

INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991			SUB DELEGATIONS		
			<u>Sub-delegates by Title:</u> <ul style="list-style-type: none"> MAI: Manager Assets and Infrastructure SPO: Senior Property Officer 		
PROVISION	Item delegated to the CEO (unless delegation does not apply)	Date of Delegation to CEO	CEO sub-delegated power to officer and/or authorised person(s) as listed below	Conditions and Limitations	Date of sub-delegation
s5	1. <u>Commencement Of Road Process</u> Deliberately left blank				
s9(1)	2. <u>Deposit of Preliminary Plan and Statement of Persons Affected</u> 2.1 The duty pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared: 2.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and 2.1.1 a statement in a form approved by the Surveyor-General containing – 2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and 2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.	June 2018	MAI SPO	Nil	
s9(2)	2.2 The duty pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	June 2018	MAI SPO	Nil	
s10(1)	3. <u>Notification of Proposed Road Process</u> 3.1 The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to – 3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and 3.1.2 at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.	June 2018	MAI SPO	Nil	
s10(2)	3.2 The duty pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.	June 2018	MAI SPO	Nil	

s11(a)(ii)	<p>4. Dealings in Land after Commencement of Road Process</p> <p>4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.</p>	Not delegated	Nil		
s11(b)(iii)	<p>4.2 The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.</p>	June 2018	Nil		
s12(1)	<p>5. Power to make Preliminary Agreements</p> <p>5.1 Deliberately left blank</p>				
S12(3)	<p>5.2 The duty pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 –</p> <p>5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, to first endeavour to secure an agreement for exchange with that person;</p> <p>5.2.2 in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure.</p>	June 2018	MAI SPO	Nil	
s14(1)	<p>6. Meeting to Consider Objection or Application</p> <p>6.1 The duty pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.</p>	June 2018	MAI SPO	Nil	
s15(1)	<p>7. Making of Road Process Order</p> <p>7.1 Deliberately left blank</p>				
s15(3)	<p>7.2 The duty pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;</p> <p>7.2.1 to the Surveyor General; and</p> <p>7.2.2 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.2.3 in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.</p>	June 2018	MAI SPO	Nil	

s16	7.3	Deliberately left blank				
s17	7.4	Deliberately left blank				
s18(1)	7.5	Deliberately left blank				
s18(2)	7.6	Deliberately left blank				
s19	7.7	<p>The duty pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;</p> <p>7.7.1 give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.7.2 In addition, in the case of an order for a road opening –</p> <p>7.7.2.1 give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and</p> <p>7.7.2.2 if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant to Division 1 – give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and</p> <p>7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.</p>	June 2018	MAI SPO	Nil	
s20	7.8	<p>The duty pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General –</p> <p>7.8.1 2 copies of the order; and</p> <p>7.8.2 <i>survey plans as required by the Registrar-General for the purposes of this Section; and</i></p> <p>7.8.3 <i>in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and</i></p> <p>7.8.4 <i>in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and</i></p> <p>7.8.5 <i>any other document required by the Surveyor-General; and</i></p> <p>7.8.6 <i>any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.</i></p>	June 2018	MAI SPO	Nil	

s20(3)	<p>7.9 The duty pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact –</p> <p>7.9.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.9.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened.</p>	June 2018	MAI SPO	Nil	
s22(2)(i)	<p>8. <u>Review and Confirmation of Road Process Order</u></p> <p>8.1 The duty pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.</p>	June 2018	MAI SPO	Nil	
s24(2)(b)	<p>8.2 The duty pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision –</p> <p>8.2.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>8.2.2 in addition, 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.</p>	June 2018	MAI SPO	Nil	
s31(1)(a)	<p>9. <u>Compensation</u></p> <p>9.1 Deliberately left blank</p>				
s33(1)	<p>10. <u>Acquisition of Additional Land under Land Acquisition Act</u></p> <p>Deliberately left blank</p>				
s34G(1)	<p>10A. <u>Roads Associated with Adelaide Park Lands</u></p> <p>Not applicable</p>				
39	<p>11. <u>Duty to Fence</u></p> <p>11.1 The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.</p>	June 2018	MAI SPO	Nil	