

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991

14 NOVEMBER 2023

Delegation Sources

- Roads (Opening and Closing) Act 1991

Positions

Abbreviation	Position
CEO	Chief Executive Officer
DIES	Director Infrastructure & Environmental Services

Instrument of Delegation under the Roads (Opening and Closing) Act 1991

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4	Make a road process order	CEO, DIES		relevant authority
section 5	Commence a road process in relation to a road or a proposed road	CEO, DIES		council
section 9(1)	Cause to be prepared: (a) a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and (b) a statement in a form approved by the Surveyor-General containing the names and addresses of those persons affected who can be identified by reasonable enquiry and such information in relation to the land subject to the proposed road process as is required by the Surveyor-General	CEO, DIES		council

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(2)	Deposit a copy of the preliminary plan and statement at the Adelaide office of the Surveyor-General with the prescribed fee	CEO, DIES		council
section 10(1)(a)	Give public notice in accordance with the regulations of the proposed road process	CEO, DIES		relevant authority
section 10(1)(b)	Serve notice of the proposed road process on each person affected who can be identified by reasonable enquiry	CEO, DIES		relevant authority
section 10(2)	Deposit a copy of the notice at the Adelaide office of the Surveyor-General	CEO, DIES		relevant authority
section 11(a)(ii)	Lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the council	CEO, DIES		council
section 11(b)(iii)	Lodge a copy of the notice of the proposed road opening at the General Registry Office	CEO, DIES		council

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 11(b)(iii)	Serve a notice on any person requiring the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land	CEO, DIES		council
section 12(1)	Make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owners of land adjoining that land	CEO, DIES		council
section 12(3)(a)	Endeavour to secure an agreement for exchange with a person who owns adjoining land and land subject to a proposed road opening	CEO, DIES		council
section 12(3)(b)	Invite offers from the owners of land adjoining the land subject to the proposed road closure	CEO, DIES		council
section 13(3)	Receiving an objection or application in respect of a proposed road process	CEO, DIES		relevant authority
section 14(1)	Notify a person who has made an objection or application in relation to a proposed road process of the time and place at which the relevant authority will meet to consider all such objections and applications	CEO, DIES		relevant authority

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 15(1)	Determine whether or not to make a road process order	CEO, DIES		relevant authority
section 15(3)	Give notice of a decision that no road process order is to be made to the Surveyor-General, any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 and, in the case of a proposed road opening, to any person who has an interest in land over which a road was proposed to be opened	CEO, DIES		relevant authority
section 17	Make one or more of the orders listed in section 17 as part of a road process order dealing with land the subject of a road closure	CEO, DIES		relevant authority
section 18(1)	Make an order as part of a road process order for the granting of an easement over land subject to the road closure	CEO, DIES		relevant authority
section 19(a)	Give notice of the making of a road process order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3	CEO, DIES		relevant authority

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road will be opened	CEO, DIES		relevant authority
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road was proposed to be opened, but which does not form part of the land over which the road will be opened, advising of the discontinuance of the road process in respect of that land	CEO, DIES		relevant authority
section 19(c)	Deliver to the Adelaide Office of the Surveyor-General a copy of the minutes of all meetings held by the authority in relation to the proposed road process certified by the chief executive officer of the council	CEO, DIES		relevant authority
section 20(1)	Deposit at the Adelaide Office of the Surveyor-General prescribed documents after making a road process order and any fee prescribed by regulation	CEO, DIES		council
section 20(3)	Give notice of the lapsing of a road process to any person who made an objection of application in relation to the proposed road process pursuant	CEO, DIES		council

Roads (Opening and Closing) Act 1991				
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	to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened			
section 22(1)	Request that the Surveyor-General amend a road process order to correct an error or deficiency prior to confirmation of the order by the Minister	CEO, DIES		relevant authority
section 22(1)	Participate in consultation with the Surveyor-General regarding the amendment of a road process order to correct an error or deficiency prior to confirmation of the order by the Minister	CEO, DIES		relevant authority
section 22(2)(a)	Receive notice of an amendment of a road process order from the Surveyor-General	CEO, DIES		relevant authority
section 22(2)(b)	Give notice of an amendment of a road process order to any person who was required to be given notice of the road process order under sections 19(a) or 19(b) and, if the road authority is not the council, the council	CEO, DIES		relevant authority

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 22(2)(b)	Receive notice from the relevant authority of an amendment of a road process order	CEO, DIES		council
section 24(2)(b)	Give notice of a decision by the Minister to decline to confirm a road process order to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened	CEO, DIES		council
section 31(1)(a)	Serve notice of the road process order on each person who had an interest in the land immediately before it vested in the council by virtue of the road opening and append to the notice an offer in writing stating the total amount of compensation that the council proposes to pay to the person and dividing that amount so far as practicable into separate components	CEO, DIES		council
section 31(1)(b)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed	CEO, DIES		council

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section 32(3)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed	CEO, DIES		council
section 33(1)	Acquire additional land adjoining or near the land to which the proposed road opening relates with the approval of the Minister	CEO, DIES		council
section 33(4)	Sell or otherwise deal with additional land acquired under section 33	CEO, DIES		council
section 33(4)	Apply the proceeds from the sale of additional land to defraying expenses incurred by the council in connection with the road opening	CEO, DIES		council
section 33(5)	Comply with conditions imposed by the Minister on the manner in which additional land may be dealt with by the council	CEO, DIES		council
section 34(1)(b)	Receive a notice of a proposal to close a road from the Surveyor-General	CEO, DIES		council

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34(2)	Make a representation to the Surveyor-General regarding the proposed road closure	CEO, DIES		council
section 34B(2)(a)(i)	Receive notice of a proposal to open or close a road in an environmental impact statement	CEO, DIES		council
section 34B(2)(c)	Make written submissions on the proposal to open or close a road	CEO, DIES		council
section 34G(1)	Apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B of the Roads (Opening and Closing) Act	CEO		Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(a)	Give public notice of the proposal, in accordance with the regulations, if the Minister determines that the application under section 34G(1) should be considered	CEO		Adelaide City Council or council adjoining the City of Adelaide

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34G(4)(b)	Give notice of the proposal to any State authority or council specified by the Minister	CEO		Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(c)	Give notice of the proposal to the Adelaide Park Lands Authority	CEO		Adelaide City Council or council adjoining the City of Adelaide
section 34G(6)	Forward to the Surveyor-General any representation in relation to the proposal made to the council within the period under section 34G(5) and any response that the council wishes to make in relation to those representations	CEO		Adelaide City Council or council adjoining the City of Adelaide
section 34G(9)	Consult with the Surveyor-General regarding survey plans and other documents to be prepared as required by the Registrar-General	CEO		Adelaide City Council or council adjoining the City of Adelaide
section 34G(9)	Submit survey plans and other documents as required by the Registrar-General to the Minister	CEO		Adelaide City Council or council adjoining the City of Adelaide

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section 34G(14)	Provide any documentation required by the Registrar-General to the Registrar-General	CEO		Adelaide City Council or council adjoining the City of Adelaide
section 35(2)	Reserve any question of law for the consideration of the Supreme Court, prior to making any road process order	CEO		relevant authority
section 36(2)(a)	Repay any amount paid to the council in pursuance of an agreement for exchange or transfer which is avoided by virtue of the operation of section 12(4)	CEO, DIES		council
section 39	Fence along its boundaries a road as altered or diverted by the council with a substantial fence of the same nature as the fence previously in the boundary of the road and abutting the land	CEO, DIES		council

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/2023	Reviewed and adopted at 14 November 2023 Special Council meeting	