

AGENDA

Ordinary Council Meeting

Tuesday 15 April 2025

I hereby give notice that an Ordinary Meeting of Council will be held on:

Time: 6:00 pm
Date: Tuesday 15 April 2025
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier



Sarah Philpott
CHIEF EXECUTIVE OFFICER
11 April 2025

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

4.1 CONFIRMATION OF COUNCIL MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 18 March 2025 be confirmed as an accurate record of the proceedings of the meeting.

5 MAYORAL REPORT

5.1 MAYORAL REPORT - APRIL 2025

- Photo at the Railway Lands – E-Scooter Expression of Interest media release
- LCLGA Mayors catch-up (virtual)
- Photo at the Mount Gambier Regional Airport with District Council of Grant Mayor – joint ALGA motion media release
- Fortnightly meetings with media and communications team
- 2025 Mount Gambier Gold Cup
- Introductory meeting with Peta Crewe – UniSA Regional Manager
- Weekly meetings with CEO
- LGA Webinar: Impact of drought on businesses and communities
- CEO Performance Review Committee
- Confidential Elected Member Briefing – Electricity
- Confidential Elected Member Briefing – Strategic Projects Update
- ABC Radio interview – eScooters Expression of Interest
- Regional SAROC Meeting – Whyalla (including tour of City of Whyalla region)
- Regional LGA Board Meeting – Whyalla
- Citizenship Ceremony
- Confidential Elected Member Briefing – Operational Update – Music SA
- Confidential Elected Member Briefing – Strategic Property Development
- Confidential (in part) Elected Member Briefing – Operational Update
- Catch up with Colin Byles, LCLGA Executive Officer
- Audit and Risk Committee Pre-Meeting Workshop – ESCOSA and Internal Financial Controls
- Audit and Risk Committee Meeting
- LCLGA Mayors catch-up (virtual)



- Confidential Meeting – unsolicited proposal, with CEO Sarah Philpott and General Manager People, Place and Liveability
- SA Planning Commission – Limestone Coast Regional Plan – Council and Elected Members Briefing Session
- Photo at Frew Park – SANFL Gather Round
- Opening Night of the Alliance Française French Film Festival – The Count of Monte Cristo
- LCLGA General Meeting
- Mount Gambier Greyhound Racing Club 2025 Mount Gambier Cup
- Luncheon with Her Excellency the Governor, the Honourable Frances Adamson AC (with CEO Sarah Philpott and District Council of Grant Mayor and CEO)
- Elected Member Briefing – Budget Workshop 3
- Meeting with Minister Emily Bourke, Jeff Swann, MFS Chief Officer and Dylan Faber, MFS Station Officer (with CEO Sarah Philpott)
- Riddoch Strategic Plan – Public Consultation Session
- SA Volunteer Fire Fighters Museum – 10th Anniversary Memorial Service (Naracoorte)
- UniSA Creating Adelaide University Lunch

RECOMMENDATION

That the Mayoral Report be received.

6 REPORTS FROM COUNCILLORS

6.1 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Citizenship Ceremony, LCLHN Excellence Awards, French Film Festival Opening Night, Launch of the Australian HPV Super Series, Red Shield Appeal Concert, SummerSalt Festival, Fantasy Medieval Fair.
Cr Sonya Meziniec	2025 Adelaide University Australian HPV Super Series Launch, Race Start Mount Gambier 8 hour Pedal Prix, Limestone Coast Regional Plan - Council and Elected Members Briefing Session, Opening Night French Film Festival, Pioneers Quiz night.
Cr Frank Morello	Australian Citizenship Ceremony, Exhibition opening of the Woodcutter and Wood Work at the Riddoch Arts and Cultural Centre, Limestone Coast Regional Plan online session.

RECOMMENDATION

That the reports made by Councillors be received.

7 QUESTIONS WITH NOTICE

Nil



8 QUESTIONS WITHOUT NOTICE

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO REVOKE OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RECOMMENDATION

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

ATTACHMENTS

1. Information Briefing Session - Elected Members - Record of Proceedings - 25/03/2025 - Confidential Electricity - Confidential Strategic Projects Update [**12.1.1** - 2 pages]
2. Information Briefing Session - Elected Members - Record of Proceedings - 01/04/2025 - Confidential Operational Update - Music SA - Confidential Strategic Property Development - Confidential Operational Update - Unsolicited Proposal [**12.1.2** - 3 pages]
3. Information Briefing Session - Elected Members - Record of Proceedings - 08/04/2025 - Budget Workshop - Briefing with ac.care [**12.1.3** - 2 pages]



**INFORMATION / BRIEFING SESSION
5:00 PM, TUESDAY, 25 MARCH 2025**

Ref: AF22/549

RECORD OF PROCEEDINGS
5:00 PM, TUESDAY, 25 MARCH 2025
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1. will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
- (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.*

1. Confidential – Electricity

GUESTS:-

Mark Booth, Director, BRM Advisory (virtual)

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Sonya Meziniec
Cr Max Bruins
Cr Frank Morello
Cr Mark Lovett
Cr Jason Virgo
Cr Paul Jenner
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer (virtual)
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
General Manager People Place and Liveability
Manager Financial Services
Environmental Sustainability Business Partner
Procurement Business Partner

MEMBERS APOLOGIES:-

Cr Kate Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Details on the proposed Electricity Contract. Further Details on the Community Renewables Program.

The session described at Item 2. will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

- (b) *information the disclosure of which:*

- (i) *could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works.*

2. Confidential - Strategic Projects Update

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Sonya Meziniec
Cr Max Bruins
Cr Frank Morello
Cr Jason Virgo
Cr Paul Jenner
Cr Josh Lynagh
Cr Mark Lovett

STAFF PRESENT:-

Chief Executive Officer (virtual)
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
General Manager People Place and Liveability

MEMBERS APOLOGIES:-

Cr Kate Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Update on Strategic Projects, including procurement information.

Discussion closed at 7.12 p.m.

**INFORMATION / BRIEFING SESSION
5:00 PM, TUESDAY, 1 APRIL 2025**

Ref: AF22/549

RECORD OF PROCEEDINGS
5:00 PM, TUESDAY, 1 APRIL 2025
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1. was not open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

- (b) *information the disclosure of which:*
- (i) *could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - (ii) *would, on balance, be contrary to the public interest.*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
- (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest.*

1. Operational Update - Music SA

MEMBERS PRESENT:-

STAFF PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Sonya Meziniec
Cr Max Bruins
Cr Jason Virgo
Cr Josh Lynagh
Cr Paul Jenner
Cr Mark Lovett

Chief Executive Officer
General Manager City Infrastructure
General Manager Corporate and Regulatory Services (virtual)
Manager Economy Strategy and Engagement
Strategic Development and Engagement Co-ordinator

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Cr Kate Amoroso

Nil

DISCUSSION:

- Update on Music SA work to date
- Opportunity arising as a result of the work

The session described at Item 2. was not open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

- (b) *information the disclosure of which:*
- (i) *could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - (ii) *would, on balance, be contrary to the public interest.*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
- (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest.*
- (j) *information the disclosure of which—*
- (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and*
 - (ii) *would, on balance, be contrary to the public interest;*

2. Confidential – Strategic Property Development

GUEST:-

Andrew Christiansen, Renewal SA
Matt Hunt, Chief Executive Officer, Office for Regional Housing

MEMBERS PRESENT:-

STAFF PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Sonya Meziniec
Cr Max Bruins
Cr Jason Virgo
Cr Josh Lynagh
Cr Paul Jenner
Cr Mark Lovett

Chief Executive Officer
General Manager City Infrastructure
General Manager Corporate and Regulatory Services (virtual)

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Cr Kate Amoroso

Nil

DISCUSSION:

- Presentation by Office of Regional Housing regarding housing opportunities in Mount Gambier

The session described at Item 3. was not open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
- (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
- (ii) *would, on balance, be contrary to the public interest.*

3. Operational Update - Unsolicited Proposal

MEMBERS PRESENT:-

STAFF PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Sonya Meziniec
Cr Max Bruins
Cr Jason Virgo
Cr Josh Lynagh
Cr Paul Jenner
Cr Mark Lovett

Chief Executive Officer
General Manager City Infrastructure
General Manager Corporate and Regulatory Services (virtual)
Manager Economy Strategy and Engagement
Manager Governance and Property
Strategic Development and Engagement Co-ordinator

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Cr Kate Amoroso

Nil

DISCUSSION:

Update on status of unsolicited proposal.

Discussion closed at 7.40 p.m.

**INFORMATION / BRIEFING SESSION
5:00 PM, TUESDAY, 8 APRIL 2025**

Ref: AF22/549

RECORD OF PROCEEDINGS
5:00 PM, TUESDAY, 8 APRIL 2025
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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The sessions described at Items 1 and 2 were open to the public.

1. Budget Workshop

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Sonya Meziniec
Cr Frank Morello
Cr Max Bruins
Cr Jason Virgo (virtual)
Cr Paul Jenner
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
General Manager People Place and Liveability
Manager Financial Services

MEMBERS APOLOGIES:-

Cr Kate Amoroso
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Discussion on Draft Capital Budget 2025/2026

2. Briefing with ac.care

GUESTS:-

Jason Wallace, Community Engagement Manager, ac.care
Trish Spark, Senior Manager Homelessness and Community Services, ac.care

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Sonya Meziniec
Cr Paul Jenner
Cr Jason Virgo (virtual)
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
General Manager People Place and Liveability

MEMBERS APOLOGIES:-

Cr Kate Amoroso
Cr Mark Lovett
Cr Max Bruins
Cr Frank Morello

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Briefing on Mount Gambier Community Centre.

Discussion closed at 6.57 p.m.

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 AUDIT AND RISK COMMITTEE

14.1 MINUTES OF AUDIT AND RISK COMMITTEE HELD ON 2 APRIL 2025

That having considered the recommendations of the Audit and Risk Committee in regard to the agenda items:

5.1 LEASE AND LICENCE UPDATE

5.2 POLICY UPDATE

5.3 QUARTERLY INTERNAL AUDIT UPDATE

5.4 INTERNAL FINANCIAL CONTROLS 2024-2025 SELF ASSESSMENT AND UPDATE FROM PREVIOUS SELF ASSESSMENT

5.5 ASSET ACCOUNTING POLICY

5.6 ESCOSA LOCAL GOVERNMENT ADVICE FEBRUARY 2025

5.7 EXTERNAL AUDIT MATTERS 2023/2024 UPDATE

5.8 AUDIT AND RISK COMMITTEE MEETING REPORT

RECOMMENDATION

Council receive and note the minutes of the Audit and Risk Committee meeting held on 2 April 2025.

[Audit and Risk Committee Minutes](#)

15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

15.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 25 MARCH 2025

That having considered the recommendations of the Chief Executive Officer Performance Review Committee in regard to the agenda items:

7.1 INDEPENDENT SPECIALIST SUPPORT SELECTION

RECOMMENDATION

Council receive and note the minutes of the Chief Executive Officer Performance Review Committee meeting held on 25 March 2025.

[Chief Executive Officer Performance Review Committee Minutes](#)

16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

16.1 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE HELD ON 03/04/2025

That having considered the recommendations of the Junior Sports Assistance Fund Committee in regard to the agenda items:



- 5.1 STATEMENT OF REVENUE AND EXPENSES – 01/07/2024 TO 28/02/2025**
- 5.2 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND – 01/07/2024 TO 28/02/2025**
- 5.3 RESIGNATION OF BLUE LAKE Y SWIM CLUB FROM THE JUNIOR SPORTS ASSISTANCE FUND**
- 5.4 COACHING CLINIC PROGRAM – APPLICATIONS RECEIVED**

RECOMMENDATION

Council receive and note the minutes of the Junior Sports Assistance Fund Committee meeting held on 3 April 2025.

[Junior Sports Assistance Fund Committee Minutes](#)

17 BUILDING FIRE SAFETY COMMITTEE

Nil

18 COUNCIL REPORTS

18.1 GRANTS AND SPONSORSHIP PROGRAM 2024/2025 - ROUND 2

Author: Biddie Shearing, Manager Economy, Strategy and Engagement

Authoriser: Chris White, General Manager People, Place and Liveability

RECOMMENDATION

1. That Council report titled 'Grants and Sponsorship Program 2024/2025 - Round 2' as presented on Tuesday 15 April 2025 be noted.
2. That \$57,453 cash plus \$10,462 in kind be endorsed for distribution for Round Two of the 2024/2025 Grants and Sponsorship program.

PURPOSE

The Grants and Sponsorships program assists eligible groups and individuals with funds and in-kind support to host community events, upgrade infrastructure or facilitate art projects to meet community needs and improve quality of life in accordance with the Strategic Plan.

Round Two of the program for FY2024/25 consists of the following streams:

- Minor Events Grant
- Major Events Grant
- Corporate Sponsorship
- Minor Community Strengthening Grant
- Major Community Strengthening Grant

SUMMARY OF IMPLICATIONS AND BENEFITS

Implications

- Unsuccessful applications in Round Two may be at risk of not being delivered without council funding or in-kind support.



Benefits

- The program ensures funding is administered in a responsible, just, transparent and equitable manner to all groups and individuals in the community
- The program assists eligible groups and individuals with funds to host community events and projects, upgrade infrastructure or facilitate art projects all of which strive to improve quality of life and meet community needs.
- Provides a strategic and holistic approach to funding allocations
- Provides accountability and transparency should council be required to audit funding allocations and the process to do so.

BACKGROUND / OPTIONS

Round Two of the 2024/2025 City of Mount Gambier Grants and Sponsorship program opened on Friday 7 February 2025 and closed on Friday 7 March 2025.

The Grants and Sponsorship assessment panel met on 12 March and 19 March 2025 to assess the applications.

The assessment panel consisted of:

- Councillor Josh Lynagh
- Councillor Frank Morello
- General Manager People, Place and Liveability
- Manager Economy, Strategy and Engagement
- Manager Library and Community Development
- Manager Riddoch Arts and Cultural Centre
- Manager Operations and Infrastructure

The Grants and Sponsorship program guidelines provide an overview of the criteria and information required to complete an application for review by Council's assessment panel, in addition to directions for the acquittal process following projects and events. The program guidelines can be viewed [here](#).

Applications were assessed using a structured evaluation matrix, which generated a ranking based on how well each application met the predetermined criteria. Key factors considered included economic impact of the event, local suppliers being utilised therefore supporting and building capacity for broader economic benefits as well as its long-term sustainability to ensure lasting benefits for the community.

The following assessment was made for each funding stream within Round Two for the 2024/2025 Grants and Sponsorship program.

With two rounds of assessment completed, there are applications that do not entirely meet set criteria to support their proposed initiatives, project or event. An example is the way Council considers membership of certain organisation. It is therefore suggested that this perceived gap in the Grants and Sponsorships program be strongly considered as part of the strategic review of the program. There is an Elected Member briefing scheduled on 22 April 2025 to discuss the strategic review.

Minor Events Grant

Funds provided to community organisations to support the delivery of community events with demonstrated benefit to Mount Gambier.

- Up to \$2,000
- Two rounds each financial year



At the close of applications, Council received ten submissions for the second 2024/2025 round of funding.

MINOR EVENTS GRANT						
Applicant	Project/Event	Requested		Allocated		Outcome
		Cash	In-Kind	Cash	In-Kind	
South East Radio Group	Australian 'Fox Hunting' Championship and Convention	\$500		\$500		Successful
Mount Gambier RSL & District Bowling Club	Men's 2 Day Fours	\$500		\$500		Successful
Rotary Club of Mount Gambier Lakes	Science & Engineering Challenge	\$2,000		\$2,000		Successful
Thumb Print Workshop Inc.	Silk Screen Printing with Simone Tippet	\$1,000		\$1,000		Successful
South East Street Machines	Show n Shine	\$500	\$278	\$500	\$278	Successful
Australian Garden History Society	2025 Annual National Convention	\$2,000		\$2,000		Successful
Mount Gambier Community RSL	Remembrance Day	\$1,265		\$1,265		Successful
Limestone Coast Symphony Orchestra	2025 Gala Concert	\$2,000		\$2,000		Successful
Mount Gambier 8ball Association	State 8ball Carnival	\$2,000		\$2,000		Successful
Gravity Enduro South Australia	GESA Round Two	\$1,688	\$312	\$1,688	\$312	Successful

Major Events Grant

Funds provided to major/significant events held within the region to attract substantial economic benefit and visitation to Mount Gambier.

- \$2,001 to \$15,000
- Two rounds each financial year



At the close of application, Council received four submissions for the second 2024/2025 round of funding.

MAJOR EVENTS GRANT						
Applicant	Project/Event	Requested		Allocated		Outcome
		Cash	In-Kind	Cash	In-Kind	
Mount Gambier & District Pony Club	2025 Mount Gambier Horse Trials	\$5,000		\$5,000		Successful
South Eastern National Dancing Association	Southern State Championship	\$3,000		\$1,500	\$1,500	Successful
Tower Trail Run	Tower Trail Run	\$7,500	\$200	\$7,500	\$200	Successful
Two Lines Fertility & Women's Health at Hawkins	Your Women's Health Expo	\$10,070		\$4,000	\$1,120	Successful

Corporate Sponsorship

Funds for large scale signature events or programs that have the potential to be regionally, nationally or internationally significant which provide substantial visitation, media coverage, profiling opportunities and positive economic impact for Mount Gambier.

- Over \$15,000
- Two rounds each financial year

At the close of application, Council received two submissions for the second 2024/2025 round of funding.

CORPORATE SPONSORSHIP						
Applicant	Project/Event	Requested		Allocated		Outcome
		Cash	In-Kind	Cash	In-Kind	
Mount Gambier Chamber of Commerce	Hour of Power	\$15,000		\$0		Unsuccessful
Adelaide Guitar Festival	AGF Mount Gambier	\$25,000	\$7,052	\$25,000	\$7,052	Successful

Minor Community Strengthening Grant

Funds for community projects that support community quality of life, increase the usage of community facilities and/or encourage people to participate in community services and activities.

- Up to \$1,500
- Two rounds each financial year



At the close of application, Council received two submissions for the second 2024/2025 round of funding.

MINOR COMMUNITY STRENGTHENING GRANTS						
Applicant	Project/Event	Requested		Allocated		Outcome
		Cash	In-Kind	Cash	In-Kind	
South East Arts Society	2025 Open Arts Awards	\$1,500		\$1,000		Successful
Whacky Mac Entertainment	Whacky Mac Entertainment	\$1,500		\$0		Unsuccessful

Major Community Strengthening Grant

Funds for community projects that support community quality of life, increase the usage of community facilities and/or encourage people to participate in community services and activities.

- \$1,501 to \$10,000
- Two rounds each financial year

At the close of application, Council received one submission for the second 2024/2025 round of funding.

MAJOR COMMUNITY STRENGTHENING GRANTS						
Applicant	Project/Event	Requested		Allocated		Outcome
		Cash	In-Kind	Cash	In-Kind	
Youth Opportunities	Power Up Program	\$10,000		\$0		Unsuccessful

DETAILED IMPLICATIONS

Legal	<p>Successful applicants are required to obtain all necessary land use, landholder and development approvals and complete works in accordance with relevant legislative and compliance standards.</p> <p>Applicants must sign an Acceptance of Grant Conditions agreement, with terms set out by Council, prior to commencing project/event.</p>
Financial and Budget	<p>Council endorsed an amount of \$429,963 cash plus \$69,621 in-kind for Round One of the 2024/2025 Grants and Sponsorship program, including Quick Response grant and Venue Sponsorship allocations (as at 20 March 2025).</p> <p>The assessment panel recommends an allocation of \$57,453 plus \$10,462 in-kind contributions for Round Two of the 2024/2025 Grants and Sponsorship program, which is within the Annual Budget.</p> <p>Therefore, from a total annual budget of \$509,427 cash and \$139,997 in kind, \$22,011 cash and \$59,914 in-kind remains in the 2024/2025 annual budget for quick response grant and venue sponsorship applications.</p>



		Cash available \$509,427	total	In-kind available \$139,997	total
	Allocation to date, including Round One, Quick Response and Venue Sponsorship (as at 20 March 2025).	\$429,963		\$69,621	
	BALANCE PRIOR to ROUND TWO	\$79,464		\$70,376	
	Recommended allocation for Round Two*	\$57,453		\$10,462	
	BALANCE POST ROUND TWO (as of 20 March 2025)	\$22,011		\$59,914	
	<i>*Consideration has been given to potential applications under the Quick Response and Venue Sponsorship which can be distributed up to 30 June 2025.</i>				
Other Resources	No additional financial impact as the Council allocated Grants and Sponsorship Program is part of ongoing service delivery and within allocated budget annually.				

RISK ANALYSIS

During the assessment panel evaluation, each application was assessed for its individual risk profile and placed into the Round Two evaluation matrix.

Consequence	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance	Minor (2)	Possible (3)	Moderate	Applicants must sign an Acceptance of Grant Conditions agreement, with terms set out by Council, prior to commencing project/event. 50% paid up front and remaining amount paid on acquittal.
Reputation	Moderate (3)	Possible (3)	Moderate	Assessment panel and evaluation matrix aligned with predetermined criteria.
Legal / Regulatory / Policy	Minor (2)	Possible (3)	Moderate	Assessment panel and evaluation matrix aligned with predetermined criteria.
Service Delivery	Minor (2)	Possible (3)	Moderate	Applicants must sign an Acceptance of Grant Conditions agreement, with terms set out by Council, prior to commencing project/event. 50% paid up front and remaining amount paid on acquittal.
People	Insignificant (1)	Unlikely (2)	Low	Ongoing and regular contact between applicants and key council personnel. Feedback collated to review process and refine.
Infrastructure	Insignificant (1)	Unlikely (2)	Low	Ongoing and regular contact between applicants and key council personnel. Feedback collated to review process and refine.



Environmental	Insignificant (1)	Unlikely (2)	Low	Ongoing and regular contact between applicants and key council personnel. Feedback collated to review process and refine.
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APPLICATION OF STRATEGIC PLAN

Goal 1 Our People

- 1.1 Community based organisations and networks - Our community groups and network develop and grow to achieve their aspirations.
 - 1.1.1 Fostering and supporting community-based organisations [Service Provider (Part Funder)].
- 1.2 Community growth - We foster a sense of community by encouraging and supporting participation in community life.
 - 1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow [Partnership].
- 1.3 Sense of community - The community grows in real terms at a rate that helps sustain and grow the services available within the City and for the region.
 - 1.3.1 Supporting community events and programs that bring people together, encourage interaction and promote a sense of community [Service Provider (Part Funder)].
- 1.4.6 Providing grant programs that assist the community in delivering services and projects that align with its aspirations [Service Provider (Indirect)].

Goal 2 Our Location

- 2.4.1 Seeking to hold at least six regional standard community or sporting events in the new Community and Recreation Hub annually [Service Provider (Part Funder), Partnership].
- 2.4.2 Continuing to hold six regional standard sporting events (or higher) at our outdoor facilities [Service Provider (Part Funder), Partnership].

Goal 4 Our Climate, Natural Resources, Arts, Culture and Heritage

- 4.4.4 Providing services, programs and facilities for the community to participate in a broad range of arts and cultural activities [Service Provider (Direct) and (Indirect) and Partnership].

RELEVANT COUNCIL POLICY

[Grants and Sponsorship](#)

IMPLEMENTATION AND NEXT STEPS

Following endorsement applicants will be notified in writing of Council's decision, each successful applicant will be required to complete their project/event and acquit the funds within two months of project/event completion.

A strategic review of the 2024/25 Grants and Sponsorships Program is scheduled for 22 April 2025.

CONCLUSION

Council received 19 applications for events and/or projects across nine streams of available funding for Round Two of the 2024/2025 Grants and Sponsorships Program.

All applications were assessed across two assessment panel meetings.

16 applications were determined to be successful by the Assessment Panel.



This report seeks Council's endorsement for the distribution of \$57,453 cash plus \$10,462 in-kind contributions for Round Two of the 2024/2025 Grants and Sponsorship program as recommended by the 2024/2025 Grants and Sponsorship assessment panel and within existing budget allocation.

ATTACHMENTS

Nil



18.2 COMMUNITY RENEWABLES PROGRAM

Author: Aaron Izzard, Environmental Sustainability Business Partner
Authoriser: Barbara Cernovskis, General Manager City Infrastructure

RECOMMENDATION

1. That Council report titled 'Community Renewables Program' as presented on Tuesday 15 April 2025 be noted.
2. That Council approve participation in the Community Renewables Program provided by ShineHub for a period of three years.
3. That the CEO, or delegate, be authorised to negotiate and approve the Community Solar Program Agreement with ShineHub.

PURPOSE

The purpose of this report is to recommend participation in the Community Renewables Program run by ShineHub.

BACKGROUND / OPTIONS

A Notice of Motion was put to the April 2024 Council meeting asking that the Community Renewables Program be investigated. A subsequent report was submitted to the October 2024 Council meeting. Members briefings on the topic were held in September 2024 and March 2025. Numerous memos have also been sent to members regarding the program.

At the 15 October 2024 Council meeting the following resolution was passed:

"That Council staff make initial contact with ShineHub, to ascertain how such a program may work in Mount Gambier."

The Community Renewables Program is a bulk buy program for solar power systems and batteries. Cost per system are reduced due to the higher volume of customers at one time. ShineHub only provide good quality systems that have been proven by the market. As part of the program there is no upfront cost to residents. Systems are paid for from the savings made on the household electricity bill. A video explaining how the program works can be found on ShineHub's youtube account: https://www.youtube.com/watch?v=f89kb_39aLl. The Community Renewables Program enables households to save money whilst reducing carbon emissions.

The program does not require any cash input from Council. Council's involvement includes lending its trusted brand to the program and assisting with facilitating community meetings about the initiative.

Council can sign up to a Virtual Power Plant (VPP) agreement, where it can earn revenue from ShineHub electricity sales to offset Council costs associated with promoting the program, and administering the contract. Approximately 250 residential solar systems would equate to \$10,000-\$20,000 revenue p.a. for Council.

ShineHub run 3 yearly consecutive council programs (1 per year) as a minimum. They require at least a two month lead-in time to implement and could launch a program in Mount Gambier July/August this year.

For each council program ShineHub generally anticipate 80-120 residents signing up per year. This is why they require 3 programs (1 per year for 3 years) to ensure that over the course of time they hit at least the minimum MW target for the VPP revenue share. There are council programs that have achieved over 150+ per program. ShineHub advise that it is contingent on the support they receive from the council to promote the program and get the message out into the community.

IMPLICATIONS TO CONSIDER

Legal	To participate in the program Council must enter into an Agreement with ShineHub.
Financial and Budget	Council is expected to earn some revenue from the VPP element of the program to offset marketing and administration costs.
Community Consultation and Engagement	As part of the Agreement Council is required to promote the program and host information sessions.
Other Resources	Some staff time would be required to promote the program and administer the Agreement.

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Revenue from the VPP program does not materialise	Minor (2)	Possible (3)	Low	Promote the program as much as practicable.
Reputation - The program does not deliver on expectations	Moderate (3)	Unlikely (2)	Low	ShineHub are working with multiple councils without issue.
Legal / Regulatory / Policy - ShineHub do not adhere to the Agreement	Minor (2)	Unlikely (2)	Low	ShineHub are working with multiple councils without issue.
Service Delivery - The program does not deliver on expectations	Moderate (3)	Unlikely (2)	Low	ShineHub are working with multiple councils without issue.
People - Staff not available to assist with promotion	Moderate (3)	Unlikely (2)	Low	Promotional activities can fit into current workloads.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 1: Environment and Liveability

1.7 Demonstrate leadership in sustainability through resource efficiency, adapting to climate change and supporting the community in these efforts.

Priority 4: Economic and Business Growth

4.1 Implement process efficiencies that support small, medium and large-scale businesses to open and thrive in our city.



- 4.2 Collaborate with local businesses, ensuring their sustainability and contribution to Mount Gambier's communities and brand.

This report contributes to delivery of the following key strategic project(s):

Priority 6: Excellence in Leadership and Governance

Develop and implement commercialisation principles and practices that guide the organisation's decision making to diversify revenue streams.

RELEVANT COUNCIL POLICY

N/A

IMPLEMENTATION AND NEXT STEPS

If Council resolve to participate in the Community Renewables Program then it will need to sign the Community Solar Program Agreement with ShineHub. It is recommended that the CEO, or delegate, be authorised to negotiate and approve the Agreement.

Following the signing of the Agreement Council will be required to promote the program to the local community, and host community promotional events.

CONCLUSION

The Community Renewables Program will enable local residents to access good quality solar systems and batteries for a reduced price. This will enable them to save money on their energy bills, whilst reducing their impact on the environment.

The program does not require any cash outlay from Council to ShineHub.

ATTACHMENTS

Nil



18.3 SUBMISSION - SELECT COMMITTEE ON SHORT STAY ACCOMMODATION SECTOR

Author: Biddie Shearing, Manager Economy, Strategy and Engagement
Authoriser: Chris White, General Manager People Place and Liveability

RECOMMENDATION

1. That Council report titled 'Submission - Select Committee on Short Stay Accommodation Sector' as presented on Tuesday 15 April 2025 be noted.
2. That Council authorise administration to provide the submission for the consideration of the Select Committee of the Legislative Council for the short stay accommodation sector by Friday 2 May 2025.
3. That Council authorises the Chief Executive Officer to make any small amendments that may arise that can strengthen the submission for Mount Gambier.

PURPOSE

Seek Council endorsement for the attached submission on behalf of the City of Mount Gambier to the Select Committee to the Legislative Council's inquiry on the short stay accommodation sector in South Australia.

BACKGROUND / OPTIONS

A Select Committee of the Legislative Council has been established to inquire and report on the short stay accommodation sector in South Australia, with particular reference to:

- a) The role of short stay accommodation in contributing to the rental affordability crisis;
- b) The social and economic impacts of short stay accommodation on South Australian communities;
- c) The potential to regulate the short stay accommodation sector;
- d) The effectiveness of regulatory models adopted in other jurisdictions, both nationally and overseas;
- e) Potential taxes or levies that could be applied to short stay accommodation and long-term vacant residential property;
- f) Incentives that could be provided to homeowners to transition properties listed on short stay accommodation platforms onto the long-term rental market;
- g) Other strategies that could be adopted to activate residential property that is vacant long term; and
- h) Any other related matters.

The City of Mount Gambier Affordable Housing Plan, adopted in July 2024 outlines 4 key areas for influencing housing outcomes through 24 Actions, noting a specific action relating to the short stay sector as follows:

Advocate to State and Federal Governments to establish effective regulations for short-term rentals to promote long term rental accommodation while providing choice for property owners.

Through the implementation the Local Affordable Housing Plan along with work across the visitor economy, monitoring of the short-stay accommodation sector has been occurring. Available data (at the time of this report) has been used to provide context for the submission.

The submission also recognises the broader work that has occurred across Council.



CONCLUSION

Council administration has drafted the attached submission for Council consideration, noting the submissions close on Friday 2 May 2025.

The housing sector is a highly interconnected ecosystem with many stakeholders local and nationally and therefore new valuable data may present prior to the submission due date, therefore this report recommends the authorisation of the Chief Executive Officer to provide any small amendments that may arise that can strengthen the submission.

ATTACHMENTS

1. Submission to Select Committee on Short Stay Accommodation Sector [18.3.1 - 4 pages]





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Submission: Select Committee on Short Stay Accommodation Sector

City of Mount Gambier welcomes the opportunity to provide a submission to the Select Committee on Short Stay Accommodation Sector in South Australia.

As the South Australia's regional capital, Mount Gambier is home to 28,000 people but central to the lives of 135,000 people from the Limestone Coast and southwest Victoria who access the city for services, employment, education, entertainment, sport and recreation.

Mount Gambier is an economic hub with an annual economy of \$6.8 billion. In addition to its strong economic foundation, the city attracts thousands of tourists each year.

In 2024, the Limestone Coast welcomed an average of 807,000 visitors, with Mount Gambier attracting 38% of this figure totalling 289,940pa staying an average stay of 4.3 nights.

Like many communities, we are challenged with the demand for affordable housing. Council is embarking on a series of initiatives to better understand the landscape and the nuances of Mount Gambier's needs in a broader ecosystem of housing.

- **Mount Gambier Affordable Housing Plan**

The [Mount Gambier Affordable Housing Plan](#), endorsed in July 2024, represents a step forward in collective efforts to address the need for affordable housing for the Mount Gambier community. The plan identifies three primary issues that our residents face: a shortage of affordable housing options, the suitability of housing for diverse needs, and the financial strain caused by escalating housing costs. This plan provides a strategic approach to improving housing conditions for the long-term benefit of the Mount Gambier community.

- **Mount Gambier Housing Alliance**

To support efforts to address housing availability and affordability, the Mount Gambier Housing Alliance has been formed, bringing together a broad range of stakeholders—from community services and real estate to developers and housing experts. Through collaboration and data-driven decision-making, the Alliance will aim to ensure that Mount Gambier can meet the diverse housing needs of its residents, while maintaining the liveability and economic strength of the region.

- **Rate Rebate Policy**

City of Mount Gambier's [Rate Rebate Policy](#) is an important measure designed to support affordable housing within the community. This policy provides a 75% rebate on rates for land predominantly used for service delivery or administration by community service organisations. This includes emergency accommodation and supported accommodation, ensuring that important services remain accessible to those in need.

- **Rating Review**

As part of Council's rating review, a number of key themes are being considered, one of which is short stay accommodation. This process is currently underway which will be informed by data and may require a review of policy settings.

While affordable housing remains a key priority for the city, Mount Gambier also recognises the importance of the short stay accommodation sector for tourism and economic growth. The challenge is to create a balance





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that allows for the continued growth of both the tourism sector and the availability of housing for the local community.

The role of short stay accommodation in contributing to the rental affordability crisis.

Short stay accommodation, more specifically properties with three or more bedrooms, play a role in addressing the needs of certain market segments that may otherwise be underserved. Hotels and motels have limitations, especially when it comes to larger groups or families with more than four members. For example, a family of five may struggle to find suitable accommodation in typical hotel or motel configurations. Short stay offerings, however, provide a more flexible and spacious alternative, accommodating families or groups with the ability to stay connected in larger spaces.

Having a range of offerings, attracts particular market segments, including the high-yield traveller, to a destination and offers them facilities that are in line with their needs and expectations.

While short-term accommodation can offer valuable options for travellers and contribute positively to the local economy, its impact on the rental market, particularly in terms of availability and affordability, requires strategic management and regulation to maintain balance.

The social and economic impacts of short stay accommodation on South Australian communities.

The visitor economy has become an important contributor to the South Australian economy, particularly in regions such as Mount Gambier and its role as a cross-border destination, noting the high level of interstate visitors. In the 2023/2024 financial year, Mount Gambier's visitor economy was significantly driven by interstate visitors, with 61% of the economy coming from outside the state. 39% of this figure was attributed to Victorian visitors, demonstrating the region's strategic location near the border and its growing appeal to interstate tourists. This has fostered an economic landscape, generating employment, driving infrastructure investment, and creating substantial revenue streams for local businesses while building local pride.

However, there are also negative social and economic impacts, particularly related to housing. The rise of short stay accommodation can reduce the availability of long-term rental housing, driving up prices and contributing to housing shortages. This can make it more difficult for local residents, especially essential workers and families, to access affordable homes. Mount Gambier is currently in a support role to address through the Office for Regional Housing and notes the work of the South Australian Housing Trust to specifically address this gap.

Mount Gambier has a relatively low number of active short stay listings, with only a known 133 Airbnb listings compared to similar-sized cities like Warrnambool, which has 334 listings. More sophistication around available data would assist in informing this status if available.

The potential to regulate the short stay accommodation sector

In order to effectively regulate the short-stay accommodation sector, gaps in the current system need to be addressed, which relies on the submission of 'change of use' permits to local councils. Currently, while 54 applications for short stay accommodation facilities are on record with the Council, there are 133 known AirBnB listings. Noting, that residents can offer their primary place of residence for short stay accommodation without requiring council approval when they are away, which bypasses regulatory oversight. The only requirement for council approval arises when a property is not the owner's primary residence, such as with investment properties.

Consideration must be given to how any regulations will be monitored and administered. It is important to acknowledge that effective enforcement will require significant administrative resources, and there is a risk





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that local councils may acquire this responsibility without the necessary support. Any proposed regulatory framework should include clear provisions for the resourcing and capacity needed to ensure effective implementation and oversight.

The effectiveness of regulatory models adopted in other jurisdictions, both nationally and overseas

Currently evidence of impact and effectiveness of regulatory impacts are scarce, partial and limited to larger international cities.

The recently launched Airbnb City Portal is supporting Councils to access specific data that could provide insights into potential regulatory models for consideration. Noting that Airbnb is only one platform providing a tool for short stay accommodation providers which is estimated at representing 40% of the sector worldwide. A holistic data source could be valuable in establishing a regulatory framework.

Other strategies that could be adopted to activate a residential property that is vacant long term

While Council recognises the complexity of overall housing demand and needs to retain and attract economic activity balanced with affordability, Council also acknowledges the need for a collaborative solution. This could include combining resources, expertise and support to bring about meaningful long term solutions.

Any other related matters.

- **Diversifying housing options**

In 2021, 32% of Mount Gambier's households consisted of lone individuals (5% higher than the South Australian average) and 68% of households had one or two people. Meanwhile, 22% of dwellings were two-bedroom or smaller, and 50.9% were three-bedroom homes. Developing more one- and two-bedroom dwellings could better meet the needs of smaller households, freeing up larger homes for long-term rental use. This would not only help ease the pressure on affordable housing for smaller households but also provide more larger properties suitable for short-stay accommodation, which typically caters to families or larger groups. This diversification of housing stock could reduce competition between long-term residents and short stay travellers for larger homes, ultimately improving rental affordability and availability.

- **Investment market**

The recent increases in land tax in Victoria has impacted pricing and accessibility for housing in Mount Gambier and South Australia. Investment property owners are leaning towards investment properties in South Australia to avoid increased taxes and to improve bottom line on investments. Anecdotally, local real estate agents share the common story of Victorian investors purchasing houses sight unseen, which is driving the market prices higher and increasing rental prices.

- **Residential to Business Operations**

Council's observations also include a number of inner city dwellings that have converted from residential to small scale business e.g. Financial consultancy medical, beauty and housing developers and real estate.

- **Access to current and accurate data**

To support this work, it is important that data aligns with the pace of the market, ensuring access to current and accurate information that can inform short and mid-term strategies. The AirBnB City





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Portal, which provides valuable insights into local travel trends and offers tools to help develop and enforce short-term rental regulations, provides support addressing this issue.

In submitting this response, Mount Gambier hopes to contribute to a broader discussion about sustainable development that addresses both the accommodation needs of visitors and the pressing demand for affordable housing in our Regional Capital. We look forward to contributing to the ongoing conversations that will shape the future of short stay accommodation in South Australia.



18.4 PROVISION OF INFRASTRUCTURE - SEWER AND WATER FOR DEVELOPMENTS

Author: Tracy Tzioutziouklaris, Manager Development Services
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Provision of Infrastructure - Sewer and Water for developments' as presented on Tuesday 15 April 2025 be noted.
2. Council write to the Premier of South Australia, the Minister for Climate, Environment and Water, the Minister for Housing Infrastructure, the Minister for Housing and Urban Development, the Minister for Infrastructure and Transport, the Minister for Local Government, the Minister for Planning, the Minister for Primary Industries and Regional Development, the Minister Workforce and Population Strategy, the Member for Mount Gambier and the Shadow Minister for Transport and Infrastructure, Regional Roads and Government Accountability, with the following topics:
 - (a) Council welcomes the development and release by the State Government of the draft Limestone Coast Regional Plan, amongst the suite of regional plans for South Australia. In particular, Council acknowledges the projected areas of expected population, housing and employment growth.
 - (b) Council also highlights and supports the recognition of the need to evaluate the most effective and fit for purpose infrastructure mechanism for projects.
 - (c) The draft Limestone Coast Regional Plan identifies opportunities for growth and the number of additional houses required to accommodate the projected population increase.
 - (d) Throughout the development of the draft Limestone Coast Regional Plan, Council has identified:
 - (i) Opportunities for medium to higher density infill development.
 - (ii) Opportunities for greenfield development.
 - (iii) Concerns the existing water and sewer networks are not able to accommodate current developments.
 - (iv) Concerns regarding the capacity of the existing water and sewer networks to accommodate for future growth.
 - (v) The need for SA Water to actively engage in the regional planning process.
 - (e) Council is aware there has been an analysis of the water and sewer network for the City of Mount Gambier. Council has not been provided with access to this information and is unable to consider this when identifying future growth opportunities for the City.
 - (f) Council wishes to provide meaningful comments and input into the Limestone Coast Regional Plan, including the identification of future greenfield growth developments and opportunities for medium to high density infill developments, to provide a level of certainty for developers.

- (g) Council is seeking clarification of the following:
 - (i) The input and participation of infrastructure providers in the Regional Planning process.
 - (ii) The status of the existing water and sewer infrastructure with the City of Mount Gambier and the potential areas of concerns so appropriate consideration can be given to the identification of future growth opportunities within the Regional Plan.
 - (iii) Whether the State Government has an asset management plan which identifies the cost of maintaining the existing water and sewer system, and the investment required to facilitate the projected growth.
 - (iv) If there are alternative infrastructure schemes proposed to accommodate the projects growth scenarios for the region as well as the City of Mount Gambier as proposed in the Regional Plan.

PURPOSE

The purpose of this report is to provide Members with additional information and background in relation to the provision of infrastructure, namely sewer and water to developments within the City of Mount Gambier.

This report is in response to industry feedback and is timely when considering the recent release of the draft Limestone Coast Regional Plan (The Plan) for community consultation and engagement.

BACKGROUND / OPTIONS

Previous feedback provided on the Plan

Council by letter from the Chief Executive Officer dated 12 November 2024 has previously provided the following feedback and advice to the Department for Housing and Urban Development - Plan SA as the part of the development of The Plan:

“Water security and the adequate management of waste water is paramount, especially given the

Limestone Coast’s, and in particular Mount Gambier’s dependence on reliable SA Water infrastructure. It is vital that any development be underpinned by robust water and waste water provisions to sustain both residential growth and industrial activity. We recommend that the plan include specific strategies to ensure that water and waste water infrastructure is capable of supporting the region’s projected growth.”

“Council wishes to raise the issue of potential pollution occurring to the underground aquifer through the increasing need for the installation of onsite waste water systems and the proliferation of these systems within specific localities as SA Water infrastructure is unavailable.”

When the process first commenced to develop the Plan it was identified as playing a significant role in identifying land and long term infrastructure needs to support sustainable growth within the region.

“It will highlight how these important changes can be accommodated over a 15 to 30 year period, by investigating and guiding:

- *Where houses and employment land will go*
- *How housing and population will be serviced*
- *What infrastructure is needed and how it will be provided; and*
- *Different growth scenarios.”*

Council, in a letter to Planning and Land Use Services (PLUS) dated 3 May 2023 articulated:

“Council in particular wishes to highlight the need for SA Water to provide information on the capacity of the sewerage system and the future growth capacity and location of the sewer infrastructure. Council is experiencing a demand for onsite waste water infrastructure as the SA Water sewer is not available or is economically unviable. This directly influences the development potential of land and density of development able to be achieved.”

Key details of the Plan

The Plan has been released for community consultation and has identified:

- The population will increase to about 86,500 people by 2051, an increase of about 18,000 people.
- More than 8,500 new homes will be needed.
- 57% of that growth is projected for Mount Gambier.

The Plan also contains information regarding the delivery of infrastructure and includes the following long term strategic objectives:

- Evaluate the most effective and fit for purpose infrastructure mechanism for projects such as deeds, infrastructure schemes and fixed charges.
- Provide transparency of infrastructure costs associated with various housing options and critically analyse the cost benefits prior to land release or rezoning.
- Develop models where infrastructure and services can be delivered by third parties to expedite projects while maintaining appropriate quality control, engineering and other standards for construction and maintenance.
- Structure planning of future growth areas is used to identify infrastructure costs and inform infrastructure charges, including the initiation of infrastructure schemes.

It is widely recognised, including in the regional plan, that the delivery of essential infrastructure such as sewer and water in greenfield sites is paid for through the development process. The cost of the infrastructure is reflected in the pricing of the allotments.

The key point to highlight, in respect to projected development opportunities, is *“but only where capacity remains in existing networks”*.

Development Barriers

For the last couple of years, Council has been receiving contact from developers raising concerns in respect to the capacity of the existing water and sewer networks and the length of time taken for SA Water to provide advice. This is directly impacting their ability to embark on any developments.

This is being experienced with current land divisions, let alone realising future growth areas, including infill development with higher densities.



Some comments in respect to current land divisions are as follows:

- Current approved stages are able to be completed.
- Future stages are uncertain with additional capacity assessments required to be undertaken
- Timeframes are uncertain with developers experiencing significant time delays due to system capacity assessments.
- The upfront costs to provide detailed design plans to enable capacity assessments is significant.
- Developers are required to install expensive infrastructure including pump stations.
- Developers are being requested to upgrade existing infrastructure or install infrastructure off the development site to enable developments to occur.

Developers are also actively seeking new parcels of land for future developments but are not proceeding due to the inability to obtain advice as to whether infrastructure such as water and sewer will be able to be provided at an economic and viable cost.

A summary of some current major land divisions within the City of Mount Gambier with future allotments subject to a system capacity assessment is as follows:

	Total allotments	Allotments Developed	Future allotments
Land Division 1	294	194	100
Land Division 2	55	11	44
Land Division 3	58	0	58
Land Division 4	80	20	60
Land Division 5	298	76	222
Totals	785	301	484

On site waste water disposal systems - impact on water supply quality

Council is experiencing a number of developments for land divisions where the allotment sizes have been increased to accommodate on site waste water systems in lieu of connecting to the SA Water sewer system. This solution is at variance to the policies for land division within the Planning and Design Code for the Suburban Neighbourhood Zone and raises concerns for the potential for contamination to the underground aquifer.

The City of Mount Gambier is located primarily with the Blue Catchment Zone 1, with the growth areas of the City continuing within Blue Lake Catchment Zone 2. Within these Catchment Zones the stormwater discharge result in the direct recharge of the aquifer and ultimately into the Blue Lake, which is the primary water supply for the city. It has previously been identified within the EPA Guidelines for stormwater management in Mount Gambier 2007 every effort should be made to minimise potential pollution to the underground aquifer. The topography within the region offers little surface drainage for stormwater, with stormwater being either directed to discharge bores or filters direct through the soil.

There are concerns pockets of onsite waste water systems within a small area may contribute towards pollution to the underground aquifer as stormwater combines with the effluent surface or sub surface irrigation trenches and eventually leaches down through the soil.



SA Water advice

Quarterly meetings between SA Water and Council have been scheduled and implemented which helps to improve the working relationship and understanding between the two organisations and also provides for improved ongoing communication.

Through these meetings Council has raised a number of questions in respect to the current and proposed future status of or plans for the water and sewer infrastructure for the City.

Council have been advised there has been an analysis of the SA Water and sewer network for the City of Mount Gambier with any problems identified with the infrastructure network to be managed on a case by case basis. Council has not been provided with any further information or indication as to where or what the problems may be.

Council is aware a proposed strategic plan is being developed for the ongoing future development of the water and sewer infrastructure systems for the City.

This has significant impacts on Council's ability to provide meaningful comments and input into the Plan, including identifying future greenfield growth developments and opportunities for medium to high density infill developments, whilst providing a level of certainty for developers. Higher density infill developments are connecting into old infrastructure which was never designed with the future anticipated higher density developments opportunities being considered today. This in turn impacts on future economic growth and development opportunities.

IMPLICATIONS TO CONSIDER

Legal	Impacts in respect to future development.
Financial and Budget	Restricts opportunities for future development.
Community Consultation and Engagement	Advocacy.
Other Resources	Administration time.

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance – Development unable to occur, no new allotments able to be created	Catastrophic (5)	Likely (4)	High	Council undertake advocacy and raise awareness where possible.
Reputation – External Agency from Council. Will reflect on Council as the relevant Local Government Authority	Major (4)	Likely (4)	High	Council undertake advocacy on behalf of the community.
Legal / Regulatory / Policy – Development Approvals unable to be acted upon	Moderate (3)	Likely (4)	Moderate	Council investigate alternative opportunities to



				fulfill legal obligations.
Service Delivery – Unable to facilitate development – impact to the community	Major (4)	Likely (4)	Moderate	Council investigate alternative opportunities to facilitate development.
People – The community and Council employees	Major (4)	Likely (4)	Moderate	Council undertake advocacy on behalf of the community.
Infrastructure – Identified capacity of existing and future infrastructure needs unable to meet demand	Major (4)	Almost Certain (5)	Extreme	Advocate for infrastructure planning as a priority for the City.
Environmental – Environmental impacts unable to be appropriately managed	Catastrophic (5)	Likely (4)	Extreme	Investigate and implement policies to minimise potential contamination to the water supply.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 3: Infrastructure and Services

- 3.8 Promote bold, diverse and purposeful development that meets the evolving needs of our community and city; enhancing our city's character and liveability through master planning, policy and development assessment.
- 3.10 Support increased residential growth, diversity of housing options and affordability through partnerships and advocacy.

This report contributes to delivery of the following key strategic project(s):

Priority 3: Infrastructure and Services

Support the Regional Plan for Limestone Coast by guiding city growth, development and amenity needs, while promoting diverse housing options.
Shape the urban form of our city through that application of strategic urban design and place making principles.

RELEVANT COUNCIL POLICY

[Land Divisions - L130](#)

IMPLEMENTATION AND NEXT STEPS

This report is to provide advocacy for the future development potential of the City of Mount Gambier.



CONCLUSION

The Plan identifies opportunities for growth and the number of additional houses required to accommodate the projected population increase.

Throughout the development of the Plan Council has identified:

- Opportunities for medium to higher density infill development.
- Opportunities for greenfield development.
- Concerns the existing water and sewer networks are not able to accommodate current developments.
- Concerns regarding the capacity of the existing water and sewer networks to accommodate for future growth.
- The need for SA Water to actively engage in the regional planning process.

Council Officers do not have access to information about SA Water capacity of the network and is unable to consider this when identifying future growth opportunities.

This has significant impacts on Council's ability to provide meaningful comments and input into the Limestone Coast Regional Plan, including identifying future greenfield growth developments and opportunities for medium to high density infill developments, whilst providing a level of certainty for developers. Higher density infill developments are connecting into old infrastructure which was never designed with future anticipated higher density developments opportunities being considered today. This in turn impacts on future economic growth and development opportunities.

ATTACHMENTS

Nil



18.5 COMMUNITY LAND REVOCATION AND SALE OF LAND - JUBILEE HIGHWAY WEST, SUTTONTOWN

Author: Brittany Shelton, Manager Governance and Property
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Community Land Revocation and Sale of Land - Jubilee Highway West, Suttontown' as presented on Tuesday 15 April 2025 be noted.
2. Hereby revokes the community land status over the land parcel described as Allotment 212, Deposited Plan 125742, Jubilee Highway West, Suttontown contained in Certificate of Title Volume 6250 Folio 283 (the subject land) in accordance with section 194(3)(b) of the Local Government Act 1999.
3. Hereby determines to dispense with the requirement to obtain an independent valuation of the subject land, noting market value is likely to be an inappropriate indication of the value of land, given its unique nature.
4. Authorise the Chief Executive Officer or their delegate to negotiate and enter into a formal agreement with Steeline Mount Gambier (the purchaser) for the transfer of land described as Allotment 212, Deposited Plan 125742, Jubilee Highway West, Suttontown contained in Certificate of Title Volume 6250 Folio 283 (the subject land), subject to the following conditions:
 - (a) The purchaser pay consideration in the sum of \$1,235.40 for the subject land.
 - (b) The purchaser to be responsible for all associated costs, in accordance with Council's Disposal of Land and Assets Policy.
 - (c) That the purchaser be required to retain the landscaping and vegetation screening, or other suitable alternative landscaping and vegetation screening, to ensure an audio and visual buffer for road users of Jubilee highway West is maintained.
 - (d) That the purchaser be required to amalgamate the subject land into the existing Certificates of Title for the adjoining land.
 - (e) That where necessary, Easements for relevant infrastructure be included in the transfer.

PURPOSE

To revoke the community land classification over the parcel of land described as Allotment 212, Deposited Plan 125742, Jubilee Highway West, Suttontown contained in Certificate of Title Volume 6250 Folio 283 in accordance with section 194 of the Local Government Act 1999 (LG Act) and enter into a private sale of land agreement with Steeline Mount Gambier in accordance with the Disposal of Land and Assets Policy.

BACKGROUND / OPTIONS

On 23 October 2024, Council received a request from Frank Brennan Consulting Services on behalf of Steeline Mount Gambier to revoke the community land classification over a parcel located at Allotment 212, Deposited Plan 125742, Jubilee Highway West, Suttontown in accordance with section 194 of the LG Act.



Steeline are the owners of the adjoining parcels located at Lots 209-211 Fraser Court, Suttontown. The community land (screening reserve) was originally put in place to prevent access to these parcels directly onto Jubilee Highway West, on the recommendation of the Department for Infrastructure and Transport (DIT).

Steeline sought approval from DIT for an exit-only driveway, requiring a right of access over the subject land, as part of a Development Application (DA 24020843). DIT provided 'in-principle' support for the proposal. In order to facilitate such development, the community land classification over the adjoining screening reserve would need to be revoked.

Due to the nature of the block (unusual shape and location) it is not a site which is utilised by the community (as is typically the case for community land) and therefore the impact to the community of revoking such classification is considered to be negligible. A Community Land Revocation Proposal Report detailing the proposal, was previously presented for Council's consideration. It is noted that this report deals with the community land revocation proposal only, and does not deal with matters relating to planning, business operations of Steeline at the site, or traffic impact of the development.

Community Land

Community Land as a concept was introduced with the LG Act "to create a system which protects the interests of the community in the land, for which the Councils are custodians, for current and future generations and builds community consensus about the future management and use of such land". Community land is land to be "retained and managed for the benefit of the community".

Council Land and Crown Land

Councils own land and are also the custodians of land. Councils as the owners and custodians of land may use that land consistently with the rights that attach to owning or being a custodian of land. The LG Act and the Crown Land Management Act 2009 (CLM Act) then place parameters or restrictions on those rights. Pursuant to section 193 of the LG Act any land which is owned by a Council or under a Council's care, control and management is taken to be classified as Community Land unless the Council resolved to exclude it within three (3) years after the commencement date of the Act.

The Community Land Revocation Proposal Report outlined the relevant considerations, process and any impediments to revoking the Community Land status of the identified parcel. The process is highly prescriptive and set out under section 194 of the LG Act, refer extract below.

194—Revocation of classification of land as community land

2. Before a council revokes the classification of land as community land—

a. the council must prepare and make publicly available a report on the proposal containing—

- i. a summary of the reasons for the proposal; and*
- ii. a statement of any dedication, reservation or trust to which the land is subject; and*
- iii. a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and*
- iv. an assessment of how implementation of the proposal would affect the area and the local community; and*
- v. if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and*

b. the council must follow the relevant steps set out in its public consultation policy.

3. After complying with the requirements of subsection (2), the council—

- a. must submit the proposal with a report on all submissions made on it as part of the public consultation process to the Minister; and*
- b. if the Minister approves the proposal—
may make a resolution revoking the classification of the land as community land.*

Expression of Interest (EOI) to Purchase

Council previously considered this item at the ordinary meeting of 19 November 2024 and determined to seek whether the Applicant was interested in submitting an EOI to purchase the parcel as part of the within process, given its unusual shape, size and nature, in an effort to minimise administrative and maintenance burden of retaining the parcel, and in circumstances where the parcel is of no strategic benefit to Council.

The administration put this to the Applicant and received an expression of interest to purchase the parcel, for the consideration amount of \$1,235.40 with the Applicant to bear all ancillary costs of transfer.

Council's [Disposal of Land and Assets Policy](#) sets out the requirements and process for disposal of property in accordance with section 49 of the LG Act. Council may dispose of land by negotiation with owners of land adjoining the land or others with a pre-existing interest in the land, or where the land is to be used by a purchaser whose purpose for the land is consistent with the Council's strategic objectives for the land, which may include:

- land that because of its small size, dimensions or irregular shape would not readily support a self-contained development outcome;
- land that has no legal access; or
- land to be developed by another sphere of government.

There are several factors which must be considered when disposing of Council owned / controlled land (where applicable):

- the usefulness of the land or asset;
- the current market value of the land or asset;
- the annual cost of maintenance;
- any alternative future use of the land or asset;
- any duplication of the land or asset or the service provided by the land or asset;
- any impact the disposal of the land or asset may have on the community;
- any cultural or historical significance of the land or asset;
- the positive and negative impacts the disposal of the land or asset may have on the operations of the Council;
- the long term plans and strategic direction of the Council;
- the remaining useful life, particularly of an asset;
- a benefit and risk analysis of the proposed disposal;
- the results of any community consultation process;
- any restrictions on the proposed disposal;
- the content of any community land management plan; and
- any other relevant policies of the Council.

In this instance, the following disposal conditions apply.

An independent valuation will not be required for a disposal where the current valuation as per Council's asset register is less than \$25,000. Due to the unique size and shape of the parcel, the value falls under the \$25,000 threshold required to obtain an independent valuation.

If the disposal is not to be on the open market, the disposal amount should have due regard to the value of the land (independent or estimation) and the recovery of associated costs necessary to achieve the transaction. Based on the area of the parcel (12 square meters), and the Valuer-General capital value of the two adjoining parcels owned by the Applicant, the below calculation provides some indication as to estimated value.

13-17 Fraser Court = CV \$650,000 / 5,877 sqm = \$110.60 per sqm
19-23 Fraser Court = CV \$590,000 / 6,186 sqm = \$95.30 per sqm
Community Land parcel (blended value) = \$102.95 x 12 sqm = \$1,235.40

The purchaser would be required to bear the costs of transfer, and given the unique shape of the parcel, Council determined it would include a condition requiring the parcel to be amalgamated into the existing titles.

The Council will seek to dispose of land by whichever method is likely to provide the Council with a maximum return at or near current market valuation, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing. In this instance, due to the unique nature of the block and negligible strategic value, it is unlikely there would be a potential purchasers interested outside of the Applicant (adjoining landowner), and taking into account the cost of an open market sale, direct negotiation is considered the most appropriate disposal approach. The valuation method utilised is based on an independent valuation process (Valuer-General) and is a reasonable approximation of market value.

Where land is classified as community land, the Council must:

- undertake public consultation in accordance with the Act and the Council's public consultation policy; and
- ensure that the process for the revocation of the classification of land as community land has been concluded prior to its disposal; and
- comply with all other requirements under the Act in respect of the disposal of community land.

These steps / requirements are already contemplated as part of the within process.

IMPLICATIONS TO CONSIDER

Legal	ss 193 – 207 of the Local Government Act 1999 (the Act) deal with the establishment, management and revocation of Community Land. Due to the nature of the interest Councils held in community land (somewhat fiduciary in nature, being held specifically for the benefit of the community) there are stringent requirements around how councils must manage such interests. The process to revoke a community land classification is prescriptive and robust, reflecting the nature of Council's responsibility.
Financial and Budget	N/A
Community Consultation and Engagement	The Community Land Revocation Proposal Report formed the basis for the community consultation. The below consultation strategy was utilised, which meets both legislated and policy requirements: <ul style="list-style-type: none"> • Information & receipt of submissions on website – public notice and feedback via YourSay. • Notice in local paper – Media Release. • Documents available at Principal Office (Civic Centre).



	<ul style="list-style-type: none"> Minimum 21 days' notice to receive submissions – consultation will be open from 18 December 2024 - 8 January 2025. <p>Following consideration of submissions, the Council made an application to the Minister for Local Government for approval to revoke the community land classification applying to the land. All public submissions received by Council were forwarded to the Minister for consideration as part of the formal application.</p>
Other Resources	The ad-hoc revocation of community land to facilitate / accommodate unsolicited proposal from the community does have a minor impact to regular resourcing, including the need for additional staff time and community consultation, however such 'peaks' in resource demand are unavoidable to deal with such issues in a timely manner.

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Council experiences financial loss as a result of inappropriate disposal of community land	Insignificant (1)	Rare (1)	Low	Strategic Property Management Project will consider Council's land holdings holistically, to maximise resource efficiency / deal with surplus land, budget allocation for this process to account for external consultants / engagement requirements.
Reputation - Council experience negative news profile, public agitation and loss of trust as a result of inadequate community consultation	Moderate (3)	Unlikely (2)	Moderate	Robust and considered community engagement strategy, with key stakeholders, broader community and internally. Input from key subject-matter experts as required.
Legal / Regulatory / Policy - Council is subject to legal intervention as a result of statutory non-compliance	Major (4)	Unlikely (2)	Moderate	Strategic Property Management Project Plan with oversight from project team /



				lead, engagement of subject matter experts as right (e.g. legal, Crown land, SANTS etc). Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams.
Service Delivery - Council experiences delay or interruption in service delivery as a result of resourcing demands of community land review project	Insignificant (1)	Rare (1)	Low	Robust and considered community engagement strategy, with key stakeholders, broader community and internally. Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams.
People - Negative impact to staff morale, engagement and satisfaction as a result of overloading of major projects cumulative impact with business as usual functions	Insignificant (1)	Unlikely (2)	Low	Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams, engagement of subject matter experts as right (e.g. legal, Crown land, SANTS etc).
Infrastructure – Financial loss caused by dilapidated assets as a result of inadequate asset planning / oversupply of community land	Insignificant (1)	Rare (1)	Low	Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams, engagement of subject matter experts as right



				(e.g. legal, Crown land, SANTS etc), budget allocation for this process to account for external consultants / engagement requirements.
Environmental - Environmental damage to key sites caused by inconsistent or inadequate management of community land	Minor (2)	Rare (1)	Low	Engagement of subject matter experts as right (e.g. legal, Crown land, SANTS etc), strategic / master planning to inform desired objectives / targets for community land.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

This report contributes to delivery of the following key strategic project(s):

Priority 1: Environment and Liveability

Review and update Community Land Management Plans.

RELEVANT COUNCIL POLICY

[Disposal of Land and Assets](#)

IMPLEMENTATION AND NEXT STEPS

Consultation Outcomes

“Consult - Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making – Council will listen and acknowledge concerns and aspirations and provide feedback.”

The revocation proposal report formed the basis for the community consultation. The following consultation strategy was undertaken between 18 December 2024 – 8 January 2025, which met both legislated and policy requirements under Council's Community Consultation and Engagement Policy P195:

- Information & receipt of submissions on website – Public Notice and Your Say Poll
- Notice in local paper – Media Release
- Documents available at Principal Office
- Minimum 21 days notice to receive submissions



The survey template and summary YourSay engagement report were previously presented to Council for information. A total of one (1) submission was received, via the online Your Say survey. This response indicated they were in favour of the proposal. The response includes some commentary regarding the inclusion of a condition requiring the Applicant to retain the vegetation screening along the Jubilee Highway roadside, to provide a visual and audio buffer for road users. Whilst not all feedback may be able to be directly incorporated into the proposal, all feedback should be considered, and where possible included into the recommendation.

Application to Minister

Following consideration of the above feedback, Council proceeded to make an application to the Minister for Local Government for approval to revoke the community land classification applying to the land. All public submissions received by Council were forwarded to the Minister for consideration as part of the formal application. Council has now received the **attached** consent to revoke the community land status from Minister for Local Government, Hon Joe Szakacs MP.

CONCLUSION

Council must now formally resolve to revoke the classification and commence the private sale of land process, which will be undertaken in accordance with the Disposal of Land and Assets Policy and section 49 of the LG Act.

ATTACHMENTS

1. Signed response - letter - LG 25 00148 [**18.5.1** - 1 page]



Hon Joe Szakacs MP

25MINLG-0055
LG25/00148

Ms Sarah Philpott
Chief Executive Officer
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290



**Government
of South Australia**

**Minister for Trade and
Investment**

**Minister for Local
Government**

**Minister for Veterans'
Affairs**

GPO Box 1533
ADELAIDE SA 5000

T: (08) 7133 2070

E: minister.szakacs@sa.gov.au

By email: city@mountgambier.sa.gov.au

Dear Ms Philpott,

Thank you for writing to me seeking my approval of the City of Mount Gambier's (the Council) proposal to revoke the classification as community land of Allotment (Reserve) 212 in Deposited Plan 125742 held in Certificate of Title Volume 6250 Folio 283.

After carefully considering the effect of the revocation of the Subject Land on the area and the local community, I am of the opinion that, on balance, the revocation will be more positive than not in its effect. I approve the Council's proposal to revoke the classification as community land of Allotment (Reserve) 212 in Deposited Plan 125742 held in Certificate of Title Volume 6250 Folio 283.

If the Council wishes to proceed with the revocation, it will need to pass a motion to revoke the community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999*.

Yours sincerely

Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Local Government
Minister for Veterans' Affairs

1 / 9 / 2025



18.6 BY-LAW REVIEW

Author: Brittany Shelton, Manager Governance and Property
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'By-Law Review' as presented on Tuesday 15 April 2025 be noted.
2. That having due regard to the requirements under Chapter 12, Part 1 of the *Local Government Act 1999* (the Act), the Council hereby endorse the proposed By-Laws for community consultation in accordance with the Community Consultation and Engagement Policy - P195 and section 249 of the Act:
 - (a) By-Law No. 1 Permits and Penalties;
 - (b) By-Law No 2. Local Government Land;
 - (c) By-Law No 3. Roads;
 - (d) By-Law No. 4 Moveable Signs;
 - (e) By-Law No. 5 Dogs;
 - (f) By-Law No. 6 Cats.

PURPOSE

To present the proposed By-Laws as reviewed for endorsement to undertake public consultation with the community, as well as relevant referral agencies, in accordance with the requirements under section 249 of the *Local Government Act 1999* (the Act).

BACKGROUND / OPTIONS

One of the avenues Council has available to regulate activity within our area is by the adoption of By-Laws. Section 246 of the Act conveys councils with the power to adopt By-Laws which establishes which activities are permitted, which activities require permission (or are conditional) and which activities are prohibited within their council area/s. By-Laws are used, along with a range of other compliance and enforcement mechanisms, to ensure that residents and visitors of our Council can enjoy a clean, safe and enjoyable city.

By-Laws must be reviewed once in every seven (7) years, with the last review occurring in 2017 / 2018. Council's current By-Laws will expire on 1 January 2026, and therefore this report formally commences the current review process. The review includes consideration of changes in relevant legislation, changes in the compliance requirements or activities of council and issues of particular significance to the community which may be reasonably regulated by a By-Law.

There are prescriptive requirements for the form, content and review process for By-Laws. Importantly, By-Laws cannot encroach onto subject matter which is already covered by Federal or State legislation. Council undertook a competitive request for quote process in September 2024, and appointed Kelledy Jones Lawyers (KJL) to facilitate the review process and ensure all legislative requirements were met, to achieve legal and operational By-Laws.

The below timetable sets out the various legislated requirements and timeframes, in order to successfully review and adopt By-Laws to be published in the Government Gazette by the

deadline of 28 August 2025, in order for the new By-Laws to be operational from 1 January 2026.

No.	Task	Timeframe
1.	<p>Undertake review of existing by-laws:</p> <ul style="list-style-type: none"> KJL to make any amendments necessary to existing by-laws to ensure their validity (i.e. having regard to legislative change) and as recommended to ensure the practical efficacy of the by-laws (changes will be tracked); Council to review changes and to identify any further changes and/or new matters required to be regulated; Workshop for Council Members to explain review process, limitations of by-law powers and seek feedback; <p>KJL to finalise proposed by-laws taking into account feedback from Council officers and elected members.</p>	<ul style="list-style-type: none"> KJL provide by-laws incorporating recommended amendments by 2 December 2024; Council instructions to finalise proposed by-laws by 27 January 2025; Council Member Workshop February 2025; <p>Proposed by-laws finalised by 5 March 2025 (including taking into account any feedback from Council Members).</p>
2.	<p>The Dogs by-law (and any Cats by-law if endorsed) must be referred to the Dog and Cat Management Board for comment in conjunction with the report required by section 90(5) of the <i>Dog and Cat Management Act 1995</i>.</p> <p><i>NB: referral to the DCM Board must occur as least 21 days before the by-laws are released for public consultation and 42 days prior to adoption by Council.</i></p>	Immediately (and within 48hours) after KJL receipt of notification from the Council regarding its decision to endorse the proposed by-laws.
3.	Liaison with DIT regarding the Dogs and LG Land by-law (which operate in relation to inland waters).	Immediately (and within 48hours) after KJL receipt of notification from the Council regarding its decision to endorse the proposed by-laws.
4.	Proposed by-laws to be presented to the Council and endorsed for public consultation.	18 March or 15 April 2025 meeting.
5.	<p>Public consultation (at least 21 days) – proposed by-laws to be made available on the Council's website and submissions invited in relation to them.</p> <p><i>NB: public consultation period to commence at least 21 days after referral to DCM Board.</i></p>	21 days following referral to DCM Board – from approx. 11 April 2025.
6.	<p>Determine any changes required in light of submissions received during public consultation and/or the outcomes of the referral processes. KJL to draft any necessary changes.</p> <p><i>NB: If substantial changes proposed it will be necessary to re-consult and (where relevant) undertake a second referral in respect of them.</i></p>	Within 14 days of close of consultation process – by 23 May 2025.
7.	<p>Preparation of:</p> <ul style="list-style-type: none"> Certificates of Validity; National Competition Policy report; Recommendations to adopt the by-laws; and Advice relevant to the commencement and enforcement of the by-laws. 	By 6 June 2025 for presentation to 17 June or 15 July 2025 meeting.
8.	By-laws made during a meeting of the Council where two thirds of the members of the Council are present and where an absolute majority supports the associated resolution.	17 June or 15 July 2025 meeting.



9.	Parliamentary Scrutiny - by-laws (accompanied by the Legislative Review Committee Report) delivered to the Legislative Review Committee within 6 Parliamentary sitting days after they are made. The Committee requires a summary report of the submissions received during the consultation period and Council's response to them.	As soon as possible after the Council has adopted the by-laws.
10.	By-laws published as soon as practicable in the Government Gazette. <i>NB: by-laws will commence operation four months from the date they are gazetted.</i>	As soon as practicable after the Council has adopted the by-laws and no later than 28 August 2025.
11.	Publish notice of the making of the by-laws in local newspaper. <i>NB: notice must refer to the fact that the by-laws have been made, the date of their adoption and that they may be inspected at the Council's offices.</i>	As soon as practicable after the Council has adopted the by-laws.

Members attended an information and briefing session on 11 February 2025, where a brief overview of the process was provided by KJL, and facilitated preliminary discussions around what changes were proposed. Presently, tasks 1 – 3 have been successfully completed, and this report represents task 4 in the above timeline.

A brief summary of changes to the proposed By-Laws is **attached** for Members reference. This document will be utilised, along with a series of FAQs, as part of the consultation, in order to make the substantial amount of complex information more easily digestible.

The proposed By-Law documents are **attached** for consideration and endorsement to be put to public consultation in accordance with section 249 of the Act:

- By-Law No. 1 Permits and Penalties
- By-Law No 2. Local Government Land
- By-Law No 3. Roads
- By-Law No. 4 Moveable Signs
- By-Law No. 5 Dogs
- By-Law No. 6 Cats – NEW

The proposed By-Laws are largely based on the Council's existing By-Laws, however several amendments have been made, including to address legislative reform occurring since the existing By-Laws were adopted. The amendments have been drafted by Council's solicitors (KJL), having taken into account feedback from Members, Executive Leadership Team (ELT), Managers and key staff.

IMPLICATIONS TO CONSIDER

Legal	<p>By-Laws are, in effect, legislation set by Local Government Agencies (Councils) which apply to their Council area.</p> <p>Chapter 12, Part 1 of the <i>Local Government Act 1999</i> (the Act) is extremely prescriptive as to the content, form and review process requirements for By-Laws, such to appropriately recognise the degree of power the ability to adopt By-Laws represents.</p> <p>In the event any of the legislative requirements are not robustly met, the Council may run the risk of adopting ultra vires By-Laws, which</p>
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	are ultimately unenforceable and expose Council to potential litigation.
Financial and Budget	A budget allocation of \$10,000 has been made, informed by a comprehensive quote and scope of works process, which accounts for professional fees, publication requirements, consultation costs etc.
Community Consultation and Engagement	Council is required to undertake community consultation, as well as referral to specified agencies, in accordance with section 249 of the Act prior to adopting By-Laws. A robust, two-phase community consultation has been planned to address the requirements under both Council's Community Consultation and Engagement Policy, and the Act.
Other Resources	N/A

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Council is exposed to litigation as a result of ultra vires By-Law enforcement activities	Minor (2)	Rare (1)	Low	By-Law Review Project Plan to consider Council's By-Law activities holistically, budget allocation for this process to account for external consultants / engagement requirements.
Reputation – Ultra vires enforcement activity, or failure to educate and consult the community, erodes trust in Council as a local government authority	Moderate (3)	Possible (3)	Moderate	Robust and considered community engagement strategy, with key stakeholders, broader community and internally. Input from key subject-matter experts as required.
Legal / Regulatory / Policy - Council is exposed to litigation as a result of ultra vires By-Law enforcement activities	Major (4)	Rare (1)	Moderate	By-Law Review Project Plan with oversight from project team / lead, engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc). Allocation of appropriate amount of



				internal resourcing to reflect complexity of project / interconnected workstreams.
Service Delivery - Business continuity is impacted as a result of inefficient or ineffective By-Law administration and enforcement	Minor (2)	Rare (1)	Low	Robust and considered community engagement strategy, with key stakeholders, broader community and internally. Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams.
People – Burden on resourcing as a result of inefficient or ineffective By-Law administration and enforcement	Minor (2)	Unlikely (2)	Low	Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams, engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc). Cat bylaw will ultimately result in resourcing impacts to be determined.
Infrastructure - Damage or loss to infrastructure as a result of inefficient or ineffective By-Law administration and enforcement	Minor (2)	Rare (1)	Low	Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams, engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc), budget allocation for this



				process to account for external consultants / engagement requirements.
Environmental - Damage to natural environment as a result of inefficient or ineffective By-Law administration and enforcement	Moderate (3)	Rare (1)	Low	Engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc), strategic planning to inform desired outcomes / enforcement activities for natural environments.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

- 6.1 Ensure Elected Council Members are meeting their civic obligations and making informed, strategic decisions in the best interests of the community.
- 6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.
- 6.3 Ensure decisions and activities of Council are communicated in a timely, clear and proactive manner.

This report contributes to delivery of the following key strategic project(s):

Priority 3: Infrastructure and Services

Review and implement renewed by-laws which respond to community needs by 2025.

RELEVANT COUNCIL POLICY

[Community Consultation and Engagement - P195](#)

IMPLEMENTATION AND NEXT STEPS

The By-Law review consultation will be conducted in two (2) phases, aligned to how the By-Laws operate:

1. Feedback on the By-Law documents themselves – during this phase we are seeking feedback on the **powers** contained in By-Law documents, and
2. Feedback on the **application** of the By-Law documents within Council's area.

The current consultation plan is for phase one (1), where we are seeking feedback on the By-Laws themselves. Phase (2) of consultation will be conducted in the second half of 2025, and will include how Council will apply the powers within the By-Laws (e.g. to certain times, areas, conditions etc specific to our Council area).



The Summary of Changes document, along with the amended By-Laws, will form the basis for the community consultation. The below consultation strategy is recommended, which meets both legislated and policy requirements:

- Information & receipt of submissions on website – public notice and feedback via YourSay
- Notice in local paper – Media Release
- Social media campaign
- Letters to identified stakeholders (undertaken by KJL)
- Notice in the Government Gazette (once By-Laws have been adopted)
- Documents available at Principal Office (Civic Centre)
- Minimum 21 days' notice to receive submissions – consultation will be open from 9:00 am on Wednesday 16 April until 5:00 pm on Monday 12 May 2025.

CONCLUSION

Following consideration of submissions, the consultation summary report, along with all feedback received will be referred to KJL to make any recommended changes. KJL will also be required to prepare the Certificates of Validity and National Competition Policy report during this period.

The consultation outcomes, along with the amended By-Laws, Certificates of Validity and National Competition Policy report will then be presented to the 17 June 2025 meeting for adoption by an absolute majority, not less than two thirds of Members being present in accordance with section 249(3) of the Act.

Immediately following adoption, the By-Laws shall be referred for Parliamentary Scrutiny, accompanied by the Legislative Review Committee Report. Once approved, the newly adopted By-Laws must be published in the Government Gazette, and no later than 28 August 2025.

ATTACHMENTS

1. By-law No. 5 Dogs 2025 [**18.6.1** - 6 pages]
2. By-law No. 6 Cats 2025 [**18.6.2** - 6 pages]
3. By-law No. 1 Permits and Penalties 2025 [**18.6.3** - 6 pages]
4. By-law No. 3 Roads 2025 [**18.6.4** - 7 pages]
5. By-law No. 2 Local Government Land 2025 [**18.6.5** - 17 pages]
6. By-law No. 4 Moveable Signs 2025 [**18.6.6** - 7 pages]
7. Summary of Changes [**18.6.7** - 3 pages]



CITY OF MOUNT GAMBIER

DOGS BY-LAW 2025

By-law No. 5 of 2025

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 5 – Dogs 2018*²

- 4.2 This By-law will expire on 1 January 2033.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.1 and 10.2 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means the City of Mount Gambier;
- 6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
- 6.8.1 the leash, chain or cord is either tethered securely to a fixed object; or
- 6.8.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.9 **keep** includes the provision of food or shelter;
- 6.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.11 **premises** includes land and any part thereof, whether used or occupied for domestic or non-domestic purposes;
- 6.12 **small dwelling** means a self-contained dwelling that is:
- 6.12.1 a residential flat building; or
- 6.12.2 contained in a separate strata unit or community title; or
- 6.12.3 on an allotment less than 400 square metres in area; or
- 6.12.4 without a secure yard of at least 100 square metres in area;
- 6.13 **working livestock dog** means a dog:

- 6.13.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - 6.13.1.1 a primary producer; or
 - 6.13.1.2 engaged or employed by a primary producer; and
- 6.13.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on dog numbers in private premises

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
 - 7.1.1 more than one dog in a small dwelling; or
 - 7.1.2 in all other cases, more than three dogs on any premises (other than a working livestock dogs).
- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
 - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS

8. Dog Exercise Areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on any Local Government land or a public place to which the Council has resolved that this subclause applies; or
- 9.2 on any park or reserve during times when organised sport is being played;

unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land;
- 10.2 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS

12. Council may grant exemptions

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
 - 12.2.1 may be granted or refused at the discretion of the Council;
 - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

13. Orders

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present

.....
SARAH PHILPOTT
Chief Executive Officer



CITY OF MOUNT GAMBIER

CATS BY-LAW 2025

By-law No. 6 of 2025

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

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PART 1 - PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.

3. Purpose

The objectives of this By-law are to control and manage cats in the Council's area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Expiry

- 4.1 This By-law will commence in accordance with the Act¹ and will expire on 1 January 2033².

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
- 6.3 **Council** means the City of Mount Gambier;
- 6.4 **effective control by means of physical restraint** means:
 - 6.4.1 a person is exercising effective control of a cat by means of a cord or leash that does not exceed 2 metres in length restraining the cat; or

- 6.4.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure; or
- 6.4.3 a person is holding the cat;
- 6.5 **keep** includes the provision of food or shelter;
- 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
 - 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna;
 - 6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 - 6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 - 6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and
- 6.9 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS

7. Limits on Cat Numbers

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.
- 7.2 The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.2 may be given if the Council is satisfied that:

7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and

7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS

8. Cats not to be a Nuisance

8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.

8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.

8.3 For the purposes of this clause 8, **cat** means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person unless the cat is under effective control by means of physical restraint.

9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.

9.3 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. Registration of cats

10.1 The Council may resolve to adopt a registration scheme for cats.

10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.

10.3 An application for registration of a cat must:

10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and

10.3.2 be accompanied by the fee (if any) prescribed by the Council; and

10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and

10.3.4 identify with reference to an address the premises at which the cat is kept; and

- 10.3.5 otherwise comply with any other requirements determined by the Council.
- 10.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 10.5 Subclause 10.2 does not apply to premises comprising an approved cattery
- 10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS

11. Council May Grant Exemptions

- 11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 11.2 An exemption:
 - 11.2.1 may be granted or refused at the discretion of the Council;
 - 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 - ENFORCEMENT

12. Orders

- 12.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
 - 12.1.1 if the conduct is still continuing – to stop the conduct; and
 - 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 An authorised person may not use force against a person under this section.

Note—

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **[INSERT DATE] 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
SARAH PHILPOTT
Chief Executive Officer

Proposed



CITY OF MOUNT GAMBIER

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 246 of the Act.

3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 1 – Permits and Penalties 2018.*²

- 4.2 This By-law will expire on 1 January 2033.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means the City of Mount Gambier; and
- 6.3 **person** includes a natural person or a body corporate;
- 6.4 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;

- 6.5 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.5.1 a bridge, viaduct or subway; or
 - 6.5.2 an alley, laneway or walkway; and
- 6.6 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.6.1 a motor vehicle trailer and a tram;
 - 6.6.2 a bicycle;
 - 6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.6.4 a combination; and
 - 6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws Generally

- 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
- 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy for that purpose.

PART 2 – PERMITS AND PENALTIES

8. Permits

- 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

- 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
- 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

9. Offences and Penalties

- 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
- 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
- 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
- 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

10. Liability of Vehicles Owners and Expiation of Certain Offences

- 10.1 Without derogating from the liability of any other person, but subject to this clause 10, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty or expiation fee as is prescribed for the principal offence.
- 10.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely, conviction of the driver exonerates the owner.
- 10.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 10.3.1 setting out the name and address of the driver; or
- 10.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in

respect of the transfer - setting out details of the transfer (including the name and address of the transferee).

- 10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:

10.4.1 setting out particulars of the alleged prescribed offence; and

10.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subclause 10.3.

- 10.5 Subclause 10.4 does not apply to:

10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

10.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

- 10.6 Subject to subparagraph 10.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:

10.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or

10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10

- 10.7 The defence in paragraph 10.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

- 10.8 If:

10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or

10.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

- 10.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

11. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 11.1 a specified place was a road or local government land; or

- 11.2 a specified vehicle was driven, parked or left standing in a specified place; or

- 11.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 11.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 11.5 a specified person was an authorised person; or
- 11.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 11.7 a specified person was the owner or driver of a specified vehicle; or
- 11.8 a person named in a statutory declaration under clause 10 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause 10 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
SARAH PHILPOTT
Chief Executive Officer



CITY OF MOUNT GAMBIER

ROADS BY-LAW 2025

By-law No. 3 of 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

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PART 1– PRELIMINARY

1. Title

This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 3 – Roads 2018.*²

- 4.2 This By-law will expire on 1 January 2033.²

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.2 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means City of Mount Gambier;
- 6.5 **effective control** means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.7 **moveable sign** has the same meaning as in the Act;
- 6.8 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.8.1 a bridge, viaduct or subway; or
 - 6.8.2 an alley, laneway or walkway;
- 6.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 6.10 **waste container** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. Activities Requiring Permission

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's

Moveable Signs By-law 2025.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.

Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.

Section 226A(1)) of the Act prohibits the display of a designated electoral advertising poster on roads and road-related areas (including any structure, fixture or vegetation thereon).

7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for the broadcasting of announcements or advertisements.

7.3 Animals

7.3.1 Subject to this subclause 7.3, lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.

7.3.2 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind as indicated by signage on or in the vicinity of the road.

7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 Obstructions

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.5 Preaching and Canvassing

7.5.1 Preach, harangue, or canvass for religious or charitable purposes; or

7.5.2 Convey any religious or other message to any bystander, passer-by or other person.

7.6 Public Exhibitions and Displays

7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.

7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.6.4 Cause any public exhibition or displays.

7.7 Shared Transport Devices

Subject to the *Road Traffic Act 1961*:

- 7.7.1 operate a share transport device scheme;
- 7.7.2 leave a share transport device on a road other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any);
- 7.7.3 For the purposes of this subclause 7.7:
 - 7.7.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
 - 7.7.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

7.8 Soliciting

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.9 Repairs to Vehicles

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.10 Rubbish Bins

Deposit in any Council bin on a road any rubbish:

- 7.10.1 emanating from a domestic, commercial or trade source; or
- 7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

7.11 Waste Containers

Place, cause or allow to be placed, waste containers on a road or on any other land to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:

- 7.11.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);

7.11.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and

7.11.3 for a period that does not extend beyond 11:59pm on the day after the date that waste has been collected from the waste container.

Note-

To avoid doubt clause 7.11.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11:59pm on the day following the date of collection.

PART 3 – ENFORCEMENT

8. Directions

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) if the conduct is still continuing – to stop the conduct; and*
- b) whether or not the conduct is still continuing – to take specified action to remedy the contravention*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

11. Exemptions

- 11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, authorised officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 11.2 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 11.3 An exemption:
- 11.3.1 may be granted or refused at the discretion of the Council;
 - 11.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 11.3.3 is subject to any conditions specified in the instrument of exemption.
- 11.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
SARAH PHILPOTT
Chief Executive Officer



CITY OF MOUNT GAMBIER

LOCAL GOVERNMENT LAND BY-LAW 2025

By-law No. 2 of 2025

A By-law to manage and regulate the access to and use of Local Government land and certain public places.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Local Government Land By-law 2024* and is By-law No. 2 of the City of Mount Gambier.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 2 – Local Government Land 2018.*²

- 4.2 This By-law will expire on 1 January 2033³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.3, 9.5.1, 9.10.1, 9.10.4, 9.21.3, 9.23.9, 9.25.1, 9.25.3, 9.25.4, 9.27.2, 9.36, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

- 5.4 Subclauses 9.1, 9.10.7, 9.14.2, and 9.25.5, of this By-law apply throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
- 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon personal watercraft or other similar device;
- 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.7 **camp** includes setting up a camp or causing:
- 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
- 6.7.2 a swag or similar bedding; or
- 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—
to remain on Local Government land or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;

Note-

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

- 6.8 **Council** means City of Mount Gambier;
- 6.9 **effective control** means a person exercising effective control of an animal either:
- 6.9.1 by means of physical restraint; or
- 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.10 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

- 6.12 **foreshore** means land (regardless of whether or not it is Local Government land) extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
- 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
- 6.16 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.17 **open container** means a container that:
- 6.17.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.17.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.17.1.2 being a can, it has been opened or punctured;
 - 6.17.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.17.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - 6.17.2 is a flask, glass, mug or other container able to contain liquid;
- 6.18 **personal watercraft** means a device that:
- 6.18.1 is propelled by a motor; and
 - 6.18.2 has a fully enclosed hull; and
 - 6.18.3 is designed not to retain water if capsized; and
 - 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
- and includes the device commonly referred to as a jet ski;
- 6.19 **road** has the same meaning as in the Act;
- 6.20 **special event** means an organised gathering of more than one hundred (100) persons for any social, sporting or cultural purpose;

- 6.21 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.22 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.23 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.24 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND

7. Access

The Council may:

- 7.1 close or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not, without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND

9. Activities requiring permission

Note-

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not, without the permission of the Council, do any of the following activities on Local Government land or where indicated, on a road.

9.1 Advertising

Except on any Local Government land as resolved by the Council, display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on that Local Government land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 **Aircraft**

Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.

9.3 **Alcohol**

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.

9.4 **Amplification**

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements.

9.5 **Animals**

9.5.1 Cause or allow an animal to stray onto, move over, graze, remain or be left unattended on any Local Government land to which the Council has resolved this clause applies.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.

9.5.3 Lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.

9.6 **Annoyance**

Do anything likely to offend or unreasonably interfere with any other person:

9.6.1 using that land; or

9.6.2 occupying nearby premises;

by making a noise or creating a disturbance.

9.7 **Aquatic Life**

Introduce any aquatic life to any waters located on Local Government land.

9.8 **Attachments**

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.9 **Bees**

Place a hive of bees on such land, or allow it to remain thereon.

9.10 Boats & Mooring

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.10.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;
- 9.10.2 launch or retrieve a boat to or from any waters other than from a boat ramp constructed for that purpose;
- 9.10.3 hire out a boat or otherwise use a boat for commercial purposes;
- 9.10.4 subject to this subclause 9.10, moor any boat on or to Local Government land to which the Council has resolved this subclause applies; or
- 9.10.5 moor any boat on or to Local Government land other than in accordance with such time limits and other conditions determined by the Council and contained in any signage erected on or in the vicinity of the land. Boat Ramps
- 9.10.6 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.10.7 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land except:
 - 9.10.7.1 onto any foreshore or Local Government land as resolved by the Council; and
 - 9.10.7.2 other than in accordance with the conditions determined by the Council and specified on a sign displayed on or in the vicinity of the boat ramp.

9.11 Bridge Jumping

Jump or dive from a bridge on Local Government land.

9.12 Buildings

Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.

9.13 Burials and Memorials

- 9.13.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.13.2 Erect any memorial.

9.14 Camping and Tents

On Local Government land, the foreshore or on a road:

9.14.1 subject to this subclause 9.14, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

9.14.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:

9.14.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or

9.14.2.2 on any Local Government land, foreshore or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land, foreshore or road.

9.15 Canvassing

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.

9.16 Defacing Property

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

9.17 Distribution

Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

9.18 Donations

Ask for or receive or indicate a desire for a donation of money or any other thing.

9.19 Encroachment

Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.

9.20 Entertainment and Busking

9.20.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.20.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.21 Fires and Barbeques

Subject to the *Fire and Emergency Services Act 2005* light a fire except:

- 9.21.1 in a place provided by the Council for that purpose; or
- 9.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.21.3 Light or maintain any barbeque, gas light or gas stove on Local Government land to which the Council has resolved this clause applies.

9.22 **Fireworks**

Ignite, explode or use any fireworks.

9.23 **Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

- 9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.23.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.23.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
- 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.23.8 collect or take any dead wood or timber or burn any timber or dead wood;
- 9.23.9 feed any animal on any Local Government land to which Council has determined this clause applies -

with the exception that subclauses 9.23.4 and 9.23.7 do not apply to lawful fishing activities.

9.24 **Foreshore**

On the foreshore:

- 9.24.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.24.2 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose; or

9.24.3 hire out a boat on or from the foreshore.

9.25 Games and Sport

9.25.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.

9.25.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object, that may, as determined by an authorised person acting reasonably, may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.

9.25.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.

9.25.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.

9.25.5 Play, take part in or practice golf, hang gliding, scuba or hookah diving, except in any area as resolved by the Council and only then, in accordance with any conditions determined by the Council that apply to such activity and are contained in signage on or near the land.

9.26 Interference with Land

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

9.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

9.26.2 erecting or installing a structure in, on, across, under or over the land;

9.26.3 changing or interfering with the construction, arrangement or materials of the land;

9.26.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or

9.26.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

9.27 Model Aircraft, Boats and Cars

Subject to the *Civil Aviation Safety Regulations 1998*:

9.27.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being

on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or

9.27.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.

9.28 Overhanging Articles

Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:

9.28.1 present a nuisance or danger to a person using the land; or

9.28.2 cause an unsightly condition.

9.29 Playing Area

Use or occupy a playing area:

9.29.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);

9.29.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or

9.29.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

9.30 Preaching

Preach, harangue or solicit for religious or other purposes.

9.31 Rubbish Dumps and Rubbish Bins

9.31.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.

9.31.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).

9.32 Shared Transport Devices

Subject to the *Road Traffic Act 1961*:

9.32.1 operate a share transport device scheme;

9.32.2 leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).

9.32.3 For the purposes of this subclause 9.32:

9.32.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and

9.32.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

9.33 **Trading**

9.33.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing; or

9.33.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

9.34 **Vehicles**

9.34.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land;

9.34.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.

9.34.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.

9.35 **Weddings, Functions and Special Events**

9.35.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.

9.35.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.

9.35.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.36 **Wheeled Recreational Devices**

Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

10. **Prohibited Activities**

A person must not do any of the following activities on Local Government land:

10.1 Animals

- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person;
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.

10.2 Annoyances

- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.

10.3 Equipment

- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
 - 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;
 - 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
 - 10.3.1.3 in such a manner as is likely to damage or destroy it.
- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).

10.4 Fishing

Fish in any waters to which the Council has resolved this subclause applies.

10.5 Glass

Willfully break any glass, china or other brittle material.

10.6 Interference with Permitted Use

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.7 Nuisance

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

10.8 Obstruction

Obstruct:

10.8.1 any path or track;

10.8.2 any door, entrance, stairway or aisle in any building; or

10.8.3 any gate or entrance to or on Local Government land.

10.9 Playing Games

Play or practise a game:

10.9.1 which is likely, in the reasonable opinion of an authorised person, to cause damage to the land or anything on it; or

10.9.2 in any area where a sign indicates that the game is prohibited.

10.10 Smoking

Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.

10.11 Solicitation

Subject to subclause 9.30, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.12 Throwing Objects

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.13 Toilets

In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):

10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;

10.13.3 use the facilities for a purpose for which it was not designed or constructed;
or

10.13.4 enter any gender specific public convenience except:

10.13.4.1 if the person is of the gender indicated on a sign or writing located
on the public convenience;

10.13.4.2 where the person is:

- (a) a vulnerable person; or
- (b) a caregiver, parent or guardian and is providing assistance
to a vulnerable person in that person's care; or

10.13.4.3 for the purpose of providing assistance to a person with a disability;
or

10.13.4.4 where the person identifies as gender diverse and is using the
public convenience of the gender that the person identifies with; or

10.13.4.5 in the case of a genuine emergency.

10.14 **Waste**

10.14.1 Deposit or leave thereon anything obnoxious or offensive.

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that
purpose.

10.14.3 Deposit in any rubbish bin:

10.14.3.1 any trash or rubbish emanating from a domestic, trade or
commercial source; or

10.14.3.2 any rubbish contrary to any information on signs on the bin or in its
vicinity.

PART 4 – ENFORCEMENT

11. Directions

11.1 A person on Local Government land must comply with a reasonable direction from an
authorised person relating to:

11.1.1 that person's use of the land;

11.1.2 that person's conduct and behaviour on the land;

11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

- 11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act which may include an order to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) if the conduct is still continuing - to stop the conduct; and*
- b) whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, authorised person, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.15 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
 - 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on the **DATE 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
SARAH PHILPOTT
Chief Executive Officer



CITY OF MOUNT GAMBIER

MOVEABLE SIGNS BY-LAW 2025

By-law No. 4 of 2025

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 4 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. Purpose

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-Law No. 4 – Moveable Signs 2018.*²

- 4.2 This By-law will expire on 1 January 2033.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;

- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means City of Mount Gambier;
- 6.6 **footpath** area means:
- 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but does not include a banner;
- 6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.9.1 a bridge, viaduct or subway;
 - 6.9.2 an alley, laneway or walkway; and
 - 6.9.3 the footpath area.
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and Design

A moveable sign must:

- 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;
 - 7.1.3 a flat sign; or
 - 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain flashing parts;
- 7.8 not exceed 1000mm in height, 600mm in width and 600mm in depth;
- 7.9 in the case of an 'A' frame or sandwich board sign:
 - 7.9.1 be hinged or joined at the top; or
 - 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.9.3 not have a base area in excess of 0.6 square metres;
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and
- 7.11 not have balloons, flags, streamers or other things attached to it.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;

- 8.2 placed on a footpath area that is less than 2.5 metres wide;
- 8.3 tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.4 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.5 placed on the sealed part of a footpath area if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6 placed so as to, in the reasonable opinion of an authorised person, interfere with the reasonable movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 8.12 be placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:
 - 8.12.1 it compromises the safety of any person or places a person at risk of harm; or
 - 8.12.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

9. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

10. Restrictions

- 10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 10.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

- 10.3 A person must not cause or allow a moveable sign to be placed on a road unless:
- 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 10.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

11. Exemptions

- 11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign that:
- 11.1.1 advertises a garage sale taking place from residential premises; or
- 11.1.2 is solely a directional sign to an event run by an Incorporated Association, a community organisation or charitable body,
- provided that the sign is not displayed for a period of more than 48 hours both before and after the garage sale or event has taken place.
- 11.2 Subclauses 10.1 and 10.3.1 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
- of a prescribed class.

PART 3 – ENFORCEMENT

12. Removal of moveable signs

- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.

- 12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the

Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

12.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

12.3.1 if, in the reasonable opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

12.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
SARAH PHILPOTT
Chief Executive Officer



Summary of Changes

By-Law No. 1 – Permits and Penalties

- Change to the definition of ‘person’ to remove Incorporated Associations.
- Change to the scope of permission granted for a regulated activity, to include permission granted via Permit (to individuals) or via Policy (as a whole).
- Change to the maximum penalty (expiation) resulting from the *Statutes Amendment (Local Government Review) Act 2021*, to increase the amount to \$312.50.

By-Law No. 2 – Local Government Land

- Inclusion of definition for ‘aquatic life’.
- Relevant provisions cross applied to both Local Government Land and Roads By-Law (e.g. camping) to ensure consistency across both documents.
- Change in definition of ‘electoral matter’ taking into account recent legislative reform.
- Definition included for ‘special event’ which introduces a trigger of not less than 100 persons for the relevant provisions to apply.
- Changes to provisions for ‘closed land’ to include that signage is to have the same effect as a physical barrier (i.e. fence or gate).
- Changes to remove Councils power to regulate activity on water, noting the position of the Department for Infrastructure and Transport (Marine Safety) that this area is already regulated by the State government under the *Harbours and Navigation Act 1993*. Councils will retain the power to permit or exclude entry to or from bodies of water, but not regulate activities occurring on bodies of water.
- Expansion of the camping provision to reflect the increase in ‘free camping’ outside of designated caravan parks or sites.
- Inclusion of a regulation to encroachments on Local Government Land (e.g. erections of fixtures etc).
- Additional provision to regulate the removal of wood or timber from Local Government Land.
- Removal of the provision regulating pontoons in line with the new restriction on authority to regulate activities on water (refer above).
- Inclusion of a new provision regulating rubbish bins and rubbish bin offences (e.g. stealing or damaging Council provided bins).
- Removal of the provision regulating swimming in line with the new restriction on authority to regulate activities on water (refer above).
- Inclusion of a provision to regulate shared transport device schemes within Council’s area (e.g. e-bikes or e-scooters).
- Inclusion of a provision to prevent public ‘annoyance’ (i.e. indecency or disturbance to the public’s quiet enjoyment of Local Government Land).
- Inclusion of a provision to prohibit ‘obstruction’ of Local Government Land.
- Inclusion of e-cigarettes to the provision regulating smoking.



- Expansion (increased flexibility) of the exclusion provisions to public amenities to more appropriately reflect permitted use of a different gender by 'vulnerable persons', rather than use by 'children' specifically.
- Strengthening of the waste provisions to reflect the different types of waste collection available (e.g. landfill, recycling etc).
- Greater flexibility for exemptions to provisions (e.g. to allow for groups of persons or date ranges etc).

By-Law No. 3 – Roads

- Relevant provisions cross applied to both Local Government Land and Roads By-Law (e.g. camping) to ensure consistency across both documents.
- Change in definition of 'electoral matter' taking into account recent legislative reform.
- Expansion of the definition of 'road' to include all relevant areas (e.g. bridges, laneways etc).
- Inclusion of 'waste container' definition (i.e. bins).
- Expansion of the Animals provision to include herding, droving or grazing activities.
- Inclusion of a provision to regulate shared transport device schemes within Council's area (e.g. e-bikes or e-scooters).
- Inclusion of a new provision regulating rubbish bins and rubbish bin offences (e.g. stealing or damaging Council provided bins).
- Inclusion of a provision for Waste Containers (kerbside bins) which limits the time a bin may remain on the kerb awaiting or following collection to minimise public litter or nuisance.
- Changes to provisions prohibiting 'election signs' (i.e. corflutes) being attached to infrastructure on Local Government Land and/or Roads.

By-Law No. 4 – Movable Signs

- Expansion of the definition of 'moveable sign' to provide clarity.
- Expansion of the definition of 'road' to include all relevant areas (e.g. bridges, laneways etc).
- Expansion of the definition of 'vehicle' for clarity (e.g. animal drawn, bicycle etc).
- Changes to the provisions relating to the construction of permissible moveable signs, to provide clarity.
- Exemptions expanded to include Incorporated Association run events.

By-Law No. 5 – Dogs

- Addition of the definition 'effective control by means of leash' to mean secured to a leash not exceeding 2 meters.
- Differentiating working livestock dogs.



By-Law No. 6 – Cats

This document is a newly proposed By-Law, which has not been adopted by City of Mount Gambier previously. Some of the key provisions of this By-Law include:

- Introduction of a nuisance offence, which prohibits owners from allowing their cat/s to unreasonably interfere with the peace and comfort of others (e.g. aggressive behaviour, damaging property, wandering onto private property etc).
- Introduces a limit of 2 cats per household, unless otherwise authorised / exempt. *Note: this provision will only be applicable to cats born after the adoption of the By-Law and will not impact existing cats.*
- Allows for Council to impose effective confinement of cats (e.g. a curfew for certain hours, or restricting cats to private property, similar to requirements for dogs). *Note: Council does not intend to implement such provisions immediately, and a staged introduction, concurrent with consultation and education of the community, will be utilised prior to implementing or enforcing.*
- Introduces a registration system for cats, similar to the dog registration system.
- Allows for exemptions to any of the above provisions to be given where appropriate.

18.7 PRIVATE PARKING AREAS POLICY

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Private Parking Areas Policy' as presented on Tuesday 15 April 2025 be noted.
2. That Council hereby endorse and adopt the Private Parking Areas Policy as presented in accordance with section the Private Parking Areas Act 1986.

PURPOSE

To adopt a Private Parking Areas Policy in accordance with the *Private Parking Areas Act 1986*.

BACKGROUND / OPTIONS

Council has engaged in discussions with various supermarket retailers in recent months about the car parking enforcement options available to owners of private parking areas, including the possibility of establishing a private parking agreement with Council in accordance with *Private Parking Areas Act 1986* (PPA Act).

The PPA Act regulates, restricts or prohibits the use by the public of private access roads, private walkways, and private parking areas, and makes special provision for the enforcement of provisions relating to private parking areas.

Such an agreement would facilitate Council to monitor, enforce and issue expiations as required over the site (similar to enforcement on public land / roads), to ensure parking availability for patrons of the site, as well as adherence to relevant legislation and standards, and collect any revenue in return for provision of the service.

In order to facilitate an agreement under the PPA Act, Council would be required to undertake the following:

- Adopt a policy for Private Parking Areas,
- Ensure our Authorised Officers are appropriately trained and appointed under the PPA Act,
- Enter into a Private Parking Areas Agreement with owners of any subject land.

Council are now presented with the **attached** Private Parking Areas Policy, which seeks to establish the framework for entering into private parking agreements with owners of private parking areas. The Policy ensures that prior to entering into an agreement, consideration is given to the needs of the owner of private parking areas, the community and Council in managing parking in the area.

The objectives of the Policy are to:

1. Ensure that Private Parking Area Agreements give consideration to the broader community benefit of managing car parking, so as to assist in achieving strategic objectives associated with equitable and accessible car parking within the central business district and the areas surrounding the private car parking area;

2. Establish and clarify the role and obligations of both Council and the owners of Private Parking Areas when applying for an agreement and when an agreement has been entered into;
3. Clarify the enforcement responsibilities of both Council and non-council authorised staff in relation to Private Parking Areas; and
4. Ensure that the enforcement of Private Parking Areas is undertaken in line with Council's usual enforcement principles.

IMPLICATIONS TO CONSIDER

Legal	<p>Owners of private parking areas have limited enforcement options to regulate the use by the public of private carparks, unless they enter into a private parking agreement with a relevant authority, such as Council, under the Private Parking Areas Act 1986 (PPA Act).</p> <p>The Act provides owners the ability to enter into an agreement with a council, where the council through its authorised officers, has the ability to undertake enforcement action for parking offences occurring within the area.</p> <p>It is important that all requirements of the PPA Act are adhered to, including entering into an agreement between the parties, appropriate sign posting within the site, appropriate training and appointment of authorised officers, enforcement activity is undertaken in accordance with Council's usual expiation principles etc.</p>
Financial and Budget	The within proposal is anticipated to be at worst cost neutral to Council, in circumstances where the revenue collected will offset the additional resourcing implications of compliance staff / enforcement.
Community Consultation and Engagement	On-site signage installed by the owner is required to ensure the community understand the rules of parking at the location, as well as the consequences for failing to adhere to same.
Other Resources	Council will utilise existing parking compliance contractors / staff to undertake the additional monitoring and enforcement. There is capacity and experience available to expand upon existing parking compliance activities to accommodate the needs of private parking areas deemed to be beneficial to the community to monitor.

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - The financial impact of enforcing private car parking arrangements is detrimental to Council	Insignificant (1)	Possible (3)	Low	Cost recovery via revenue retention, robust financial modelling of resource implications
Reputation – Offering services to private enterprise negatively impacts on the community's perception of Council's role	Minor (2)	Possible (3)	Moderate	Community engagement campaign to inform, clear signage to educate, engagement with



				stakeholders to manage expectations
Legal / Regulatory / Policy – Council fails to adhere to requirements under the PPA Act and is thereby exposed to minor litigation	Minor (2)	Possible (3)	Moderate	Adherence to provisions of PPA Act, legal review of private parking areas agreement template, training and appointment of authorised officers in accordance with Council's usual standards
Service Delivery - Offering services to private enterprise negatively impacts on Council's ability to deliver essential services	Minor (2)	Rare (1)	Low	Utilising existing staff / contractors to undertake parking compliance activities for private parking areas
People - Offering services to private enterprise negatively impacts on Council's ability to allocate appropriate resourcing to deliver essential services	Insignificant (1)	Rare (1)	Low	Utilising existing staff / contractors to undertake parking compliance activities for private parking areas
Infrastructure – Council's infrastructure deteriorates as a result of stretched resources	Minor (2)	Rare (1)	Low	Utilising existing staff / contractors to undertake parking compliance activities for private parking areas
Environmental - Failure to appropriately monitor and enforce private parking areas results in negative impact on the natural environment	Minor (2)	Rare (1)	Low	Utilising existing staff / contractors to undertake parking compliance activities for private parking areas

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 3: Infrastructure and Services

- 3.1 Work with partners to increase active and diverse transport measures so drivers, cyclists and pedestrians can safely and easily move within the city.



- 3.3 We will advocate with key stakeholders to attract investment in the development of a safe, inclusive and integrated transport network that enhances connectivity within and beyond our city, ensuring it is equivalent to the infrastructure provided in the State's metropolitan areas.
- 3.15 Improve community safety and wellbeing through proactive information and regulatory services.

Priority 4: Economic and Business Growth

- 4.1 Implement process efficiencies that support small, medium and large-scale businesses to open and thrive in our city.
- 4.2 Collaborate with local businesses, ensuring their sustainability and contribution to Mount Gambier's communities and brand.

Priority 6: Excellence in Leadership and Governance

- 6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

This report contributes to delivery of the following key strategic project(s):

Priority 3: Infrastructure and Services

Continued advocacy to enhance connectivity within and beyond our city through investment and infrastructure that supports accessible public bus services, reliable air travel and rail networks for both freight and passenger transport.

Delivery of a refreshed Disability Access and Inclusion Plan underpinning our approach to disability access and inclusion.

Priority 5: A Vibrant Community

Delivery of a CBD activation and master plan that transforms our CBD into a vibrant hub, connecting locals and visitors, promoting inner-city living and boosting economic and social activity by creating a dynamic, culturally enriched environment for all ages.

Priority 6: Excellence in Leadership and Governance

Deliver business systems and infrastructure improvements that support us to deliver our services more efficiently and effectively to the community.

RELEVANT COUNCIL POLICY

N/A

IMPLEMENTATION AND NEXT STEPS

Once the Policy has been adopted, the next steps to facilitate an agreement with owners are:

- Ensure our Authorised Officers are appropriately trained and appointed under the PPA Act,
- Enter into a Private Parking Areas Agreement with owners of any subject land.

Council has previously delegated the power to enter into a private parking area agreement in accordance with the PPA Act to the Chief Executive Officer (CEO), and such delegation will enable the CEO to fulfil the second step above (refer extract below).



Private Parking Areas Act 1986				
Provisio n	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
section 9(1)	Enter into an agreement with the owner of a private parking area for council to enforce Part 3 of the Act with respect to the private parking area	CEO		council


CONCLUSION

Council is now recommended to adopt the Private Parking Areas Policy as presented, which will be published on Council's website and made available to prospective owners seeking to enter into a private parking areas agreement.

ATTACHMENTS

1. DRAFT - Private Parking Areas Policy [18.7.1 - 7 pages]



 City of Mount Gambier	COUNCIL POLICY Private Parking Areas Policy	Version No:	1
		Issued:	17 April 2025
		Next Review:	April 2029

1. Introduction

This Policy seeks to establish the framework for entering into private parking agreements with owners of private parking areas. The Policy ensures that prior to entering into an agreement, consideration is given to the needs of the owner of private parking areas, the community and Council in managing parking in the area.

The *Private Parking Areas Act 1986* regulates, restricts or prohibits the use by the public of private access roads, private walkways, and private parking areas, and makes special provision for the enforcement of provisions relating to private parking areas.

The objectives of this Policy are to:

- a) Ensure that Private Parking Area Agreements give consideration to the broader community benefit of managing car parking, so as to assist in achieving strategic objectives associated with equitable and accessible car parking within the central business district and the areas surrounding the private car parking area;
- b) Establish and clarify the role and obligations of both Council and the owners of Private Parking Areas when applying for an agreement and when an agreement has been entered into;
- c) Clarify the enforcement responsibilities of both Council and non-council authorised staff in relation to Private Parking Areas; and
- d) Ensure that the enforcement of Private Parking Areas is undertaken in line with Council's usual enforcement principles.

2. Definitions

The Act - means the *Private Parking Areas Act 1986*.


Authorised officer - means a person who is an authorised person for the purposes of the *Local Government Act 1999* and includes a member of the police force.

Council - means the City of Mount Gambier.

Council area - means the area in relation to which the City of Mount Gambier is constituted.

Private parking area - means an area—

- a) provided on land by the owner for the parking of vehicles used by persons frequenting premises of the owner; and
- b) marked by a notice denoting it as a private parking area, (and an area is capable of constituting a private parking area notwithstanding that certain parts of that area are no standing areas).

 City of Mount Gambier	COUNCIL POLICY Private Parking Areas Policy	Version No:	1
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Non-council authorised officer - means a person who is not an employee of Council, but is nominated by the owner of the Private Parking Area to be an authorised person for the purposes of enforcing the provisions of the Act as it relates to their private parking area. The non-council authorised officers are required to be authorised by the City of Mount Gambier under the *Local Government Act 1999*.

Owner, in relation to land, means—

- the holder of an estate in fee simple in that land;
- where the land is subject to a registered estate or interest conferring a right to possession—the proprietor of that estate or interest;
- where the land consists of a registered easement or right of way—the proprietor of the easement or right of way;
- where the land is not alienated from the Crown—the Minister or instrumentality of the Crown that has the care, control and management of the land.

Regulations - means the *Private Parking Areas Regulations 2014*.

3. Scope

This Policy applies to Private Parking Areas that are within the City of Mount Gambier that are subject to a Private Parking Agreement.

4. Policy

4.1 Application – Private Parking Agreement

The owner of a private parking area and the Council for the area in which the private parking area is situated may make an agreement for the enforcement of the provisions of Part 3 of the Act in relation to that private parking area by council authorised staff. An application for an agreement shall be made to Council in the manner specified by Council on the Application form and may include a fee for the application as determined by Council.

The application shall include information that will enable Council to make an informed decision on the need for an agreement and the benefits of an agreement to the owner of the private parking area and to the community, including (but not limited to) the following:


- Reason for application (including the need and benefits to be provided from the agreement);
- Total number of parking spaces and number of parking spaces for people with disabilities;
- Time limit(s) proposed;
- Number of permit zones proposed and type of permit zones proposed;
- Other restrictions: e.g. Loading zones, no standing, or restricted parking;
- Number of spaces not subject to restrictions (for staff and other users as identified by the owner of the private parking area).

As part of the application, the applicant may be required to undertake further assessment of car parking usage and demand in the applicants parking area and in proximity to the Private Parking

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Area and consideration of adjoining private and public parking capacity and demand, along with traffic movements.

An application for an agreement does not bind Council into entering into an agreement and Council reserves the right to reject applications. The decision to enter into an agreement with an owner of the private parking area will be made by the Chief Executive Officer or sub-delegate as appropriate.

4.2 Restrictions

Owners of private parking areas have limited enforcement options to regulate the use by the public of private car parks, unless they enter into a private parking agreement with a relevant authority, such as Council, under the Private Parking Areas Act 1986 (the Act).

The Act provides owners the ability to enter into an agreement with a council, where the council through its authorised officers, has the ability to undertake enforcement action for parking offences occurring within the area.


Agreements will only be considered where there is a broader community benefit through managing the carpark, which assists in achieving strategic objectives including the equitable and accessible car parking for both private and public car park users. The agreement should be mutually beneficial for the owner, Council and the broader community.

Under Part 3 of the Act the owner of a private parking area may by a notice or notices exhibited at or near each entrance to the private parking area impose time limits on the parking of vehicles in the private parking area.

The owner of a private parking area may set aside any part of the private parking area as—

- a disabled persons parking area (accessible car parking spaces);
- a loading area;
- a no standing area;
- a restricted parking area;
- a permit parking area.

The owner of a private parking area must also comply with the requirements of the Building Code of Australia and *Disability Discrimination Act 1992* in relation to accessible car parking spaces.

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4.3 Enforcement

Enforcement of an agreement under the Act shall only be carried out by authorised officers.

Council authorised officers shall undertake enforcement at times and frequencies to be determined by Council. Enforcement shall be subject to staff availability and other priorities at the time.

Enforcement action will be undertaken to ensure that private parking areas are:

- a) Effectively managed to ensure compliance with the Act, and
- b) Utilised by the intended users of the parking area, namely shoppers, employees and other members of the community as identified.

Enforcement action will give consideration to Council's enforcement practices, including, (but not limited to) the following:

- a) the car park capacity at the time of the patrol (are there sufficient vacancies at the time of the patrol);
- b) Car parks with 50 or more spaces, that have approximately 25% vacancy throughout the day or at the time of the patrol should not warrant enforcement action, unless the area is a:
 - i. no standing or loading zone,
 - ii. disabled persons parking area, or
 - iii. permit parking area,
- c) Adequate notification and information has been provided to staff to utilise the appropriate areas;
- d) Adequate notification and information has been provided to the general community to utilise the appropriate areas.

Enforcement of the private parking area will only be carried out by authorised officers in a transparent manner without prejudice and will be consistent with Council's enforcement principles. Non-Council authorised officers shall apply the above principles to enforcement.

4.4 Roles and Responsibilities


Authorised Officers:

- Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action.
- Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties.
- Officers will be issued with an authority card and identification.
- Officers are required to show their authorisations on demand.
- Non-Council authorised officers that are deemed to require further training shall be required to attend additional training as required by Council or the relevant Council staff.
- Non-Council authorised officers that are deemed to be issuing expiations that are not in accordance with the enforcement principles above shall have their authorisations revoked and any expiation issued will be subject to review.
- Any requirements for further training may include a fee as determined by Council.

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Council will be responsible for:


- assessing the benefits and outcomes of the proposed agreement;
- preparing the Private Parking Agreement;
- giving notice to the owner of any concerns regarding the installation of signs, lines and traffic devices;
- issuing expiation notices including any costs incurred with enforcement action taken in accordance with Council's obligations under the Expiation of Offences Act 1996.

The Owner will be responsible for:

- the installation of signage at or near each entrance to the private parking area setting out such time limits on the parking of vehicles in the parking area in accordance with the Act;
- where any part of the private parking area is set aside for disabled persons parking, loading area, no standing area, restricted parking area or a permit parking area, the owners will ensure the signs and lines are marked out in accordance with the Road Traffic Act, Private Parking Areas Act and Regulations and in accordance with the Building Code;
- ensuring all signs, lines and traffic devices are installed in accordance with the Acts, Regulations and Codes and will ensure they are always maintained to the satisfaction of the Council;
- where permits have been issued for permit zones within the private parking area, the owner is responsible for issuing and maintaining a record of all permits issued and must be presented upon request of an authorised officer;
- ensuring no interference with Council enforcement of expiation notice and that decisions are within the absolute discretion of the Council.

5. Review of Policy

Council will review this Policy once during every Council term, or upon significant legislative change as required. The Council may, at any time by resolution, alter, or substitute, or revoke this Policy.

 City of Mount Gambier	COUNCIL POLICY Private Parking Areas Policy	Version No:	1
		Issued:	17 April 2025
		Next Review:	April 2029

File Reference:	AFXX
Applicable Legislation:	Private Parking Areas Act 1986 Private Parking Areas Regulations 2014 Expiation of Offences Act 1996 Building Code of Australia Disability Discrimination Act 1992 Local Government Act 1999
Strategic Reference:	Priority 3: Infrastructure and Services Priority 6: Excellence in Leadership and Governance
Related Policies:	Nil
Related Procedures:	Nil
Related Documents:	Private Parking Areas Agreement

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	1.0
Last revised date:	17 April 2025
Effective date:	17 April 2025
Minute reference:	Council Meeting 17 April 2025 - Item X - Resolution 2025/X
Next review date:	April 2029
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	17 April 2025

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18.8 ASSET ACCOUNTING POLICY

Author: Kahli Rolton, Manager Financial Services
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That the Council report titled 'Asset Accounting Policy' as presented on Tuesday 15 April 2025 be noted.
2. That the amended Asset Accounting Policy, having been reviewed by the Audit and Risk Committee on 2 April 2025 be recommended to Council for adoption.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

PURPOSE

To present the Asset Accounting Policy which is recommended for amendment, information and adoption of Council following review and feedback from the Audit and Risk Committee at their meeting held 2 April 2025.

AUDIT AND RISK COMMITTEE

Part 1.3 of the Audit and Risk Committee's Terms of Reference sets out the functions of the Committee, in particular:

"The functions of the Audit and Risk Committee include, per the Local Government Act 1999, Division 2, Section 126 (4):

(h) reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis."

Section 12 of the relevant Terms of Reference sets out the Role of the Audit and Risk Committee, in particular:

"12.1.2 Review and challenge where necessary:

The consistency of, and/or any changes to accounting policies."

Any policies or procedures falling within the ambit of the above provision, or as otherwise required, are presented to the Committee for endorsement and information prior to being presented to Council for adoption.

For noting by Council, the Asset Accounting Policy (refer attachment to this report) has been amended in line with comments/suggestions made by the Audit and Risk Committee. One Amendment was made to remove the proposal for a 1% indexation on asset values in an off valuation year and revert back to CPI annually which was the previous position of the Policy. One of the main reasons for this was substantiating the methodology behind the flat 1% indexation, for example 50% of CPI annually could be an alternate methodology or wording to allow management discretion where unit rate costs per capital project provide proof that indexing by CPI does not align.

For Council's background, the proposed policy amendment to asset value indexation was trying to address a number of complex issues where Council are continuing to improve asset

management practices whilst weighing up the potential impact on ratepayers. Council administration would prefer a conservative approach to incremental revaluation increases in off revaluation years in the short term to reduce impacts on depreciation expense until the asset management improvement work is completed. Key factors outlined in the Audit and Risk Committee Report are listed below to provide further context for Council.

- Council has recently experienced significant increases over the last two financial years for revaluations on various Infrastructure asset categories and Buildings and Structures.
- Council has reviewed the capitalisation of its costs to ensure a more accurate (increased) representation of capital costs with the purpose of reducing the gap between capital costs and revaluation variances. Costs that have been reviewed include project management staffing allocations, internal waste charge allocation, labour oncost percentage on direct staff time allocations to capital projects. The assumptions behind these allocations were reviewed and verified by the external auditors last financial year. Council Administration review annually as part of the next year budget preparations.
- There is work to be done on ensuring that Council's actual asset consumption is in line with useful lives.
- A review of the Grants Commission database reports for 2022/2023 showed that the City of Mount Gambier Depreciation was 24% of its total operating expenditure. The average of all South Australian Council's was 23%. Noting that 2022/2023 did not include the significant increase in "found" assets for stormwater drainage following the Other Infrastructure revaluation, nor did it include the Buildings and Structure revaluation. For context the 2023/2024 financial statements called out some of the significant increases in depreciation as a result of the revaluation as follows:
 - Other Infrastructure – Stormwater, Retaining Walls and Carparks – 59% average increase
 - Buildings and Structures – 13% average increase.
- Unknown CPI and possibility of reductions in future years, where these reductions may not be recognised properly due to the cumulative nature of the incremental revaluation increases applied annually.
- Do not want to be in a position where rates have increased due to incremental revaluation increases being too high. However, balancing this against ensuring that asset values do increase over time to avoid large spikes in values and depreciation at scheduled revaluation years.
- ESCOSA recommendations regarding asset consumption, cost constraint and rate affordability.

RELEVANT LEGISLATION

Section 126 (1a) of the Local Government Act 1999 (the Act) states that the purpose of an audit and risk committee established by a council (the Committee) is to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.

BACKGROUND / OPTIONS

Council periodically reviews its policies and procedures during each Council term, unless legislative provisions or administration execution require otherwise, to ensure they remain up to date with legislative, administrative or civic requirements, Council and community expectation and emerging practices in the sector.

Prior Reviews of Policy

The last review of the Asset Accounting policy was completed by the Audit and Risk Committee at the meeting on 3 June 2024 and adopted at the following Council meeting. This review was completed following the asset revaluation of buildings and structures and other infrastructure including storm water drainage, retaining walls and carparks asset categories. Amendments made to the Policy included definition for bore assets and non-recognition of depreciation, update to asset useful lives, frequency of revaluations and assets not subject to revaluation.

Next steps identified that a review of capital thresholds will be undertaken with key stakeholders across Council as part of the next stage of the Asset Management Planning Approach unlocking project (a key foundational project within Council's three year Strategic Work Program).

Prior to this, the Policy was reviewed at the Audit and Risk Committee meeting on 11 September 2023 and adopted at the following Council meeting. This review was completed following the asset valuation for the major classes within the Infrastructure asset class to ensure alignment.

Auditor Matters

The external auditors, identified 4 matters to be addressed in future financial years as part of their balance date audit for the year ended 30 June 2024. One of the matters related to an Accounting Policy for Caroline Landfill. Updates to the Asset Accounting Policy include reference to landfill capping and future restoration assets and associated liability provisions to meet this requirement and ensure retention of knowledge due to the material changes that occurred in 2023/2024.

Summary of Amendments to Policy

1. **Thresholds** – capitalisation thresholds have increased from \$5,000 to \$10,000 for Infrastructure, Building and Structures, Landfill assets.
2. **Landfill** – accounting for landfill construction, capping and future restoration has been detailed at various parts throughout the policy to cover depreciation, liability provisions and revaluations.
3. **Incremental Valuations** - To create a reasonable level of flexibility for the application of indexing certain asset classes by CPI annually, wording has been added enabling management discretion where a proven alternate measure may be used.
4. **Minor** grammatical and wording adjustments as required.

DETAILED IMPLICATIONS

Legal	The Local Government Act 1999 and other Acts require Council to adopt certain 'mandatory' policies. Except where prescribed there is no legislative requirement to review policies with any particular frequency or time period, however it is practically necessary and a common sector practice. Council has resolved to review each policy at least once during the Council term (i.e. during the period November 2022 to November 2026). Noting policies should be reviewed prior to the election caretaker period commencing in August / September 2026.
Financial and Budget	There are no immediate financial implications arising from the amendments.
Community Consultation and Engagement	N/A
Other Resources	External Auditor Matter to be addressed: Given the work undertaken in FY24 to update Council's provision for the Caroline Landfill capping and post closure rehabilitation provision, we



	recommend that Council undertakes a detailed review and update to its key strategic plans to ensure that they reflect the updated assumptions and estimates.
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RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Policies are not reviewed on regularly and result in increased financial impact.	Insignificant (1)	Rare (1)	Low	Audit & Risk Committee oversight of policies / procedures relating to governance, finance and risk.
Reputation - Loss in trust and transparency from Community if good governance over Policies is not prioritised and maintained.	Minor (2)	Unlikely (2)	Low	Regular reporting on Policy review schedule to maintain accountability and transparency for the community.
Legal / Regulatory / Policy - Policies are not reviewed regularly and do not reflect changes in legislations or organisational practices	Major (4)	Rare (1)	Moderate	Audit & Risk Committee oversight of policies / procedures relating to governance, finance and risk.

RELEVANT COUNCIL POLICY

[Asset Accounting](#)
[Asset Management - A900](#)

IMPLEMENTATION, COMMUNICATION AND ENGAGEMENT

The updated Policy is intended to be managed in accordance with the review schedule framework already in place / operation.

Following adoption by Council an updated version of the Policy will be made publicly available on Council's website.


CONCLUSION

That having been reviewed by the Audit and Risk Committee on 2 April 2025, the reviewed and amended Asset Accounting Policy be adopted by Council.

ATTACHMENTS

1. DRAFT Council Policy Asset Accounting v6 track changes [18.8.1 - 12 pages]
2. DRAFT Council Policy - Asset Accounting v 6 update version [18.8.2 - 12 pages]



 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY ASSET ACCOUNTING POLICY</p>		Version No:	65.0
			Issued:	18 June 2024 April 2025
			Next Review:	June 2026

1. INTRODUCTION:

The purpose of this policy is to ensure that all Council owned assets are valued and depreciated in accordance with relevant Australian Accounting Standards ("the Standards") pursuant to Local Government Act 1999 under section 303(4).

2. PURPOSE:

The purpose of this policy is to provide clear direction to management, staff and Council in relation to the Asset Accounting function.

Council will only acquire assets after due consideration of the service needs of the community and the operating needs of the Council. Service levels will be determined in consultation with the community and in line with the Council's 'duty of care' to the community.

3. SCOPE:

The scope of this policy is to ensure:

- **Asset Life** - That Council makes a distinction between costs incurred on long-lived assets and costs incurred on goods and services for immediate consumption;
- **Depreciation** - All depreciation estimates are prepared and maintained in accordance with the Standards and reviewed annually; and
- **Revaluations** - Are performed at a sufficient frequency to ensure that the carrying amount does not differ materially from the fair value at the reporting date.

This Policy is applicable to all Council owned and controlled assets.


The scope of this policy includes 'right-of-use assets' as defined in AASB 16 Leases.

Specific exclusions from this Policy


- Library Books have been treated as an operating expense from the 2022/2023 financial year.
- Assets not considered under Council control
- Where an asset is owned as tenants in common or jointly, only the portion of ownership and control relative to Council is included.

4. DEFINITIONS:


Key Term - Acronym	Definition
Amortisation	The systematic allocation of the depreciable amount of an asset over its useful life (e.g. for an asset valued at \$500,000 <u>and no residual value</u> with a 5 year useful life the annual amount amortised would be \$100,000 per annum).
Asset	A resource with economic value that is owned or controlled by an entity with the expectation that it will provide a future benefit.

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		Next Review:	June 2025

Key Term - Acronym	Definition
Asset Class	A group of assets having a similar nature or function in the operations and for purpose.
Asset Consumption Ratio	Value of infrastructure assets/gross current replacement cost of infrastructure assets.
Asset Management	The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost-effective manner.
Asset Renewal Funding Ratio	Capital expenditure on renewal or replacement of existing assets as a percentage of asset management plans allocation. Capital expenditure on renewal or replacement of existing assets / Asset Management Plan.
Asset Register	A register for reliably recording inventory type details of an asset and may incorporate other information such as condition, valuation and location.
Carrying Amount	The amount at which an asset is recognised after deducting any accumulated depreciation and accumulated impairment losses.
Componentisation	The process of breaking down physical or non-physical asset into its individual components or parts for the purposes of accounting, valuation, and management.
Cost	The amount of cash or cash equivalents paid, or the fair value to acquire an asset at the time of its acquisition or construction.
Cost Model	After recognition as an asset, an item of property, plant and equipment shall be carried at its cost less any accumulated depreciation and any accumulated impairment losses.
Depreciation	The monetary value of an asset decreases over time (useful life) due to use, wear and tear or obsolescence. This decrease is measured as depreciation. Depreciation is the measure of 'using up' or consumption of the asset, in providing that asset to the community and is measured on an annual basis.
Depreciable Amount	The cost of an asset or any other amount substituted for cost, less its residual value.

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Key Term - Acronym	Definition
Fair Value	Is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.
Gifted Assets	Is an asset constructed or purchased by a party other than a Council (typically a developer) and transferred to Council to maintain.
Impairment Loss	Is the amount by which the carrying amount of an asset exceeds its recoverable amount.
Intangible Assets	Are identified as non-monetary assets without physical substance. Some examples of intangible assets include; licences, intellectual property and computer software.
Maintenance	Regular ongoing day-to-day work necessary to keep assets operating, and does not extend the asset's useful life e.g. road patching. This is an operating expense as this does not increase the value of the asset.
Materiality	Information is material if its omission, mis-statement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial report or affect the discharge of accountability by the management or elected representatives of the Council.
New Asset	Is the creation of a new asset to meet additional service level requirements, e.g. a new building.
Non-current assets	Are assets that have an estimated life of greater than one year. They also include some financial assets that are not expected to be recovered within a year of the reporting date.
Operations	Regular activities of the council e.g. street sweeping, grass mowing, street lighting.
Right Of Use Asset	A right of use asset, or ROU, is a lessee's right to use an asset over the course of a lease.
Renewal or replacement	Of an asset is where a previously existing asset is replaced, or its service life extended, without enhancement of the service capability except where this is incidental and unavoidable. e.g. gravel re-sheeting, reseal, etc.
Residual value	Of an asset is the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal at the end of its useful life.

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Key Term - Acronym	Definition
Revaluation Model	After initial recognition as an asset, an item of property, plant and equipment whose fair value can be measured reliably shall be carried at a revalued amount, being its fair value at the date of the revaluation less any subsequent accumulated depreciation and subsequent accumulated impairment losses. Revaluations shall be made with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at the reporting date.
Upgrade	Is the enhancement of an existing asset to provide a higher level of service, e.g. sealing an unsealed road.
Useful life	Is defined as the period over which an asset is expected to be available for use by the entity.

5. ROLES & RESPONSIBILITIES:

5.1 Council:

Council is responsible for adopting the policy, allocating budget, and providing high level oversight of the delivery of the Council's asset accounting policy. The Council is also responsible for ensuring that organisational resources are appropriately funded to guarantee adherence with this policy.

5.2 Chief Executive Officer:

The Chief Executive Officer is responsible for resourcing the implementation of the asset accounting policy and supporting procedures.

5.3 General Managers, ~~Asset Managers~~, ~~Manager Financial Services and Management~~:

General Managers, ~~Asset Managers and the Manager, Financial Services and Management~~ are responsible for the application of the asset accounting policy and supporting procedures.

5.4 Employees:

Employees are responsible for adhering to the policy.

6. POLICY STATEMENTS:


6.1 This Policy applies the provisions of the Local Government Act 1999 (the Act) Section 124 (Accounting Records to be Kept) regarding Council's Fixed Assets and how financial information pertaining to Fixed Asset transactions and reconciliations are undertaken across all Council operations.

6.2 This Policy underpins how Council treats various categories of transactions recorded on its fixed asset register and fixed asset transactions, culminating in their publication in the annual financial statements required under Section 127 (Financial Statements) of the Act.

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7. POLICY PRINCIPLES

7.1 Valuation:

Valuation of Assets:

Fair Value - The fair value of assets and liabilities must be estimated in accordance with various Accounting Standards for either recognition and measurement requirements or for disclosure purposes.


Fair Value Hierarchy - AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a "level" in the fair value hierarchy as follows:

- **Level 1:** Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.
- **Level 2:** Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.
- **Level 3:** Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

7.2 Depreciation:

Recognition of Depreciation Expense:

- **Commencement** - Depreciation expense commences from the time the asset is first put into use or held ready for use. Work-in-progress will not be depreciated until the asset is first put into use or held available for use.
- **Cessation** - Depreciation of an asset ceases when the asset is fully depreciated, or if the asset is determined to be held for sale. Depreciation does not cease when the asset becomes idle or is retired from active use unless the asset is fully depreciated.
- **Calculation** - In calculating depreciation on assets, each component of the asset which has a cost that is significant in relation to the total cost of the asset and has a materially different useful life, is to be depreciated separately.
- **Leasehold Improvements** - Where improvements are made to a leasehold property, these improvements will be allocated progressively over the unexpired portion of the lease or the useful lives of the improvements, whichever is the shorter. The unexpired period of the lease should include any options to extend the lease term when the exercise of the option is reasonably certain.
- **Non-Recognition Of Depreciation** - Council does not recognise depreciation on the following:
 - **Inventories** - as they are current assets;
 - **Non-current assets held for sale** - whilst classified as held for sale;
 - **Bores** - Refer to the hole in the ground only and are not traditional water bores subject to normal failures due to the unique environment of the City of Mount Gambier. The expectation is that once a bore is constructed no further work is required. In the event a bore is no longer needed or there are changes to the underground water table, thereby rendering the bores obsolete, future treatment will be that the existing bore will be left in place and abandoned with a new bore hole drilled in a more appropriate location. For noting, bore casings are separately componentised, valued and depreciated.

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- **Other relevant assets** - Land, works of art, rare books, manuscripts, unique historical and cultural objects where their service potential is not expected to diminish with time or use.


7.3 Impairment:

- An asset is impaired if the amount at which it is recognised in the Council's financial records is greater than its fair value. Council will ensure that the amount at which an asset is capitalised does not exceed its fair value. This will be reviewed on an annual basis and all impairment losses are to be shown in the operating statement as expenditure.

7.4 Depreciation Methodology:

- Asset Lives** - All assets with a useful life of more than one year (with the exception of the asset classes shown in the Non-Recognition of Depreciation section above), including intangible assets are depreciated over the useful life of the asset in accordance with Accounting Standards.

Asset Useful Lives	
Asset Class	(Years)
<i>Infrastructure:</i>	
Sealed Roads - Surface	15 - 40
Sealed Roads - Road Pavement	40 - 80
Sealed Roads - Road Subbase	120 - 240
Unsealed Roads	12 - 75
Paving and Footpaths	10 - 40
Kerb & Gutter	60 - 80
Carparks	15 - 80
Public Lighting	20
Stormwater Drainage	50 -125 (indefinite for bore holes)
Retaining Walls	40-120
Guard Rails and Safety Barriers	30
<i>Buildings & Other Structures:</i>	
Buildings	15 - 250
Park Structures	20 - 30
Playground Equipment	20 - 40
Benches, seats, etc	10 - 30
Waste Management – Landfill Assets	Capacity in use
Recreation and Open Space	10 - 100
Plant & Equipment and IT	3 - 30
Artworks & Historical Collections	Indefinite
Land	Indefinite
Other	10 - 15
Right of Use Assets	Life of the lease

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- **Depreciation** - Other than land, footpath nature strips, art and historical collections, and landfill cells All infrastructure, property, plant and equipment assets are systematically depreciated over their useful lives on a straight-line basis which best reflects the consumption of the service potential embodied in those assets, excluding: land, footpath nature strips, art and historical collections, and landfill cells. Are calculated on a "straight line basis" i.e. the depreciable amount divided by the useful life of the asset.

Landfill cell construction and capping assets are amortised on a consumption basis over the capacity to receive waste. Capping assets are amortised in line with the percentage of consumption of landfill cell's capacity in anyone year.

Land, footpath nature strips, art and historical collections are not depreciated.

- **Asset Additions** - Any expenditure that increases the value of the asset, are depreciated over the remaining useful life of the asset to which it relates.
- **Useful Life** - The useful life of an asset will be reviewed as required. Including at capitalisation of renewal of an asset where it is reasonable to expect that the renewal will increase the useful life of the asset in the interim period to a periodic revaluation.

7.5 Revaluations


Revaluation Methodology:

- **Asset Valuation** - Council treat the valuation of assets in two ways:
 - Firstly, where an asset is carried at cost and has some useful life after it has been fully depreciated, revaluation of the asset will not occur.
 - Secondly, assets that are carried at fair value will be revalued to ensure assets are not fully depreciated before the end of their useful life.
- **Current Replacement Costs** - Are calculated using Council's own current contract unit rates, industry benchmarks and information supplied by other Councils where available. These costs are independently assessed by an appropriately qualified professional.
- **Condition Audits** - Are undertaken to determine the consumption of the asset and hence its fair value in respect to the replacement cost.

Frequency of Revaluation:

- **Fair Value Assets** - All assets carried at fair value are reviewed annually. To achieve this Council review replacement costs and apply incremental adjustments where material and appropriate for each asset class.
- **Condition Audits** - Are performed as per the asset management plans or where there is a material movement between the carrying value and fair value of the assets.
- **Frequency of Revaluation** - Frequency of revaluation for each asset class is shown in the table below:

Asset Category	Valuer	Frequency	Incremental Revaluation*
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Artworks and Historical Collections	External	Every 4 years	n/a
Land	Office of the Valuer General (OVG)	Annually	Increased annually based on OVG n/a
Buildings & Structures	External	Every 4 years	CPI annually excluding year of valuation
Infrastructure	External	Every 4 years	CPI annually excluding year of valuation
Recreation and Open Space	Internal and External	Every 4 years	CPI annually excluding year of valuation
Storm Water Drainage	External	Every 4 years	CPI annually excluding year of valuation
Caroline Landfill Cell construction and capping	Internal	Annually	n/a
Landfill future restoration	Internal	Every 4 years	n/a

* [It is acknowledged that CPI provides a nominal indexation factor, a review will be undertaken in 2024/2025 for implementation. Where alternative measures such as actual unit rate increases provide a proven alternate measure for applying indexation to CPI or cumulative CPI is considered more accurate, management may at its discretion choose to apply the measure that has the least impact in an off-revaluation year.](#)

It should be noted that revaluations may occur more frequently as required to incorporate changes to unit rates to ensure that the financial impact of valuations is minimised.

Revaluations and Accumulated Depreciation:

- **Accumulated Depreciation** - Following a revaluation the accumulated depreciation is restated proportionately to the gross carrying amount of the asset, so that the carrying amount of the asset after revaluation equals its revalued amount. This is a requirement to achieve a comparative in the calculation of the asset consumption ratio.
- **Assets Not Subject To Revaluation** - Plant and equipment, Public Lighting, Guard Rails/Safety Barriers and IT and Office Equipment are recognised at actual cost less accumulated depreciation and any accumulated impairment. [Council has one historical collection which is minor in the scheme of its total asset base and is not subject to revaluation.](#)
- **Landfill cell construction and capping assets** – [The construction of a landfill waste cell will not be subject to revaluation. The capping asset and associated liability provision will be reviewed annually to determine if the amounts provided for are reasonable. Where an adjustment is required to the value of a capping asset, this will be added/deducted to the value of the asset and offset by an increase/decrease to](#)

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- liability provision.
- **Landfill future restoration asset** – The recognition of a future restoration asset is similar in nature to a make good provision. The future restoration and associated liability provision will be reviewed every 4 years to determine if the amounts provided for are reasonable. Where an adjustment is required to the value of the restoration asset this will be added/deducted to the value of the asset and offset by an increase/decrease to the liability provision.


7.6 Liability provisions for asset recognition

Liability provisions associated with the recognition of landfill capping and future restoration assets will be unwound annually based best estimate for interest rate without adjustment to the asset.

7.67.7 Capitalisation:

Recognition and Thresholds:

- An item of property, plant and equipment that qualifies for recognition as an asset shall be measured at its cost.
- AASB 116 states:
'The cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:
(a) it is probable that future economic benefits associated with the item will flow to the entity;
and
(b) the cost of the item can be measured reliably.'
- Council transfer assets to the asset register only when complete.
- Council recognises the capital cost of an asset comprises of:
 - **Purchase Price** - Its purchase price, including import duties and non-refundable purchase taxes, after deducting trade discounts and rebates;
 - **Directly Attributable Costs** - Any costs directly attributable to bringing the asset to the location and condition necessary (for example costs of site preparation, installation and assembly) for it to be capable of operating in the manner intended by Council;
 - **Employee Benefits** - Costs of employee benefits arising directly from the construction or acquisition of the item of property, plant equipment e.g. project management costs;

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- **Testing** - Costs of testing whether the asset is functioning properly, after deducting net proceeds from selling any items needed to bring the asset to that location and/or condition;
- **Demolition/Removal** - Costs associated with the dismantling and/or removal of the asset and restoration or rehabilitation of the site on which it was located; and
- **Gifted Assets** - AASB 116 provides for a specific example relating to Local Government entities where an asset may be gifted to Council at no or nominal measurable cost. When this occurs, Council's administration is obliged to recognise the asset at fair value.
- **Borrowing Costs** - In relation to qualifying assets (net of offsetting investment revenue i.e. interest) have been capitalised in accordance with AASB 123 "Borrowing Costs". The amounts of borrowing costs recognised as an expense or as part of the carrying amount of qualifying assets are disclosed in the annual financial statements and the amount (if any) of interest revenue offset against borrowing costs.
- **Landfill capping assets – recognised based on best estimate of present value of cost of capping a newly constructed cell.**
- Council will classify all capital expenditure into the following categories:
 - New / Upgrade; and
 - Renewal.
- **Threshold** - The following principles will apply:
 - **Materiality** - A capitalisation recognition threshold is applied to each asset type using the concept of materiality. Costs below these thresholds are accordingly treated as an operating expense.
 - **Aggregation** - Where a number of the same assets for the same purpose are purchased at the same time and the cumulative value is greater than the threshold, the cumulative value can be capitalised.
 - **Excluded Classes** - No capitalisation threshold will be applied to the acquisition of land, interest in land, works of art, rare books, manuscripts, unique historical and cultural objects.

Asset Class:	Capital Threshold
<i>Infrastructure:</i>	
Road construction and reconstruction	\$105,000
Paving & Footpaths, Kerb & Gutter	\$105,000
Carparks	\$105,000
Stormwater Drainage	\$105,000
Buildings & Structures	\$105,000
Waste Management - Landfill Assets	\$105,000
Park & Playground Furniture & Equipment	\$5,000
Open Space and Heritage Place	\$5,000
Other (including IT)	\$5,000
Plant & Equipment	\$5,000

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Right of Use Asset	\$5,000
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7.77.8 Disposal Of Assets:

- **Gain Or Loss** - The difference between any net proceeds from disposal (after deducting selling costs) and the remaining carrying value of an asset will be treated as either a gain or loss in the year the asset is retired or disposed of.
- **Renewal** - Where existing assets are renewed the value of the component of the asset that has been renewed is to be disposed and a new asset created. If the part of the asset disposed of has been retained, its value needs to be recognised in the new asset or separated into a new asset component if its useful life differs materially to the new asset.
- **Further Guidance** - Further guidance and controls over the disposal of assets is provided under Council Policy 'P420 Procurement and Disposal of Land and Assets Policy'.

8. TRAINING / EDUCATION

Relevant staff will be adequately trained and qualified to implement and comply with this policy.


9. REVIEW

This Policy will be reviewed annually; or

- The frequency dictated in legislation; or
- Earlier in the event of changes to legislation or related policies and procedures; or
- If deemed necessary by the General Manager Corporate and Regulatory Services.

10. ACCESS TO THE POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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			Issued:	18 June 2024
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File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999 Local Government (Financial Management) Regulations 2011
Reference: Strategic Plan – Beyond 2015	Goal 3, Strategic Objective Our Diverse Economy
Related Policies:	A900 Asset Management Policy Procurement Policy Disposal of Land and Assets Policy B300 Budget Framework Policy
Related Procedures:	

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	65.0
Last revised date:	18 June 2024
Effective date:	18 June 2024
Minute reference:	18 June 2024 – Item 16.6 – Resolution 2024/119
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	19 April 2022 13 December 2022, 19 September 2023, 18 June 2024

 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY ASSET ACCOUNTING POLICY</p>		Version No:	6.0
			Issued:	April 2025
			Next Review:	June 2026

1. INTRODUCTION:

The purpose of this policy is to ensure that all Council owned assets are valued and depreciated in accordance with relevant Australian Accounting Standards ("the Standards") pursuant to Local Government Act 1999 under section 303(4).

2. PURPOSE:

The purpose of this policy is to provide clear direction to management, staff and Council in relation to the Asset Accounting function.

Council will only acquire assets after due consideration of the service needs of the community and the operating needs of the Council. Service levels will be determined in consultation with the community and in line with the Council's 'duty of care' to the community.

3. SCOPE:

The scope of this policy is to ensure:

- **Asset Life** - That Council makes a distinction between costs incurred on long-lived assets and costs incurred on goods and services for immediate consumption;
- **Depreciation** - All depreciation estimates are prepared and maintained in accordance with the Standards and reviewed annually; and
- **Revaluations** - Are performed at a sufficient frequency to ensure that the carrying amount does not differ materially from the fair value at the reporting date.

This Policy is applicable to all Council owned and controlled assets.

The scope of this policy includes 'right-of-use assets' as defined in AASB 16 Leases.

Specific exclusions from this Policy

- Library Books have been treated as an operating expense from the 2022/2023 financial year.
- Assets not considered under Council control
- Where an asset is owned as tenants in common or jointly, only the portion of ownership and control relative to Council is included.

4. DEFINITIONS:


Key Term - Acronym	Definition
Amortisation	The systematic allocation of the depreciable amount of an asset over its useful life (e.g. for an asset valued at \$500,000 and no residual value with a 5 year useful life the annual amount amortised would be \$100,000 per annum).
Asset	A resource with economic value that is owned or controlled by an entity with the expectation that it will provide a future benefit.

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Depreciable Amount	The cost of an asset or any other amount substituted for cost, less its residual value.

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Intangible Assets	Are identified as non-monetary assets without physical substance. Some examples of intangible assets include; licences, intellectual property and computer software.
Maintenance	Regular ongoing day-to-day work necessary to keep assets operating, and does not extend the asset's useful life e.g. road patching. This is an operating expense as this does not increase the value of the asset.
Materiality	Information is material if its omission, mis-statement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial report or affect the discharge of accountability by the management or elected representatives of the Council.
New Asset	Is the creation of a new asset to meet additional service level requirements, e.g. a new building.
Non-current assets	Are assets that have an estimated life of greater than one year. They also include some financial assets that are not expected to be recovered within a year of the reporting date.
Operations	Regular activities of the council e.g. street sweeping, grass mowing, street lighting.
Right Of Use Asset	A right of use asset, or ROU, is a lessee's right to use an asset over the course of a lease.
Renewal or replacement	Of an asset is where a previously existing asset is replaced, or its service life extended, without enhancement of the service capability except where this is incidental and unavoidable. e.g. gravel re-sheeting, reseal, etc.
Residual value	Of an asset is the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal at the end of its useful life.

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Upgrade	Is the enhancement of an existing asset to provide a higher level of service, e.g. sealing an unsealed road.
Useful life	Is defined as the period over which an asset is expected to be available for use by the entity.

5. ROLES & RESPONSIBILITIES:

5.1 Council:

Council is responsible for adopting the policy, allocating budget, and providing high level oversight of the delivery of the Council's asset accounting policy. The Council is also responsible for ensuring that organisational resources are appropriately funded to guarantee adherence with this policy.

5.2 Chief Executive Officer:

The Chief Executive Officer is responsible for resourcing the implementation of the asset accounting policy and supporting procedures.

5.3 General Managers and Management:

General Managers and Management are responsible for the application of the asset accounting policy and supporting procedures.


5.4 Employees:

Employees are responsible for adhering to the policy.

6. POLICY STATEMENTS:

6.1 This Policy applies the provisions of the Local Government Act 1999 (the Act) Section 124 (Accounting Records to be Kept) regarding Council's Fixed Assets and how financial information pertaining to Fixed Asset transactions and reconciliations are undertaken across all Council operations.

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7. POLICY PRINCIPLES

7.1 Valuation:

Valuation of Assets:

Fair Value - The fair value of assets and liabilities must be estimated in accordance with various Accounting Standards for either recognition and measurement requirements or for disclosure purposes.

Fair Value Hierarchy - AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a "level" in the fair value hierarchy as follows:

- **Level 1:** Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.
- **Level 2:** Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.
- **Level 3:** Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

7.2 Depreciation:

Recognition of Depreciation Expense:

- **Commencement** - Depreciation expense commences from the time the asset is first put into use or held ready for use. Work-in-progress will not be depreciated until the asset is first put into use or held available for use.
- **Cessation** - Depreciation of an asset ceases when the asset is fully depreciated, or if the asset is determined to be held for sale. Depreciation does not cease when the asset becomes idle or is retired from active use unless the asset is fully depreciated.
- **Calculation** - In calculating depreciation on assets, each component of the asset which has a cost that is significant in relation to the total cost of the asset and has a materially different useful life, is to be depreciated separately.
- **Leasehold Improvements** - Where improvements are made to a leasehold property, these improvements will be allocated progressively over the unexpired portion of the lease or the useful lives of the improvements, whichever is the shorter. The unexpired period of the lease should include any options to extend the lease term when the exercise of the option is reasonably certain.
- **Non-Recognition Of Depreciation** - Council does not recognise depreciation on the following:
 - **Inventories** - as they are current assets;
 - **Non-current assets held for sale** - whilst classified as held for sale;
 - **Bores** - Refer to the hole in the ground only and are not traditional water bores subject to normal failures due to the unique environment of the City of Mount Gambier. The expectation is that once a bore is constructed no further work is required. In the event a bore is no longer needed or there are changes to the underground water table, thereby rendering the bores obsolete, future treatment will be that the existing bore will be left in place and abandoned with a new bore hole drilled in a more appropriate location. For noting, bore casings are separately componentised, valued and depreciated.

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- **Other relevant assets** - Land, works of art, rare books, manuscripts, unique historical and cultural objects where their service potential is not expected to diminish with time or use.

7.3 Impairment:

- An asset is impaired if the amount at which it is recognised in the Council's financial records is greater than its fair value. Council will ensure that the amount at which an asset is capitalised does not exceed its fair value. This will be reviewed on an annual basis and all impairment losses are to be shown in the operating statement as expenditure.

7.4 Depreciation Methodology:

- Asset Lives** - All assets with a useful life of more than one year (with the exception of the asset classes shown in the Non-Recognition of Depreciation section above), including intangible assets are depreciated over the useful life of the asset in accordance with Accounting Standards.

Asset Useful Lives	
Asset Class	(Years)
<i>Infrastructure:</i>	
Sealed Roads - Surface	15 - 40
Sealed Roads - Road Pavement	40 - 80
Sealed Roads - Road Subbase	120 - 240
Unsealed Roads	12 - 75
Paving and Footpaths	10 - 40
Kerb & Gutter	60 - 80
Carparks	15 - 80
Public Lighting	20
Stormwater Drainage	50 -125 (indefinite for bore holes)
Retaining Walls	40-120
Guard Rails and Safety Barriers	30
<i>Buildings & Other Structures:</i>	
Buildings	15 - 250
Park Structures	20 - 30
Playground Equipment	20 - 40
Benches, seats, etc	10 - 30
Waste Management – Landfill Assets	Capacity in use
Recreation and Open Space	10 - 100
Plant & Equipment and IT	3 - 30
Artworks & Historical Collections	Indefinite
Land	Indefinite
Other	10 - 15
Right of Use Assets	Life of the lease

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- **Depreciation** - All infrastructure, property, plant and equipment assets are systematically depreciated over their useful lives on a straight-line basis which best reflects the consumption of the service potential embodied in those assets, excluding: land, footpath nature strips, art and historical collections, and landfill cells.
Landfill cell construction and capping assets are amortised on a consumption basis over the capacity to receive waste. Capping assets are amortised in line with the percentage of consumption of landfill cell's capacity in anyone year.
Land, footpath nature strips, art and historical collections are not depreciated.
- **Asset Additions** - Any expenditure that increases the value of the asset, are depreciated over the remaining useful life of the asset to which it relates.
- **Useful Life** - The useful life of an asset will be reviewed as required. Including at capitalisation of renewal of an asset where it is reasonable to expect that the renewal will increase the useful life of the asset in the interim period to a periodic revaluation.

7.5 Revaluations


Revaluation Methodology:

- **Asset Valuation** - Council treat the valuation of assets in two ways:
 - Firstly, where an asset is carried at cost and has some useful life after it has been fully depreciated, revaluation of the asset will not occur.
 - Secondly, assets that are carried at fair value will be revalued to ensure assets are not fully depreciated before the end of their useful life.
- **Current Replacement Costs** - Are calculated using Council's own current contract unit rates, industry benchmarks and information supplied by other Councils where available. These costs are independently assessed by an appropriately qualified professional.
- **Condition Audits** - Are undertaken to determine the consumption of the asset and hence its fair value in respect to the replacement cost.

Frequency of Revaluation:

- **Fair Value Assets** - All assets carried at fair value are reviewed annually. To achieve this Council review replacement costs and apply incremental adjustments where material and appropriate for each asset class.
- **Condition Audits** - Are performed as per the asset management plans or where there is a material movement between the carrying value and fair value of the assets.
- **Frequency of Revaluation** - Frequency of revaluation for each asset class is shown in the table below:

Asset Category	Valuer	Frequency	Incremental Revaluation*
Artworks and Historical Collections	External	Every 4 years	n/a

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Land	Office of the Valuer General (OVG)	Annually	Increased annually based on OVG
Buildings & Structures	External	Every 4 years	CPI annually excluding year of valuation
Infrastructure	External	Every 4 years	CPI annually excluding year of valuation
Storm Water Drainage	External	Every 4 years	CPI annually excluding year of valuation
Landfill Cell construction and capping	Internal	Annually	n/a
Landfill future restoration	Internal	Every 4 years	n/a

* It is acknowledged that CPI provides a nominal indexation factor. Where alternative measures such as actual unit rate increases provide a proven alternate measure for applying indexation to CPI or cumulative CPI is considered more accurate, management may at its discretion choose to apply the measure that has the least impact in an off-revaluation year.

It should be noted that revaluations may occur more frequently as required to incorporate changes to unit rates to ensure that the financial impact of valuations is minimised.

Revaluations and Accumulated Depreciation:

- **Accumulated Depreciation** - Following a revaluation the accumulated depreciation is restated proportionately to the gross carrying amount of the asset, so that the carrying amount of the asset after revaluation equals its revalued amount. This is a requirement to achieve a comparative in the calculation of the asset consumption ratio.
- **Assets Not Subject To Revaluation** - Plant and equipment, Public Lighting, Guard Rails/Safety Barriers and IT and Office Equipment are recognised at actual cost less accumulated depreciation and any accumulated impairment. Council has one historical collection which is minor in the scheme of its total asset base and is not subject to revaluation.
- **Landfill cell construction and capping assets** – The construction of a landfill waste cell will not be subject to revaluation. The capping asset and associated liability provision will be reviewed annually to determine if the amounts provided for are reasonable. Where an adjustment is required to the value of a capping asset, this will be added/deducted to the value of the asset and offset by an increase/decrease to liability provision.
- **Landfill future restoration asset** – The recognition of a future restoration asset is similar in nature to a make good provision. The future restoration and associated liability provision will be reviewed every 4 years to determine if the amounts provided for are reasonable. Where an adjustment is required to the value of the restoration asset this will be added/deducted to the value of the asset and offset by an increase/decrease to the liability provision.

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7.6 Liability provisions for asset recognition

Liability provisions associated with the recognition of landfill capping and future restoration assets will be unwound annually based best estimate for interest rate without adjustment to the asset.

7.7 Capitalisation:

Recognition and Thresholds:

- An item of property, plant and equipment that qualifies for recognition as an asset shall be measured at its cost.
- AASB 116 states:

'The cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:

(a) it is probable that future economic benefits associated with the item will flow to the entity;


and

(b) the cost of the item can be measured reliably.'
- Council transfer assets to the asset register only when complete.
- Council recognises the capital cost of an asset comprises of:
 - **Purchase Price** - Its purchase price, including import duties and non-refundable purchase taxes, after deducting trade discounts and rebates;
 - **Directly Attributable Costs** - Any costs directly attributable to bringing the asset to the location and condition necessary (for example costs of site preparation, installation and assembly) for it to be capable of operating in the manner intended by Council;
 - **Employee Benefits** - Costs of employee benefits arising directly from the construction or acquisition of the item of property, plant equipment e.g. project management costs;
 - **Testing** - Costs of testing whether the asset is functioning properly, after deducting net proceeds from selling any items needed to bring the asset to that location and/or condition;
 - **Demolition/Removal** - Costs associated with the dismantling and/or removal of the asset and restoration or rehabilitation of the site on which it was located; and
 - **Gifted Assets** - AASB 116 provides for a specific example relating to Local Government entities where an asset may be gifted to Council at no or nominal measurable cost. When this occurs, Council's administration is obliged to recognise the asset at fair value.
 - **Borrowing Costs** - In relation to qualifying assets (net of offsetting investment revenue i.e. interest) have been capitalised in accordance with AASB 123 "Borrowing Costs". The amounts of borrowing costs recognised as an expense or as part of the carrying amount of qualifying assets are disclosed in the annual financial statements and the amount (if any) of interest revenue offset against borrowing costs.
 - **Landfill capping assets** – recognised based on best estimate of present value of cost of capping a newly constructed cell.
- Council will classify all capital expenditure into the following categories:

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- New / Upgrade; and
- Renewal.
- **Threshold** - The following principles will apply:
 - **Materiality** - A capitalisation recognition threshold is applied to each asset type using the concept of materiality. Costs below these thresholds are accordingly treated as an operating expense.
 - **Aggregation** - Where a number of the same assets for the same purpose are purchased at the same time and the cumulative value is greater than the threshold, the cumulative value can be capitalised.
 - **Excluded Classes** - No capitalisation threshold will be applied to the acquisition of land, interest in land, works of art, rare books, manuscripts, unique historical and cultural objects.

Asset Class:	Capital Threshold
<i>Infrastructure:</i>	
Road construction and reconstruction	\$10,000
Paving & Footpaths, Kerb & Gutter	\$10,000
Carparks	\$10,000
Stormwater Drainage	\$10,000
Buildings & Structures	\$10,000
Waste Management - Landfill Assets	\$10,000
Park & Playground Furniture & Equipment	\$5,000
Other (including IT)	\$5,000
Plant & Equipment	\$5,000
Right of Use Asset	\$5,000

7.8 Disposal Of Assets:


- **Gain Or Loss** - The difference between any net proceeds from disposal (after deducting selling costs) and the remaining carrying value of an asset will be treated as either a gain or loss in the year the asset is retired or disposed of.
- **Renewal** - Where existing assets are renewed the value of the component of the asset that has been renewed is to be disposed and a new asset created. If the part of the asset disposed of has been retained, its value needs to be recognised in the new asset or separated into a new asset component if its useful life differs materially to the new asset.
- **Further Guidance** - Further guidance and controls over the disposal of assets is provided under Council Policy 'P420 Procurement and Disposal of Land and Assets Policy'.

8. TRAINING / EDUCATION

Relevant staff will be adequately trained and qualified to implement and comply with this policy.

9. REVIEW

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This Policy will be reviewed annually; or

- The frequency dictated in legislation; or
- Earlier in the event of changes to legislation or related policies and procedures; or
- If deemed necessary by the General Manager Corporate and Regulatory Services.

10. ACCESS TO THE POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999 Local Government (Financial Management) Regulations 2011
Reference: Strategic Plan – Beyond 2015	Goal 3, Strategic Objective Our Diverse Economy
Related Policies:	A900 Asset Management Policy Procurement Policy Disposal of Land and Assets Policy B300 Budget Framework Policy
Related Procedures:	

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	6.0
Last revised date:	18 June 2024
Effective date:	18 June 2024
Minute reference:	18 June 2024 – Item 16.6 – Resolution 2024/119
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	19 April 2022 13 December 2022, 19 September 2023, 18 June 2024

18.9 AUDIT AND RISK COMMITTEE MEETING REPORT

Author: Kahli Rolton, Manager Financial Services
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That the Council report titled 'Audit and Risk Committee Meeting Report' as presented on Tuesday 15 April 2025 be noted.
2. That the Council notes the report provided by the Audit and Risk Committee, summarising the work of the Committee in the lead up to its meeting, held on April 2, 2025.
3. That the Council notes that a report will be provided at the conclusion of each Audit and Risk Committee meeting summarising any work of the Committee since the last meeting, including the outcomes and discussion from workshops and the meetings themselves.

PURPOSE

A report to Council after the Audit and Risk Committee meeting, summarising the work of the committee preceding the meeting and the outcomes of the meeting. Reports have previously been contained within the Audit and Risk Committee agenda, and have now been expanded to include more of the discussion at the meeting. They will be presented as a stand alone report to the Council from hereon.

RELEVANT LEGISLATION

Section 126 of the Local Government Act effective from 30 November 2023

requires that the following report is prepared as shown below:

(8) A council audit and risk committee must—

(a) provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting;

BACKGROUND / OPTIONS

Period Preceding the March Meeting:

1. **Workshop 5 February 2025** – A workshop for Audit and Risk Committee Members and Council Elected Members was held immediately prior to the meeting. This workshop included open discussion about two topics:
 - **Budget Guidelines** – 2025/2026 Budget Guidelines were discussed including assumptions for consumer price index (CPI) and the use of Local Government Price Index (LGPI). Feedback was provided on the use of indexation assumption with the purpose of not over-inflating expenditure, noting it is difficult to forecast where CPI may land at this early stage and in light of what is happening on the world stage resulting in political and financial uncertainty
 - **Rating Review** – An update was provided regarding progress made on the rating review. Discussion was held regarding the involvement the Committee wishes to have in the process, noting that ESCOSA Local Government Advice due to be received in February 2025 may affect the review. A further report will be tabled for receiving and noting of the Committee as the review progresses.



2. **Memorandum emailed to Committee Members 14 February 2025** - Superannuation Compliance Guideline – The purpose of the memorandum was to bring to the attention of the Committee new and pending information in relation to Council's obligation to pay superannuation on Audit and Risk Committee (and other Committee) sitting fees. Council administration are currently working through the implications of this guideline.

A question was received from a Committee Member following the release of this memo seeking clarification if Council has a requirement to backpay superannuation to each independent member.
3. **Email to Committee 10 February 2025** – Minutes of the Audit and Risk Committee meeting held Monday 5 February 2025.
4. **Email to Committee 28 February 2025** – ESCOSA Local Government Advice and seeking advice from the Presiding Member how the Committee would like Council to facilitate their review and commentary on the report.
The Presiding Member responded that the Committee would like to workshop each of the individual recommendations and observations from the ESCOSA report. A report on the ESCOSA review is presented at the upcoming Committee meeting 2 April 2025 to allow recommendations to Council to assist in addressing the feedback from ESCOSA over the next 4 years.
5. **Email to Committee 27 March 2025** – Draft copy of Asset Accounting Policy to be reviewed prior to Audit and Risk Meeting 2 April 2025 and memo with advice regarding the delay of the Strategic Risk Update Report.
6. **Council Member Briefing** - A meeting was held between the Council Member Audit and Risk Committee representative and Manager Financial Services to provide a briefing on the reports included in the agenda prior to the meeting.
7. **Presiding Member Pre-Meeting** - A meeting was held between the Manager Financial Services and the Presiding Member to discuss the agenda prior to the meeting.

Outcomes of the Workshop and Meeting 2 April 2025:

A Workshop was held immediately prior to the Audit and Risk Committee meeting to discuss the Internal Financial Controls Review and Risk Assessment and ESCOSA Local Government Advice. Extensive discussion was held around each ESCOSA recommendation and the workshop did not provide enough time to work through all recommendations. Meeting procedures were suspended during the formal part of the meeting to complete discussions. For ease, ESCOSA recommendation discussions will all be reported at the relevant Report item below.

A question was raised regarding the public's ability to film and record Audit and Risk Committee Workshops.

The Chief Executive Officer took on notice to review Policies and Procedures specifically in relation to public workshops, noting there is a relevant motion raised within the April Council agenda.

The following reports were discussed at the 2 April 2025 meeting. The outcomes of the reports are outlined in the meeting minutes.

5.1 Lease and Licence Update

The Committee noted the update including an adjustment required to the order of master planning listed in the report, where Umpherston/Balumbul is being undertaken before Vansittart Park.

5.2 Policy Update

The Committee noted the update.

5.3 Quarterly Internal Update

The Committee noted the extensive workload for Council Administration in responding to the internal audit plan. Concern was discussed around balancing the future workload with the benefits and/or reduction of risks associated with the closing out of actions and recommendations from the already completed audits. Further concern was raised about getting value for money for the internal audits undertaken.

At the next iteration of the Plan it was discussed to include/review:

- Focus more on key areas based on recent risk review and updates
- Streamline the plan to be more targeted
- Include a revised completion date, especially for those that had slipped past their original due date
- Consider developing an audit plan for the next 3 years and undertaking a market approach to contract out the service over the 3 year term in order to obtain benefits of having the same organisation do all the audits.

5.4 Internal Financial Controls 2024-2025 Self Assessment and Update from Previous Self Assessment

The Committee noted and discussed a number of key points following the workshop presentation and report:

- Ensure Council are “honing” in on things that really matter, for example Asset Management Unlocking Project
- Increase in residual risk. Specifically commenting on the importance to review even if the rating goes backwards, shows thought and continuous improvement.
- Questioned the Disaster Recovery Plan residual risk rating as low and noted that this is purely referring to the financial controls surrounding disaster recovery of the general ledger.

5.5 Asset Accounting Policy

Extensive discussion was held around the proposed arbitrary indexation value to be applied to asset values on an annual basis and the proposed increase to capitalisation thresholds, noting that an increase in asset thresholds would put more pressure on operating result.

There was differing opinions provided by independent members, which resulted in a change to the draft policy recommendation to revert back to index asset values by CPI annually for this version of the policy with further review as improved data becomes available. Council has before it in this April Council agenda a separate report on this policy, which outlines some additional considerations in relation to this discussion.

5.6 ESCOSA Local Government Advice February 2025

Extensive workshop and discussions were held regarding each of the 6 recommendations provided by ESCOSA. The recommendations and high level comments have been separated below due to the in-depth time and detail spent reviewing each one.

1. Disclose material changes to its capital expenditure forecasts as part of its annual review and update to its Long-Term Financial Plans.



The Committee thought this was a sound recommendation/request from ESCOSA. Discussion was held around what was a reasonable level for materiality, noting that the level disclosed should be maintained at a high level incorporating “bigger ticket” items. The Committee also noted that significant initiatives including any grant funding should be recorded and separated from a new/renewal perspective.

Further discussion was held around projects that may be confidential or not costed properly however require inclusion later in the LTFP and the limited ability to be able to quantify and disclose them properly.

2. Develop a plan to achieve cost saving measures and targets and report annually in the budget and the Long-Term Financial Plans as appropriate, to provide evidence of controlling the growth in costs and achieving efficiencies across its operations and service delivery.

The Committee had no issues with this ESCOSA recommendation, however, noted that this area could be quite subjective. The Committee suggested to pinpoint areas where there are identified achievable cost savings or continuous improvements. Further discussion was held around service reviews and ensuring that 3-4 in depth reviews be undertaken annually from a demonstrated program, noting that tweaks to service levels could also assist in constraining costs. Lastly, the Committee acknowledged that applying an arbitrary target or % figure may create more issues and acknowledged the difficulty around measuring or realising the savings and subsequently reporting on this.

3. Review its planned pace of repayment of debt, balancing rate increases, financial costs, and intergenerational equity.

The Committee acknowledged that Council was already doing their best to balance the burden of debt structuring also noting the covenants in place from LGFA. Discussion was held around the longest lending term LGFA would offer, with suggestion that a term of 25 years may be available by negotiation. Further, the Committee also noted that the longer that loan terms are drawn out, the more limited the ability to plan and implement other longer-term projects for Council which the community may expect.

4. Review its depreciation assumptions and the underlying valuations and useful life data to ensure that depreciation accurately reflects the rate of asset consumption and ensure that asset renewal and replacement is fully funded.

The Committee noted that this recommendation was a bit broad brush and doesn't take into consideration redundant assets that Council may not wish to renew. Over time the Committee noted the following items for consideration to refine:

- Build up and monitor unit rates
- Review useful lives
- Review depreciation on road sub-base taking into account soil and how it contributes to reduced road movement, with the possibility of Council extending its useful lives on sub-base to the higher-end of the band recoded in the Asset Accounting Policy.

5. Review its pace of development of new and upgraded assets, having regard to rates affordability, the affordability of the stream of future liabilities created by new and upgraded assets, and the need to prioritise and fully fund asset renewal and replacement.

The Committee noted a slight objection to this recommendation in regards to Waste as it is self-funded or partly funded and is considered new capital expenditure. There were some differences of opinion between Committee Members in relation to new capital spend with one Committee Member suggesting Sport Recreation Open Space (SROSS) initiatives could be

determined as discretionary and curtailing enthusiasm on master planning and capacity to deliver. The alternative view suggesting that Council's needs to invest in new to generate more rating revenue and reiterating the importance to get on with the repayment of Wulanda so that it does not impact the ability to do new things in the future as city growth doesn't stop over the 10 year period of the LTFP.

Further discussions were held around the practical application of renewal versus upgrade expenditure on a case by case basis.

6. Review its approach to addressing financial sustainability risks, in consultation with its community, with a view to limiting future increases in rates and improving affordability for ratepayers.

The Committee noted that sustained increases to rates is not palatable and their preference would be to smooth out over the longer-term. The Committee also acknowledged that the ideology of this recommendation is appreciated, but reality is different and for Council to keep doing what they are doing, continuing to review, refine and update.

The Committee made resolutions on each of the ESCOSA recommendations which can be found in the Audit and Risk Committee minutes.

5.7 External Audit Matters 2023/2024 Update

The Committee noted the report and the advancements made.

5.8 Audit and Risk Committee Meeting Report

The Committee noted the change to this report.

CONCLUSION

The recommendation to Council is that they note the report as presented (in conjunction with the minutes of the meeting). Further that Council notes it will receive a similar report to reflect the work of the Audit and Risk Committee between meetings.

ATTACHMENTS

Nil



18.10 AUDIT AND RISK COMMITTEE - REVIEW OF INDEPENDENT MEMBER SITTING FEES

Author: Kahli Rolton, Manager Financial Services

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Audit and Risk Committee - Review of Independent Member Sitting Fees' as presented on Tuesday 15 April 2025 be noted.
2. The Council recognises the important role of the Audit and Risk Committee and that Independent sitting fees be amended as follows:
 - (a) The sitting fees for the ordinary meetings inclusive of any workshop immediately adjacent the ordinary meeting of the Audit and Risk Committee be increased to:

(i) Independent Presiding Member	\$500.00
(ii) Other Independent Members	\$300.00
 - (b) The sitting fees for any special meeting inclusive of any workshop immediately adjacent the special meeting or for any special workshop not associated with a meeting of the Audit and Risk Committee be increased to:

(iii) Independent Presiding Member	\$300.00
(iv) Other Independent Members	\$200.00
 - (c) The sitting fees noted at items 2(a)(b) of this recommendation are exclusive of any superannuation contributions required under the Superannuation Guarantee Administration Act.

PURPOSE

This report offers a comparison of the sitting fees for Independent Members of Local Government Audit and Risk Committees in order to assess the Council's sitting fee structure.

The Audit and Risk Committee offers integral professional and independent advice to Council and the Community. It is important to ensure sitting fees support the quality advice outcomes desired and ensure Council continues to attract and retain suitably qualified independent members.

BACKGROUND / OPTIONS

The Audit and Risk Committee Terms of Reference currently states:

5.4 Remuneration - *Remuneration paid to independent members will be a set fee per meeting with an additional amount paid to the Presiding Member.*

The Local Government Act 1999 does not currently include provisions for the payment of sitting fees for Independent Members.

The Local Government Association (LGA) released the *Audit and Risk Committees Financial Sustainability Information Paper (FSIP) No. 3 (2024)* which details the following:

4.2. Sitting Fees

Any sitting fees payable to independent members of audit and risk committees is a matter for council to determine. Sitting fees currently paid vary widely across the sector, ranging from \$380 to \$1000 per meeting.

The legislation does not specify any requirements in relation to sitting fees. Councils should have regard to the skill, knowledge and experience requirements for members of audit and risk committees in determining any sitting fees payable. It would also be appropriate to consider any review mechanisms, including whether an annual adjustment process should be adopted, for audit and risk committee sitting fees.

Council last reviewed its sitting fees for Independent Members of its Audit and Risk Committee in December 2020. At its meeting in December 2020, Council increased the sitting fees as follows:

Year	Sitting Fees			
	Presiding Member	Independent Member	Presiding Member (Special)	Independent Member (Special)
2011-2020	\$150.00	\$100.00	\$100.00	\$50.00
2021-2025	\$300.00	\$200.00	\$200.00	\$100.00
2025-2026+ proposed	\$500.00	\$300.00	\$300.00	\$200.00

To assess current sitting fees, comparison was made with other South Australian councils, refer table below, to ensure they are fair whilst also meet the needs of our community:

Type	Sitting Fees	
	Presiding Member	Independent Member
Regional	\$584.00	\$439.00
Metropolitan Fringe	\$887.50 - \$1,400	\$500.00 - \$687.50
Metropolitan	\$600.00	\$500.00
Rural	\$500.00 - \$800.00	\$300.00 - \$450.00
City of Mount Gambier	\$300.00	\$200.00

Superannuation on Committee Member payments

Local Government Association of South Australia has released a Superannuation Compliance for Local Government Guideline, dated September 2024. The guideline proposes that Independent Audit and Risk Committee Members (amongst other committee members) are considered employees for the purposes of the Superannuation Guarantee Administration (SGA) Act 1992. For clarification, being considered an employee under the SGA Act does not meet the definition of an employee for common law purposes.

At present, the approach to paying superannuation on Committee Members, such as Audit and Risk is not consistent across the Local Government sector with many councils waiting for the outcome of a ruling which has been lodged in the state of New South Wales.

Having reviewed the advice and attending a recent training session, it is Council Administration's opinion that there is a requirement to pay superannuation contributions on Audit and Risk Committee Members as they meet two requirements of the Act including:

- Payments to members of a committee established under legislation
- Payments for work predominantly for their individual labour (as per their appointment and application to become a Member of the Committee); And

- No ability to delegate their work as a Committee Member.

Council Administration will develop procedures to make good compliance in this area, including any superannuation guarantee shortfall required.

CONCLUSION

After comparing the sitting fees of other South Australian councils, it is recommended that Council raise the sitting fees for its Independent Members of the Audit and Risk Committee in recognition of their important role and to attract and retain quality Members to:

Committee Member	Ordinary Sitting Fee	Special Sitting Fee
Independent Presiding Member	\$500.00	\$300.00
Independent Members	\$300.00	\$200.00

All fees exclude superannuation contributions required under the Superannuation Guarantee Administration Act.

ATTACHMENTS

Nil



19 MOTIONS WITH NOTICE

19.1 MOTION WITH NOTICE - CODE OF PRACTICE FOR MEETING PROCEDURES

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on Tuesday 15 April 2025, I intend to move the following motion:

MOTION

1. That the Chief Executive Officer or delegate be authorised to:
 - (a) Amend the Code of Practice for Meeting Procedures at Item 4.1 Filming and Audio Recording Devices, to include such provision to give effect to a rule which prohibits photography, audio, video recording or broadcasting of information and briefing sessions.
 - (b) Include a standing item in the ordinary Council meeting agenda, immediately following the Acknowledgement of Country, which enables the Presiding Member to inform members of the gallery of the rules regarding photography, audio or video recording of meetings, as well as appropriate behaviour in the gallery, including speaking, engagement with, or otherwise causing disturbance in a Council meeting.
 - (c) Include a standing item in the ordinary Council meeting agenda, immediately following the Questions on Notice Section, for Adjourned Debate.
 - (d) Amend the Code of Practice for Meeting Procedures at Appendix 1 - City of Mount Gambier (Procedures at Meetings) Regulations 2024, Regulation 8(4) to insert "COMG 8.2 Point of Order" to reflect that points of order called will be recorded in the Minutes of the relevant meeting.
 - (e) Amend the Code of Practice for Meeting Procedures at Appendix 1 - City of Mount Gambier (Procedures at Meetings) Regulations 2024, Regulation 12(5) to insert "COMG 12.3 Reports from Councillors" to reflect that Councillors are expected to submit a written report on the activities they have undertaken in their duty as a Councillor for the preceding month at least seven (7) clear days before the date of the meeting at which the report is to be given, however in the event that a written report has not been submitted and included in the agenda, a Councillor may make a verbal report at the meeting and their response shall be recorded in the minutes, so long as the verbal report is accompanied by a written version of the report provided to the minute taker at the meeting.

RATIONALE

Information and briefing sessions are an opportunity for Members to learn, explore ideas, develop strategies, workshop problems, engage with stakeholders and community groups and engage in other informal activities. It allows an opportunity to meet outside of formal Council or Committee meetings, where time is not constrained. The content and ideas discussed at these sessions generally includes very early prototyping, consideration of options, or exploring of early concepts and information.

The current Code of Practice for Meeting Procedures is silent on photography, audio recording or video recording of information and briefing sessions. However, allowing this to occur inhibits open and frank discussion, which leads to a risk of less robust consideration of issues. It also increases the risk of publication of information which has not yet been put to a



formal decision of Council and may turn out to be incorrect, inaccurate or out-of-date information at a later date.

There are specific requirements in place which prevent Members from forming, or materially forming, a decision of Council at such a forum. This means that any early exploration of information, if it is to lead to a decision of Council, must be canvassed at a Council or Committee Meeting in any event, where audio recording is permitted, as well as photography and video recording by the approval of the Presiding Member. This would not prevent the public from attending to listen and observe information and briefing sessions, however they would not be allowed to record them. On the balance, I consider that it is not in either the Council's best interest, nor the community's, to allow recording of information and briefing sessions.

The inclusion of an Adjourned Debate item into the Agenda will allow for debate which had been held previously, and adjourned to a future meeting to allow further information to be obtained prior to Council making a resolution on the matter, a standing place in the Agenda without the need for Council to consider where to fit it into the items of business of that future meeting.

I commend this Notice of Motion to Council.

ADMINISTRATIVE COMMENT

The Code of Practice for Meeting Procedures has been the subject of several information or briefing sessions (workshops), communications and draft iterations.

Council may wish to consider a further information or briefing session be scheduled to review the operation of the Code of Practice holistically, which will provide the opportunity to consider learnings over the initial 6 months of operation, as well as for all Members to be involved in discussions for improvements, rather than make a range of amendments by way of motion with notice. Council might also choose to call for a report which outlines any implications of the proposed motion.

It is further noted that any amendment to the Code of Practice requires the support of a two-thirds majority of Members present in order to be successful, and if this is not achieved the effect is that the Motion is lost.

ATTACHMENTS

Nil



20 URGENT MOTIONS WITHOUT NOTICE

21 NEW CONFIDENTIAL ITEMS

21.1 STRATEGIC PROJECTS UPDATE

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Strategic Projects Update.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to commercial contractual matters, including tenders for service, the disclosure of which could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value outcomes on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Strategic Projects Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.



be kept confidential and not available for public inspection until a further order of Council to release.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.



21.2 MUSIC SA - UPDATE

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Music SA - Update.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered is confidential information of a third party to which Council owes a duty of confidence until such time as a public announcement has been made.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Music SA - Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

be kept confidential and not available for public inspection until the latter of a public notification being made by Music SA or 31 July 2025.
- 2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

21.3 ELECTRICITY SUPPLY CONTRACT - LARGE AND UNMETERED SUPPLY

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Electricity Supply Contract - Large and Unmetered Supply.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to a contract between Council and a supplier for the supply of electricity. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or confer advantage on third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Electricity Supply Contract - Large and Unmetered Supply and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

be kept confidential and not available for public inspection until two years after a contract has been executed for the relevant supply, and Council has been released from its duty of confidence, with the name of the supplier and value of the contract to be disclosed upon execution.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.



21.4 WULANDA RECREATION AND CONVENTION CENTRE - CONTRACTUAL MATTERS

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Contractual Matters.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to commercial contractual matters associated with the management and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value outcomes on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Wulanda Recreation and Convention Centre - Contractual Matters and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.



- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

be kept confidential and not available for public inspection until a further order of Council to release.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.



21.5 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Project Update.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
- (h) legal advice.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to commercially sensitive contracts associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils ability to obtain best value on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Wulanda Recreation and Convention Centre - Project Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.



- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
- (h) legal advice.

be kept confidential and not available for public inspection until the latter of two years after the satisfactory resolution of any outstanding commercial contractual dispute, or two years after the conclusion of any legal proceedings, and Council has been released from its duty of confidence.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.



22 MEETING CLOSE

23 ATTACHMENT - PREVIOUS COUNCIL MINUTES





MINUTES

Ordinary Council Meeting Tuesday 18 March 2025



Minutes of City of Mount Gambier Ordinary Council Meeting held at:

Time: 6:00 pm
Date: Tuesday 18 March 2025
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier

City of Mount Gambier
Ordinary Council Meeting Minutes

18 March 2025

PRESENT: Mayor Lynette Martin (OAM)
Cr Kate Amoroso
Cr Max Bruins
Cr Paul Jenner
Cr Mark Lovett
Cr Josh Lynagh
Cr Sonya Meziniec
Cr Frank Morello (arrived at 6:51pm)
Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager People, Place and Liveability	- Mr C White
	Manager Governance and Property	- Ms B Shelton
	Manager Operations Infrastructure	- Mr K Manarangi
	Manager Performance and Capability	- Ms T McPherson
	Manager Economy, Strategy and Engagement	- Mrs Biddie Shearing
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator	- Mrs A Pasquazzi
	Executive Administrator	- Mrs S Spears

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

4.1 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION OCM 2025/34

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council Meeting held on 18 February 2025 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - MARCH 2025

- Monthly catch up with General Manager City Infrastructure
- Internal meeting – Youth Program and Children’s University
- LCLGA Meeting with Minister Zoe Bettison MP, Minister for Tourism and SATC (Adelaide)
- LGA Board Strategic Planning Session (Adelaide)
- LGA Webinar – CEO Remuneration (virtual)
- ABC Radio interview with Narelle Graham – SA Regional Drive Program – CBD Hotel Development
- 5GTR-FM Radio interview with Llew Jones
- LCLHN Consultation – Clinical Services Care Plan
- Fortnightly meetings with media and communications team
- Yerkalalpa Community Reference Group Meeting
- Weekly meetings with CEO
- Elected Member Briefing – Strategic Risk Workshop
- Local Government Research and Development Scheme (LGR&DS) Induction (virtual)
- Catch up with Colin Byles, LCLGA Executive Officer
- Confidential meeting with developer, and CEO Sarah Philpott
- Internal meeting – Mayor’s Christmas Appeal discussion
- Annual Order of Australia Luncheon
- Meeting with District Council of Grant Mayor and CEO, and CEO Sarah Philpott – preparation and planning for annual joint meeting of Councils
- G4S – Blue Tree Project event (Mount Gambier Prison)
- Meeting with Kate Hill – confidential unsolicited proposal
- Elected Member Briefing – Riddoch Arts and Cultural Centre Strategy
- Elected Member Briefing – Budget Review 2
- Elected Member Briefing – ESCOSA
- LCLGA Special Board Meeting (virtual)
- Minister Clare Scriven – International Women’s Day “Limestone Coast Leaders” Breakfast event, with CEO Sarah Philpott
- South East Beer & BBQ Festival 2025
- Official opening of the estara Mount Gambier office
- Elected Member Briefing – Budget Workshop 1
- Confidential Elected Member Briefing – Belgravia Annual Business Plan
- Launch of Flinders University’s South Australian Rural Medical Program
- UniSA event – farewell Ian McKay and welcome Peta Crewe, with CEO Sarah Philpott
- Disability, Ageing & Lifestyle Expo morning tea (Wulanda Recreation & Convention Centre)
- Limestone Coast Football Association Barry Maney Premier League Season Launch 2025

RESOLUTION OCM 2025/35

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral Report be received.

CARRIED

6 REPORTS FROM COUNCILLORS

6.1 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Deputy Mayor's Forum, Limestone Coast Beer and BBQ Fest, Festival on the Green, "Honey Possum's Bush Café Book Launch
Cr Sonya Mezinac	Meeting with State Liberal Members of Parliament, Policy Announcement with Liberal State Team, Australia Day Breakfast and Citizenship Awards, Guy Detot & Harbingers Opening – Riddoch Arts and Cultural Centre, Christmas Parade Advisory Committee, Waste Services Tour, RACT Workshop
Cr Jason Virgo	Constituent Meeting regarding Port Hedland Motion
Cr Paul Jenner	<i>GTE strategic Planning Day, 2024 Automotive Industry apprentice awards, Waste service tour, ESCOSA street light reporting requirements with PLWG, Festival on the green in the Cave Gardens</i>

MOTION

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinac

1. That the reports made by Councillors be received.
2. That the verbal update provided by Cr Paul Jenner be included in the minutes.

Cr Lovett called a point of order, being that the seconder of the motion did not agree with point 2 of the motion moved.

The Mayor ruled to set aside the motion.

RESOLUTION OCM 2025/36

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That the reports made by Councillors be received.
2. That the verbal update provided by Cr Paul Jenner be included in the minutes.

CARRIED



7 QUESTIONS WITH NOTICE

Cr Kate Amoroso gave notice of her intention to ask the following question/s:

7.1 QUESTION - BUS STOPS

When was the last audit done of Mount Gambier City bus stops?

When was it presented to Council?

Answer:

In late 2020, administration completed a review of the Mount Gambier City Bus Service which highlighted a range of significant inadequacies attached to the existing public transport model. In February 2021, this was presented to Council and submitted as feedback to the Department of Transport and Infrastructure.

Following this time, Council has embarked on a range of advocacy for improvements to bus services and, more recently, had a series of meetings with the Minister for Infrastructure and Transport to explore options for improvements in the short, medium and long term. We have been advised that Mount Gambier will feature as a focus area in an upcoming Regional Transport Review and any capacity to make improvements to the existing service and scheduling considerations will need to be considered within the existing funding footprint and route schedules offered by the local contractor.

A report was presented to Council in July 2024 advising of this advocacy work and it was resolved for administration to:

- Provide a further report to Council about options to support a bus stop at Foodbank, including an update on Council's audit of bus stops.
- Write again to the Minister reinforcing the comprehensive need to improve the overall service to include timely access to the Mount Gambier Hospital and other essential services to improve accessibility and quality of life for members of our community.
- Prepare a submission to the regional transport review, in order to encourage the State Government to provide a more holistic and contemporary public transport system rather than a piecemeal approach.

Responding to Council's ongoing requests, the Department for Infrastructure and Transport (DIT) have provided in-principle support for the addition of Mount Gambier Foodbank to the existing Northwest route, subject to Council's provision of associated infrastructure at the bus stop location. Design for this addition is in its final stages.

In addition to Foodbank, further changes have been pursued, including the improvement of access to Mount Gambier Marketplace and the potential to re-route the North East Loop service to Pinehall Avenue, providing access to the Hawkins Clinic Pinehall facility. Additionally, options are being explored for the service to enter the grounds of the hospital, providing level access to the main entrance of the site.

Council Officers also undertook a review of the bus stops within the city in August last year. This involved checking each route and updating required signage. This audit has resulted in some bus zones along Wehl Street being relocated slightly to allow for safer pedestrian access. Further potential changes to the location of bus stops have been highlighted and will be explored in consultation with Link SA and DIT.



Outside of the service changes attached to Foodbank, DIT have advised their preference to defer consideration of further changes until completion of the Regional Transport Review. Administration is aware that the contract for the review has been awarded, but we're awaiting further detail about how community and stakeholder consultation will occur.

Cr Jason Virgo left the meeting at 6:18pm

Cr Jason Virgo returned to the meeting at 6:18pm

8 QUESTIONS WITHOUT NOTICE

The following question without notice was received from Cr Paul Jenner.

8.1 QUESTION - ESCOSA REPORT

Why is the ESCOSA report not apart of the Council agenda for both historical records and to show how Council is looking after it's finances in a very positive manner.

Answer - Chief Executive Officer, Sarah Philpott

The ESCOSA report for the City of Mount Gambier has been made visible to the community so far by way of a "news room" item including a link to the report. This has been widely reported in the media and as CEO I have spoken to the ESCOSA report in media interviews.

The Report recommendations must be published in Council's Annual Business Plan and Budget for the four years until the next ESCOSA review. Council will publish those recommendations and also, importantly, the actions which Council will or has taken in response to the recommendations. This will ensure the outcomes are reflected in Council's strategic documents for posterity.

Cr Paul Jenner sought leave of the meeting that the question and response regarding the ESCOSA report be recorded in the Council Minutes.

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO REVOKE OR AMEND

Nil



12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RESOLUTION OCM 2025/37

Moved: Cr Josh Lynagh
Seconded: Cr Sonya Meziniec

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 AUDIT AND RISK COMMITTEE

Nil

15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil

16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

Nil

17 BUILDING FIRE SAFETY COMMITTEE

Nil

18 COUNCIL REPORTS

18.1 SECOND QUARTER REPORT ON ANNUAL BUSINESS PLAN 2024 2025 OBJECTIVES

RESOLUTION OCM 2025/38

Moved: Cr Mark Lovett
Seconded: Cr Paul Jenner

1. That Council report titled 'Second Quarter Report on Annual Business Plan 2024 2025 Objectives' as presented on Tuesday 18 March 2025 be noted.

CARRIED



18.2 CITY INFRASTRUCTURE QUARTERLY UPDATE - MARCH 2025

RESOLUTION OCM 2025/39

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council report titled 'City Infrastructure Quarterly Update - March 2025' as presented on Tuesday 18 March 2025 be noted.

CARRIED

18.3 BUDGET REVIEW 2 2024/2025

RESOLUTION OCM 2025/40

Moved: Cr Sonya Meziniec

Seconded: Cr Mark Lovett

1. That Council report titled 'Budget Review 2 2024/2025' as presented on Tuesday 18 March 2025 be noted.
2. That Council adopts the Budget Review 2, being prepared as at 31 December 2024 for the financial year ending 30 June 2025

CARRIED

18.4 2025 ALGA NATIONAL GENERAL ASSEMBLY JOINT MOTION - REGIONAL AIR TRAVEL

RESOLUTION OCM 2025/41

Moved: Cr Kate Amoroso

Seconded: Cr Josh Lynagh

1. That Council report titled '2025 ALGA National General Assembly Joint Motion - Regional Air Travel' as presented on Tuesday 18 March 2025 be noted.
2. That Council authorise administration to submit the motion for consideration of ALGA for presentation at the National General Assembly.
3. That, noting the District Council of Grant's concurrent consideration of the motion for joint presentation, Council authorises the CEO to make any small amendments that may arise throughout their endorsement process.

CARRIED

18.5 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - MARCH 2025

RESOLUTION OCM 2025/42

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council report titled 'Periodic Review of Confidential Items - March 2025' as presented on Tuesday 18 March 2025 be noted.
2. That the following Confidential Orders as specified in Attachment 1, having been reviewed by Council, be amended to alter their duration and release conditions:

Nil
3. That the following Confidential Orders as specified in Attachment 1, having been reviewed by Council, be released as soon as practicable following the Council meeting on 18 March 2025:

Nil
4. That all Confidential Orders as specified in Attachment 1, excluding those amended or released in resolutions (2) or (3) above, having been reviewed by Council, remain in operation on the grounds and durations/release conditions as specified.

CARRIED

18.6 OUTSTANDING COUNCIL ACTION ITEMS - MARCH 2025

RESOLUTION OCM 2025/43

Moved: Cr Mark Lovett

Seconded: Cr Paul Jenner

1. That Council report titled 'Outstanding Council Action Items - March 2025' as presented on Tuesday 18 March 2025 be noted.

CARRIED



19 MOTIONS WITH NOTICE

**19.1 MOTION WITH NOTICE - ALGA 2025 NATIONAL GENERAL ASSEMBLY – 2025
FEDERAL ELECTION CAMPAIGN**

RESOLUTION OCM 2025/44

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

1. That the motion from Mayor Lynette Martin as presented on Tuesday 18 March 2025 be noted.
2. That Council supports the national federal election funding priorities identified by the Australian Local Government Association (ALGA);
3. That Council supports and participates in the Put Our Communities First federal election campaign; and
4. That Council writes to the Member for Barker, Mr Tony Pasin MP, all known election candidates in the seat of Barker (where possible), and the President of the Australian Local Government Association expressing support for ALGA's Federal Election funding priorities.

CARRIED

20 URGENT MOTIONS WITHOUT NOTICE

Nil

21 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

22 NEW CONFIDENTIAL ITEMS

22.1 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION (LCLGA) UPDATE

Pursuant to Section 75 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 22.1.

In accordance with Section 75B Mayor Lynette Martin informed the meeting:

Nature of Interest:

I am president of the LCLGA and as such receive an honorarium in the role and will leave the meeting.

Intention to Participate:

I will be leaving the meeting room such that I cannot view or hear any discussion (including questions) or voting at the meeting.



In accordance with Section 75B of the Local Government Act 1999 Mayor Lynette Martin left the meeting at 6:50pm.

In the absence of Mayor Lynette Martin, Deputy Mayor Cr Josh Lynagh took the chair for Item 22.1.

RESOLUTION OCM 2025/46

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, T McPherson, B Shearing, S McLean, A Pasquazzi and S Spears be excluded from attendance at the meeting for the receipt and consideration in confidence of Limestone Coast Local Government Association (LCLGA) Update.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- (j) information the disclosure of which -
- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the subject matter includes information concerning personal affairs of people associated with the Limestone Coast Local Government Association, as well as confidential information of the Limestone Coast Local Government Association.

CARRIED

Cr Frank Morello entered the meeting at 6:51pm.



RESOLUTION OCM 2025/48

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Limestone Coast Local Government Association (LCLGA) Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - (j) information the disclosure of which -
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest.be kept confidential and not available for public inspection until the Limestone Coast Local Government Association or their agent has expressly released Council from its obligation to keep this matter confidential.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

Mayor Lynette Martin returned to the meeting at 7:03pm and resumed the chair.



22.2 SUPPLY AND DELIVERY OF BULK FUEL

RESOLUTION OCM 2025/49

Moved: Cr Mark Lovett

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, T McPherson, B Shearing, S McLean, A Pasquazzi and S Spears be excluded from attendance at the meeting for the receipt and consideration in confidence of Supply and Delivery of Bulk Fuel.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to a contract between Council and the successful tenderer.

CARRIED

RESOLUTION OCM 2025/51

Moved: Cr Mark Lovett

Seconded: Cr Josh Lynagh

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Supply and Delivery of Bulk Fuel and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works

be kept confidential and not available for public inspection until 12 months after the execution of the contract, with the name of the successful tenderer to be disclosed upon execution.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

22.3 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE

RESOLUTION OCM 2025/52

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, T McPherson, B Shearing, S McLean, A Pasquazzi and S Spears be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Project Update.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
- (h) legal advice.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to commercially sensitive contracts associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils ability to obtain best value on behalf of the community.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To discuss the Wulanda Recreation and Convention Centre

Project Update.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7:05pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:42pm

RESOLUTION OCM 2025/54

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Wulanda Recreation and Convention Centre - Project Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
 - (h) legal advice.

be kept confidential and not available for public inspection until the latter of two years after the satisfactory resolution of any outstanding commercial contractual dispute, or two years after the conclusion of any legal proceedings, and Council has been released from its duty of confidence.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

22.4 BUSINESS SYSTEMS CONTRACT

RESOLUTION OCM 2025/55

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, T McPherson, B Shearing, S McLean, A Pasquazzi and S Spears be excluded from attendance at the meeting for the receipt and consideration in confidence of Business Systems Contract.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the report contains commercially sensitive information provided by a third party for the purpose of contractual negotiation. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could impact the Councils ability to obtain best value on behalf of the community.

CARRIED



RESOLUTION OCM 2025/57

Moved: Cr Frank Morello

Seconded: Cr Mark Lovett

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Business Systems Contract and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.be kept confidential and not available for public inspection until the latter of: two years after entering into a contractual arrangement, or the proposal has been abandoned and Council has been released from its duty of confidence, and the order be reviewed every 12 months.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED



22.5 DISCRETIONARY RATE REBATE

RESOLUTION OCM 2025/58

Moved: Cr Josh Lynagh
Seconded: Cr Mark Lovett

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, T McPherson, B Shearing, S McLean, A Pasquazzi and S Spears be excluded from attendance at the meeting for the receipt and consideration in confidence of Discretionary Rate Rebate and Associated Site Matters.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to commercially sensitive information provided by a third party, to which Council has a duty of confidentiality, and which may prejudice the supply of information to Council in future that enables informed strategic decision-making. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could impact the Councils ability to obtain best value on behalf of the community.

CARRIED

Cr Kate Amoroso left the meeting at 8:04pm

Cr Kate Amoroso returned to the meeting at 8:07pm



RESOLUTION OCM 2025/60

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Discretionary Rate Rebate and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

be kept confidential and not available for public inspection until the latter of: two years after the conclusion of any rebate agreement period (in its entirety including any subsequent determination by Council for future rebates), or two years after the proposal has been abandoned, and Council has been released from its duty of confidence.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED



22.6 OUTSTANDING COUNCIL ACTION ITEMS - MARCH 2025

RESOLUTION OCM 2025/61

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, T McPherson, B Shearing, S McLean, A Pasquazzi and S Spears be excluded from attendance at the meeting for the receipt and consideration in confidence of Outstanding Council Action Items - March 2025.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances where all outstanding actions included in the within report are confidential in their own right, being subject to their own respective confidential orders, and Council has a duty to maintain that confidentiality.

CARRIED



RESOLUTION OCM 2025/63

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Outstanding Council Action Items - March 2025 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.be kept confidential and not available for public inspection until such time as each outstanding action detailed in the report has been released from confidence respectively, and that the order be reviewed every 12 months.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

23 MEETING CLOSE

The meeting closed at 8:15pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 April 2025.

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MAYOR

