmental impact statement	CEO	

ATTACHMENT 4

Wattle Range Council



Instrument of authorisation

1. The Minister for Transport and Infrastructure granted:
 - (a) approvals to the Council for the purposes of specific powers under sections 17 and 20 of the *Road Traffic Act 1961*; and
 - (b) appointed the Council as the Minister's delegate in respect of specific powers under sections 17 and 33(1) of the Road Traffic Act,by the Instrument of General Approval and Delegation (dated 22 August 2013) (**General Approval**).
2. Pursuant to the General Approval, the Council authorises the employees of the Council named in the attached table to exercise the powers under sections 17 and 20 of the Road Traffic Act conferred on or delegated to the Council by the General Approval subject to the conditions set out in the General Approval and any additional conditions noted in the table with respect to the exercise of the power.

Signature of the Chief Executive Officer

Benjamin Gower

Date

ATTACHMENT 4

Council authorisations for the purposes of the General Approval

Road Traffic Act	Approval granted to Council (as set out in the General Approval)	Authorised employee	Conditions
sections 17(1) and 17(2)	A. Traffic control devices Install, maintain, alter, operate or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device on, above or near a road which is under the care, control and management of the Council (except those traffic control devices specified in clause A.8 of the General Approval or dealt with in other clauses of the General Approval)	Peter Halton	As set out in clause A of the General Approval
section 20(2)	B. Speed limits at works on roads Place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards a work area or a work site where workers are engaged, or works are in progress at the direction of the Council	Peter Halton	As set out in clause B of the General Approval

ATTACHMENT 4

Road Traffic Act	Approval granted to Council (as set out in the General Approval)	Authorised employee	Conditions
section 17(3)	C. Traffic control devices at works on roads Install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the <i>Road Traffic Act 1961</i> or any other Act	Peter Halton	As set out in clause C of the General Approval
section 17(3)	D. Temporary parking controls Install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under the care, control and management of the Council	Peter Halton	As set out in clause D of the General Approval
section 17	F. Grant approval to another road authority Specifically approve the installation, maintenance, alteration, operation or removal of a traffic control device in the Council area by a road authority on, above or near a road under the care, control and management of the road authority	Peter Halton	As set out in clause F of the General Approval

ATTACHMENT 5

Wattle Range Council**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice of Powers of a Council as:**

- **A Council**
- **A designated Authority**
- **A Designated Entity**

(Instrument A)**Delegation Sources**

- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)
- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments
- State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019
- State Planning Commission Practice Direction (Council Inspections) 2020
- State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020

Titles / Abbreviations

Titles/ Abbreviation	Position
CEO	Chief Executive Officer
ND	Not Delegated

ATTACHMENT 5

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

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)				
Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl5(1)	<p>70. Requirements in Relation to Preparing an Engagement Plan</p> <p>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 engagement plan that:</p> <p>70.1.1 meets the principles and performance outcomes of the Charter;</p> <p>70.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>70.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act</p> <p>70.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act;</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		<p>70.1.2.3 who must be consulted with under the Charter;</p> <p>70.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>70.1.4 describes the evaluation framework for the engagement.</p>		
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl5(2)	<p>70. Requirements in Relation to Preparing an Engagement Plan</p> <p>70.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.</p>		CEO
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(2)	<p>71. Preparation of an Engagement Report (Following Consultation)</p> <p>71.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report:</p> <p>71.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan;</p> <p>71.1.2 the outcome of the engagement including a summary of the written submission or feedback made;</p> <p>71.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		<p>was engaged on) and the reasons for those proposed changes which specifically indicates:</p> <p>71.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and</p> <p>71.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.</p>		
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(3)	<p>71. Requirements in Relation to Preparing an Engagement Report Following Consultation</p> <p>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:</p> <p>71.2.1 the principles of the Charter have been achieved; and</p> <p>71.2.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).</p>		CEO
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl7(1)	<p>72. Initiating a Code Amendment</p> <p>72.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out:</p> <p>72.1.1 Code Policy – an outline of:</p> <p>72.1.1.1 any overlay, general policy, zone or subzones in the Code</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		<p>being proposed for amendment; and/or</p> <p>72.1.1.2 the intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area;</p> <p>72.1.2 Affected Area</p> <p>72.1.2.1 a map or description of the Affected Area;</p> <p>72.1.3 State Planning Policies</p> <p>72.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p> <p>72.1.4 Regional Plan</p> <p>72.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p> <p>72.1.5 Consultation -</p> <p>72.1.5.1 matters raised by the relevant Council and/or a relevant Joint Planning Board on the Proposal to Initiate;</p> <p>72.1.5.2 information regarding any consultation that has already occurred with respect to the proposed Code Amendment</p> <p>72.1.5.3 details of further consultation proposed to be undertaken with respect to the proposed code Amendment;</p>		

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		<p>72.1.6 Investigations -</p> <p>72.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment</p> <p>72.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p> <p>72.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p> <p>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</p> <p>72.1.7 Timetable</p> <p>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.</p>		
State Planning Commission Practice Direction - 2 Preparation and Amendment of	cl7(3)	<p>72. Initiating a Code Amendment</p> <p>The power pursuant to clause 7(3) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
Designated Instruments		<p>local heritage value, to provide a report which:</p> <p>72.2.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>72.2.1.1 all relevant property details and descriptions (including images);</p> <p>72.2.1.2 historical background and thematic analysis;</p> <p>72.2.1.3 a statement of heritage value;</p> <p>72.2.1.4 an assessment against the Local Heritage Criteria; and</p> <p>72.2.1.5 the extent of listing (including any exclusions);</p> <p>72.2.2 includes an analysis of historic themes of importance to the area;</p> <p>72.2.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</p> <p>72.2.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</p>		
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl 7(4)	<p>72. Initiating a Code Amendment</p> <p>72.3 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:</p> <p>72.3.1 includes relevant details and descriptions of the tree or stand</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		<p>of trees (including images as necessary)</p> <p>72.3.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;</p> <p>72.3.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.</p>		
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl8(1)	<p>73. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>73.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to:</p> <p>73.1.1 carry out investigations and obtain such information:</p> <p>73.1.1.1 as provided in the Proposal to Initiate approved by the Minister;</p> <p>73.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>73.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p> <p>73.1.2 provide the Department with:</p> <p>73.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		<p>policy for inclusion in the draft Code Amendment; and</p> <p>73.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>73.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>73.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>73.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p>		
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl8(2)	<p>73. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>73.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the</p>		CEO

ATTACHMENT 5

Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
		engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal		
State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl9(1)	<p>74. Requirements For a Draft Code Amendment</p> <p>74.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:</p> <p>74.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment)</p> <p>74.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area;</p> <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;</p> <p>74.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and</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 the infrastructure will be provided.</p>		CEO