

# **Instrument of Delegations under the Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020**

## **Preamble**

### NOTES

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

## **Delegation Sources**

- Landscape South Australia Act 2019
- Landscape South Australia (General) Regulations 2020

## **Titles**

<b>Position</b>	<b>Name</b>
Chief Executive Officer	Tony Siviour
Director Corporate & Community Services	Tim Pfeiffer

## Instrument of Delegations under the Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020

Landscape South Australia Act 2019			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s32(7)	<p>1. Special Vesting of Infrastructure</p> <p>1.1 The power pursuant to Section 32(7) of the Landscape South Australia Act 2019 (the Act) to consent in writing to the Governor making a proclamation under Sections 32(1), (2) or (6) of the Act in relation to infrastructure or land vested in or under the care, control or management of the Council.</p>	Chief Executive Officer	
s37(1)(c)	<p>2. Power of Delegation</p> <p>2.1 The power pursuant to Section 37(1)(c) of the Act to approve a regional landscape board delegating a function or power of the board under the Act or any other Act to the Council or an officer of the Council.</p>	Chief Executive Officer	
s41	<p>3. Use of Facilities</p> <p>3.1 The power pursuant to Section 41 of the Act to make arrangements with a regional landscape board for the regional landscape board to make use of the services of the staff, equipment or facilities of the Council.</p>	Chief Executive Officer	
s47(7)	<p>4. Key Features of Plan</p> <p>4.1 The power pursuant to Section 47(7) of the Act to, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, have regard to any regional landscape plan that applies within the relevant area and in particular to give consideration to the question whether the Council should implement changes to the manner in which, or the means by which, it performs a function or exercises a power or undertakes any other activity that has been identified in the plan as requiring change.</p>	Chief Executive Officer	
s51(5)(b)	<p>5. Annual Business Plan</p>	Chief Executive	

Landscape South Australia Act 2019			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	5.1 The power pursuant to Section 51(5)(b) of the Act, if a regional landscape board is intending to include in its annual business plan any proposal referred to in Section 51(4) of the Act, which relates to the payment (or proposed payment) of contributions by the Council under Part 5 Division 1 Subdivision 1 of the Act, to make submissions to the regional landscape board to the extent required by the regulations.	Officer	
s67(1)	<p>6. Payment of Contributions by Councils</p> <p>6.1 The power pursuant to Section 67(1) of the Act, subject to Section 67(2) of the Act to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in each year to which the contribution relates.</p>	Director Corporate & Community Services	
s67(2)	<p>6. Payment of Contributions by Councils</p> <p>6.2 The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board's annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council's share in approximately equal instalments on 31 December, 31 March and 30 June in that year.</p>	Director Corporate & Community Services	
s69(10)	<p>7. Imposition of Levy by Councils</p> <p>7.1 The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the Local Government Act 1999, to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been written off.</p>	Director Corporate & Community Services	

### Landscape South Australia Act 2019

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s72(6)	<p>8. Board May Declare a Levy</p> <p>8.1 The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be effected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be effected by the Council.</p>	Chief Executive Officer	
s101(6)	<p>9. Declaration of Prescribed Water Resources</p> <p>9.1 The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council.</p>	Chief Executive Officer	
s202(4)	<p>10. Authorised Officers</p> <p>10.1 The power pursuant to Section 202(4) of the Act to agree to the Minister appointing an officer of the Council as an authorised officer under Section 202 of the Act.</p>	Chief Executive Officer	
s219(3)	<p>11. Management Agreements</p> <p>11.1 The power pursuant to Section 219(3) of the Act to make submissions to the Minister within a period specified by the Minister in relation to a proposal to provide for the remission of any Council rates under Section 219(2)(j) of the Act.</p>	Director Corporate & Community Services	

Landscape South Australia (General) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r13(3)	<p>12. Refunds to Councils in Relation to Unpaid Regional Landscape Levies (Section 69(10) of the Act)</p> <p>12.1 The power pursuant to Regulation 13(3) of the Landscape South Australia (General) Regulations 2020 (the General Regulations) if:</p> <p>12.1.1 the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a levy); and</p> <p>12.1.2 a refund is made to the Council under Section 69(10) of the Act in relation to the unpaid levy; and</p> <p>12.1.3 the Council subsequently recovers an amount (the relevant amount) with respect to the unpaid levy as part of steps taken by the Council to recover rates in arrears under the Local Government Act 1999,</p> <p>to pay the relevant amount to the regional landscape board that made the refund under Section 69(10) of the Act.</p>	Director Corporate & Community Services	
r14(4)	<p>13. Cost of Councils (Section 70 of the Act)</p> <p>13.1 The power pursuant to and subject to Regulation 14(4) of the General Regulations to recover establishment costs the amount being:</p> <p>13.1.1 fair costs incurred by the Council with respect to:</p> <p>13.1.1.1 consulting with the relevant regional landscape board in relation to the basis for the regional landscape levy; and</p> <p>13.1.1.2 establishing the ability of the Council's rating system to deal with the regional landscape levy; and</p> <p>13.1.1.3 making any amendments to the Council's rating system on account of the imposition of the regional landscape levy; and</p> <p>13.1.1.4 conducting any tests involving the Council's rating system on account of the imposition of the regional</p>	Director Corporate & Community Services	

### Landscape South Australia (General) Regulations 2020

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	<p>landscape levy; and</p> <p>13.1.1.5 setting up and assigning codes within the Council's rating system on account of the imposition of the regional landscape levy; and</p> <p>13.1.1.6 obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and</p> <p>13.1.1.7 confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or</p> <p>13.1.2 \$10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations.</p>		
r14(8)	<p>13. Cost of Councils (Section 70 of the Act)</p> <p>13.2 The power pursuant to and subject to Regulation 14(7) of the General Regulations to recover as ongoing costs the amount being:</p> <p>13.2.1 fair costs as described in Regulation 14(3)(b) of the General Regulations; or</p> <p>13.2.2 \$2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land.</p>	Director Corporate & Community Services	
r14(8)	<p>13. Cost of Councils (Section 70 of the Act)</p> <p>13.3 The power pursuant to Regulation 14(8) of the General Regulations, if the Council is claiming transitional costs from two or more regional landscape boards with respect to a particular financial year to agree as between them the respective shares of those boards.</p>	Director Corporate & Community Services	

Landscape South Australia (General) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r14(9)	<p>13. Cost of Councils (Section 70 of the Act)</p> <p>13.4 The power pursuant to Regulation 14(9) and subject to Regulation 14(11) of the General Regulations, if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the Council expects to claim under Regulation 14 of the General Regulations.</p>	Director Corporate & Community Services	

#### Document history and version control

Date	Council/Chief Executive Officer	Comment
25 August 2020	New Instrument adopted by Council at 25 August 2020 Ordinary Council meeting	