

Civic Centre, 10 Watson Terrace Mount Gambier SA 5290

PO Box 56 Mount Gambier SA 5290

Telephone 08 87212555 Facsimile 08 87249791 city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

Reference: AF11/863

TO: JEROEN ZWIJNENBURG (PRESIDING MEMBER)

VANESSA McDONALD CR SONYA MEZINEC MAYOR LEE (EX OFFICIO) CHIEF EXECUTIVE OFFICER

GENERAL MANAGER CITY GROWTH

GENERAL MANAGER COMMUNITY WELLBEING

FINANCE MANAGER

MANAGEMENT ACCOUNTANT

TIM MUHLHAUSLER, PARTNER, GALPINS

CC: ALL MEMBERS

DIRECTOR - OPERATIONAL SERVICES MANAGER - GOVERNANCE AND PROPERTY MANAGER, PEOPLE CULTURE AND SAFETY

TEAM LEADER FINANCE

NOTICE is given that the Audit Committee will meet in the Civic Centre, Committee Room, Level 4 on Tuesday, 7th March, 2017 at 5.30 p.m.

An agenda for the meeting is enclosed herewith.

Meshon

Mark McSHANE

CHIEF EXECUTIVE OFFICER

3rd March, 2017 MJT.AL



CONFLICT OF INTEREST DISCLOSURE FORM

(insert name)	
have received a copy of the agenda for the \Box	ordinary □ special meeting of the
	□ Council □ Committee □ Board
(insert full name of Committee/Sub-Committee/Board)	
to be held on: (insert date of meeting)	
CONFLICT OF INTEREST DISCLOSURE	
I consider that I have a:	
☐ material conflict of interest pursuant to sec	ction 73 (complete and sign below)
□ actual or □ perceived conflict of interest	oursuant to section 74 (complete and sign overleaf)
of the <i>Local Government Act</i> 1999 ("the LG A	ct") in relation to the following agenda item:
(insert details - include Agenda Item No, Report Number,	Item/Report Subject Title)
which is to be discussed at that meeting.	
МАТ	ERIAL
asons why you (or a person prescribed in section 73(1	as follows [ensure sufficient detail is recorded, including the) of the LG Act) stands to obtain a benefit or suffer a loss er at the meeting of the Council in relation to the agenda item
accordance with section $74(1)(b)\ I$ will be leaving thoted on.	ne meeting room while the matter is being discussed and
Signature	Date



In accordance with section 75A(2)(b) I propose \Box to \Box not to participate in the meeting in relation to the matter.

ACTUAL
The nature of my actual conflict of interest is as follows [ensure sufficient detail is recorded, including the reasons why the conflict between your interests and the public interests might lead to a decision that is contrary to the public interest in relation to the agenda item described above]:
Where I have proposed to participate in the meeting I intend to deal with my actual conflict of interest in the following transparent and accountable way [ensure sufficient detail is recorded as to the manner in which you intend to deal with the actual conflict of interest in a transparent and accountable way].
OR
PERCEIVED
The nature of the perceived conflict of interest is as follows [ensure sufficient detail is recorded, including the reasons why you consider that an impartial fair-minded person could reasonably consider that you have a perceived conflict of interest in the matter].
Where I have proposed to participate I intend to deal with the perceived conflict of interest in the following transparent and accountable way [ensure sufficient detail is recorded as to the manner in which you intend to deal with the perceived conflict of interest in a transparent and accountable way].
Signature Date

AUDIT COMMITTEE

Meeting to be held on Tuesday, 7th March, 2017 at 5.30 p.m. in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier

AGENDA

PRESENT: Miss Vanessa McDonald

Cr Sonya Mezinec

APOLOGY/IES:

moved that the apology from Mr Jeroen

Zwijnenburg be received.

seconded

APPOINTMENT OF ACTING

PRESIDING MEMBER: moved that be appointed Acting

Presiding Member

seconded

COUNCIL MEMBERS/

OTHERS AS OBSERVERS:

GUESTS: Mr Tim Muhlhausler, Auditor, Galpins (to be confirmed)

COUNCIL EMPLOYEES

<u>IN ATTENDANCE</u>: Mr Mark McShane, Chief Executive Officer

Mr Gary Button, Finance Manager

Ms Kahli Rolton, Management Accountant

OTHER APOLOGIES:

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.

MINUTES: moved the minutes of the previous meeting held

on Tuesday, 6th December, 2016 be taken as read and confirmed.

seconded

QUESTIONS:

- (a) With Notice Nil received
- (b) Without Notice -

1. REPORTS FOR INFORMATION

The Chief Executive Officer referenced the following Council Reports for the information of the Audit Committee:

- 1.1 CCS Report No. 1/2017 Council's Fees and Charges Review 2017/2018
- 1.2 CCS Report No. 3/2017 Review of Valuation and Rating System
- 1.3 CCS Report No. 4/2017 Budget Update as at 31st December, 2016
- 1.4 CCS Report No. 8/2017 Procurement and Disposal of Land and Assets
- 1.5 CCS Report No. 9/2017 Authorised Bank Signatories
- 1.6 CCS Report No. 10/2017 Delegations of Powers of Council

Audit Committee Agenda, Tuesday 7th March, 2017 cont'd...

RECOMMENDATION NO. 1

moved it be recommended that the above reports be received.

seconded

2. <u>AUDIT WORK PROGRAM 2014 - 2018</u> - Ref. AF11/863, AR16/36225

The Chief Executive Officer reported:

- (a) the Audit Committee should continually review the Audit Work Program to establish whether any adjustments are required to be introduced for the particular financial years activities;
- (b) the following activities and associated timelines (extracted from the Audit Work Program) are provided in abbreviated form, for the Committees reference and review:

FIRST QUARTER

- Work Plan
- Treasury Management Reviews
- Asset Reviews/Revaluation Strategy
- · Policy reviews incorporating;
 - Internal Controls
 - Fraud and Corruption Framework
 - Whistleblowing
 - Risk Management
 - Budget Performance

SECOND QUARTER

- Interim External Audit
- Work Plan
- Business Continuity
- Business Plan and Budget

THIRD QUARTER

- Work Plan
- Annual Report to Council incorporating;
 - Self Assessment
 - Review of Work Plan
 - Review of Terms of Reference

FOURTH QUARTER

- Work Plan
- Statutory External Audit(Inc. Fin. Int. Controls)
- AFS authorisation by Presiding Member
- Council Annual Report Compliance

RECOMMENDATION NO. 2

moved it be recommended the report be received.

seconded

3. FINANCIAL SUSTAINABILITY - Key Financial Indicators - Ref. AF11/704

The Chief Executive Officer reported:

(a) each year following the annual Audit process this report is prepared in order to track and measure Council's key financial indicators;

Audit Committee Agenda, Tuesday 7th March, 2017 cont'd...

(b) Corporate and Community Services Report 02/2017 is tabled for information and further discussion at the meeting:

RECOMMENDATION NO. 3

moved it be recommended:

- (a) the report be received;
- (b) the Financial Internal Controls Reports (Control 9 and 31) be endorsed by Council;
- (c) the Minor Plant Register Action Plan be endorsed by Council;
- (d) the update on Financial Internal Controls be received and the contents noted.

seconded

4. FINANCIAL INTERNAL CONTROLS - Internal Audit Program - Ref. AF16/164

The Chief Executive Officer reported:

- (a) As reported previously Council has commenced its Financial Internal Controls Program with regular periodic reports (as attached);
- (b) You will note that from the following Controls being reviewed there are a number of recommendations/improvements that will be actioned and monitored through the MET meeting process;
 - Control 9 Assets Project Costing
 - Control 31 Strategic Financial Planning Statutory Reporting
 - Implementation of Minor Plant Register Action Plan
 - Update on Financial Internal Controls

RECOMMENDATION NO. 4

moved it be recommended:

- (a) the report be received;
- (b) the Financial Internal Controls Report (Control 9 and 31) be endorsed by Council;
- (c) the Minor Plant Register Action Plan be endorsed by Council;
- (d) the update on Financial Internal Controls be received and the contents noted.

seconded

5. <u>STRATEGIC MANAGEMENT</u> - Long Term Financial Plan - Ref. AF11/1787, AR17/2810

The Chief Executive Officer presented a draft Long Term Financial Plan 2017/2018 to 2026/2027 (February, 2017) for noting.

RECOMMENDATION NO. 5

moved it be recommended that the draft Long Term Financial Plan 2017/2018 be received.

seconded

Audit Committee Agenda, Tuesday 7th March, 2017 cont'd...

6. **NEXT MEETINGS** (for confirmation)

- Tuesday 30th May, 2017
 Tuesday 22nd August, 2017
 Tuesday 10th October, 2017
 Tuesday 12th December, 2017

The meeting closed at p.m.

3rd March, 2017 MT.AL

AUDIT COMMITTEE

Minutes of Meeting held on Tuesday, 6th December, 2016 at 5.30 p.m. in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier

PRESENT: Mr Jeroen Zwijnenburg (Presiding Member)

Miss Vanessa McDonald

Cr Sonya Mezinec

APOLOGY/IES: Nil

COUNCIL MEMBERS/

OTHERS AS

OBSERVERS: Nil

GUESTS: Nil

COUNCIL EMPLOYEES

IN ATTENDANCE: Mr Grant Humphries, Director - Corporate Services

Mr Gary Button, Finance Manager

Ms Kahli Rolton, Management Accountant

OTHER APOLOGIES: Mr Mark McShane, Chief Executive Officer

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.

MINUTES: Vanessa McDonald moved the minutes of the previous meeting

held on Tuesday, 4th October, 2016 be taken as read and

confirmed.

Cr Mezinec seconded Carried

QUESTIONS:

(a) With Notice - Nil received

(b) Without Notice - Nil received

1. ANNUAL FINANCIAL STATEMENTS 2015/2016 - Correction - Ref. AF16/322

The Director - Corporate Services reported that:

- (a) reference is made to the attached memo setting out a correction that is required to be made to the recently adopted Annual Financial Statements (AFS) for 2015/2016;
- (b) reference is also made to the letter from Council's Auditor advising that they support the proposed correction and the process required to formalize the correction;
- (c) the following recommendations repeat the October Audit Committee resolutions but with the aforementioned correction.

RECOMMENDATION NO. 1

Cr Mezinec moved it be recommended:

(a) the report be received;

Audit Committee Minutes, Tuesday 6th December, 2016 cont'd...

- (b) In accordance with Section 126(4)(a) of the Local Government Act 1999 the Audit Committee advises that it has reviewed the annual financial statements (corrected) of the Council for the year ended 30 June 2016 and is satisfied they present fairly the state of affairs of Council;
- (c) The Chief Executive Officer and Presiding Member of the City of Mount Gambier Audit Committee sign the statement to certify the independence of the Council Auditor, Galpins.

Vanessa McDonald seconded

Carried

2. EXTERNAL AUDITOR - END OF YEAR REPORT - Ref. AF12/227

The Director - Corporate Services reported:

(a) following the recent annual end of year (or statutory) audit, Council has now received the subsequent Audit Management letter;

RECOMMENDATION NO. 2

Vanessa McDonald moved it be recommended:

- (a) the letter be received and contents noted;
- (b) the Audit findings and recommendations be referred to the Council administration for attention and to the Audit Committee for ongoing monitoring;
- (c) Councils External Auditor be advised of this course of action.

Cr Mezinec seconded <u>Carried</u>

3. FINANCIAL INTERNAL CONTROLS - Internal Audit Program - Ref. AF16/164

The Director - Corporate Services reported:

- (a) As reported previously Council has commenced its Financial Internal Controls Program with regular periodic reports (as attached);
- (b) You will note that from the following Controls being reviewed there are a number of recommendations/improvements that will be actioned and monitored through the MET meeting process;
 - Control 16 Rates/Rates Rebates

RECOMMENDATION NO. 3

Cr Mezinec moved it be recommended:

- (a) the report be received;
- (b) Financial Internal Controls Report (Control 16) be endorsed by Council;

Vanessa McDonald seconded

Carried

Audit Committee Minutes, Tuesday 6th December, 2016 cont'd...

4. **NEXT MEETINGS** (all dates tentative)

- Tuesday, 7th March, 2017 Tuesday, 30th May, 2017 Tuesday, 22nd August, 2017 Tuesday, 10th October, 2017

The meeting	closed at 5.46	p.m.

7 th December, 2016
MJT

CONFIRMED THIS	DAY OF	, 2017
PRESDING MEMBER		

CORPORATE AND COMMUNITY SERVICES REPORT NO. 1/2017

SUBJECT: COUNCIL FEES AND CHARGES REVIEW 2017/2018

REF: AF11/2289

Local Government Act

Section 188 of the Local Government Act provides the authority for Councils to impose fees and charges.

Section 188 further provides "the Council must keep a list of fees and charges imposed under this section on public display (during ordinary office hours) at the principal office of the Council."

and

"If a Council fixes a fee or charge under this section, or varies a fee or charge under this section the Council must up date the list of fees and charges and take reasonable steps to bring the fee or charge, or the variation of the fee or charge, to the notice of persons who may be affected."

Council Fees and Charges Review 2017/2018

In the interest of consistency across the local government sector the SA Local Government Association (LGA) developed a standard template format (including the treatment of GST) for use by Councils when recording their fees and charges.

Council's review of fees and charges for 2017/2018 has now been completed having regard to the provisions of the Local Government Act as well as the Fees and Charges quidelines.

The fees and charges review has continued to adopt the model format recommended in the LGA guidelines.

In completing the current Review, account has also been taken of the previous Council resolution i.e. "where practical, Council endeavour to increase fees and charges, on an annual basis, by the ruling, consumer price index percentage."

RECOMMENDATION

- (a) Corporate and Community Services Report No. 1/2017 be received;
- (b) Council adopt all recommended fees and charges identified in the "Schedule of Fees and Charges – 2017/2018 Financial Year" as presented in Corporate and Community Services Report No. 1/2017 notwithstanding that;
 - (i) other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges – 2017/2018 Financial Year" will come into effect on 1st July 2017.

Corporate and Community Services Report No. 1/2017 cont'd...

(ii) Council may see fit to amend any fee or charge as circumstances change or arise.



Grant HUMPHRIES

DIRECTOR - CORPORATE SERVICES

Meshon

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

13th December, 2016 MJT

Index

Community Services	01
Development	07
Environment	09
Health Services	12
Information Services	13
Licences and Permits	17
Miscellaneous	19
Private Works	20
Waste Management	21



Schedule of Fees and Charges

2017/2018

Financial Year

COMMUNITY SERVICES

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Hire Buildings	City Hall	Taxable			
	See Page No. 4				
	Facilities Hire -				
	Council Chambers/Reception Area				
	Full Day - Inc tea/coffee		\$420.00	\$425.00	
	Half Day - Inc tea/coffee		\$285.00	\$290.00	
	Committee Room				
	Full Day - Inc tea/coffee		\$225.00	\$230.00	
	Half Day - Inc tea/coffee		\$160.00	\$165.00	
	Library (for commercial hires)				
	Multi Function room (all facilities)				
	Full Day		\$155.00	\$160.00	
	Half Day (up to 4 hours)		\$80.00	\$82.00	
	Multi Function room (kitchen part only)				
	Full Day		\$90.00	\$92.00	
	Half Day (up to 4 hours)		\$50.00	\$52.00	
Hire Recreation	Lease, hire or rental (including long term rental) of sports	Taxable			
	Rental (Council maintained land)				
	Blue Lake BMX Club - Hastings Cunningham Reserve		\$500.00	\$500.00	All fees GST exc.
	Blue Lake Obedience Dog Club - Hastings Cunningham				
	Reserve		\$500.00	\$500.00	
	MtG Cycling & Triathlon Club - Blue Lake Sports Park		\$1,800.00	\$1,800.00	
	Lower South East Hockey Association - Blue Lake Sports				
	Park		\$7,000.00	\$7,000.00	
	Mount Gambier & District Baseball League - Blue Lake		\$7,800.00	\$7,800.00	
	Mount Gambier & District Cricket Association				
	- Blue Lake Sports Park		\$1,200.00	\$1,200.00	
	- Frew Park		\$2,700.00	\$2,900.00	
	- Marist Park		\$1,450.00	\$1,450.00	
	-Reidy Park		\$1,200.00	\$1,200.00	
	- McDonald Park		\$1,200.00	\$1,200.00	
	Mount Gambier Softball Association - Blue Lake Sports				
	Park		\$5,700.00	\$5,700.00	
	North Gambier Football Club - Vansittart Park (2016				
	Football Season)		\$19,500.00	\$19,800.00	
	Mount Gambier Touch Association - Vansittart Park		\$1,350.00	\$875.00	

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
	Licence Agreements Reidy Park Oval (Education Dept) Centenary Tower (GTFP) Marist Park (Tenison College)				
	Lease Fee (Council Policy) Is the "declared" figure per annum plus GST The "declared" figure is the annual lease fee that Council resolves at the commencement of each financial year.		Council Policy	Council Policy	
	All subsequent years of the lease then the "declared" annual fee be increased (or decreased) by the overall percentage rate increase (or decrease) that Council adopts for each financial year on a compounding calculation plus GST Lease Fee - Policy R200 - As per the above, the declared lease fee for the 2015/16 financial year is \$415 (+ GST), calculated as follows - \$415 + 4.5% = \$434				Review in July 2016
Library fines	Lost/replacement cards & items, overdue books,	Not subject to GST			
Library fees	Photocopying - A4 BW - A4 BW (double sided) - A4 Colour - A4 Colour (double sided) - A3 BW - A3 BW (double sided) - A3 Colour - A3 Colour - A3 Colour (double sided) Faxing Sale of Memory Sticks Material replacement charges Library Bags Sale of headphones Laminating A4 A3	Taxable	\$0.30 per page \$0.60 per page \$1.20 per page \$0.30 per page \$0.50 per page \$1.20 per page \$1.20 per page \$1.00 per page (sending) \$0.20 per page (receiving) \$8.00 each \$1.00 \$4.00 each		

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Office - Duplicate	Local History Photos				
Photographs	Photocopying	Taxable	A4 \$0.30 per page	A4 \$0.30 per page	
			A3 \$0.50 per page	A3 \$0.50 per page	
	A4 laser printed/photo quality		\$5.00 per page	\$5.00 per page	
	A4 laser printed/paper quality		\$3.00 per page	\$3.00 per page	
The Les Hill / Forestry	Provision of image to disk (inc. disk cost)				
SA Photographic	(i) Study/Research/Community Use - 1 to 4 images		\$5.00	\$5.00	
Collection	- 4+ images - (20 max)		\$20.00	\$20.00	
	(ii) Commercial Use (Les Hill only - No commercial use of Forestry				
	SA Collection)		\$20 per image	\$20 per image	
Recreation &	Swimming pool patronage including for lessons and	Taxable			Aquatic Centre
Swimming Centre	for spectators, use of spas, saunas, lockers & creches				Committee to
	Adult		\$6.50	\$6.50	determine new
	Child		\$5.50	\$5.50	vears fees in
	Spectator		\$3.00	\$3.00	May/June of
	Family		\$23.00	\$23.00	each year
	Pensioner		\$5.00	\$5.00	January January
	Lap Swimmers / Fitness		\$5.50	\$5.50	
	Vouchers/-Adult		\$55.00	\$55.00	
	10 Visits - Pensioner		\$45.00	\$45.00	
	- Child		\$50.00	\$50.00	
	Season Pass - Adult		\$240.00	\$240.00	
	- Pensioner		\$190.00	\$190.00	
	- Child		\$250.00	\$250.00	
	Family - 1-2 Adults/2 Children		\$550.00	\$550.00	
	- 1 Adults/3 Children		\$590.00	\$590.00	
	- 2 Adults/3 Children		\$620.00	\$620.00	
	- 1 Adults/4 Children		\$640.00	\$640.00	
	- 2 Adults/4 Children		\$670.00	\$670.00	
	- 2 Adults/5 Children		\$720.00	\$720.00	
Tourism	"The Lady Nelson" - Admittance Fees	Taxable			
					Discovery Centre
					admittance fees
					deleted as from
					1st July, 2016.

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
City Hall Hire	Reception Area - Part Day (6 or 3 hours) - Full Day		\$215.00/\$120.00 \$365.00	\$220.00/\$125.00 \$370.00	All Fees Inc. GST
	Hall - Part Day (6 or 3 hours) - Full Day All Facilities		\$235.00/\$165.00 \$380.00	\$240.00/\$170.00 \$390.00	
	- Part Day (6 or 3 hours) - All Day Kitchen		\$430.00/\$265.00 \$695.00	\$440.00/\$270.00 \$710.00	
Mair Orange			\$85.00/\$50.00	\$87.00/\$50.00	
Main Corner	Foyer - Part Day - Full Day - Exhibition Openings Only		\$245.00 \$410.00 "Not Avaliable"	"Not Avaliable" "Not Avaliable" \$250.00	All Fees Inc. GST
	Balcony - Part Day (6 or 3 hours) - Full Day Kings Floor		\$225.00/\$130.00 \$365.00	\$230.00/\$135.00 \$370.00	
	- Part Day - All Day Dress Circle		\$235.00 \$380.00	\$240.00 \$390.00	
	- Part Day (6 or 3 hours) - Full Day All Facilities		\$345.00/\$215.00 \$640.00	\$350.00/\$220.00 \$650.00	
	- Part Day - Full Day		\$970.00 \$1,720.00	\$990.00 \$1,750.00	
Main Corner/ City Hall	All Facilities - Part Day - Full Day		\$1,120.00 \$1,940.00	"Not Avaliable" \$1,980.00	All Fees Inc. GST Institute Facilities now not included
Riddoch Art Gallery	Studio/Workshop Part Day (6 or 3 hours) Full Day		\$150.00 / \$90.00 \$200.00	\$150.00 / \$90.00 \$200.00	
	Community Gallery 1 Month Longer periods by negotiation		\$200.00	\$200.00	

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES	
Riddoch Art Gallery	Main Gallery					
, , , , , , , , , , , , , , , , , , , ,	1 Month		\$500.00	\$500.00		
	Longer periods by negotiation				All Fees Including GST	
	Margaret Scott Gallery					
	1 Month		\$300.00	\$300.00		
	Longer periods by negotiation					
	Event/Program - Cover Charges					
	A Fee is sometimes charged for programmed activities:					
	Adults		\$2.00 - \$120.00	\$2.00 - \$120.00		
	Children (12 and under)		from \$2.00	from \$2.00		
	Security Bond (Booking Only)					
	Minimum Bond		\$500.00	\$500.00	GST Exempt	
	Maximum Bond		\$2,000.00	\$2,000.00	(Unless surrendered)	
	Exhibition Administration Fee		\$100.00	\$100.00	Inc. GST	
	Gallery and Studio/ Workshop Fees may be waivered or deferred by the Manager Community Services and Development where the proposed exhibition or use is aligned with and contr toward delivering upon Council's own strategic objectives, with Riddoch Art Gallery programming, or Art/Culture Festivals of Regional, State or national significance such as the South Australian Living Artists Festival					
	Sale of Works (Individual Artist/Supplier)		25% Commission	25% Commission		
	Works		\$0 - \$49 - 15%	\$0 - \$49 - 15%		
	Merchandise (tiered commission system)		\$50 - \$499 - 20%	\$50 - \$499 - 20%	% is exclusive	
			above \$500 - 25%	above \$500 - 25%	of GST	
	Sale of Works (Other)					
	By negotiation					

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Event Support	Labour (per person)				
	Monday - Friday		\$100.00 / hour	\$100.00 / hour	
	Saturday, Sunday and Public Holidays		\$150.00 - \$180.00 / hour	\$150.00 - \$180.00 / hour	
	Call out fee (additional)		\$ as determined	\$ as determined	
	Plant Hire				
	Light Vehicle		\$26.00 / hour	\$26.00 / hour	
	each additional hour		\$10.00 / hour	\$10.00 / hour	
	Heavy Vehicle		\$36.00 / hour	\$36.00 / hour	
	Other Machinery (inc Street Sweeper)		\$60.00 / hour	\$60.00 / hour	-
	Waste				
	Removal - Labour & Truck		\$170.00 / hour	\$170.00 / hour	All Fees Inc. GST
	Bin Hire		\$2.00 per bin / event	\$2.00 per bin / event	
	Equipment Hire				
	Loading/Delivery/Collection		refer Labour/Plant Hire	refer Labour/Plant Hire	
	Witches Hats/Bollards/Bunting		\$1.00 per item / event	\$1.00 per item / event	
	Seating		\$20.00 per unit/event	\$20.00 per unit/event	
	Stage		\$20.00 per unit/event	\$20.00 per unit/event	
	Inflatable screen		\$50.00 per event	\$50.00 per event	
	Giant Games		\$15.00 / game /event	\$15.00 / game /event	
	Advertisements				
	Road Closures - The Border Watch		\$100.00 per ad	\$100.00 per ad	

DEVELOPMENT

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Construction Industry Training Levy	Levy collected to fund training in the building & construction industry. (Where estimated value of work exceeds \$15,000)	Exempt			Statutory
Advertising	Advertising in newspaper as required under the Development Act (Category 3)	Taxable	\$84.00 \$95.00 \$174 (inc GST)	\$85.00 \$97.00 \$182.00 (inc GST)	
_odgement fees	Lodgement fees under the Development Act	Exempt	, , , , (c c c ,)	ψ + σ = - σ σ (σ σ σ ν)	Statutory
_and division fee	Land division fee under the Development Act	Exempt			Statutory
Building rules fees	Building rules fees under the Development Act	Taxable			Statutory
Development Act	Development plan assessment fee	Exempt			Statutory
Public Notification Fee (category 2 & 3)	Public Notification Fee (category 2 & 3) under the Development Act	Exempt			Statutory
Referral fees	Referral fees under the Development Act	Exempt			Statutory
Certificate of Approval Fee	Certificate of Approval Fee under the Development Act	Exempt			Statutory
Consent to Development at Variance with Building Rules	Consent to Development at Variance with Building Rules under the Development Act	Taxable			Statutory
Non-complying Development Fee	Non-complying Development Fee under the Development Act	Exempt			Statutory
Application for assignment of classification of a pullding	Application for assignment of, or change in, classification of a building under the Development Act	Taxable			Statutory
Certificate of Occupancy Fee	Certificate of Occupancy Fee under the Development Act	Taxable			Statutory
Application for issue of Schedule of Essential Safety Provisions	Application for issue of Schedule of Essential Safety Provisions under the Development Act	Taxable			Statutory

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Referral to Building Rules Assessment Commission	Referral to Building Rules Assessment Commission under the Development Act	Exempt			Statutory
Statement of Requirements Fee	Statement of Requirements Fee under the Development Act	Exempt			Statutory
Land Management Agreements	Registration of Copy of	Exempt			Statutory
Application to extend	consent or approval under R.48	Exempt			Statutory
Open space contributions	S.50 (1) (d) and (7) land division contributions	Exempt			Statutory
Development Application Searches	Refer to Information Services on page 14				

ENVIRONMENT

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	NOTES
Dog Control	Impounding & dog destruction	Exempt		Statutory
Dog Expiations	Dog nuisance, attack, harassment, injury, wandering,	Exempt		Statutory
	presence in schools, shops & other areas, failure to			
	register, display registration disc, advice of change of			
	address or owner, muzzle, leash, desex, remove faeces			
Dog Registration	Annual Registration fee (R)	Exempt	\$48.00	New Standard Fee
	Rebate/Fee for desexed dog (D)		\$28.80	Arrangment
	Rebate/Fee for microchipped dog (M)	\$38.40	Introduced from	
	Rebate/Fee for trained dog (T)		\$38.40	1/7/2017 (refer to dog and cat
	Fee for desexed & microchipped dog		\$19.20	management
	Fee for desexed and trained dog		\$19.20	board)
	Fee for desexed, microchipped + trained dog		\$9.60	
	Fee for microchipped and trained dog		\$28.80	
	Fee for guide, hearing and disability dog		No Fee	
	In addition, Council may apply for			
	Discount for concession card holder		50%	
	Fee for working dog		\$17.00	
	Fee for greyhound		\$21.00	
	Fee for business registration (per dog or business)		\$48.00	
	Fee for transfer of registration		\$5.00	
	Fee for replacement disc		\$5.00	
	Fee for late registrations		\$15.00	
	Fee for impound		\$46.00	
	Fee for daily holding at pound		\$21.00	
	Discount for partial year registration		50%	
	Other applicable fees		-	

Dog Registration	Non-Standard dog	Exempt		\$50.00	New Standard Fee
Tog registration	Standard Dog (50% off the Non-Standard dog fee)			\$25.00	Arrangment
	Concession Card			\$25.00	Introduced from
	Working Livestock Dog			\$25.00	1/7/2017 (refer to
	Discount for partial year registration			\$25.00	dog and cat
	Fee for Transfer of Registration			\$4.00	management
	Fee for replacement disc			\$4.00	board)
	Fee for late registrations			\$15.00	
	Fee for impound			\$50.00	
	Fee for daily holding at pound			\$25.00	
	Fee for business registration (per dog or business)			\$50.00	
	Other applicable fees			\$25.00	
Expiations – Burning	Fines & expiations in relation to burning, burning out of hours & burning particular material	Not subject to GST (no supply)	Statutory	Statutory	
Expiations - By Laws	Fines & expiations in relation to Council by-laws	Not subject to GST (no supply)	\$66.00	\$67.00	
Expiations – Littering	Fines & expiations in relation to littering	Not subject to GST (no supply)	Statutory	Statutory	
Expiations – Parking	Fines & expiations in relation to stopping & parking of motor vehicles, double parking & obstruction of access	Not subject to GST (no supply)	Statutory	Statutory	
Expiations	Reminder Notice fees	Not subject to GST (no supply)	Statutory	Statutory	
Expiations	Enforcement Warning Notices	Not subject to GST (no supply)	Statutory	Statutory	
Impounding of Vehicles	Removal	Exempt	Actual towing charge by contractor	Actual towing charge by contractor	
	Storage		\$85.00 per week or part thereof	\$86.00 per week or part thereof	
	Search Fees		actual cost	actual cost	
	Notification to owner		\$45.00	\$46.00	
	Advertising/Tendering		actual cost	actual cost	
	Auctioneers Charge (if applicable)		actual cost	actual cost	
	Any other charges		actual cost	actual cost	
	Special overtime only for Council Officers (if applicable) in		actual cost	actual cost	
	Council Officer's wages during normal time		no charge	no charge	
	Administrative charge		\$80.00	\$81.00	

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Removal of Property	Shopping Trolleys, Pedal Cycles	Exempt			
	Removal Storage		thereof for each trolley, pedal cycle or other	\$46.00 \$9.00 per day or part thereof for each trolley, pedal cycle or other object	
	Signboards and Other Objects			Object	
	Removal		\$45.00	\$46.00	
	Storage		thereof for each	\$9.00 per day or part thereof for each signboard or other object	

HEALTH SERVICES

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
	Provision of Food Safe Handling Kits & Videos Food Safe Food Safe Revisions Kits	Taxable	Nil Nil	Nil Nil	Provided by SA Health
	Food Safety Auditors Inspection Fees Sale of Meat	Taxable Taxable Taxable	Statutory Statutory Statutory	Statutory Statutory Statutory	
	Application & licence fees including renewals & transfers for Supported Residence	Exempt	Statutory	Statutory	
	Fines & expiations in relation to the Supported Residential Facilities Act	Not subject to GST (no supply)	Statutory	Statutory	
Public Health Act	(Legionella) - Application/inspection Fees	Exempt	Statutory	Statutory	
Public Health Act	(Wastewater) - Application/inspection Fees	Exempt	Statutory	Statutory	

INFORMATION SERVICES

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT		1/7/2017	NOTES
Council Documents	Access to Meetings and Documents - Code of Practice	Exempt	20c per sheet	20c per sheet	First ten (10)
	Annual Financial Statements		20c per sheet	20c per sheet	pages of any
	Annual Report		Free of charge	Free of charge	document
	Annual Business Plan (Draft)		20c per sheet	20c per sheet	requested to be
	Annual Business Plan and Budget		20c per sheet	20c per sheet	provided in hard
	Annual Business Plan (Summary)		Free of charge	Free of charge	copy free of
	Assessment Record		20c per sheet	20c per sheet	charge (from
	Code of Conduct - Elected Members Policy		20c per sheet	20c per sheet	1/7/2015)
	Code of Conduct - Employees Policy		20c per sheet	20c per sheet	
	Contracts and Tenders Policy		20c per sheet	20c per sheet	
	Council Agenda and Minutes		20c per sheet	20c per sheet	
	Council By-Laws		20c per sheet	20c per sheet	
	Delegations Register		20c per sheet	20c per sheet	
	Development Applications by Consent		20c per sheet	20c per sheet	
	Development Application Registers		20c per sheet	20c per sheet	
	Development Assessment Panel, Agenda and Minutes		20c per sheet	20c per sheet	
	Dog Register		20c per sheet	20c per sheet	
	Elected Members Allowances and Support Policy		20c per sheet	20c per sheet	
	Election Campaign Donations Returns		20c per sheet	20c per sheet	
	Information Statement for F.O.I.		20c per sheet	20c per sheet	
	Internal Review of Council Decisions Procedure		20c per sheet	20c per sheet	
	Members Conflict of Interest Guidelines		20c per sheet	20c per sheet	
	Notice of Meetings (Council/Committees/Panel)		20c per sheet	20c per sheet	
	Order Making Policy		20c per sheet	20c per sheet	
	Parking Register		20c per sheet	20c per sheet	
	Policy Manual		20c per sheet	20c per sheet	
	Public Consultation Policy		20c per sheet	20c per sheet	
	Rate Rebates Report		20c per sheet	20c per sheet	
	Rating Policy		20c per sheet	20c per sheet	
	Register of Annual Fees and Charges Levied by Council		20c per sheet	20c per sheet	
	Register of Community Land		20c per sheet	20c per sheet	
	Register of Employee's Salaries, Wages and Benefits		\$2.00 per entry	\$2.00 per entry	
	Register of Members Allowances and Benefits		\$2.00 per entry	\$2.00 per entry	
	Register of Members Interests		20c per sheet	20c per sheet	
	Register of Officer Interests		20c per sheet	20c per sheet	
	Register of Public Roads		20c per sheet	20c per sheet	
	Risk Management Identification Register		20c per sheet	20c per sheet	

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Council Documents continued	Standing and Community Committee Agendas and Minutes	Exempt	20c per sheet	20c per sheet	
	Statutory Resolutions and Statutory Appointments Register		20c per sheet	20c per sheet	
	Strategic Management Plan - Future Directions 2002-2006		Free of charge	Free of charge	
	Supplementary Development Plans (previously on exhibition)		20c per sheet	20c per sheet	
	Voters Roll		20c per sheet	20c per sheet	
Freedom of Information	Application, access and review in relation to Council documents	Exempt	Statutory	Statutory	
Property Searches	Rate searches (section 7 & 187), certificates of liability & extracts from assessment book	Exempt	Statutory	Statutory	
Development Application Searches	Building or Planning documents - search/copy of (refer to Council Policy D160)	Taxable	\$0.50 per page : A3	\$33.00 Initial Fee (2 hours) \$46.50 per hour thereafter plus \$0.20c per page : A4 \$0.50 per page : A3 \$17.00 per A1 or \$14.00 per A2 plan	Fee includes GST
Voters Roll	Supply of to candidates for election	Taxable	(1) combined rolls free of charge or as per photocopying fee structure	(1) combined rolls free of charge or as per photocopying fee structure	Statutory

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Plan Printing	Plain Paper Plots - Black & White	Taxable			
	Size B1 1-10 pages		\$7.00	\$7.00	Quotes required
	11-20 pages		\$6.00	\$6.00	for printing over
	21-50 pages		\$6.00	\$6.00	50 pages.
	Size A0 1-10 pages		\$8.00	\$8.00	
	11-20 pages		\$7.00	\$7.00	
	21-50 pages		\$7.00	\$7.00	
	Size A1 1-10 pages		\$6.00	\$6.00	
	11-20 pages		\$5.00	\$5.00	
	21-50 pages		\$5.00	\$5.00	
	Size A2 1-10 pages		\$5.00	\$5.00	
	11-20 pages		\$5.00	\$5.00	
	21-50 pages		\$4.00	\$4.00	
	Size A3 1-10 pages		\$4.00	\$4.00	
	11-20 pages		\$3.00	\$3.00	
	21-50 pages		\$3.00	\$3.00	
	Plain Paper Plots - Colour (Line Drawing)		·		
	Size B1 1-10 pages		\$20.00	\$20.00	
	11-20 pages		\$17.00	\$17.00	
	21-50 pages		\$15.00	\$15.00	
	Size A0 1-10 pages		\$23.00	\$23.00	
	11-20 pages		\$20.00	\$20.00	
	21-50 pages		\$17.00	\$17.00	
	Size A1 1-10 pages		\$17.00	\$17.00	
	11-20 pages		\$15.00	\$15.00	
	21-50 pages		\$12.00	\$12.00	
	Size A2 1-10 pages		\$15.00	\$15.00	
	11-20 pages		\$12.00	\$12.00	
	21-50 pages		\$9.00	\$9.00	
	Size A3 1-10 pages		\$7.00	\$7.00	
	11-20 pages		\$6.00	\$6.00	
	21-50 pages		\$5.00	\$5.00	
	Plain Paper Plots - Colour (Fill Drawing)		·		
	Size B1 1-10 pages		\$23.00	\$23.00	
	11-20 pages		\$23.00	\$23.00	
	21-50 pages		\$20.00	\$20.00	
	Size A0 1-10 pages		\$28.00	\$28.00	
	11-20 pages		\$25.00	\$25.00	
	21-50 pages		\$23.00	\$23.00	
	Size A1 1-10 pages		\$23.00	\$23.00	
	11-20 pages		\$20.00	\$20.00	
Fees and Charge	21-50 pages			\$17.00	

Fees and Charges 2016/2017

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Plan Printing	Plain Paper Plots - Colour (Fill Drawing) continued				
continuted	Size A2 1-10 pages	Taxable	\$17.00	\$17.00	Quotes required
	11-20 pages		\$14.00	\$14.00	for printing over
	21-50 pages		\$12.00	\$12.00	50 pages.
	Size A3 1-10 pages		\$9.00	\$9.00	
	11-20 pages		\$7.00	\$7.00	
	21-50 pages		\$6.00	\$6.00	
	Plain Paper Copies - Black and White				
	Size B1 1-10 pages		\$7.00	\$7.00	
	11-20 pages		\$7.00	\$7.00	
	21-50 pages		\$6.00	\$6.00	
	Size A0 1-10 pages		\$8.00	\$8.00	
	11-20 pages		\$8.00	\$8.00	
	21-50 pages		\$7.00	\$7.00	
	Size A1 1-10 pages		\$7.00	\$7.00	
	11-20 pages		\$7.00	\$7.00	
	21-50 pages		\$7.00	\$7.00	
	Size A2 1-10 pages		\$6.00	\$6.00	
	11-20 pages		\$6.00	\$6.00	
	21-50 pages		\$6.00	\$6.00	
	Size A3 1-10 pages		\$4.00	\$4.00	
	11-20 pages		\$3.00	\$3.00	
	21-50 pages		\$3.00	\$3.00	

LICENCES AND PERMITS

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Diving	Diving Permits - per permit	Exempt	\$30.00	\$30.00	
Mobile Vendors	Permit for mobile ice cream & other food vendors	Exempt if raised under S188(1)(f) LGA Taxable if raised under S188(1)(a) LGA	\$785.00	\$820.00	
Outdoor Dining	One Setting (is up to) - 1 x table, 4 x chairs, 1x umbrella	Exempt - raised under S188(1)(f) LGA	Fee is \$55 per annum per setting. Minimum charge is \$100.00 per annum	Fee is \$56 per annum per setting. Minimum charge is \$100.00 per annum	
	Additional chairs		\$12.50 per annum	\$13.00 per annum	
	Additional tables		\$12.50 per annum	\$13.00 per annum	
	Additional umbrellas		\$12.50 per annum	\$13.00 per annum	
Outdoor Displays	On footways (permit under LGA S.222)	S.222 LGA	\$55.00 per display unit	\$55.00 per display unit	GST applicable
Parking	Private Parking Areas Act Fees (When authorised by Council)	Exempt	Statutory	Statutory	
Road Closures	All applications and consents (inc. advertising fees charged) in relation to temporary road closures.	Exempt	Nil	Nil	

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Taxi & Hire Car	Taxi Licence - first issue	Exempt	By Public Tender	By Public Tender	
	Taxi Licence - renewal		\$490.00	\$490.00	
	Transfer of the holder of a taxi or hire-car licence		\$70.00	\$70.00	
	Transfer of a taxi or hire-car licence between vehicles		\$70.00	\$70.00	
	Leasing Licence - per annum or part thereof		\$70.00	\$70.00	
Taxi Fees	Metered Fares	Taxable			
	Flag Fall				
	- Tariff 1 7am - 7pm on any day		\$ 4.40	\$ 4.40	
	- Tariff 2 7am - 7am on any day		\$ 4.90	\$ 4.90	
	The above tariff being charged shall be indicated within the				
	taxi cab by a method approved by the Chief Executive				
	Officer of Council				
	Per Kilometre		\$ 2.50	\$ 2.50	All fares are
	Waiting Time, per hour		\$45.00	\$45.00	GST inclusive
	The kilometre and waiting time charges shall be registered			i i	and are due for
	automatically on the taxi metre fitted in the taxi cab, in units				review
	of 10c.				1.0.1.0.11
	Extras				
	For each booking by telephone		\$2.00	\$2.00	
	Christmas Day - Midnight to Midnight \$2.00 surcharge + T1		Ψ2.00	Ψ2.00	
	or T2		\$2.00	\$2.00	
			φ2.00	\$2.00	
	New Years Eve - 7pm - 7am and News Years Day - \$2.50		\$2.00	\$2.00	
	surcharge + T1 or T2		φ2.00	φ2.00	
	Miscellaneous Charges		\$100.00	\$100.00	
	Befouling Fee		\$100.00	J\$ 100.00	
	Non Metered Journeys		Contract	Contract	
	Fares for non metered journeys shall be by contract		Contract	Contract	
	Council to conduct a review of Taxi Fares each (2) two				
	years to ensure currency and appropriateness of local taxi				
	fares and related tariff structures.				
Trading	Street Traders - Annual licence - at least equal to	Exempt - raised	Fixed Charge	Fixed Charge	
-	Council's fixed charge rate for the same financial year as	under S188(1)(f)			
	the licence	LGA			
	Permit - per week or part thereof		\$66.00	\$67.00	

MISCELLANEOU:	S				
FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Cemetery	Lake Terrace Cemetery	Taxable			
	Leases				
	Lease Fees		\$1,900.00	\$1,940.00	Aligned with
	Interment Fees		\$1,600.00	\$1,630.00	Carinya Gardens
	Single depth burial 1.67 metres		\$1,650.00	\$1,680.00	
	Double depth burial 2.13 metres		\$1,650.00	\$1,680.00	
	Triple depth burial 3.05 metres		\$1,750.00	\$1,780.00	(all fees inc GST)
	Fees Payable in Addition to Interments				
	Interment after hours Mon-Fri and on a Saturday not being	0	\$600.00	\$620.00	
	Interment on a Sunday or Public Holiday, an additional		\$940.00	\$960.00	
	Oversized caskets with advance notice given		no extra charge	no extra charge	
	Surcharge for oversized casket-no notice given		\$155.00	\$155.00	
	Monument Licence Fee				
	- Single		\$420.00	\$430.00	
	- Double		\$640.00	\$650.00	
	- each additional		\$80.00	\$85.00	
	Other Fees		Ψοσ.σσ	Ψ00.00	
	Exhumation after minimum period when authorised				
	·		\$2,300.00	\$2,350.00	
	Interment of cremated remains		\$410.00	\$445.00	
Cemetery	Long term leases (Lake Terrace - 50 years)	Exempt if raised	\$1,900.00	\$1,940.00	All fees include
		under 188(1)(f),			GST.
		otherwise taxable			
	Cancellation of Lease (Admin Fee)		\$157.00	\$160.00	
Land and Business	Fees Payable for Council Searches/Reports	Exempt	Statutory	Statutory	
Conveyancing					
Valuation of Land	Application, Review Fees	Exempt	Statutory	Statutory	
Land Transcation	Application Fee For Inspection/ Administration Associated	Taxable	Nil	\$495.00	All fees include
	with Grant or Variation of Easement, Community Land				GST (Excludes out
	Revocation/ Purchases, Road Closing / Purchase and				of Pocket
	Similar Council Land Transactions.				Expenses)
	Similar Council Land Transactions.				

PRIVATE WORKS

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Footpaths, Stormwater	Labour			At cost	Inherent increase
Pipes, Culverts,	On cost of labour		`	80% of labour (normal	
Inverts & Crossovers,			internal charge is 50%)	internal charge is 50%)	
Sundry Works	Plant Hire		At cost + 20%	At cost + 20%	
	Materials		At cost + 20%	At cost + 20%	
			(+ GST on overall cost)	(+ GST on overall cost)	
Mowing Ovals	Mowing ovals for schools/sporting clubs	Taxable	\$110.00	\$112.00	
Reinstatements	Per square metre	Taxable	\$120.00	\$122.00	
	Min. charge		\$120.00	\$122.00	

WASTE MANAGEMENT

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/9/2016	1/7/2017	NOTES
Waste Transfer	General Public	Taxable			
Centre (Rubbish	Single garbage bag		\$5.00 per bag	\$5.20 per bag	
Removal)	Minimum Fee (small loads, eg car boot)		\$23.00 per load	\$24.00 per load	
	Small trailer or utility (standard)		\$40.00 per load	\$42.00 per load	
	Small trailer or utility (heaped)		\$50.00 per load	\$52.00 per load	revised EPA
	Small trailer or utility (caged)		\$52.00 per load	\$53.00 per load	fees introduced
	Tandem trailer (standard)		\$65.00 per load	\$67.00 per load	1/09/2016
	Tandem trailer (heaped)		\$81.00 per load	\$84.00 per load	
	Tandem trailer (caged)		\$88.00 per load	\$91.00 per load	
	Truck or large trailer		\$132.00 per tonne	\$140.00 per tonne	
	Mattresses (regardless of size)		\$26.00 each	\$28.00 each	
	Inspection fee - empty pesticide container		\$7.00 each	\$7.00 each	
	Senior's Card/Aged Pensioners Card				
	On production of Seniors Card/Aged Penioners				
	Card/Health Card				
	Single garbage bag		\$4.00 per bag	\$4.20 per bag	
	Limit car boot load only		\$16.00 per load	\$17.00 per load	
	Private Contractors				
	Charge per tonne at Waste Transfer Centre		\$132.00	\$140.00	
	Charge per tonne via Waste Transfer Centre		\$123.00	\$136.50	
	Disposal by arrangement (direct to landfill)		\$195.00 per tonne	\$210.00 per tonne	
	Minimum Charge		\$132.00	\$140.00	
	Minimum charge for roll on roll off bin (based on volume of		\$61.00 per cubic metre	\$65.00 per cubic metre	
	bin)				
	Minimum charge for Account Customers		\$65.00 per visit	\$70.00 per visit	
	l and the state of		Total partition	φ. σ.σσ μο. τ.σ.ι	
Rubbish Collection	Green Waste Collection Fortnightly Service (Applied on	Exempt	\$81.90 (applied pro-rata	\$83.00 (applied pro-rata	
	Pro-Rata Basis)		per fortnight)	per fortnight)	
	Fee applies for July-June peiod but payments will				
	commence in June				

FEE OR CHARGE	DESCRIPTION AND COMMENTS	GST TREATMENT	1/7/2016	1/7/2017	NOTES
Sale of rubbish &	Sale of 240L Bins (Greenwaste)	Taxable	\$72.00	\$72.00	
recycling bins & receptacles	Replacement Bins (Garbage/Recycling) - (lost or stolen bins)		\$72.00	\$72.00	
	Additional Bins (Garbage/Recycling) - (cost for bin plus		\$121.00	\$123.00	
Sharps Containers	Sale of needle/sharps containers	Taxable			
Storm Water Drainage	Developer Contribution - Downstream Drainage	Exempt			
	For developments of 1 hectare or greater		\$5,400.00 per hectare	\$5,500.00 per hectare	
	For developments less than 1 hectare		\$0.84 per square metre	\$0.90 per square metre	
eWaste	1. CDs, Discs, USBs, Calculators etc	Taxable	free	free	Includes GST
Recycling	2. Compact Fluro Lights (CFLs)		\$0.50	\$0.50	
	3. Fluro tubes, high density lamps		\$1.00	\$1.00	
	4. Keyboards, Toaster, Frypans, Lamps etc		\$6.00	\$6.00	
	5. Microwaves, Vacuums, DVDs, Printers etc		\$15.00	\$15.00	
	6. Computer Package, Large TVs, Medium Printers etc		\$25.00	\$25.00	
	7. Extra Large Items i.e. Photocopiers etc		\$1.20/kilo	\$1.20/kilo	

CORPORATE AND COMMUNITY SERVICES REPORT NO. 03/2017

SUBJECT: REVIEW OF VALUATION AND RATING SYSTEM

REF: AF11/2290

BACKGROUND

Following a major review of Council's Valuation and Rating methodology Council adopted in March 2004 a new rating structure the principle elements of which continue to be:

- capital valuation (changed from site value)
- differential rating based on land use (using the local government land use codes)
- a fixed charge (instead of a minimum charge)
- fixed charge to raise 45% of Council's general rate revenue the remainder by the traditional valuation based rate in the dollar (to avoid rate increases as a result of periodic fluctuations in valuations)
- rate capping for certain ratepayer classes

In 2008 Council engaged independent consultant Mr David Hope of Skilmar Systems to conduct a periodic review of Councils ongoing rating strategy and as a result no significant issues or deficiencies were identified.

2017/2018 RATING STRATEGY - PROPOSED

There are a number of rating assumptions that continue to be used as a basis to Council's rating strategy that require confirmation on an annual basis, for incorporation in the rate modelling/budgeting process. These matters include:

Fixed Charge

Council's fixed charge is currently \$606.90 which continues to raise approximately half (45%) of Councils overall general rate burden.

This principle continues to be well accepted as a fair and equitable system rather than the historic methodology of the entire rate base being calculated on the valuation by rate in the dollar principle.

By maintaining this principle Council achieves its initial aim of "future proofing" its rating structure against the periodic vagaries of the property valuation system.

Differential General Rates

Have been set on the following basis;

- Commercial and Industrial differential is set at +170% of the Residential rate
- Vacant Land differential has also now been set at +170%
- All other land uses (Primary Production and Other) are set at the Residential differential

The most recent South Australian Local Government rates comparison indicates the following average comparative figures:

	<u>Mount</u> <u>Gambier</u>	<u>Metro</u>	<u>Rural</u>
Residential	\$1,101	\$1,505	\$1,295
Fixed Charge	\$607	\$5 4 1	\$398
Average Increase	\$40	\$40	\$41

Corporate and Community Services Report No. 3/2017 cont'd...

Source: Local Government Association 2016/2017 Rating Survey.

(See attachments for graphical representation).

• Rate Capping - Residential (Principal Place of Residence)

To address any inequities that may arise in the way rates are raised across the Council a 15% 'rate cap' is applied to any residential (principal place of residence) properties.

The previous pensioner rate cap was deleted in 2015 as a result of the state government abolishing pensioner rate concessions via local government.

• Vacant Land Rate Rebate

Council introduced this rebate to assist ratepayers who have purchased land for residential purposes (as apposed to purchase for speculation).

The vacant land rate is + 170% on residential land rate.

If the ratepayer can demonstrate the vacant land is to be used for residential purposes in the short term as opposed to holding for pure speculation purposes, then a rebate back to the rates payable on the average residential land use, is available.

Given the 2010 boundary adjustment and the resultant availability of 'new' land area within the City, Council considered that a relaxation of the previous high differential on vacant land (to encourage development of) was justified.

As from the 2010/2011 rating period the vacant land differential reverted back to +170% (consistent with other differentials) whilst still maintaining the vacant land rebate provisions.

Other Rate Relief Options

Mandatory and Discretionary Rate Rebates, Postponement of Rates for Seniors and Hardship provisions continue to be available in accordance with the Local Government Act and Council Policy criteria where applicable.

• Mandatory Rate Rebates - Community Housing Properties

Since the State Government 'relaxed' the Local Government Act mandatory rate rebate provisions which essentially gave community housing associations automatic rate rebates there has been a steady growth in the number of properties and value of rebates required to be provided by Council.

These properties, many of which are former South Australian Housing Trust properties now being transferred to the Community Housing sector, are able to claim the mandatory 75% rate rebate on Council rates due to the changed legislation.

This in turn has a significant impact on Council's Budget.

In the 2016/2017 rating year Council provided approximately \$158,000 in rate rebates (0.7% of rate revenue) for 155 Community Housing properties.

Corporate and Community Services Report No. 3/2017 cont'd...

Recent years has seen significant growth in these rebates and a corresponding loss to Council's Budget as follows:

	No. of Properties	Value of Rebate
2011/2012	91	\$71,080
2012/2013	103	\$86,492
2013/2014	109	\$98,369
2014/2015	120	\$113,824
2015/2016	131	\$130,113
2016/2017	155	\$157,660

This growth in rate rebates provided is expected to continue as the State divests its responsibilities for social housing to the community housing sector at the expense of local government.

It is anticipated that, across the state, over 4,000 SAHT properties will be transferred to Community Housing next financial year.

SUPPLEMENTARY INFORMATION

Provided as attachments are reports extracted from the annual LGA rates survey which provides relevant rating data with other SA Councils in comparative format.

RECOMMENDATION

- (a) Corporate and Community Services Report No. 03/2017 be received;
- (b) Rating assumptions and directions referred to in this Report be used to prepare Council's draft Annual Business Plan and draft Budget, for Council's future consideration.



Grant HUMPHRIES DIRECTOR – CORPORATE SERVICES

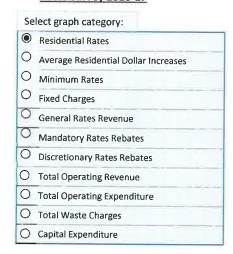
Mush

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

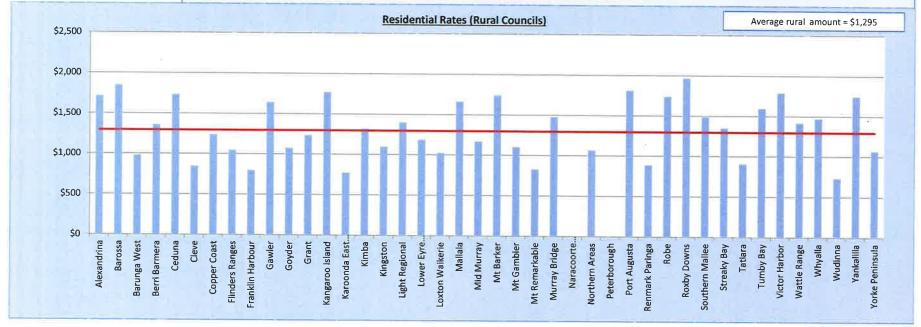
5th January, 2017

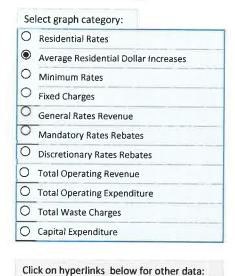


Click on hyperlinks below for other data:

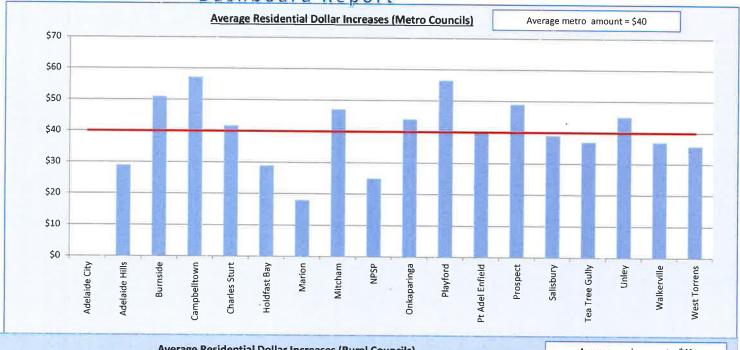
- ▶ Base Rates Data Council by Council
- ▶ Rates Questions (yes/no's, etc)

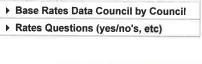


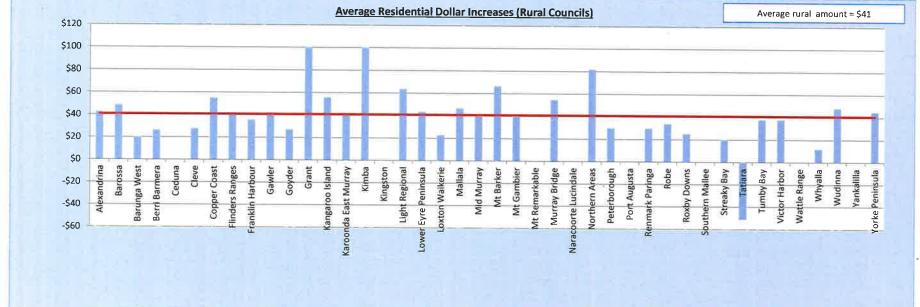


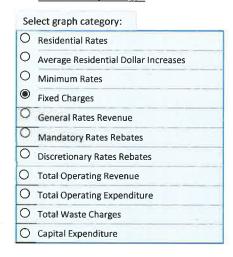


Dashboard Report



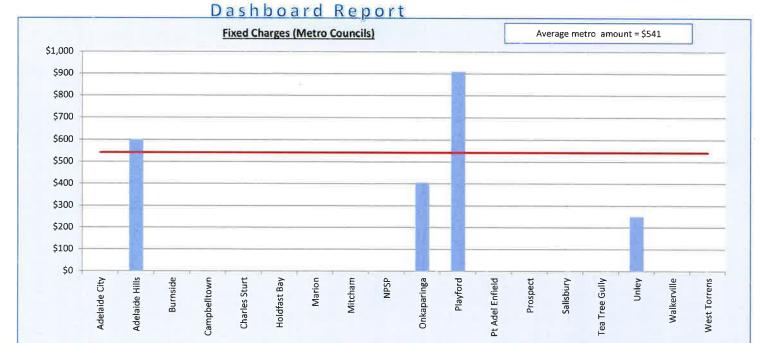


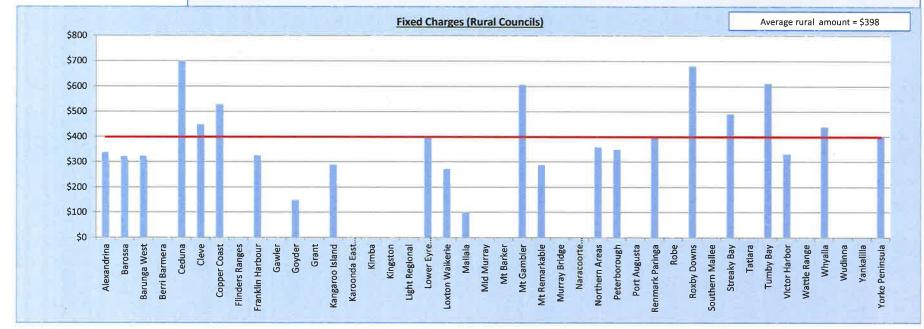


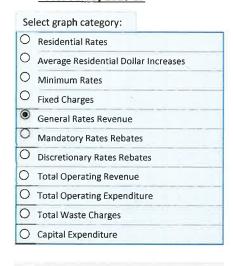


Click on hyperlinks below for other data:

- ▶ Base Rates Data Council by Council
- ▶ Rates Questions (yes/no's, etc)



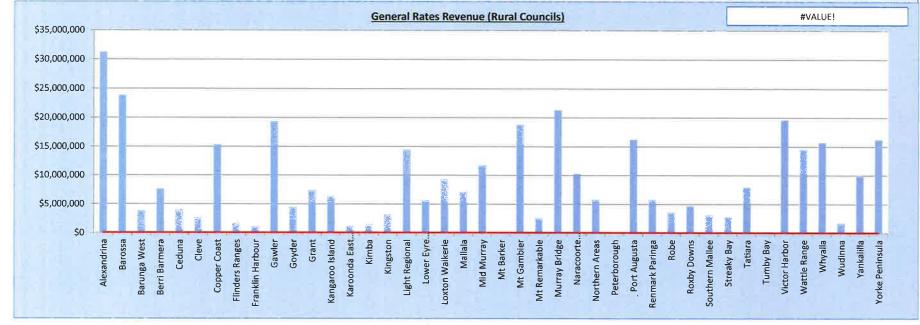




Click on hyperlinks below for other data:

- ▶ Base Rates Data Council by Council
- ▶ Rates Questions (yes/no's, etc)





CORPORATE AND COMMUNITY SERVICES REPORT NO. 04/2017

SUBJECT: BUDGET UPDATE AS AT 31ST DECEMBER, 2016 (BR2)

REF: AF15/461

Following the introduction of the Local Government (Financial Management) Regulations 2011, Council completed a review of its Budget reporting processes (Corporate and Community Services Report No. 30/2012 - Monitoring Council's Budget Performance) resulting in the adoption of the new Policy B300 - Budget Reporting and Amendment.

The objective of the Budget Reporting and Amendment Policy is to provide management with a framework to operate in regard to the following:

- The content, timing and process to be followed for reporting to Council on its performance against budget;
- The scope and conditions associated with the Chief Executive Officer approving variations in activity (that are within the scope of the approved budget allocations);
- The process required to be followed as well as general guidelines in relation to the carrying forward of expenditure authority associated with projects included in the budget for the previous year.

The Policy provides for a Budget Update report to be prepared and included in the agenda of the Ordinary Meeting of Council's Corporate and Community Services Committee in the months of November and March (as a minimum). The report will highlight at summary level budget activity for the year to date, original and revised budget information, and include the latest revised forecast of expected budget results for the year.

The Budget Update (BR2) as at 31st December, 2016 as presented with this report, is now recommended for adoption.

RECOMMENDATION

- (a) Corporate and Community Services Report No. 04/2017 be received;
- (b) the Budget Update as at 31st December, 2016 as presented with this Report be adopted by Council with all amendments to be made to the 2016/2017 Council Budget.

Grant HUMPHRIES

DIRECTOR - CORPORATE SERVICES

M Msh-

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

23rd January, 2017 AL



BUDGET UPDATE: BR2 FEBRUARY 2017 AS AT 31ST DECEMBER 2016

- 1. BUDGET UPDATE COMMENTARY (PAGE 1)
- 2. DETAILED SUMMARY OF WORK IN PROGRESS ALLOCATIONS (PAGES 2 5)
- 3. **NEW BUDGET SUMMARY (PAGE 6)**
- 4. HIGH LEVEL SUMMARY BY FUNCTION (PAGES 6 19)
- 5. UNIFORM PRESENTATION OF FINANCES (PAGES 20 26)

1. BR2 Commentary

- This is the second Budget Review for the 2016/2017 financial year other than the interim review which introduced work in progress amounts from 2015/2016 into the 2016/2017 Budget.
- BR2 takes into account most costs for the first 6 months of operating (July to December)
 however some creditors for the month of December are not yet to hand (processed in
 January).
- In overall terms BR2 provides for;
 - An increase in Operating Expenditure of \$578,000
 - o An increase in Operating Revenue of \$494,000
 - A net loss to the budgeted operating result of \$84,000
- Council's Budgeted <u>Operating</u> commentary;
 - The adopted Budget provided for a \$79,000 Deficit
 - o Interim (WIP) Review resulted in a \$119,000 Deficit
 - o BR1 results in a \$92,000 deficit as at 30th September, 2016
 - BR2 results in a \$176,000 deficit as at 31st December, 2016
- Council's Overall Budget commentary:
 - Adopted Budget provided for a \$58,000 Deficit
 - The Interim (WIP) Review resulted in a \$58,000 Deficit
 - o BR1 results in a \$31,000 deficit as at 31st September, 2016
 - o BR2 results in a \$14,000 surplus as at 31st December, 2016
- Operating Expenditure increase of \$578,000 was principally caused by the landfill costs to cover the leachate disposal and increases in the EPA's waste management levy.
- Operating Revenue is increased by \$494,000 principally due to additional landfill revenues from the EPA's waste management levy.
- Council's Operational Expenditure and Revenue against Budget is provided in graphical form, as an attachment.
- Capital Expenditure increases by \$111,000 principally due to a property purchase.
- Non operating Revenue increases by \$272,000 mainly due to the loan funds required for the property purchase.

2. DETAILED SUMMARY

Account No.	Description	Original Budget '000	Revised Budget '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Revised E of Y Budget Forecast '000
2.1	OPERATING REVENUE						
	ENVIRONMENTAL						
4155.0551	Environmental Sustainability - Community Grant Funds	0	0	4	4	4	4
4162.0625	Waste Management - Landfill Disposal Revenue (EPA Levy)	1,400	1,400	2,000	1,002	400	1,800
						404	
	UNCLASSIFIED						
4230.1302	Sundry Revenue - Reimbursements - Trainee Subsidies	25	25	6	3	-19	6
4230.1305	Sundry Revenue - Training Reimbursements	5	5	24	108	19	24
4230.1305	Sundry Revenue - Diesel Fuel Rebate as Revenue	5	24	49	108	25	49
4230.1305	Sundry Revenue - Insurance Schemes Special Distributions	5	49	114	108	65	114
						90	
	OPERATING REVENUE INCREASE/(DECREASE)					494	
2.2	NON - OPERATING REVENUE						
4260.1601	Loan Repayments - Community Groups (Exp. Offset)	8	8	40	24	32	40
4250.1524	Loan Funds (Land Purchase)	0	0	240	0	240	240
						272	
	NON - OPERATING REVENUE INCREASE/(DECREASE)					272	

Account No.	Description	Original Budget '000	Revised Budget '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Revised E of Y Budget Forecast '000
2.3	OPERATING EXPENDITURE						
	ADMINISTRATION						
6002.0206	Organisational - Legal and Professional (Land Purchase/Costs)	25	25	36	18	11	36
6013.0038	Organisational - HR Vehicle Operating	5	5	25	15	20	25
6013.0320	Organisational - HR Consultancy - Restructure Costs	15	15	40	31	25	40
6020.0021	Customer Service - Super (Employee Maternity Leave)	20	20	25	16	5	25
6022.0039	Community Engagement - Library Furniture Purchase	90	90	88	35	-2	88
						59	
	CULTURAL						
6200.0636	Cultural - Library Furniture Purchase	13	13	15	8	2	15
						2	
	ECONOMIC						
6360.0034	Tourism - Training - Digital Training	3	3	8	1	5	8
6360.0832	Tourism - TLN Promotion - Creative Digital Content	15	15	20	15	5	20
						10	
	ENVIRONMENTAL						
6410.0890	Waste Management - Landfill Operations	400	400	650	255	250	650
6410.0892	Waste Management - Waste Levy Increases	600	600	975	390	320	920
6460.0955	Environmental Sustainability - Community Grant Funding	57	72	76	34		76
]				574	
	RECREATION						
6500.0972	Parks, Gardens, Reserves - Hastings Cunningham Reserve	10	10	18	11	8	18
						8	

Account No.	Description	Original	Revised	Proposed	Actual	Variance now	Revised E of Y
		Budget '000	Budget '000	Budget '000	31/12/2016 '000	Requested '000	Budget Forecast
		000	000			000	'000
						ļ	
	ENGINEERING/INDIRECT						
6850.1601	Plant/Machinery - Fuel Costs (Diesel Fuel Rebate -Rev. Offset)	330	330	355	129	25	355
						25	
	UNCLASSIFIED ACTIVITIES						
6960.2000	Interest - Loans LGFA	477	477	377	110	-100	377
						-100	
	OPERATING EXPENDITURE INCREASE/(DECREASE)					578	
2.4	NON-OPERATING EXPENDITURE						
7020.3021	Loan Repayments - Community Loan Reimbursements	680	680	712	96	32	712
						32	
						22	
	NON - OPERATING EXPENDITURE INCREASE/(DECREASE)					32	

Account No.	Description	Original Budget '000	Revised Budget '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Revised E of Y Budget Forecast '000
2.5	CAPITAL EXPENDITURE						
	ENGINEERING/INDIRECT						
7740.6401	Work Depot - Trailer Shed Build	38	38	43	1	5	43
	ADMINISTRATION					5	
7500.5002	Occupancy - Civic Centre - GRC Panels & Reception Upgrade	20	464	480	81	16	480
						16	
	CULTURAL						
7480.4801	Land Purchase	0	240	240	0	240	240
7670.5701	Environmental Waste Management - Caroline Landfill	700	943	793	162	-150	793
						90	
	CAPITAL EXPENDITURE INCREASE/(DECREASE)					111	

3. NEW BUDGET SUMMARY

	Original Budget \$,000	Revised Budget \$,000	Variation Requested \$,000	BR2 \$,000
OPERATING REVENUE				
Operating Expenditure Increase (Decrease)	26,001	26,041	578	26,619
Operating Revenue Increase (Decrease)	25,922	25,949	494	26,443
Operating Surplus/(Deficit)	-79	-92	-84	-176
CAPITAL EXPENDITURE				
Capital Expenditure Increase (Decrease)	6,661	11,320	111	11,431
CAPITAL REVENUE				
Capital Revenue Increase (Decrease)	439	2,498	-	2,498
NON OPERATING EXPENDITURE				
Non Operating Expenditure Increase (Decrease)	680	680	32	712
NON OPERATING REVENUE				
Non Operating Revenue Increase (Decrease)	6,923	9,563	272	9,835
Revised Cash Budget Surplus/(Deficit)	-58	-31	45	14
SUMMARY OF ALTERATIONS - SURPLUS/(DEFICIT)	•	OPERATING BUDGET	CASH BUDGET	
Adopted Budget		(79)	(58)	
Interim Budget Update (introduction of work in progress)		(119)	(58)	
Budget Update No. 1 (as at 30th September, 2016)		(92)	(31)	
Budget Update No. 2 (as at 31st December, 2016)		(176)	14	

4.1 ADMINISTRATION

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6000 - 6002)	1,763	1,751	1,762	945	11	1,762
OPERATING REVENUE (4100 - 4120)	21,220	21,212	21,212	20,408	-	21,212
NET OPERATING - SURPLUS / (DEFICIT)	19,457	19,461	19,450	19,463	(11)	19,450
CAPITAL EXPENDITURE (7500)	20	464	480	81	16	480
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(20)	(464)	(480)	(81)	(16)	(480)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.2 SUPPORT SERVICES

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6011-6022)	3,830	3,838	3,886	1,384	48	3,886
OPERATING REVENUE	-	-	-	-	-	-
NET OPERATING - SURPLUS / (DEFICIT)	(3,830)	(3,838)	(3,886)	(1,384)	(48)	(3,886)
CAPITAL EXPENDITURE (7460)	95	119	119	29	-	119
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(95)	(119)	(119)	(29)	-	(119)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.3 COMMUNITY

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6100 - 6138))	1,823	1,823	1,823	546	-	1,823
(0.00 0.00)	_,					_,
OPERATING REVENUE (4130 - 4134)	122	122	122	50	-	122
NET OPERATING - SURPLUS / (DEFICIT)	(1,701)	(1,701)	(1,701)	(496)	-	(1,701)
CAPITAL EXPENDITURE (7560, 7570, 7580, 7620)	65	65	65	4	-	65
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(65)	(65)	(65)	(4)	-	(65)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.4 CULTURAL

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6200 - 6240)	3,245	3,256	3,258	1,014	2	3,258
OPERATING REVENUE (4140 - 4142)	422	422	422	274	-	422
NET OPERATING - SURPLUS / (DEFICIT)	(2,823)	(2,834)	(2,836)	(740)	(2)	(2,836)
CAPITAL EXPENDITURE (7470, 7630, 7640, 7650)	210	2,302	2,542	2,083	240	2,542
CAPITAL REVENUE	-	-		-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(210)	(2,302)	(2,542)	(2,083)	(240)	(2,542)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.5 ECONOMIC

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6320 - 6360)	2,060	2,152	2,162	735	10	2,162
OPERATING REVENUE (4151 - 4153))	310	310	310	153	-	310
NET OPERATING - SURPLUS / (DEFICIT)	(1,750)	(1,842)	(1,852)	(582)	(10)	(1,852)
CAPITAL EXPENDITURE (7660)	-	-	-	-	-	-
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	-	-	-	-	-	-
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.6 ENVIRONMENT

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6410 - 6460)	4,308	4,324	4,898	1,849	574	4,898
OPERATING REVENUE (4155 - 4164)	2,142	2,157	2,561	1,463	404	2,561
NET OPERATING - SURPLUS / (DEFICIT)	(2,166)	(2,167)	(2,337)	(386)	(170)	(2,337)
CAPITAL EXPENDITURE (7670, 7665, 7800)	975	1,437	1,287	214	-150	1,287
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(975)	(1,437)	(1,287)	(214)	(150)	(1,287)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.7 RECREATIONAL

Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
2,799	2,819	2,827	1,010	8	2,827
81	81	81	30	-	81
(2,718)	(2,738)	(2,746)	(1,007)	(8)	(2,746)
560	803	803	249	-	803
-	-	-	-	-	-
(560)	(803)	(803)	(249)	-	(803)
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
	81 (2,718) 560	Budget '000 Revised '000 2,799 2,819 81 81 (2,718) (2,738) 560 803 - -	Budget '000 Revised '000 Budget '000 2,799 2,819 2,827 81 81 81 (2,718) (2,738) (2,746) 560 803 803 - - - - - -	Budget '000 Revised '000 Budget '000 31/12/2016 '000 2,799 2,819 2,827 1,010 81 81 81 30 (2,718) (2,738) (2,746) (1,007) 560 803 803 249 - - - - (560) (803) (803) (249) - - - - - - - - - - - - - - - -	Budget '000 Revised '000 Budget '000 31/12/2016 '000 Requested '000 2,799 2,819 2,827 1,010 8 81 81 81 30 - (2,718) (2,738) (2,746) (1,007) (8) 560 803 803 249 - (560) (803) (803) (249) - - - - - - - - - - - - - - - -

4.8 REGULATORY

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6600 - 6670)	1,198	1,103	1,103	464	-	1,103
OPERATING REVENUE (4180)	402	402	402	256	-	402
NET OPERATING - SURPLUS / (DEFICIT)	(796)	(701)	(701)	(208)		(701)
CAPITAL EXPENDITURE	-	-	-	-	1	-
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	-	-	-	-	-	-
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.9 TRANSPORT

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6720 - 6780)	2,828	2,828	2,828	365	-	2,828
OPERATING REVENUE (4192, 4193)	965	965	965	121	-	965
NET OPERATING - SURPLUS / (DEFICIT)	(1,863)	(1,863)	(1,863)	(244)	-	(1,863)
CAPITAL EXPENDITURE (7830, 7900)	2,891	4,243	4,243	572	-	4,243
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(2,891)	(4,243)	(4,243)	(572)	-	(4,243)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.10 ENGINEERING/INDIRECT

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6800 - 6860)	1,262	1,262	1,287	58	25	1,287
OPERATING REVENUE	-	-	-	-	-	-
NET OPERATING - SURPLUS / (DEFICIT)	(1,262)	(1,262)	(1,287)	(58)	(25)	(1,287)
CAPITAL EXPENDITURE (7300, 7740, 7680.5810, 7400)	1,845	1,887	1,892	60	5	1,892
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	(1,845)	(1,887)	(1,892)	(60)	(5)	(1,892)
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.11 UNCLASSIFIED

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE (6900 - 6960)	885	885	785	148	-100	785
OPERATING REVENUE (4210, 4230, 4240)	258	278	368	258	90	368
NET OPERATING - SURPLUS / (DEFICIT)	(627)	(607)	(417)	110	190	(417)
CAPITAL EXPENDITURE	-	-	-	-	-	-
CAPITAL REVENUE	-	-	-	-	-	-
NET CAPITAL - SURPLUS / (DEFICIT)	-	1	1	1	-	-
NON OPERATING EXPENDITURE	-	-	-	-	-	-
NON OPERATING REVENUE	-	-	-	-	-	-
NET NON OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-

4.12 NON - OPERATING

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE	-	-	-	-	-	-
OPERATING REVENUE	-	-	-	-	-	-
NET OPERATING - SURPLUS / (DEFICIT)	-	-	-	-	-	-
CAPITAL EXPENDITURE	-	-	-	-	-	-
CAPITAL REVENUE (4280, 4500)	439	2,498	2,498	2,085	-	2,498
NET CAPITAL - SURPLUS / (DEFICIT)	439	2,498	2,498	2,085	-	2,498
NON OPERATING EXPENDITURE (7000)	680	680	712	16	32	712
NON OPERATING REVENUE (4250, 4260, 4270, 4280)	6,923	9,563	9,835	3,273	272	9,835
NET NON OPERATING - SURPLUS / (DEFICIT)	6,243	8,883	9,123	3,257	240	9,123

4.13 SUMMARY

	Original Budget '000	Revised '000	Proposed Budget '000	Actual 31/12/2016 '000	Variance now Requested '000	Proposed E of Y Budget Forecast '000
OPERATING EXPENDITURE	26,001	26,041	26,619	8,517	578	26,619
OPERATING REVENUE	25,922	25,949	26,443	23,010	494	26,443
NET OPERATING BUDGET SURPLUS/(DEFICIT)	(79)	(92)	(176)	14,493	(84)	(176)
CAPITAL EXPENDITURE	6,661	11,320	11,431	3,292	111	11,431
CAPITAL REVENUE	439	2,498	2,498	2,085	-	2,498
NON OPERATING EXPENDITURE	680	680	712	16	32	712
NON OPERATING REVENUE	6,923	9,563	9,835	3,273	272	9,835
NET BUDGET SURPLUS/(DEFICIT)	(58)	(31)	14	16,543	45	14

Statement of Comprehensive Income

ACTUAL	Statement of Comprehensive income	BR2
2016		2017
\$ '000	INCOME	\$ '000
18,327	Rates	18,632
340	Statutory Charges	402
3,806	User Charges	3,508
1,078	Grants Subsidies and Contributions	3,782
32	Investment Income	11
274	Reimbursements	108
382	Other Income	-
24,239	TOTAL REVENUES	26,443
	EXPENSES	
10,066	Wages and Salaries	10,438
8,955	Materials, contracts & other expenses	9,311
236	Finance Costs	372
6,704	Depreciation, amortisation & impairment	6,498
-	Share of loss - joint ventures & associates	-
25,961	TOTAL EXPENSES	26,619
	OPERATING SURPLUS/(DEFICIT)	
(1,722)	BEFORE CAPITAL AMOUNTS	(176)
(124)	Net gain (loss) on disposal or revaluation of assets	-
1,757	Amounts specifically for new or upgraded assets	-
604	Physical resources received free of charge	-
515	NET SURPLUS/(DEFICIT)	(176)
	•	• •

Cash Flow Statement

	Cash Flow Statement	
ACTUAL		BR2
2016		2017
\$ '000		\$ '000
Ψ σσσ		Inflows
	CACHELOWO EDOM ODEDATING ACTIVITIES	(Outflows)
	CASHFLOWS FROM OPERATING ACTIVITIES RECEIPTS	
26,127	Operating Receipts	26,432
33	Investment Receipts	11
	PAYMENTS	
(20,544)	Operating payments to suppliers & employees	(19,749)
(237)	Finance Payments	•
(237)	Finance Fayments	(372)
5,379	Net Cash provided by (or used in) Operating Activities	6,322
	CASH FLOWS FROM INVESTING ACTIVITIES	
	RECEIPTS	
1,757	Grants specifically for new or upgraded assets	-
368	Sale of Assets	2,498
46	Repayments of loans by community groups	40
	PAYMENTS	
_	Loans made to community groups	_
(4,579)	Expenditure on renewal / replacement of assets	(6,352)
, ,	·	, ,
(2,154)	Expenditure on new / upgraded assets	(5,079)
(4,562)	Net Cash provided by (or used in) Investing Activities	(8,893)
	CASH FLOWS FROM FINANCING ACTIVITIES	
	RECEIPTS	
-	Proceeds from Borrowings	240
	PAYMENTS	
(839)	Repayment of Borrowings	2,178
	1 ,	
(839)	NET CASH USED IN FINANCING ACTIVITIES	2,418
(00)	NET INCREASE (DECREASE) IN CASH HELD	(450)
(22)	NET INCREASE (DECREASE) IN CASH HELD	(153)
969	CASH AT BEGINNING OF YEAR	947
947	CASH AT END OF YEAR	<u>794</u>

Balance Sheet

	Balance Sneet	
ACTUAL		BR2
2016		2017
\$ '000	ASSETS	\$ '000
·	CURRENT ASSETS	·
991	Cash and cash equivalents	838
1,158	Trade & other receivables	1,158
39	Inventories	39
-	Other Financial Assets	-
2,188		2,035
0	Non-Current Assets held for Sale	0
2,188	TOTAL CURRENT ASSETS	2,035
	NON-CURRENT ASSETS	
68	Financial Assets	28
-	Equity accounted investments in Council businesses	-
-	Investment Property	-
234,422	Infrastructure, Property, Plant & Equipment	236,857
-	Other Non-current Assets	-
234,490	TOTAL NON-CURRENT ASSETS	236,885
236,678	TOTAL ASSETS	238,920
	LIABILITIES	
	CURRENT LIABILITIES	
2,092	Trade & Other Payables	2,092
239	Borrowings	239
2,435	Short-term Provisions	2,435
	Other Current Liabilities	
4,766		4,766
	Liabilities relating to Non-current Assets held for Sale	<u> </u>
4,766	TOTAL CURRENT LIABILITIES	4,766
	NON-CURRENT LIABILITIES	
-	Trade & Other Payables	-
3,675	Long-term Borrowings	6,093
209	Long-term Provisions	209
	Other Non-current Liabilities	
3,884	TOTAL NON-CURRENT LIABILITIES	6,302
8,650	TOTAL LIABILITIES	11,068
228,028	NET ASSETS	227,852
	EQUITY	
54,680	Accumulated Surplus	57,394
168,966	Asset Revaluation	168,966
4,382	Other Reserves	1,492
228,028	TOTAL EQUITY	227,852

Statement of Changes in Equity

	Statement of Changes in Equity	
ACTUAL		BR2
2016		2017
\$ '000		\$ '000
Ψ σσσ	ACCUMULATED SURPLUS	Ψ 000
49,398	Balance at end of previous reporting period	54,680
515	Net Result for Year	(176)
		, ,
7,519	Transfer From Reserves	2,890
(2,752)	Transfer To Reserves	-
54,680	BALANCE AT END OF PERIOD	57,394
	ASSET REVALUATION RESERVE	
165,034	Balance at end of previous reporting period	168,966
100,001	Gain on revaluation of infrastructure, property, plant &	100,000
3,932	equipment	
3,932	···	-
	Transfer to Accumulated Surplus on sale of infrastructure,	
	property, plant & equipment	
168,966	BALANCE AT END OF PERIOD	168,966
	LONG SERVICE LEAVE	
724	Balance at end of previous reporting period	724
721	Transfer to reserve from accumulated surplus	,
-	•	(100)
	Transfer from reserve to accumulated surplus	(100)
724	BALANCE AT END OF PERIOD	624
	OFF STREET CAR PARK	
267	Balance at end of previous reporting period	_
	Transfer to reserve from accumulated surplus	_
(267)	·	
(267)	Transfer from reserve to accumulated surplus	- _
-	BALANCE AT END OF PERIOD	-
	PLANT REPLACEMENT	
1,561	Balance at end of previous reporting period	_
-,	Transfer to reserve from accumulated surplus	<u>-</u>
(1,561)	Transfer from reserve to accumulated surplus	_
(1,301)	BALANCE AT END OF PERIOD	
-	BALANCE AT END OF PERIOD	-
	LADY NELSON PARK REDEVELOPMENT	
6	Balance at end of previous reporting period	-
-	Transfer to reserve from accumulated surplus	_
(6)	Transfer from reserve to accumulated surplus	_
	BALANCE AT END OF PERIOD	
-	DALANCE AT END OF PERIOD	-
	ASSET REPLACEMENT	
1,296	Balance at end of previous reporting period	-
-	Transfer to reserve from accumulated surplus	_
(1,296)	Transfer from reserve to accumulated surplus	
(1,200)	BALANCE AT END OF PERIOD	
-	DALANCE AT END OF PERIOD	-

Statement of Changes in Equity

ACTUAL 2016	, , , , , , , , , , , , , , , , , , ,	BR2 2017
\$ '000		\$ '000
000	LAND DIVISION - OUTSTANDING WORK	
232	Balance at end of previous reporting period	-
(000)	Transfer to reserve from accumulated surplus	-
(232)	Transfer from reserve to accumulated surplus BALANCE AT END OF PERIOD	-
	BALANCE AT END OF TENIOD	
	DOWNSTREAM DRAINAGE	
174	Balance at end of previous reporting period	264
90	Transfer to reserve from accumulated surplus	-
	Transfer from reserve to accumulated surplus	(150)
264	BALANCE AT END OF PERIOD	114
	WORK IN PROGRESS	
2,987	Balance at end of previous reporting period	2,640
2,640	Transfer to reserve from accumulated surplus	-
(2,987)	Transfer from reserve to accumulated surplus	(2,640)
2,640	BALANCE AT END OF PERIOD	0
	CITY CENTRE IMPROVEMENT	
688	Balance at end of previous reporting period	
000	Transfer to reserve from accumulated surplus	-
(688)	Transfer for reserve to accumulated surplus	
(000)	BALANCE AT END OF PERIOD	
	MAJOR CAPITAL WORKS	
482	Balance at end of previous reporting period	-
- (400)	Transfer to reserve from accumulated surplus	-
(482)	Transfer from reserve to accumulated surplus BALANCE AT END OF PERIOD	
-	BALANCE AT END OF PERIOD	-
	RESERVE FUNDS TOTAL	
-	Balance at end of previous reporting period	-
-	Transfer to reserve from accumulated surplus	-
-	Transfer from reserve to accumulated surplus	
-	BALANCE AT END OF PERIOD	-
	MOUNT GAMBIER CEMETERY TRUST	
672	Balance at end of previous reporting period	685
13	Transfer to reserve from accumulated surplus	-
-	Transfer from reserve to accumulated surplus	-
685	BALANCE AT END OF PERIOD	685
	JUNIOR SPORTING FUND	
60	Balance at end of previous reporting period	69
9	Transfer to reserve from accumulated surplus	-
-	Transfer from reserve to accumulated surplus	-
69	BALANCE AT END OF PERIOD	69
	-	
220 020	TOTAL EQUITY AT END OF REPORTING PERIOD	207.050
228,028	TOTAL EQUIT AT END OF REPORTING PERIOD	227,852

Uniform Presentation of Finances

ACTUAL 2016 \$ '000		BR2 2017 \$ '000
24,239	Operating Revenues	26,443
(25,961)	less Operating Expenses	(26,619)
(1,722)	Operating Surplus / (Deficit) before Capital Amounts	(176)
	Less Net Outlays in Existing Assets	
	Capital Expenditure on renewal and replacement of Existing	
4,579	Assets	6,352
(6,704)	less Depreciation, Amortisation and Impairment	(6,498)
(368)	less Proceeds from Sale of Replaced Assets	(2,498)
(2,493)	, and the second se	(2,644)
	Less Net Outlays on New and Upgraded Assets	
2,154	Capital Expenditure on New and Upgraded Assets	5,079
	less Amounts received specifically for New and Upgraded	
(1,757)	Assets	-
-	less Proceeds from Sale of Surplus Assets	
397	,	5,079
374	Net Lending / (Borrowing) for Financial Year	(2,611)

Financial Indicators

2016 BR2

These Financial Indicators have been calculated in accordance with *Information Paper 9 - Local Government Financial Indicators* prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia. Detailed methods of calculation are set out in the SA Model Statements.

(1,722) **Operating Surplus (\$'000)**

(176)

Being the operating surplus (deficit) before capital amounts .

Operating Surplus Ratio

(7.0%) Operating Surplus

(1.0%)

Rates - general & other less NRM levy

This ratio expresses the operating surplus as a percentage of general and other rates, net of NRM levy.

6,433 Net Financial Liabilities (\$'000)

9,044

Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses.

Net Financial Liabilities Ratio

27% Net Financial Liabilities

36%

Total Operating Revenue less NRM levy

Asset Sustainability Ratio

57% Net Asset Renewals

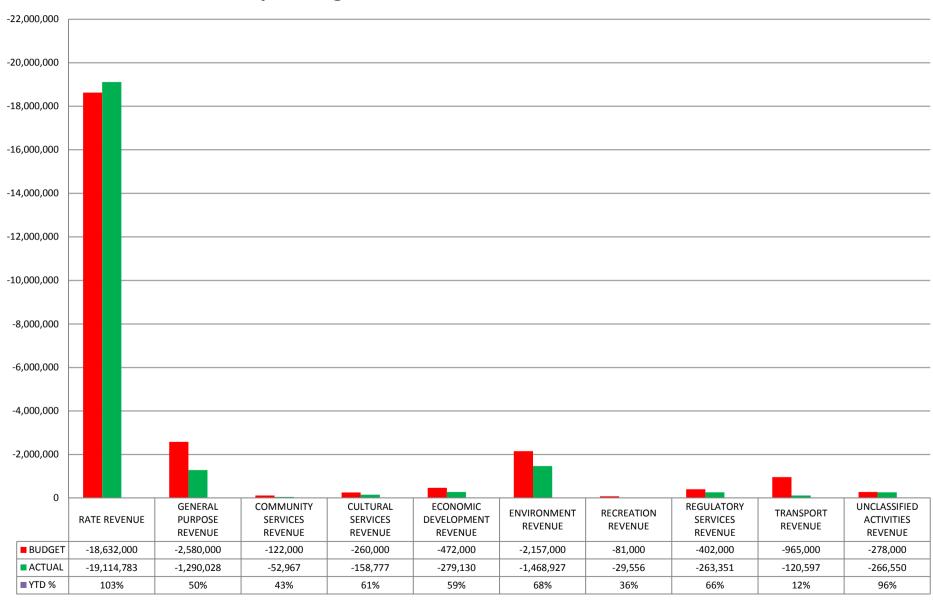
77%

Infrastructure & Asset Management Plan required expenditure

Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.

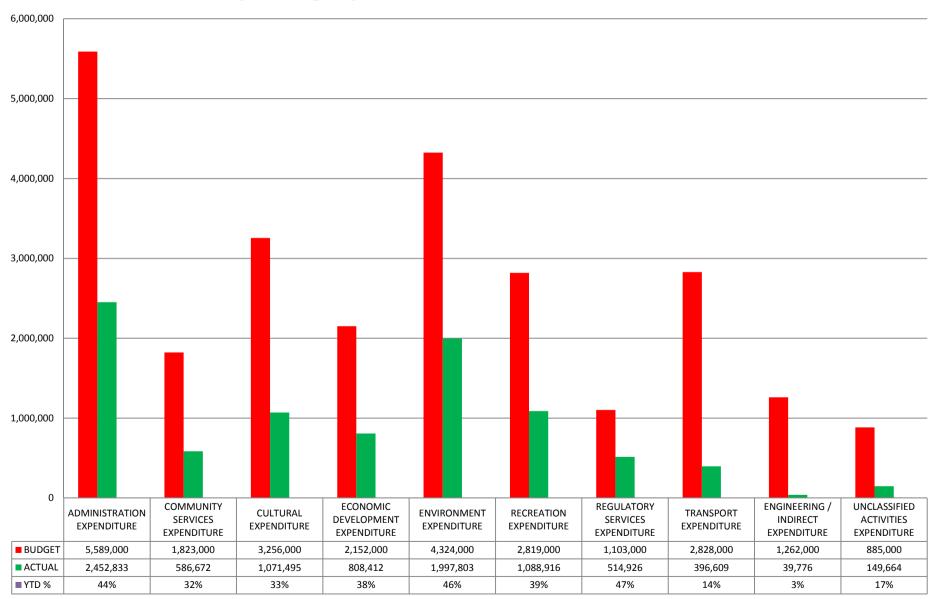
CITY OF MOUNT GAMBIER

Operating Revenue - As at 31 December 2016



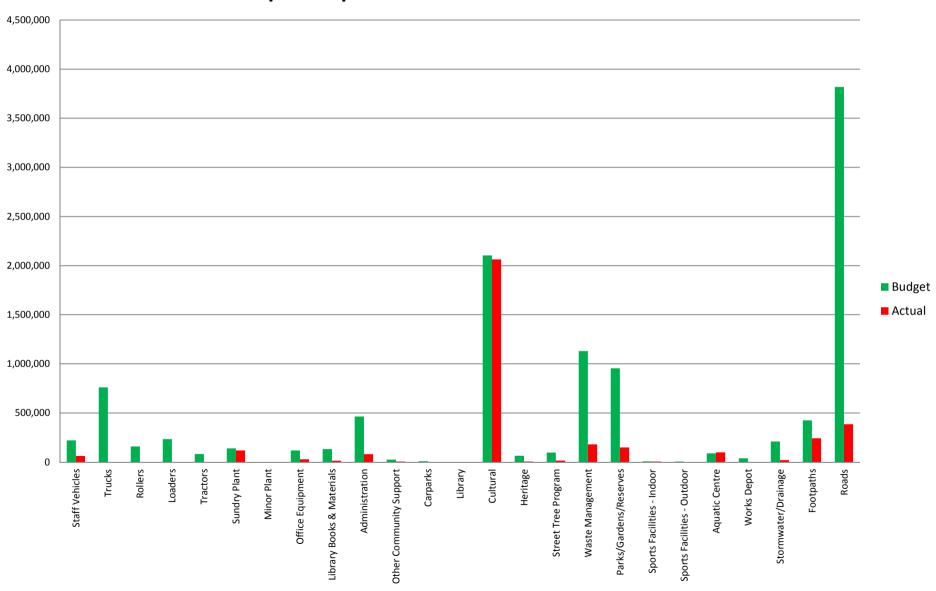
CITY OF MOUNT GAMBIER

Operating Expenditure - As at 31 December 2016



CITY OF MOUNT GAMBIER

Capital Expenditure - As at 31 December 2016



CITY OF MOUNT GAMBIER

BUDGET REVIEW AS AT 31 DECEMBER 2016

OPERATING REVENUE

FUNCTION	ACTUAL	BUDGET	VARIANCE	YTD %
RATE REVENUE	-19,114,783	-18,632,000	482,783	103%
GENERAL PURPOSE REVENUE	-1,290,028	-2,580,000	-1,289,972	50%
COMMUNITY SERVICES REVENUE	-52,967	-122,000	-69,033	43%
CULTURAL SERVICES REVENUE	-278,783	-422,000	-143,217	66%
ECONOMIC DEVELOPMENT REVENUE	-159,123	-310,000	-150,877	51%
ENVIRONMENT REVENUE	-1,468,927	-2,157,000	-688,073	68%
RECREATION REVENUE	-29,556	-81,000	-51,444	36%
REGULATORY SERVICES REVENUE	-263,351	-402,000	-138,649	66%
TRANSPORT REVENUE	-120,597	-965,000	-844,403	12%
UNCLASSIFIED ACTIVITIES REVENUE	-266,550	-278,000	-11,450	96%
	-23,044,665	-25,949,000	-2,904,335	89%

OPERATING EXPENDITURE

0				
FUNCTION	ACTUAL	BUDGET	VARIANCE	YTD %
ADMINISTRATION EXPENDITURE	918,440	1,751,000	832,560	52%
ADMINISTRATION SUPPORT EXPENDITURE	1,534,393	3,838,000	2,303,607	40%
COMMUNITY SERVICES EXPENDITURE	586,672	1,823,000	1,236,328	32%
CULTURAL EXPENDITURE	1,071,495	3,256,000	2,184,505	33%
ECONOMIC DEVELOPMENT EXPENDITURE	808,412	2,152,000	1,343,588	38%
ENVIRONMENT EXPENDITURE	1,997,803	4,324,000	2,326,197	46%
RECREATION EXPENDITURE	1,088,916	2,819,000	1,730,084	39%
REGULATORY SERVICES EXPENDITURE	514,926	1,103,000	588,074	47%
TRANSPORT EXPENDITURE	396,609	2,828,000	2,431,391	14%
ENGINEERING / INDIRECT EXPENDITURE	39,776	1,262,000	1,222,224	3%
UNCLASSIFIED ACTIVITIES EXPENDITURE	149,664	885,000	735,336	17%
	9,107,105	26,041,000	16,933,895	35%

OPERATING SURPLUS / (DEFICIT)

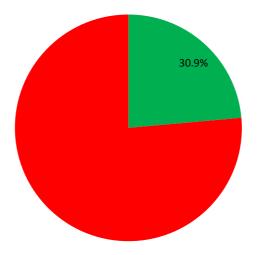
-92,000

Printed: 9:45 AM 23/01/2017

CITY OF MOUNT GAMBIER CAPITAL EXPENDITURE AS AT 31 DECEMBER 2016

LEDGER	DESCRIPTION	Budget	Actual	Budget v Actual	YTD %
7300	Vehicles	221,000	63,611	157,389	29%
7320	Trucks	760,000	1,890	758,110	0%
7360	Rollers	160,000	0	160,000	0%
7370	Loaders	234,000	0	234,000	0%
7390	Tractors	82,000	0	82,000	0%
7400	Sundry Plant	139,000	118,805	20,195	85%
7450	Minor Plant	0	0	0	
7460	Office Equipment	119,000	28,926	90,074	24%
7470	Library Books & Materials	134,000	13,796	120,204	10%
7500	Administration	464,000	81,485	382,515	18%
7560	Other Community Support	25,000	6,461	18,539	26%
7620	Carparks	10,000	0	10,000	0%
7630	Library	0	0	0	
7640	Cultural	2,103,000	2,062,645	40,355	98%
7650	Heritage	65,000	6,638	58,362	10%
7665	Street Tree Program	97,000	15,317	81,683	16%
7670	Waste Management	1,130,000	180,539	949,461	16%
7680	Parks/Gardens/Reserves	954,000	149,656	804,344	16%
7690	Sports Facilities - Indoor	7,000	6,683	317	95%
7700	Sports Facilities - Outdoor	6,000	0	6,000	0%
7730	Aquatic Centre	89,000	99,227	-10,227	111%
7740	Works Depot	38,000	0	38,000	0%
7800	Stormwater/Drainage	210,000	19,977	190,023	10%
7830	Footpaths	425,000	242,630	182,370	57%
7900	Roads	3,818,000	386,618	3,431,382	10%
Total		11,290,000	3,484,904	7,805,096	30.9%

Capital Expenditure YTD



CORPORATE AND COMMUNITY SERVICES COMMITTEE REPORT NO. 08/2017

SUBJECT: POLICY P420 PROCUREMENT & DISPOSAL OF LAND AND ASSETS

REF: AF11/1950

At its meeting held on the 15th March, 2016 Council adopted an updated <u>Policy P420 - Procurement, & Disposal of Land and Assets</u> that guides and authorises the Chief Executive Officer and delegates with respect to Council's procurement and disposal processes.

Minor changes to the policy to update position references for procurement decisions are proposed to align with the new organisational structure.

It is also proposed that the requirements for disposal of minor/low value land and assets be amended to:

- require only one (1) independent valuation of land (instead of 2), and provide an exemption from obtaining an independent valuation for low value land (such as minor boundary realignments or easements) where the value is estimated as less than \$25,000.
- support direct disposal of low value assets to targeted community/sporting groups where the administrative resources/cost of inviting other groups to participate in the disposal would outweigh the benefit/saving and/or exceed the value of the asset(s).

The updated Policy P420 is attached for Member's information and consideration (*Attachment 1*) and would be next scheduled for review following the 2018 local government elections.

RECOMMENDATION

- (a) Corporate and Community Services Report No. 08/2017 be received;
- (b) Council hereby adopts updated Council Policy:

P420 - Procurement, & Disposal of Land and Assets

(c) Council makes the necessary amendments to Council's Policy Manual Index.

Michael McCARTHY
MANAGER GOVERNANCE & PROPERTY

Mesh

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

23rd January, 2017 MMcC.AL



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

1. <u>INTRODUCTION</u>

Section 49 of the Local Government Act 1999 requires Council to prepare and adopt policies on the contracting out of services, competitive tendering and the use of other measures to ensure that services are delivered cost-effectively, the use of local goods and services, and the sale or disposal of land or other assets.

Further, Section 49 (a1) of the Act requires Council to develop and maintain policies, practices and procedures directed towards obtaining value in the expenditure of public money, providing for ethical and fair treatment of participants, and ensuring probity, accountability and transparency in all disposal processes.

This Policy provides comprehensive guidance and authority to the Chief Executive Officer with respect to procurement and disposal processes.

All procurements and disposals are undertaken to give effect to Council's endorsed Budget and/or a specific resolution of Council.

This Policy:

- defines the methods by which Council can acquire goods and services;
- defines the methods by which Land and Assets are disposed of;
- demonstrates accountability and responsibility of Council to ratepayers;
- provides fairness and equity to all parties involved;
- enables all processes to be monitored and recorded; and
- ensures that the best possible outcome is achieved for the Council.

This Policy does not cover:

- non-procurement expenditure such as sponsorships, grants, funding arrangements, donations and employment contracts; or
- the purchase of land by the Council.

This Policy also does not cover:

- Land sold by Council for the non-payment of rates; or
- disposal of goods which are not owned by the Council, such as abandoned vehicles;
 as these are dealt with in the Act.

2. **DEFINITIONS**

In this Policy, unless the contrary intention appears, these words have the following meanings:

Act means the Local Government Act 1999

Asset means any physical item that the Council owns and that has at any time been treated pursuant to the Australian Accounting Standards as an 'asset', and includes all Plant and Equipment. It **does not include** financial investments or finance related activities.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

Authorised Officer means a Council Officer with formal (sub)delegation and/or financial authorisation granted by written instrument from the Chief Executive Officer to enter into contracts and transactions to a specified value and unless contrary provisions apply includes the Chief Executive Officer and General Managers.

Land includes community land, vacant land, operational land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and operational) on Land.

Minor Plant, Materials and Equipment includes all minor plant and equipment owned by Council with an original value of less than \$5,000. It includes all loose tools, store items, furniture, second hand items removed from other Plant and Equipment (such as air conditioners, bricks and pavers) and surplus bulk items.

3. POLICY OBJECTIVES

Council aims to achieve advantageous outcomes by:

- enhancing value for money through fair, competitive, non-discriminatory procurement and disposal;
- promoting the use of Council's financial, physical and staffing resources in an efficient, effective and ethical manner;
- making decisions with probity, accountability and transparency;
- advancing and/or working within Council's economic, social and environmental policies;
- providing reasonable opportunity for competitive and appropriately qualified and experienced local businesses to supply to Council;
- appropriately managing risk; and
- ensuring compliance with all relevant legislation.

4. POLICY PRINCIPLES

Council must have regard to the following principles in its Procurement and Disposal of Land and Assets:

- Encouragement of open and effective competition
- Obtaining Value for Money

Value for Money is not restricted to price alone, assessment must include consideration of (where applicable):

- the contribution to Council's long term financial plan and strategic management plans;
- any relevant direct and indirect benefits to Council, both tangible and intangible;
- efficiency and effectiveness of the proposed activity;
- the performance history, and quality, scope of services and support of each prospective supplier;



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

- fitness for purpose of the proposed goods or service;
- whole of life costs;
- the costs of various disposal methods;
- internal administration costs;
- technical compliance & knowledge issues;
- risk exposure; and
- the value of any associated environmental benefits.
- Probity, Ethical Behaviour and Fair Dealing
- Accountability, Transparency and Reporting
- Ensuring compliance with all relevant legislation
- Encouragement of the development of competitive local business and industry

Where other evaluation criteria are comparable, Council will also give consideration/weighting to the following:

- the creation of local employment opportunities;
- increased availability of local servicing support;
- increased convenience with communications with the supplier for contract management;
- economic growth within the local area;
- benefit to Council of associated local commercial transaction; and/or
- the short and long term impact of the procurement on local business.

Environmental protection

Council will seek to:

- adopt purchasing practices which conserve natural resources;
- align the Council's procurement activities with principles of ecological / environmental sustainability and the Natural Step Framework;
- purchase recycled and environmentally preferred products where fit for purposes and it is possible and reasonable to do so;
- integrate relevant principles of waste minimisation and energy;
- foster the development of fit for purpose products and services which have a low environmental impact;
- provide leadership to business, industry and the community in promoting the use of environmentally sensitive goods and services.
- Compliance with adopted Work, Health & Safety policies, procedures and practices.
- Procurement and Disposals are undertaken within the parameters of and authority granted by Council's endorsed Budget and/or a specific resolution of Council.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

5. PROCUREMENT METHODS

Generally, open and fair competition is best achieved by undertaking a tender process so that all interested parties have an opportunity to bid. However, there may be procurements in which a tender process will not necessarily deliver the most advantageous outcome for the Council – in such instances, other market approaches may be more appropriate.

The Council may, having regard to its Procurement Principles and any other factors considered relevant by the Council, in its absolute discretion determine to utilise one or more of the following procurement methods:

Direct Purchasing

This is where Council purchases from a single source, without first obtaining competing bids.

This method may be suitable for low value, low risk goods and services, and where the supplier already has a successful service history with the Council.

Where Direct Purchasing is utilised as a procurement method for items obtained with relative frequency and volume, a supplier is to be requested to submit to Council and keep current a list of unit prices / rates for such items purchased under this purchasing method.

Direct Purchasing may be utilised by an Authorised Officer using petty cash (up to \$150) or credit card (in addition to Council's formal online requisitioning system) up to the value of \$2,000.

Direct Purchasing may also be utilised for routine purchases of any value from any single or group of suppliers under a supply contract with a fixed pricing regime established under a Tender, Panel Contract or Strategic Alliance arrangement in accordance with this Clause 5.

Quotations

This is where Council obtains quotations from prospective suppliers.

Generally, a minimum of two written quotations should be sought. If a written quote cannot be obtained, the Council must keep detailed written records of the oral quote obtained, including details of the commercial terms of the quote.

This method may be suitable for an Authorised Officer to purchase low value, low risk goods and services with an estimated value not exceeding \$10,000.

Request for Quotations (RFQ)

This is where Council obtains written quotations from prospective suppliers.

Generally, a minimum of three written quotations are sought.

This method may be suitable for simple, largely price-based purchases with an estimated value not exceeding \$50,000.

Requests for Expressions of Interest (REOI)

This is where Council issues an open invitation for a proposed good(s) and/or service(s) of any value.

This method may be used by an Authorised Officer where there is potentially a large market for the proposed goods and/or service, and the Council would like to be able to prepare a short list of suppliers to invite to participate in a tender or request for quotation process.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

Request for Tenders (RFT)

This is where the Council issues a formal tender for the supply of goods and/or service where the estimated value is in excess of \$50,000.

Council may issue a "Select" Request for Tender where it has already issued a REOI, or where it has documented reasonable grounds for only dealing with a select group of potential suppliers.

Otherwise, Council may issue an "Open" Request for Tender.

Prior to any procurement decision arising from a Request for Tender process each Tender is to be assessed against a pre-determined and documented set of criteria. Assessment is to be undertaken individually by a panel comprising at least 3 Council Officers of which at least one is not to have been involved in the development of the Tender specification or to be involved in the management of the Tender Contract.

Panel Contracts

This is where the Council establishes panel arrangements with a select group of suppliers – generally, this occurs once the Council has completed its appointment of such suppliers in accordance with this Policy, and can include either:

- a standing offer from a pool of suppliers for the provision of goods and services on agreed terms; or
- the prequalification of certain suppliers who may or may not be engaged on terms to be agreed.

Once a panel has been established, the Council may purchase the particular goods and/or service through such panel arrangements.

A panel contract must be first endorsed by Council including the extent of goods and services and any value limit or conditions applicable to any particular contract, purchase or group/category of purchase.

An Authorised Officer may utilise a panel contract for direct purchasing of goods and services of any value within approved budget and authorisation limits.

Strategic Alliances

This is where the Council undertakes procurement through contract arrangements already established and administered by other organisations, including:

- LGA Procurement;
- a purchasing group of which the Council is (or becomes) a member;
- Procurement Australia;
- State Government contracts.

A Strategic alliance must first be endorsed by Council including the extent of goods and services and any value limit or conditions applicable to any particular alliance, purchase or group/category of purchase.

An Authorised Officer may utilise a strategic alliance for direct purchasing goods and services of any value within approved budget and authorisation limits.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

A panel contract or strategic alliance will not require endorsement by Council where the panel or alliance is administered by the Local Government Association or under an arrangement between the constituent councils of a s43 subsidiary with which Council is associated (i.e. Limestone Coast Local Government Association).

6. PROCUREMENT STRUCTURE

The appropriate method of procurement will be determined by reference to a number of factors, including:

Value of the Purchase (all values exclusive of gst)

Value of Purchase (\$)	Possible Method of Procurement	Assessment/Purchasing Decision Making Delegations
Not exceeding \$2,000	Direct Purchasing	Authorised Officer - up to \$ limit
Not exceeding \$10,000	Obtain at least 2 Quotations (3 written quotes over \$5,000)	Authorised Officer - up to \$ limit
Not exceeding \$50,000	Request for Quotation (RFQ)	Authorised Officer - up to \$ limit
In excess of \$20,000	Request for Expression of Interest (REOI)	N/A - refer RFQ/RFT limits
In excess of \$50,000	Request for Tender (RFT)	CEO up to \$100,000 Council - above \$100,000
Budget	Direct Purchasing (Formal Supply Contract)	Authorised Officer - up to \$ limit CEO – up to Budget
	Panel Contracts	Authorised Officer - up to \$ limit CEO – up to Budget
	Strategic Alliances	Authorised Officer - up to \$ limit CEO – up to Budget

In accordance with Clause 2 Definitions:

Authorised Officer means a Council Officer with formal (sub)delegation and/or financial authorisation granted by written instrument from the Chief Executive Officer to enter into contracts and transactions to a specified value and unless contrary provisions apply includes the Chief Executive Officer and General Managers.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

The value of the purchase will be calculated as follows:

- single one-off purchase the total amount, or estimated amount, of the purchase (excluding GST);
- multiple purchases the gross value, or the estimated gross value, of the purchases (excluding GST); or
- ongoing purchases over a period of time the annual gross value, or the estimated annual gross value, of the purchases (excluding GST).
- purchase including a trade-in/changeover the gross changeover value being the gross value of the item being purchased minus the value of the traded-in/changed-over

Noting always that all procurements and disposals are undertaken to give effect to and implement Council's plans and objectives within the parameters of Council's endorsed Budget and/or a specific resolution of Council.

- cost of an open market approach versus the value of the acquisition and the potential benefits:
- the particular circumstances of the procurement activity;
- the objectives of the procurement;
- the size of the market and the number of competent suppliers;
- the Council's leverage in the marketplace;
- time constraints;
- a holistic assessment of the risks associated with the relevant activity and /or project, including the risk profile of the procurement and any risks associated with the preferred procurement method.

For the purpose of this clause 6, any variation in determining the procurement method in accordance with the values prescribed in the above table must be endorsed by the Chief Executive Officer and be accompanied by detailed written reasons of the relevant factors.

7. CONSIDERATIONS PRIOR TO DISPOSAL OF LAND AND ASSETS

Any decision to dispose of Land and Assets will be made after considering (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;



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

- 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.

Consideration given to these matters will be recorded in Council's corporate records management system and in the case of a decision to dispose of Land, will be presented in a report at a meeting of Council prior to the disposal decision being made.

8. DISPOSAL METHODS

Land disposal

The Council may resolve to dispose of Land.

Where the Land forms or formed a road or part of a road, the Council must ensure that the Land is closed under the Roads Opening and Closing Act 1991 (SA) prior to its disposal.

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.

Where the Council proposes to dispose of Land through the grant of a leasehold interest, the Council must have complied with its obligations under the Act, including its public consultation obligations under Section 202 of the Act.

The Council will, where appropriate, dispose of Land through one of the following methods:

- open market sale advertisement for disposal of the Land through the local paper and where appropriate, a paper circulating in the State, or by procuring the services of a licensed real estate agent and/or auctioneer (following compliance with this Policy);
- expressions of interest seeking expressions of interest for the Land;
- select tender seeking tenders from a selected group of persons or companies;
- open tender openly seeking bids through tenders, including public auction;
- by negotiation with owners of land adjoining the Land or others with a preexisting interest in the Land, or where the Land is to be used by a



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

purchaser whose purpose for the Land is consistent with the Council's strategic objectives for the Land.

Selection of a suitable disposal method will include consideration of (where appropriate):

- the number of known potential purchasers of the Land;
- the original intention for the use of the Land;
- the current and possible preferred future use of the Land;
- the opportunity to promote local economic growth and development;
- delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the disposal;
- the total estimated value of the disposal; and
- compliance with statutory and other obligations.

The Council will not dispose of Land to any Council Member or employee of the Council who has been involved in any process related to a decision to dispose of the Land and/or the establishment of a reserve price.

If Land is to be auctioned or placed on the open market or disposed of by an expression of interest or select tender, then (unless the Council resolves otherwise) an independent valuation must be obtained to establish the reserve price for the Land. The independent valuation must be made no more than 6 months prior to the proposed disposal.

If Land is to be disposed of via direct sale, then (unless the Council resolves otherwise) an independent valuation must be obtained to ensure that an appropriate market value is obtained. The independent valuation must be made no more than 6 months prior to the proposed disposal.

An independent valuation will not be required for a disposal where a value estimation being for less than \$25,000 has been prepared and documented for the Land.

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.

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.

Assets disposal

The sale of Assets will be the responsibility of the relevant General Manager who is responsible for those Assets.

The Council will, where appropriate, dispose of Assets through one of the following methods:

- trade-in trading in equipment to suppliers
- expressions of interest seeking expressions of interest from buyers;



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

- select tender seeking tenders from a selected group of persons or companies;
- open tender openly seeking bids through tenders;
- public auction advertisement for auction in a paper circulating in the area, or procuring the services of an auctioneer (following compliance with this Policy).

Selection of a suitable method will include consideration of (where appropriate):

- the public demand and interest in the Asset;
- the method most likely to return the highest revenue;
- the value of the Asset;
- the costs of the disposal method compared to the expected returns; and
- compliance with statutory and other obligations.

Consideration will be given to direct disposal of Minor Plant and Equipment to a community/sporting group(s) where it is considered that such disposal provides a cost/service benefit to Council. Other groups may be provided with opportunity to participate in the disposal where the administrative resources necessary for such participation are not considered to outweigh or exceed the benefit/savings to be achieved or the Asset value.

Elected Members and employees of the Council will not be permitted to purchase Assets unless the purchase is via an open tender process or a public auction, and the tender submitted or bid made is the highest.

Purchasers of Assets must be required to agree in writing that before purchasing any Asset that no warranty is given by the Council in respect of the suitability and condition of the Asset for the purchaser and that the Council will not be responsible for the Asset in any respect following the sale.

9. CONSULTATION

The Council must undertake public consultation in respect of its proposed disposals in accordance with the requirements of the Act and its public consultation policies at all times.

10. RECORDS

The Council must record reasons for utilising a specific procurement or disposal method in each activity and where it uses a procurement or disposal method other than a tendering process.

11. EXCEPTIONS TO THIS POLICY

This Policy contains general guidelines to be followed by the Council in its procurement and disposal activities. There may be emergencies, or procurements or disposals in which a tender process will not necessarily deliver the best outcome for the Council, and other market approaches may be more appropriate.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

In certain extenuating circumstances, the Chief Executive Officer may waive application of this Policy and pursue a method which will bring the best outcome for the Council.

Such circumstances might include, but not be limited to:

- emergency situations threatening life and property; or
- where the supply market is known; or
- timing constraints

The Chief Executive Officer must record in writing reasons for waiving application of this Policy.

This clause is not intended to override or avoid any other restrictive/prohibitive policy, delegation or other statutory or documented provisions or requirements.

12. DELEGATIONS

This policy is to be administered with regard to and consistent with duly made delegations, sub-delegations and financial authorisations of the Council and Chief Executive Officer.

13. PRUDENTIAL REQUIREMENTS

This policy is to be administered with regard to and consistent with Council's Prudential Management Policy, practices and procedures and s48 of the Local Government Act 1999.

14. RISK MANAGEMENT

This policy is to be administered with regard to and consistent with Council's Risk Management Framework Policy and risk management practices and procedures.

15. REVIEW OF POLICY

This Policy shall be reviewed at least once during each term of Council, and shall be reviewed and presented to Council following it's first 12 months of operation. Council may revise or review this Policy at any time (but not so as to affect any process that has already commenced).

16. FURTHER INFORMATION

This Policy will be published on the Council's website and will be available for inspection at the principal office of the Council.

A copy of this Policy will be provided to any person upon request following payment of a fee as prescribed in Council's Schedule of Fees and Charges.



Version No:	3
Issued:	21/02/2017
Next Review:	November 2019

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 (s49)
Reference: Community Plan	
Related Policies:	C375 Provision and Replacement of Council Vehicles F225 Fraud and Corruption Prevention R305 Risk Management Policy R180 Records Management Policy
Related Procedures:	
Related Documents:	LGA Procurement Handbook Procurement Contracting Document Templates (AF11/1901) WHS Policies/Document Templates (AF13/175)

17. DOCUMENT DETAILS

Responsibility:	Manager - Governance & Property
Version:	3.0
Last revised date:	17 th January, 2017
Effective date:	21 st February, 2017
Minute reference:	21 st February, 2017, Corporate and Community Services Item ##
Next review date:	November, 2019
Document History	
First Adopted By Council:	25 th November 2014, 15 th March 2016
Reviewed/Amended:	18/2/1999 Superseded Policy Q110, C250 20/7/2000 Superseded Policy Q115, 15 th March 2016

CORPORATE AND COMMUNITY SERVICES REPORT NO. 09/2017

SUBJECT: AUTHORISED BANKING SIGNATORIES

REF: AF11/636

At the Statutory Council meeting held on 25th November 2014 in relation to authorised banking signatories Council resolved as follows:

"Cr Perryman moved that the signatories of the Council's general accounts and financial bank accounts and transactions etc be any two (2) of the following:

- Mayor;
- Deputy Mayor;
- Chief Executive Officer;
- Director Corporate Services;
- Director Operational Services;
- Finance Manager (when acting in the position of Director Corporate Services);
- Engineering Manager (when acting in the position of Director Operational Services).

Cr Von Stanke seconded

Carried"

The implementation of changes arising from the organisational structure and the known absence of several banking signatories over the coming months now warrants a full review of the authorised banking signatories and process for future amendments.

Accordingly, this report recommends the following positions be authorised banking signatories:

- Mayor
- Deputy Mayor
- Chief Executive Officer
- General Manager Council Business Services
- General Manager Community Wellbeing
- General Manager City Growth
- General Manager City Infrastructure
- Director Operational Services

Whilst these signatories will provide adequate coverage in ordinary circumstances, the appointment/commencement of these new roles is expected to occur over several months during which time known absences (including during the China delegation period) will leave Council with insufficient bank signatories and no back-up for any unplanned absences.

To ensure the continuity of Council business activities in the intervening period and when General Managers are subsequently absent or unavailable this report also recommends that the following positions also be authorised as banking signatories:

- Manager Business & Strategic Planning
- Manager Community Services & Development
- Manager Governance & Property
- Manager Regulatory Services (Manager Development & Regulatory)
- Engineering Manager (Engineering Design & Contract Management)

It is further recommended that the Chief Executive Officer be specifically empowered to add/amend/revoke officer bank signatories as necessary to align with organisational structure and position titles/appointments and in accordance with any relevant Internal Controls, for further review at the next statutory Council meeting following the November 2018 local government elections.

RECOMMENDATION

- (a) Corporate and Community Services Report No. 09/2017 be received;
- (b) that the authorised signatories of the Council's general accounts and financial bank accounts and transactions etc be any two (2) of the following:
 - Mayor
 - Deputy Mayor
 - Chief Executive Officer
 - General Manager Council Business Services
 - General Manager City Growth
 - General Manager City Infrastructure
 - General Manager Community Wellbeing
 - Director Operational Services
 - Manager Business & Strategic Planning
 - Manager Governance & Property
 - Manager Regulatory Services (Manager Development & Regulatory)
 - Engineering Manager (Engineering Design & Contract Management)
- (c) that the Chief Executive Officer may by written instrument add/amend/revoke the bank signatory authorisation of officers listed in resolution (b) as necessary to align with the organisational structure, position titles/appointments, and absence/availability of officers, for further review at the next statutory Council meeting following the November 2018 local government elections.

Michael McCARTHY
MANAGER GOVERNANCE AND PROPERTY

Mesh

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

23rd January, 2017 MMcC.AL

CORPORATE AND COMMUNITY SERVICES REPORT NO. 10/2017

SUBJECT: DELEGATION OF POWERS OF COUNCIL

REF: AF11/1020

Legislative Background

It is neither practical nor efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies (usually Council officers) to undertake these steps on its behalf.

Section 44 of the Local Government Act 1999 provides that the Council may delegate a power or function vested or conferred under this or another Act. Other Acts also contain specific power of delegation.

Delegations made by the Council under Section 44 of the Local Government Act 1999 can be made to a Council committee, a subsidiary, an employee, an employee occupying a particular office or position, or an authorised person. Some other Acts specify different delegates.

A delegation made pursuant to Section 44 of the Local Government Act 1999 is revocable at will and does <u>not</u> prevent the Council from acting in a matter.

There are a number of powers and functions of the Local Government Act 1999 which the Council <u>cannot</u> delegate. These are set out in Section 44(3) of the Local Government Act 1999 and are reproduced as follows:

- (a) power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the council:
- (b) power to declare rates or a charge with the character of a rate;
- (c) power to borrow money or to obtain other forms of financial accommodation;
- (d) power to adopt or revise a strategic management plan of the council;
- (da) power to adopt or revise an annual business plan or budget of the council;
- (e) power to approve expenditure of money on works, services or operations of the council not contained in a budget approved by the council;
- (g) power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
- (h) power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
- power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- (j) power to fix, vary or revoke a fee under section 188(1)(d) to (h);
- (ja) the power to revoke the classification of land as community land under section 194;
- (k) a power or function excluded from delegation by the regulations.

If the Council purports to delegate any of the above powers or functions that delegation would be invalid and any action undertaken in reliance on such a delegation may cause legal and administrative problems for the Council.

Section 44 of the Local Government Act 1999 sets out various other matters in relation to delegations, including:

- Section 44(6) that the Council must cause a separate record to be kept of all delegations made under Section 44, and should at least once in every financial year review the delegations for the time being in force under Section 44;
- Section 44(7) that a person is entitled to inspect (without charge) the record of delegations under Section 44(6) at the principal office of the Council during ordinary office hours.

As a matter of best practice and administrative efficiency it is usual for delegations to be made by the Council to the Chief Executive Officer, and for the Chief Executive Officer to make further sub-delegations under Section 101 of the Local Government Act 1999.

2017 Delegations Review

Council last conducted a full review of delegations in accordance with Section 44(6) of the Local Government Act 1999 at its meeting held on 20th April 2016.

Council's delegations use the Local Government Association delegation template format and a review process that involves the revocation and (re)adoption of all delegations to ensure that they remain up-to-date with legislative changes over time.

Since the last review a number of new and updated LGA delegation templates have been issued due to new and amended legislative/regulatory provisions, for the following Acts:

- Local Government Act 1999 [Appendix 14]
- Road Traffic Act 1961, Road Traffic (Misc) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Misc Provisions) Regulations 2014 [Appendix 20/20B]
- Real Property Act 1886 [Appendix 28] and Electronic Conveyancing National Law (SA) Act 2013 [Appendix 28A]
- Local Nuisance and Litter Control Act 2016 [Appendix 33]
- Water Industry Act 2012 and Water Industry Regulations 2012 [Appendix 34]

The proposed delegations arising from these are provided as attachments to this Report. Delegations associated with other legislation are unchanged and are proposed to be remade.

The review and remaking of delegations are now recommended for adoption and for Council's Delegations Register to be amended accordingly.

RECOMMENDATION

(a) that having conducted its annual review of Councils Delegations Register in accordance with Section 44(6) of the Local Government Act, 1999, the Council;

1. Revocations

- 1.1. Hereby revokes all previous delegations to the Chief Executive Officer of those powers and functions under the following:
 - 1.1.1. Community Titles Act 1996
 - 1.1.2. Development Act 1993 and Development Act Regulations 2008
 - 1.1.3. Dog & Cat Management Act 1995
 - 1.1.4. Electricity Act 1996
 - 1.1.5. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
 - 1.1.6. Expiation of Offences Act 1996

- 1.1.7. Fences Act 1975
- 1.1.8. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.9. Food Act 2001
- 1.1.10. Freedom of Information Act 1991
- 1.1.11. Graffiti Control Act 2001
- 1.1.12. Housing Improvement Act 1940
- 1.1.13. Land & Business (Sale and Conveyancing) Act 1994
- 1.1.14. Liquor Licensing Act 1997
- 1.1.15. Local Government Act 1999
- 1.1.16. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.17. Public Assemblies Act 1972
- 1.1.18. Roads (Opening & Closing) Act 1991
- 1.1.19. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- 1.1.20. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013.
- 1.1.21. Supported Residential Facilities Act 1992
- 1.1.22. Unclaimed Goods Act 1987
- 1.1.23. Work Health & Safety Act 2012
- 1.1.24. Safe Drinking Water Act 2011
- 1.1.25. Real Property Act 1886
- 1.1.26. Strata Titles Act 1988
- 1.1.27. Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.28. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 1.2. Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.

2. Delegations made under Local Government Act 1999

- 2.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1 34 (each of which is individually identified as indicated below) are hereby delegated this Wednesday, 20th April, 2016 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
 - 2.1.1. Community Titles Act 1996 (Appendix 1)
 - 2.1.2. Dog & Cat Management Act 1995 (Appendix 2)
 - 2.1.3. Electricity Act 1996 (Appendix 3)

- 2.1.4. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 4)
- 2.1.5. Expiation of Offences Act 1996 (Appendix 5)
- 2.1.6. Fences Act 1975 (Appendix 6)
- 2.1.7. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 7A and 7B)
- 2.1.8. Freedom of Information Act 1991 (Appendix 8)
- 2.1.9. Graffiti Control Act 2001 (Appendix 9)
- 2.1.10. Housing Improvement Act 1940 (Appendix 10)
- 2.1.11. Land & Business (Sale & Conveyancing) Act 1994 (Appendix 11)
- 2.1.12. Liquor Licensing Act 1997 (Appendix 12)
- 2.1.13. Local Government Act 1999 (Appendix 14)
- 2.1.14. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 16)
- 2.1.15. Public Assemblies Act 1972 (Appendix 17)
- 2.1.16. Roads (Opening and Closing) Act 1991 (Appendix 18)
- 2.1.17. Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 20/20A/20B)
- 2.1.18. Unclaimed Goods Act 1987 (Appendix 25)
- 2.1.19. South Australian Public Health Act 2011 South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Appendix 26)
- 2.1.20. Safe Drinking Water Act 2011 (Appendix 27)
- 2.1.21. Real Property Act 1886 (Appendix 28) and Electronic Conveyancing National Law (SA) Act 2013 (Appendix 28A)
- 2.1.22. Strata Titles Act 1988 (Appendix 29)
- 2.1.23. Work Health & Safety Act 2012 (Appendix 30)
- 2.1.24. Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 31)
- 2.1.25. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 32)
- 2.1.26. Local Nuisance and Litter Control Act 2016 (Appendix 33)
- 2.1.27. Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 34)
- 2.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- 2.3. For the purposes of these delegations all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 2.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

3. Delegations made under Development Act 1993

- 3.1. In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21) are hereby delegated this 21st February, 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 3.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 3.3. In exercise of the power contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21 and which are specified in Schedule I) are hereby delegated this 21st February, 2017 to the Council's Development Assessment Panel, subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993:
- 3.4. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 3.5. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

4. Delegations made under Food Act 2001

- 4.1. In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation contained in Instrument of Delegation (Appendix 22) are hereby delegated this 21st February, 2017 to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency" for the purposes of the Food Act 2001), subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
- 4.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
- 4.3. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 4.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

5. Delegations under Supported Residential Facilities Act 1992

5.1. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in Instrument of Delegation (Appendix 24) are hereby delegated this 21st February, 2017 to the person occupying the office of Chief Executive Officer, subject to

the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

- 5.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 5.3. For the purpose of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 5.4. For the purpose of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

6. Authorisations and Sub-delegation under the Road Traffic Act 1961

6.1. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Mark McShane Daryl Sexton Daryl Morgan

6.2. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Daryl Sexton Daryl Morgan

- 6.3. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in Instrument of Sub-delegation (Appendix 20A) is hereby sub-delegated this 21st of February 2017 to the person occupying the office of Chief Executive Officer of the Council subject to:
 - (i) the conditions contained in the Instrument; and
 - (ii) any conditions contained in this Resolution or in the Instrument of Subdelegation.; and
 - (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.
 - (iv) for the purpose of this sub-delegation, the sub-delegation to the Chief Executive Officer extends to any person appointed to act in the position of Chief Executive Officer.
- 6.4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management plans:

Daryl Sexton Daryl Morgan

7. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

- 7.1. In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in Instrument of Delegation (Appendix 27) are hereby delegated this 21st of February 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.
- 7.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.
- 7.3. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 7.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

8. Delegations under Fire and Emergency Services Act 2005 to a Fire Prevention Officer

- 8.1. In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in Instrument of Delegation (Appendix 7B) are hereby delegated this 21st of February 2017 to the person appointed Fire Prevention Officer of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.
- 8.2. Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.
- 8.3. For the purposes of these delegations, all delegations to the Fire Prevention Officer extend to any person appointed to act in the position of Fire Prevention Officer.

Michael McCARTHY

MANAGER GOVERNANCE & PROPERTY

M Msh

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

24th January, 2017 MMcC.AL



APPENDIX [14]

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

NOTES

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

	POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT		
Sec	tion and	Power/Function Delegated	
1.	Comp	osition and Wards	
	1.1	The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,	
		1.1.1 alter the composition of the Council;	
		1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	
	1.2	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	
		1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	
		1.2.2 alter the name of:	
		1.2.2.1 the Council;	
		1.2.2.2 the area of the Council;	
		1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).	
	1.3	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	
	1.4	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.	
	1.5	Deliberately left blank.	
	1.6	Deliberately left blank.	
	1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	



	POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT		
Section and	Section and Power/Function Delegated		
1.8	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.		
1.9	available	for public	to Section 12(8) of the Act to make copies of the representation options paper inspection (without charge) and purchase (on payment of a fee fixed by the cipal office of the Council during the period that applies under Section 7(a)(ii).
1.10			f public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of report that:
	1.10.1	Council's	information on the public consultation process undertaken by the Council and the or the Delegate's response to the issues arising from the submissions made as at process; and
	1.10.2	sets out:	
		1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and
		1.10.2.2	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and
	1.10.3	Council o	the reasons for the Council's or the Delegate's decision insofar as a decision of the reasons for the Council's or the Delegate is not to adopt any change under consideration as part of the ation options paper or the public consultation process.
1.11	inspection newspar availabili	on at the poer circulatity and inviti	to Section 12(9) of the Act to make copies of the report available for public rincipal office of the Council and to give public notice, by way of a notice in a ing in its area, informing the public of its preparation of the report and its ng interested persons to make written submissions on the report to the Council or a period specified by the Council or the Delegate, being not less than three
1.12	respons	e to an ntative befor	to Section 12(10) of the Act to give any person who makes written submissions in invitation under Section 12(9), an opportunity to appear personally or by the Council or a Council committee or the Delegate and to be heard on those
1.13			to Section 12(11) of the Act to finalise the report including recommendations with ted or ancillary matters as it sees fit.
1.14		spect to a of the Act:	proposal within the ambit of Section 12(11a), the power pursuant to Section
	1.14.1		may be relevant in the particular circumstances, to separate a proposal (and any oposal), from any other proposal contained in the report; and
	1.14.2		ne to conduct the relevant poll in conjunction with the next general election for the at some other time.
1.15	Where a	•	uired under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of
	1.15.1	prepare a	summary of issues surrounding the proposal to assist persons who may vote at



		POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT
Sec	tion and	Power/Function Delegated
		the poll; and
		1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and
		1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.
	1.16	The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.
	1.17	The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.
	1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.
	1.19	The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.
	1.20	Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.
	1.21	The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.
2.	Status	of a Council or Change of Various Names
	2.1	The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:
		2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
		2.1.2 alter the name of:
		2.1.2.1 the Council;
		2.1.2.2 the area of the Council;
		2.1.3 alter the name of a ward.
	2.2	The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:



		<u>P</u>	POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT			
Sec	tion and	d Power/F	unction Delegated			
		2.2.1	to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;			
		2.2.2	publish the notice in a newspaper circulating within the area; and			
		2.2.3	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.			
3.	Delib	erately le	ft blank			
4.	Delib	erately le	ft blank			
5.	Council Initiated Proposal					
	5.1	Delibera	ately left blank			
	5.2	Delibera	ately left blank			
	5.3		wer pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the , request or consent to the Minister:			
		5.3.1	amending the proposal;			
		5.3.1	substituting an alternative proposal.			
6.	Publi	c Initiated	I Submissions			
	6.1	6.1 The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Secti the Act, to consider the issues determined by the Council or the Delegate to be relevant to and to then decide whether or not it is willing to:				
		6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or			
		6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.			
	6.2	ensure at the p	the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to that copies of the summary prepared by the Minister are made available for public inspection principal office of the Council and distributed to electors in accordance with the directions of ister, pursuant to Section 28(23)(f) and (g).			
7.	Gene	General Powers and Capacities				
	7.1		wer pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement he common seal of the Council is not required.			
	7.2	but with	wer pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental nin any policy or budgetary constraints set by the Council to perform or discharge the Council's or duties or to achieve the Council's objectives.			
	7.3	The pov	wer pursuant to Section 36(2) of the Act to act outside the Council's area:			
		7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or			



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT Section and Power/Function Delegated in order to provide services to an unincorporated area of the State. 7.3.2 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's 7.4 regulatory activities from its other activities in the arrangement of its affairs. 8. **Provision Relating to Contract and Transactions** The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the 8.1 Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required. 9. **Committees** 9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees. 9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee. The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a 9.3 committee, or to make provision for the appointment of a presiding member. 9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee. The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, 9.5 determine the reporting and other accountability requirements that are to apply in relation to the committee. 10. **Delegations** 10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act. 10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours. 11. **Principal Office** 11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act. 11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council. 11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements. **Commercial Activities** 12.

Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the

Council's functions, engage in a commercial activity or enterprise ('a commercial project').

Last amended: 23rd January 2017

12.1



		POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT
Sect	ion and	Power/Function Delegated
	12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:
		12.2.1 establish a business;
		12.2.2 participate in a joint venture, trust, partnership or other similar body.
13.	Intere	sts in Companies
	13.1	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.
14.	Prude	ntial Requirements for Certain Activities
	14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
		14.00.1 acts with due care, diligence and foresight; and
		14.00.2 identifies and manages risks associated with a project; and
		14.00.3 makes informed decisions; and
		14.00.4 is accountable for the use of Council and other public resources.
	14.0	The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.
	14.1	Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:
		14.1.1 Deliberately left blank.
		14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -
		14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
		14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or
		14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.
	14.2	Deliberately left blank.
	14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).



		POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT		
Sect	ion and	ower/Function Delegated		
15.	Contra	cts and Tenders Policies		
	15.0	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procur policies, practices and procedures directed towards:	ement	
		15.0.1 obtaining value in the expenditure of public money; and		
		15.0.2 providing for ethical and fair treatment of participants; and		
		15.0.3 ensuring probity, accountability and transparency in procurement operations.		
	15.1	Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the prepare and adopt policies on contracts and tenders including policies on the following:	Act to	
		15.1.1 the contracting out of services; and		
		15.1.2 competitive tendering and the use of other measures to ensure that services are de cost effectively; and	livered	
		15.1.3 the use of local goods and services; and		
		15.1.4 the sale or disposal of land or other assets.		
	15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contractenders:	ts and	
		identify circumstances where the Council will call for tenders for the supply of good provision of services or the carrying out of works, or the sale or disposal of land or assets; and		
		15.2.2 provide a fair and transparent process for calling tenders and entering into contra those circumstances; and	icts in	
		15.2.3 provide for the recording of reasons for entering into contracts other than those reference from the tender process; and	sulting	
		are consistent with any requirement prescribed by the regulations.		
	15.3	The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 4 Act, or substitute a new policy or policies (but not so as to affect any process that has commenced).		
	15.4	The duty pursuant to Section 49(4) of the Act to make available for inspection (without chapolicy adopted under this Section at the principal office of Council during office hours.	irge) a	
16.	Public	Consultation Policies		
	16.1	The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a consultation policy which sets out the steps the Council will follow:	public	
		16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and	d	
		16.1.2 in other cases involving Council decision making, if relevant.		
	16.2	The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Ac requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.		
	16.3	The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in	cases	



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT **Section and Power/Function Delegated** where the Act requires the policy to be followed, provides for: 16.3.1 the publication of a notice: in a newspaper circulating within the area of the Council; and 16.3.1.1 on a website determined by the Chief Executive Officer, 16.3.1.2 describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and 16.3.2 the consideration of any submissions made in response to that invitation. 16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy. 16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to: 16.5.1 prepare a document that sets out its proposal in relation to the matter; and 16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month; 16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act. 16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest. 16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours. 17. Deliberately left blank 18. Inspection of Register 18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours. 19. Reimbursement of Expenses The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses 19.1 of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties. 19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours. 20. Register of Allowances and Benefits The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the 20.1 Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

21. Insurance of members

21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.

22. Training and Development

- The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.
- 22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.
- 22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.
- 22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).

23. Committee Meetings

- 23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.
- 23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:
 - 23.2.1 the availability and convenience of members of the committee; and
 - 23.2.2 the nature and purpose of the committee.

24. Meetings To Be Held in Public Except in Special Circumstances

- 24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.
- 24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.
- 24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.

25. Minutes and Release of Documents

- 25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.
- Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT **Section and Power/Function Delegated** Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for 25.3 inspection, without payment of a fee, at the principal office of the Council: 25.3.1 minutes of the Council and Council committee meetings; and reports to the Council or to a Council committee received at a meeting of the Council or 25.3.2 Council committee; and 25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council: and 25.3.4 budgetary or other financial statements adopted by the Council. 26. Access to Meetings and Documents - Code of Practice 26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act. 26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election. 26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice. The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate 26.4 adopts, alters or substitutes a code of practice that: 26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and 26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed. The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available 26.5 for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours. 27. **Meetings of Electors** 27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council. 27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting. 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii). 28. **Obstructing of Meetings** The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who 28.1 intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors. 29. Register of Remuneration Salaries and Benefits 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT Section and Power/Function Delegated employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours. 30. Certain Periods Of Service To Be Regarded As Continuous 30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits. 30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council. 30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations. 31. Deliberately left blank 32. Application of Division 32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act. 33. Certain Aspects of Strategic Management Plans 33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans. The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic 33.2 management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council. 34. Annual Business Plans and Budgets 34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, 34.1.1 prepare a draft annual business plan; and follow the relevant steps set out in the Council's public consultation policy, taking into 34.1.2 account and complying with the requirements of Section 123(4) of the Act. 34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting. 34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for: 34.3.1 a facility for asking and answering questions; and the receipt of submissions, 34.3.2 on the Council's website during the public consultation period.



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:

34.4.1 ensure:

- 34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and
- 34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and

34.4.2 ensure:

- 34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
- 34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge),

at the principal office of the Council; and

34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.

35. Accounting Records to be Kept

- 35.1 The duty pursuant to Section 124(1) of the Act to:
 - 35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;
 - 35.1.2 keep the Councils accounting records in such manner as will enable:
 - 35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and
 - 35.1.2.2 the financial statements of the Council to be conveniently and properly audited.
- 35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.

36. Internal Control Policies

36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.

37. Audit Committee

- 37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.
- 37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT				
Section and Power/Function Delegated				
38.	Finan	cial Statements		
	38.1	The duty	pursuant to Section 127(1) of the Act to prepare for each financial year:	
		38.1.1	financial statements and notes in accordance with standards prescribed by the regulations; and	
		38.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.	
	38.2		y pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for ncil pursuant to Section 127(1) of the Act:	
		38.2.1	are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and	
		38.2.2	comply with standards and principles prescribed by the Regulations; and	
		38.2.3	include the information required by the Regulations.	
	38.3	The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.		
	38.4		The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	
	38.5	stateme	y pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited nts are available for inspection (without charge) and purchase (on payment of a fee fixed by ncil) by the public at the principal office of the Council.	
39.	The A	uditor		
	39.1		ver and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and e Act to appoint an auditor on the recommendation of the Council's audit committee.	
	39.2		y pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the ons with respect to providing for the independence of the auditor.	
	39.3		y pursuant to Section 128(9) of the Act to ensure that the following information is included in ncil's annual report:	
		39.3.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:	
			39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and	
			39.3.1.2 other remuneration;	
		39.3.2	if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.	
40.	Cond	uct of Aud	dit	
	40.1		pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act	

provided to Council under Section 129 of the Act accompany the financial statements of the Council.



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Section and Power/Function Delegated

41. Other Investigations

- 41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.
- 41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:
 - 41.2.1 unless Section 130A(6)(b) of the Act applies at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;
 - 41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.

42. Annual Report to be Prepared and Adopted

- 42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.
- 42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.
- 42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.
- 42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:
 - 42.4.1 the Presiding Member of both Houses of Parliament; and
 - 42.4.2 to the persons or body prescribed by the Regulations,

on or before the date determined under the Regulations.

- 42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.
- 42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.



POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT **Section and Power/Function Delegated** 43. Access to Documents 43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able: to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and 43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council. The power pursuant to Section 132(2) of the Act to make a document available in electronic form for 43.2 the purposes of Section 132(1)(a). 43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council: 43.3.1 agendas for meetings of the Council or Council committees; 43.3.2 minutes of meetings of the Council or Council committees; codes of conduct or codes of practice adopted by the Council under this Act or the Local 43.3.3 Government (Elections) Act 1999; 43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies: 43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter; 43.3.6 the Council's budget (as adopted by the Council for a particular year); a list of fees and charges imposed by the Council under this Act; 43.3.7 43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act; procedures for the review of decisions established by the Council under Part 2 of Chapter 43.3.9 43.3.10 the audited financial statements of the Council; 43.3.11 the annual report of the Council; the Council's most recent information statement under the Freedom of Information Act 43.3.12 1991, unless the Council provides it as part of the annual report of the Council.

44. Related Administrative Standards

- 44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:
 - 44.1.2 to ensure compliance with any statutory requirements; and
 - 44.1.2 to achieve and maintain standards of good public administration.

45. Sources of Funds

45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.

Last amended: 23rd January 2017 AF11/1020 - AR15/11924
Version 4



46. Ability of a Council to Give Security The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide 46.1 various forms of security, including: 46.1.1 quarantees (including guarantees relating to the liability of a subsidiary of the Council); 46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act); bills of sale, mortgages or other charges (including to support a guarantee provided under 46.1.3 Section 135(1)(a) of the Act. 46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to: assign a distinguishing classification to the debentures to be included in the issue so as to 46.2.1 distinguish them from those included or to be included in previous or subsequent issues; 46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders. 47. **Expenditure of Funds** Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the 47.1 Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts. 48. **Investment Powers** 48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control. 48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to: exercise the care, diligence and skill that a prudent person of business would exercise in 48.2.1 managing the affairs of other persons; and 48.2.2 avoid investments that are speculative or hazardous in nature. 48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters: 48.3.1 the purposes of the investment; 48.3.2 the desirability of diversifying Council investments; 48.3.3 the nature of and risk associated with existing Council investments; 48.3.4 the desirability of maintaining the real value of the capital and income of the investment; 48.3.5 the risk of capital or income loss or depreciation; 48.3.6 the potential for capital appreciation; 48.3.7 the likely income return and the timing of income return; 48.3.8 the length of the term of a proposed investment; 48.3.9 the period for which the investment is likely to be required; the liquidity and marketability of a proposed investment during, and on determination of, the 48.3.10 term of the investment: the aggregate value of the assets of the Council; 48.3.11 the likelihood of inflation affecting the value of a proposed investment; 48.3.12 48.3.13 the costs of making a proposed investment; 48.3.14 the results of any review of existing Council investments.

- Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:
 - 48.4.1 the anticipated community benefit from an investment; and
 - 48.4.2 the desirability of attracting additional resources into the local community.
- 48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.

49. Review of Investment

49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.

50. Gifts to a Council

- 50.1 Within the confines of Section 44(3) of the Act:
 - 50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;
 - 50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;
 - 50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee:
 - 50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and
 - 50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the *Gazette*, within 28 days after that order is made.

51. Duty to Insure Against Liability

51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.

52. Writing off Bad Debts

- 52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:
 - 52.1.1 if the Council has no reasonable prospect of recovering the debts; or
 - 52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered,
 - up to and including an amount of \$5,000.00 in respect of any one debt.
- 52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:
 - 52.2.1 reasonable attempts have been made to recover the debt; or
 - 52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.

53. Recovery of Amounts due to Council

53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.



53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.

54. Land Against Which Rates May be Assessed

54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.

55. Basis of Rating

55.1 Before the Council:

- 55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or
- 55.1.2 changes the basis on which land is valued for the purposes of rating; or
- 55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;

the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:

- 55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and
- 55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.
- The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.

56. General Rates

The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.

57. Service Rates and Service Charges

- 57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.
- 57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.

58. Basis of Differential Rates

The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.



- 58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -
 - 58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and
 - 58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.
- 58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.

59. Notice of Differentiating Factors

59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.

60. Preliminary

- 60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.
- The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).
- The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.
- The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.

61. Rebate of Rates - Community Services

- 61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:
 - 61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and
 - 61.1.27 provides community services without charge or for charge that is below the cost to the body of providing their services; and
 - 61.1.3 does not restrict its services to persons who are members of the body.

62. Rebate of Rates - Educational Purposes

- 62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:
 - 62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or
 - 62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or
 - 62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.



63.	Discre	Discretionary Rebates of Rates			
	63.1		y pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):		
		63.1.1	the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and		
		63.1.2	the community need that is being met by activities being carried out on the land for which the rebate is sought; and		
		63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;		
		63.1.4	any other matter considered relevant by the Council or the Delegate.		
	63.2	of the A	ver pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service on such conditions as the Delegate sees fit and such rebate may be up to and including f the relevant rates or service charge, in the following cases:		
		63.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;		
		63.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;		
		63.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;		
		63.2.4	where the land is being used for educational purposes;		
		63.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;		
		63.2.6	where the land is being used for a hospital or health centre;		
		63.2.7	where the land is being used to provide facilities or services for children or young persons;		
		63.2.8	where the land is being used to provide accommodation for the aged or disabled;		
		63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;		
		63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;		
		63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;		
		63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:		
			63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or		
			63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.		



		63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:	
		63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or	
		63.2.13.2 liability that is unfair or unreasonable;	
		63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	
		63.2.15 where the rebate is contemplated under another provision of the Act.	
	63.3	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:	
		63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	
		63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	
		63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.	
	63.4	The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(I) of the Act for a period exceeding 1 year but not exceeding 3 years.	
64.	Valua	tion of Land for the Purposes of Rating	
	64.1	The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	
	64.2	For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:	
		64.2.1 valuations made, or caused to be made, by the Valuer-General; or	
		64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;	
		or a combination of both.	
	64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.	
65.	Valua	ation of Land	
	65.1	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	
	65.2	The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	
	65.3	The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	



66. **Objections to Valuations Made by Council** 66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where: 66.1.1 the objection does not involve a question of law; and 66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and is made within 60 days after the date of service of the notice of the valuation to which the 66.1.3 objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection). 66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land. 66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection. 66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is: 66.4.1 in the prescribed manner and form; 66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and 66.4.3 accompanied by the prescribed fee. 66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act. 67. **Notice of Declaration of Rates** 67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration. 68. Alterations to Assessment Record The duty pursuant to and in accordance with Section 172(1) to ensure that a record (the assessment 68.1a record) is kept. 68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record. 68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record. Inspection of Assessment Record 69. 69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.



70. **Liability for Rates** 70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from: 70.1.1 the principal ratepayer; or 70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; any other person who was at the time of the declaration of the rates an owner or occupier 70.1.3 of the land. 70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates. 70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates. 70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71. 71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year. 71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid. 72. **Service of Rate Notice** The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to 72.1 send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after: 72.1.1 the declaration of a rate; or 72.1.2 the imposition of a service charge; or 72.1.3 a change in the rates liability of land. 73. Payment of Rates - General Principles 73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared. 73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances). 73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.



- 73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:
 - 73.4.1 the amount of the instalment; and
 - the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.
- 73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.
- 73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.
- 73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:
 - 73.7.1 the payment of instalments of rates in advance; or
 - 73.7.2 prompt payment of rates.
- 73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.
- 73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.
- 73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:
 - 73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and
 - 73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.

74. Remission and Postponement of Payment

- 74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:
 - 74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or
 - 74.1.2 remit the rates in whole or in part.
- 74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:
 - 74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);
 - 74.2.2 to grant the postponement on other conditions determined by the Delegate; and
 - 74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).



- 74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:
 - 74.3.1 to assist or support a business in the Council's area; or
 - 74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.
- 74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).
- 74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.
- 74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).

75. Postponement of Rates - Seniors

- 75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.
- 75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:
 - 75.2.1 reject an application for the postponement of rates; or
 - 75.2.2 impose conditions on the postponement of rates

but only in accordance with the Regulations.

76. Application of money in respect of rates

76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.

77. Sale of Land for Non-Payment of Rates

- 77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
- 77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:
 - 77.2.1 stating the period for which the rates have been in arrears; and
 - 77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and
 - 77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.
- 77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:
 - 77.3.1 to any owner of the land who is not the principal ratepayer; and
 - 77.3.2 to any registered mortgagee of the land; and
 - 77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.



	77.4	lf:			
	77. 4	77.4.1	the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or		
		77.4.2	the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,		
		the power	pursuant to Section 184(4) of the Act to effect service of the notice by:		
		77.4.3	placing a copy of the notice in a newspaper circulating throughout the State; and		
		77.4.4	leaving a copy of the notice in a conspicuous place on the land.		
	77.5	amount	ver pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding of rates is not paid in full within the time allowed in the notice given to the ratepayer under 184(2) of the Act.		
	77.6	rates by	pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of public auction and the power to set the reserve price for the purposes of the auction, except ase of land held from the Crown under a lease, licence or agreement to purchase, unless the responsible for the administration of the Crown Lands Act 1929 grants consent to sale by uction.		
	77.7	The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section the Act on at least 2 separate occasions in a newspaper circulating throughout the State.			
	77.8	The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.			
	77.9	that can	ver pursuant to Section 184(10) of the Act to sell the land by private contract for the best price a be reasonably obtained, if an auction fails or an auction is not held because the land is held crown under a lease, licence or agreement to purchase.		
	77.10		ver and duty to apply monies received by the Council in respect of the sale of land for non-t of rates pursuant to and in accordance with Section 184(11) of the Act.		
	77.11	land to	y pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of be sold for non-payment of rates and where the owner cannot be found, the power to deal amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.		
78.	Objec	tion, Revi	ew or Appeal		
	78.1	or of a d	ction, review or appeal in respect of a valuation of land results in the alteration of a valuation ecision to attribute a particular land use to land, and a due adjustment is made, the power to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:		
		78.1.1	to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or		
		78.1.2	to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.		



79. Certificate of Liabilities

- 79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:
 - 79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and
 - 79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.

80. Investigation by Ombudsman

- 80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:
 - 80.1.1 the Ombudsman; and
 - 80.1.2 if relevant, the person who made the complaint.
- 80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.

81. Fees and Charges

- 81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:
 - 81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;
 - 81.1.2 for services supplied to a person at his or her request;
 - 81.1.3 for carrying out work at a person's request;
- 81.2 The power pursuant to Section 188(3) of the Act to provide for:
 - 81.2.1 specific fees and charges;
 - 81.2.2 maximum fees and charges and minimum fees and charges;
 - 81.2.3 annual fees and charges;
 - 81.2.4 the imposition of fees or charges according to specified factors;
 - 81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) (c) of the Act inclusive; and
 - 81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.
- 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
- 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
- 81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.



82. Acquisition of Land by Agreement 82.1 The power pursuant to Section 190 of the Act to acquire land by agreement. 83. Compulsory Acquisition of Land 83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval. 83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose. 84. Assumption of Care, Control and Management of Land 84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act. 84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette. 85. Classification 85.1 The duty pursuant to Section 193(6) of the Act to give notice in the *Gazette* of a resolution: to exclude land from classification as community land under Section 193(4) of the Act; or to classify as community land, land that had previously been excluded from classification as 85.1.2 such under Section 193(5) of the Act. 86. Revocation of Classification of Land as Community Land 86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to: prepare and make publicly available a report on the proposal containing: 86.1.1 86.1.1.1 a summary of reasons for the proposal; and a statement of any dedication, reservation or trust to which the land is subject; 86.1.1.2 a statement of whether revocation of the classification is proposed with a view to 86.1.1.3 sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and an assessment of how implementation of the proposal would affect the area and 86.1.1.4 the local community: and if the Council is not the owner of the land, a statement of any requirements 86.1.1.5 made by the owner of the land as a condition of approving the proposed revocation of the classification; and 86.1.2 follow the relevant steps set out in the Council's public consultation policy. After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 86.2 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process. 86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.



87. Effect of Revocation of Classification

87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.

88. Management Plans

- 88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:
 - 88.1.1 identifies the land to which it applies; and
 - 88.1.2 states the purpose for which the land is held by the Council; and
 - 88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and
 - 88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.
- 88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:
 - 88.2.1 identify the owner of the land; and
 - 88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and
 - 88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.
- 88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.

89. Public Consultation on Proposed Management Plan

- 89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:
 - 89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and
 - 89.1.2 follow the relevant steps set out in Council's public consultation policy.
- 89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.

90. Amendment or Revocation of Management Plan

- 90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.
- 90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.

90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.

91. Effect of Management Plan

91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.

92. Use of Community Land for Business Purposes

92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.

93. Sale or Disposal of Local Government Land

- 93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:
 - 93.1.1 vested in the Council in fee simple; or
 - 93.1.2 vested in the Council as lessee.
- 93.2 The power pursuant to Section 201(2) of the Act to:
 - 93.2.1 grant an easement (including a right of way) over community land; and
 - 93.2.2 grant an easement (excluding a right of way) over a road or part of a road.

94. Alienation of Community Land by Lease or Licence

- 94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:
 - 94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
 - 94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);
 - 94.1.3 any other matter relevant to the use or maintenance of the land.
- 94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:
 - 94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or
 - 94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
- 94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.
- 94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.



95.	Register			
	95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.		
	95.2	The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:		
		95.2.1 contains the information required by the Regulations; and		
		95.2.2 contains copies of current management plans.		
	95.3	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.		
	95.4	The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.		
96.	Ownership of Public Roads			
	96.1	The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the <i>Gazette</i> .		
97. Ownership of Fixtures and Equipment Installed on Public Roads		rship of Fixtures and Equipment Installed on Public Roads		
	97.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.		
98.	Conversion of Private Road to Public Road			
	98.1	The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.		
	98.2	The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:		
		98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and		
		98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and		
		98.2.3 give public notice of the proposed declaration.		
	98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.		
	98.4	The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.		
99.	Highw	vays		
	99.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.		



100. Power to Carry Out Roadwork

- 100.1 The power pursuant to Section 212(1) and 212(2) and in accordance with Section 212(3) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.
- 100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:
 - 100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and
 - 100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and
 - 100.2.3 the roadwork in relation to a private road is only carried out if:
 - 100.2.3.1 the owner agrees; or
 - 100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or
 - 100.2.3.3 the identity or whereabouts of the owner is unknown; and
 - 100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).

101. Recovery of Cost of Roadwork

- 101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.
- 101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:
 - 101.2.1 the person who caused the damage; or
 - 101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object the person who is the owner, or who has control of that infrastructure.
- 101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.

102. Contribution Between Councils where Road is on Boundary Between Council Areas

102.1 Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is bought.



103. Special Provisions for Certain Kinds of Roadwork If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to: 103.1 ensure that adjoining properties have adequate access to the road; and construct any retaining walls, embankments or other structures necessary to provide 103.1.2 protection required in consequence of the change of level. 103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion: there is no significant risk of damage to the adjoining property; or 103.2.1 the road work does not significantly increase the risk of damage to adjoining property. 103.2.2 103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency. 104. Power to Order Owner of Private Road to Carry out Specific Roadwork 104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road. 104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: any proposal to make an order; and 104.2.1 104.2.2 if an order is made, any order, under Section 216(1) of the Act. 105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work. 105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner: to carry out specified work by way of maintenance or repair; or 105.1.1 105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork. 105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner. 106. Power to Require Owner of Adjoining Land to Carry Out Specific Work 106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land. 106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: any proposal to make an order; and 106.2.2 if an order is made, any order under Section 218(1) of the Act.



107.	07. Power to Assign a Name, or Change the Name, of a Road or Public Place		
	107.1	The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	
	107.2	The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	
	107.3	Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:	
		107.3.1 give the adjoining council at least 2 months notice of the proposed change; and	
		107.3.2 consider any representations made by the adjoining council in response to that notice.	
	107.4	The duty pursuant to Section 219(3) of the Act to:	
		107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and	
		on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.	
	107.5	The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.	
	107.6	The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.	
	107.7	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	
	107.8	The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:	
		107.8.1 in the Gazette; and	
		107.8.2 in a newspaper circulating in the area of the council; and	
		107.8.3 on a website determined by the Chief Executive Officer.	
108.	Numbe	ering of Premises and Allotments	
	108.1	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	
	108.2	The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	
	108.3	The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	
	108.4	The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	
	108.5	The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.	
	108.6	The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt,	



alter or substitute a numbering system. The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the 108.7 appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate. 109. **Alteration of Road** 109.1 The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as: altering the construction or arrangement of the road to permit or facilitate access from an 109.1.1 adjacent property; or erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other 109.1.2 objects) in, on, across, under or over the road; or 109.1.3 changing or interfering with the construction, arrangement or materials of the road; or changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, 109.1.4 fittings and other objects) associated with the road; or planting a tree or other vegetation on the road, interfering with vegetation on the road or 109.1.5 removing vegetation from the road. 109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will: 109.2.1 unduly obstruct the use of the road; or 109.2.2 unduly interfere with the construction of the road; or 109.2.3 have an adverse effect on road safety. The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the 109.3 Act: 109.3.1 for a particular act or occasion; or for a term which is, subject to revocation for breach of a condition, to remain in force for a 109.3.2 term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal. 110. Permits for Business Purposes The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for 110.1 business purposes and to give a permit to do so. 110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road. 110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular

Last amended: 23rd January 2017 AF11/1020 - AR15/11924
Version 4

occasion or for a term stated in the permit.



111. Public Consultation

- 111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:
 - 111.1.1 that confers a right of exclusive occupation; or
 - 111.1.2 that would have the effect of restricting access to a road; or
 - 111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.
- 111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.

112. Conditions of Authorisation or Permit

The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.

113. Cancellation of Authorisation or Permit

- 113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.
- 113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:
 - 113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and
 - 113.2.2 consider any representations made in response to the notice.
- 113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.

114. Register

- 114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:
 - 114.1.1 includes the information required by regulation; and
 - 114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.
- 114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.



115. Trees

The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):

- 115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -
 - 115.1.1 environmental and aesthetic issues; and
 - 115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and
 - 115.1.3 road safety matters; and
 - 115.1.4 other matters (if any) considered relevant by the Delegate; and
- 115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.

116. Damage

116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.

117. Council's Power to Remove Objects etc from Roads

- 117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:
 - 117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or
 - 117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.
- 117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.
- 117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.

118. Deposit of Rubbish etc

- 118.1 The power pursuant to Section 235(1) of the Act to authorise or permit the following:
 - 118.1.1 the deposit of rubbish on a public road or public place; or
 - the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.



119. Abandonment of Vehicles and Farm Implements

The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is 119.1 convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.

120. Removal of Vehicles

- The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of 120.1 the removal of the vehicle:
 - 120.1.1 by written notice in the prescribed form:
 - 120.1.1.1 served on the owner personally; or
 - served on the owner by the use of person-to-person registered post,
 - as soon as practicable after the removal of the vehicle; or
 - 120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
- 120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.
- 120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:
 - 120.3.1 the vehicle is offered for sale but not sold; or
 - the Delegate reasonably believes that the proceeds of the sale of the vehicle would be 120.3.2 unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.
- 120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:
 - firstly, in payment of the costs of and incidental to the sale; 120.4.1
 - secondly, in payment of the costs of and incidental to the removal, custody and 120.4.2 maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act:
 - 120.4.3 thirdly, in payment of the balance to the owner of the vehicle.
- 120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.
- The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in 120.6 the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.

121. Time Limits for Dealing with Certain Applications

Where the power to decide upon certain applications to which the Section applies has been 121.1 delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been

Last amended: 23rd January 2017 AF11/1020 - AR15/11924



refused.

121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.

122. Registrar-General to Issue Certificate of Title

- 122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.
- 122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:
 - 122.2.1 in a manner and form approved by the Registrar-General; and
 - 122.2.2 accompanied by:
 - 122.2.2.1 Deliberately left blank
 - 122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and
 - 122.2.2.3 a fee fixed by the Registrar-General.

123. Liability for Injury, Damage or Loss Caused by Certain Trees

123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).

124. Council May Require Bond or Other Security in Certain Circumstances

- 124.1 Subject to Section 245A of the Act, if,
 - 124.1.1 a person has approval to carry out development under the Development Act 1993; and
 - 124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,

the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.

124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.

125. Power to Make By-Laws

125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.



126. Passing By-Laws

- 126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:
 - make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and
 - 126.1.2 by notice in a newspaper circulating in the area of the Council:
 - 126.1.2.1 inform the public of the availability of the proposed by-law; and
 - 126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.
- 126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:
 - 126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and
 - 126.2.2 the by-law is not in conflict with the Act.
- 126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.
- The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.

127. Model By-Laws

- 127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the *Gazette*.
- 127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.

128. Register of By-Laws and Certified Copies

- The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.
- The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
- The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.

129. Power to Make Orders

The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.

Last amended: 23rd January 2017 AF11/1



130.	Proced	dures to be Followed		
	130.1	The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:		
		130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and		
		130.1.2 stating the reasons for the proposed action; and		
		130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).		
	130.2	If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.		
	130.3	The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:		
		130.3.1 to make an order in accordance with the terms of the original proposal; or		
		130.3.2 to make an order with modifications from the terms of the original proposal; or		
		130.3.3 to determine not to proceed with an order.		
	130.4	The power pursuant to Section 255(5) of the Act to:		
		130.4.1 include two or more orders in the same instrument;		
		130.4.2 direct two or more persons to do something specified in the order jointly.		
	130.5	The duty pursuant to Section 255(6) of the Act to ensure that the order:		
		130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and		
		130.5.2 states the reasons for the order.		
	130.6	The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.		
	130.7	If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.		
	130.8	The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.		
	130.9	If the Delegate, in the circumstances of a particular case, considers:		
		130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or		
		130.9.2 that an emergency situation otherwise exists,		
		the Delegate has the power pursuant to Section 255(12) of the Act to:		
		130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and		
		130.9.4 require immediate compliance with an order despite Section 255(6)(a).		



131. Rights of Review The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of 131.1 Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act. 132. Action on Non-Compliance The power pursuant to Section 257(1) of the Act, where the requirements of an order are not 132.1 complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order. 132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act. The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and 132.3 expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order. 132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period: 132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and if the person is the owner of the land to which the order relates - the power, in accordance 132.4.2 with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest. 133. Councils to Develop Policies 133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act. 133.2 The power and duty pursuant to Section 259(2) of the Act to: 132.2.1 prepare a draft of a Policy; and by notice in a newspaper circulating in the area of the Council, give notice of the place or 133.2.2 places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks). 133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act. 133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time. 133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance. The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection 133.6 (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours. 133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2



	of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.			
134.	Appoir	intment of Authorised Persons		
	134.1	The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.		
	134.2	The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.		
	134.3	The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:		
		134.3.1 containing a photograph of the authorised person; and		
		134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.		
	134.4	The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.		
135.	Proced	dures for Review of Decisions and Requests for Services		
	135.00	The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:		
		135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and		
		135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.		
	135.0	The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:		
		135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and		
		135.0.2 using information gained from the Council's community to improve its services and operations.		
	135.1	Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:		
		135.1.1 the Council;		
		135.1.2 employees of the Council;		
		135.1.3 other persons acting on behalf of the Council,		



135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant): 135.2.1 the manner in which an application for review may be made; 135.2.2 the assignment of a suitable person to reconsider a decision under review; 135.2.3 the matters that must be referred to the Council itself for consideration or further consideration: in the case of applications that relate to the impact that any declaration of rates or service 135.2.3A charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act; 135.2.4 the notification of the progress and outcome of an application for review; 135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed. 135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if: 135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or 135.3.2 it appears that the application is frivolous or vexatious; or 135.3.3 the applicant does not have a sufficient interest in the matter. 135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council. 135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act. 135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to: the number of applications for review made under Section 270; and 135.6.1 135.6.2 the kinds of matters to which the applications relate; and the outcome of applications under this Section; and 135.6.3 135.6.4 such other matters as may be prescribed by the Regulations. 135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid. 136. Mediation, Conciliation and Neutral Evaluation The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures 136.1 established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation. The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons 136.2 who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.



136A.	Prov	Provision of Information to Minister		
	136A	prov	power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, vide to the Minister specified information, or information of a specified kind, relating to the irs or operations of the Council.	
	136A		power pursuant to Section 271A(3) of the Act to, provide information in accordance with a uest under Section 271A(1) of the Act, even if:	
		136	AA.2.1 the information was given to the Council in confidence; or	
		136	AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	
136B.	Minis	ster May	Refer Investigation of Council to Ombudsman	
	136B		power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain Council's actions and make submissions to the Minister.	
	136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minis to the matter.		power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation he matter.	
136C.	Action	on a Rej	port	
	136C		power pursuant to Section 273(3) of the Act to make submissions to the Minister on the ort on which the action is based.	
136D.	Delibe	rately lef	t blank	
	136D.1 Deliberately left blank			
	136D.2 Deliberately left blank			
136E.	Action on a Report			
	136E	.1 The	power pursuant to Section 275(2) of the Act to make submissions to the Minister.	
137.	Special Jurisdiction			
	137.1		er pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the proceedings before the District Court, on behalf of the Council:	
		137.1.1	proceedings to try the title of a member to an office;	
		137.1.2	proceedings to try the right of a person to be admitted or restored to an office;	
		137.1.3	proceedings to compel restoration or admission;	
		137.1.4	proceedings to compel the Council to proceed to an election, poll or appointment;	
		137.1.5	proceedings to try the validity of a rate or service charge;	
		137.1.6	proceedings to try the validity of a by-law;	
		137.1.7	proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.	
138.	Service	e of Docu	ments by Councils etc	

Service of Documents on Councils

139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for

power and duty to effect service in accordance with and pursuant to Section 279 of the Act.

Where a document is required or authorised to be served on or given to a person by the Council, the

138.1

139.



service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.

140. Recovery of Amounts from Lessees or Licensees

140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.

141. Ability of Occupiers to Carry out Works

141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.

142. Power to Enter and Occupy Land in Connection with an Activity

- 142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.
- 142.2 The duty pursuant to Section 294(3) of the Act:
 - to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and
 - 142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land reasonable compensation for damage caused to any crops on the land; and
 - 142.2.3 within 6 months of ceasing to occupy the land:
 - remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and
 - to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;
- The duty pursuant to Section 294(5) of the Act, at the request of an owner of occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.

143. Reclamation of Land

- 143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.
- 143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.
- 143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.
- The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.



INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

144. Property in Rubbish

144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.

145. Power of Council to Act in Emergency

145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.

146. Deliberately left blank

147. Costs of Advertisements

147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.

148. Whistleblowing

148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.

148A Use of Facilities

148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.

149. Deliberately left blank

150. Deliberately left blank

151. Deliberately left blank

151A Preparation of Stormwater Management Plans by Councils

- 151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:
 - (a) complies with the guidelines issued by the Authority; and
 - (b) is prepared in consultation with the relevant regional NRM board or boards; and
 - (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.

151B Authority May Issue Order

- 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.
- 151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).



INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

152. Deliberately left blank

153. Deliberately left blank

154. Special Powers in Relation to Land

- 154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:
 - (a) enter and occupy any land; and
 - (b) construct, maintain or remove any infrastructure; and
 - (c) excavate any land; and
 - (d) inspect, examine or survey any land and for that purpose:
 - (i) fix posts, stakes or other markers on the land; and
 - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
 - (iii) remove samples for analysis.
 - (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and
 - (f) hold any water in a watercourse or lake or by any other means; and
 - (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and
 - (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and
 - (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and
 - (j) undertake any testing, monitoring or evaluation; and
 - (k) undertake any other activity of a prescribed kind.
- 154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.

155. Entry and Occupation of Land Other Than Council Land

- 155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.
- 155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.

156. Vesting of Infrastructure, etc

156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.

Last amended: 23rd January 2017



INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	Nil



APPENDIX [20]

INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Direction as to installation etc of traffic control devices

- 1.1 The duty pursuant to Section 18(5) of the Road Traffic Act 1961 ("the Act") to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.
- 1.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.

2. Action to deal with false devices or hazards to traffic

2.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.

Last amended: 17 January 2017 AF16/70 - AR13/35022
Version 4



INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed

- 3.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.
- 3.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.
- 3.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:
 - 3.3.1 firstly, in payment of the costs of and incidental to the sale;
 - 3.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and
 - 3.3.3 thirdly, in payment of the balance to the owner of the vehicle.
- 3.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.

3A. Council May Determine That Ticket for Parking be Obtained Without Fee

3A.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):

Last amended: 17 January 2017 AF11/1020 - AR13/35022

Version 4



INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES - ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

- determine that a ticket must be obtained for parking in the 3A.1.1 length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or
- 3A.1.2 vary or revoke a determination made under Section 86 of the Act.

4. **Compensation Orders for Damage to Road Infrastructure**

The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.

4A. **Assessment of Compensation**

- The power pursuant to Section 163ZD(2) of the Act and in accordance 4A.1 with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:
 - any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and
 - 4A.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and
 - 4A.1.3 any other certificate of the Council as the road authority, such as a certificate:
 - 4A.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or
 - 4A.1.3.2 estimating the cost of remedying the damage; or
 - 4A.1.3.3 estimating the extent of the offender's contribution to the damage.

4B. Service of Certificates

4B.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.

AF11/1020 - AR13/35022 Last amended: 17 January 2017



INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

5. Exemptions

5.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.

Last amended: 17 January 2017 AF11/1020 - AR13/35022

Version 4



INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

<u>DELEGATIONS UNDER THE</u> ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014

6. Event Management Plan

- 6.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.
- 6.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.

Last amended: 17 January 2017 AF11/1020 - AR13/35022

Version 4



INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES - ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

DELEGATIONS UNDER THE ROAD TRAFFIC (ROAD RULES - ANCILLARY AND **MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

7.	Perm	mit Zones			
	7.1	The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –			
		7.1.1	the class of permits required for vehicles to stop in a permit zone established by the Council;		
		7.1.2	the persons entitled to such permits;		
		7.1.3	any fees to be paid for such permits;		
		7.1.4	the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles).		
		and to vary any such determination.			
	7.2	7.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.			
8.	Parking and Parking Ticket-Vending Machines or Parking Meters				

8.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees.

AF11/1020 - AR13/35022 Last amended: 17 January 2017



INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES - ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	Nil

Last amended: 17 January 2017 AF11/1020 - AR13/35022

K

APPENDIX [28]

INSTRUMENT OF DELEGATION UNDER THE REAL PROPERTY ACT 1886

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act

The power pursuant to Section 27 of the Real Property Act 1886 (**the Act**) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:

the Council claims to be the person in whom the fee simple is vested either at law or in equity;

the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.

The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.

The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.



2. Undivided shares and mortgaged land may not be brought under Act except upon conditions

The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,

the Council appears to be entitled to an undivided share of the land; or

the Council is the mortgagee of the land.

3. Caveat against bringing land under Act

The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.

4. Applicant may withdraw his application

The power pursuant to Section 41 of the Act, to:

withdraw the Council's application at any time prior to the issuing of the certificate;

request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.

5. **Proceedings under Caveat**

The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.

6. **Deliberately left blank**

6A. Priority of instruments

- 6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.
- 6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or



encumbrance that is to have its order of priority varied.

6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed.

7. Certificates in lieu of surrendered certificates

The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.

8. Deliberately left blank

9. Application for Certificate based on possession

The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.

10. Caveats

The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.

Variation and Extinguishment of Easements

The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:

vary the position of, or extend or reduce the extent of, an easement over servient land; or

vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or

extinguish an easement.

The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.



Easement subject to existing mortgage etc

The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.

Person now holding under lease or agreement may surrender

The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.

The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.

Execution and registration of Crown Lease

The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee.

The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases).

Transfers

The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office.

Deliberately left blank.

Creation of easements by reservation

The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under



the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.

Deliberately left blank

Deliberately left blank

Sale under Writ of fiery facias or Decree, Warrant or Order of Court

The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.

Issue of certificate where land is vested by operation of law

The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:

in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or

in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.

Lands, now leased

The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.

Leases not to bind non-consenting mortgagees or encumbrancees

The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbranced land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.

Standard terms and conditions of lease

The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.

Lease may be surrendered by separate instrument

The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor.

Registrar-General may record surrender

The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book.

Surrender where lease subject to mortgage or under lease

The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.

Registrar-General to note particulars of re-entry in Register Book

The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.

Mortgage of land

The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage.

Deliberately left blank.

Deliberately left blank.

The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form.

The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act.

28A Encumbrance of land

The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.

Standard terms and conditions of Mortgage or Encumbrance

The power pursuant to Section 129A(1) of the Act to deposit for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.

Nature of Mortgage and Encumbrance and procedure in case of default

The power pursuant to Section 132 of the Act, where the Council holds a mortgage or



encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.

Power of sale

The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.

Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land

The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:

enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or

distrain upon the occupier or tenant of the land; or

from time to time let the said land for any term not exceeding one year; or

bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.

Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due

The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbranced land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.



Application to Mortgagee to Registrar-General for foreclosure

The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.

Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default

The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:

appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;

give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.

Discharge of Mortgages and Encumbrances

The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.

Partial discharge of Mortgage or Encumbrance on Grant of Easement

The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.

Deliberately left blank

Transfer of Mortgage Lease and Encumbrance

The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.

Renewal or extension of Mortgage etc

The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by



registration of an instrument in the appropriate form.

40AA Requirements for renewal or extension of mortgage

The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act.

40A Person who intends to lodge instrument may lodge priority notice

- 40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed free, lodge in the Lands Titles Registration Office a notice (a **priority notice**), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction.
- 40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land.

40B Effect of priority notice

- 40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land.
- 40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land.
- 40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book.

40C Withdrawal of priority notice

The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form.

40D Cancellation of priority notice by Registrar-General

40D.1 The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged.



40D.2 The power pursuant to Section 154F(2) of the Act, where the Registrar-General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period.

40E Cessation of priority notice

The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar-General to extend the duration of the notice for 30 days.

Disclaimers

The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent.

The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.

The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer.

Bankruptcy or assignment of lessee

The power pursuant to Section 173(a) of the Act where the registered proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar-General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal.

The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:

apply to the Registrar-General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal.

apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the



Register Book a note of such refusal or neglect.

The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.

The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.

The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:

require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;

require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.

The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.

Application to be made in such case

The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.

Proceedings when executor etc refuse to transfer

The power pursuant to Section 181 of the Act, whenever an executor, or administrator,



or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.

Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession

The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.

Caveats

- The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office.
- The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.
- The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.
- The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.
- The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.
- The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.
- The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.

Ejectment

The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:



	t	he registered proprietor of a freehold estate in possession;	
	t	he registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;	
	t	he lessor with power to re-enter where rent is in arrears for three months; or	
	t	he lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,	
	k	o cause any person in possession of that land to be summoned to appear person the Court to show cause why the person summoned should not give up possession to the Council.	
Pers	ons clair comper	ming may, before taking proceedings, apply to the Registrar-General for nsation	
	Council to institu nominal	ver pursuant to and in accordance with Section 210 of the Act, where the is sustaining loss or damage in any case in which the Council shall be entitled ute proceedings to recover compensation against the Registrar-General as defendant, to, before commencing such proceedings, make application in the Registrar-General, for compensation, supported by affidavit or tion.	
48A	A Reviews		
	48A.1	The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:	
		48A.1.1 to have an instrument registered or recorded; or	
		48A.1.2 to have a foreclosure order issued; or	
		48A.1.3 to have the Registrar-General do or perform an act or duty under the Act,	
		to seek a review of the decision by the Tribunal.	
	48A.1A	The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal.	
	48A.2	The power pursuant to Section 221(2) of the Act, if the Registrar-General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal.	
	48A.3	The power pursuant to Section 221(3) of the Act, if the Registrar-General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of	



	the Act, to	seek a review by the Tribunal of the decision to reject the notice.		
48A.4	The power pursuant to Section 221(4) of the Act, if the Registrar-General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice.			
48A.5	The power pursuant to Section 221(5) of the Act, if the Registrar-General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the decision to cancel the notice.			
48A.6	The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing.			
48A.7		r pursuant to Section 221(10) of the Act, to make an application to al for any 1 or more of the following orders:		
	48A.7.1	an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office;		
	48A.7.2	an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order;		
	48A.7.3	an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.		
Applications	for amend	lment		
	The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:			
	the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or			
	the description of the land in the certificate is erroneous or imperfect on the face of it.			
The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.				



Caveats

The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.

Rectification by consent

The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.

Application for Division of Land

The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General.

The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.

The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.

Application may deal with statutory encumbrances

The power pursuant to Section 223LDA of the Act to:

specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and

sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.

Consent to plans of division

The power pursuant to Section 223LH(1) of the Act:

where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;



where the Council has or claims an estate or interest in the land to be divided to consent to the deposit of the plan and sign a certificate certifying
that the Council has consented to the deposit of the plan;

where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.

The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.

Amalgamation

The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.

The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.



SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
28	The delegation of the power contained in Section 128 of the Act is subject to Section 44(3)(c) of the Local Government Act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.



APPENDIX [28A]

INSTRUMENT OF DELEGATION UNDER THE ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Client Authorisation				
	1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:				
		1.1.1 complete a client authorisation:			
		1.1.1.1 that is in the form required by the participation rules; and			
		1.1.1.2 by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.			

AR13/35027 Version 3



APPENDIX [33]

INSTRUMENT OF DELEGATION UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Auth	norised Officers			
	1.1	The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:			
		1.1.1 specified officers or employees of the Council; or			
		1.1.2 a specified class of officers or employees of the Council,			
		to be authorised officers for the purposes of the Act.			
	1.2	The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.			
	1.3	The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.			
2.	lden	ity Cards			
	2.1	The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:			
		2.1.1 containing the person's name and a recent photograph of the person; and			
		2.1.2 stating that the person is an authorised officer for the purposes of the Act; and			
		2.1.3 specifying the name of the Council.			
	2.2	The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.			



3.	Limit	of Area of Authorised Officers Appointed by Councils			
	3.1	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.			
4.	Prov	isions Relating to Seizure			
	4.1	The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.			
	4.2	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.			
	4.3	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.			
	4.4	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.			
5.	Exen	emptions from Application of Section 18			
	5.1	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.			
	5.2	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.			
	5.3	The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:			
		5.3.1 there are exceptional circumstances that justify the making of the declaration; and			
		5.3.2 the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.			
	5.4	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:			
		5.4.1 the permitted times or periods of time for carrying on the activity; or			

Last amended: 23rd January 2017



		5.4.2 the manner of carrying on the activity.
	5.5	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.
	5.6	The:
		5.6.1 power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and
		5.6.2 duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.
6.	Dispo	sing of Litter
	6.1	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.
	6.2	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.
7.	Liabi	ty of Vehicle Owners
	7.1	The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
		7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or
		7.1.2 if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).
	7.2	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.
	7.3	The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:
		7.3.1 setting out particulars of the alleged principal offence; and
		7.3.2 inviting the owner, if he or she was not the alleged principal offender or the



		owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)(and (b).	
7.4	The du	ty pursuant to Section 26(9) of the Act, if:	
	7.4.1	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or	
	7.4.2	proceedings are commenced against such a person,	
	particu	ompany the notice or summons, as the case may be, with a notice setting out lars of the statutory declaration that named the person as the alleged principal er.	
7.5	statuto	ty pursuant to Section 26(10) of the Act to not include in the particulars of the ry declaration provided to the alleged principal offender the address of the who provided the statutory declaration.	
Notif	ication o	of EPA of Serious or Material Environmental Harm	
8.1	an offe in mate of the I	ty pursuant to Section 29 of the Act, if the delegate has reason to believe that nce committed under Sections 18 or 22 of the Act has, or may have, resulted erial environmental harm, or serious environmental harm, within the meaning Environment Protection Act 1993, to, as soon as practicable, notify the nment Protection Authority of that belief.	
Nuisance and Litter Abatement Notices			
9.1		ower pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement for or in connection with securing compliance with Part 4 Division 1 of the Act.	
9.2		wer pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice of connection with securing compliance with Part 4 Division 2 of the Act.	
9.3	The:		
	9.3.1	duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:	
		9.3.1.1 is in the form of a written notice served on the person to whom it is issued; and	
		9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and	
		9.3.1.3 specifies the purpose for which it is issued; and	
	9.3.2	power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:	
		9.3.2.1 direct two or more persons to do something specified in the notice	
	7.5 Notif 8.1 Nuis	7.4.1 7.4.2 to accomparticular offender 7.5 The dustatuto person Notification of the Benviror Nuisance and 9.1 The ponotice of the Penviror of the Penvir	



	jointly;	and	
9.3.2.2	impose a requirement that the person do one or more of the following:		
	(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;	
	(b)	not carry on a specified activity except at specified times or subject to specified conditions;	
	(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;	
	(d)	furnish to the Council specified results or reports within a specified period;	
	(e)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;	
	(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;	
	(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;	
	(h)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and	
	(i)	in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:	
		preventing the escape of litter from business premises; or	
		B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and	
	(j)	impose any other requirement prescribed by regulation; and	
	(k)	ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and	



		Development Court.		
	9.4	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.		
	9.5	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:		
		9.5.1 the owner or occupier of the premises; or		
		9.5.2 a person who has the management or control of the premises; or		
		9.5.3 a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.		
	9.6	The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.		
	9.7	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.		
10.	Action	n on Non-compliance with Notice		
	10.1	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.		
	10.2	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.		
	10.3	The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.		
	10.4	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.		
	10.5	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.		
11.	Civil Remedies			
1	11.1	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment,		

Last amended: 23rd January 2017



 11.1.1 if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action; 11.1.2 if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action; 11.1.3 if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage; 11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action; 11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action; 11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.3 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.5 The power pursuant to Section 33(10) of the Act to make an application without notice to any person. 11.6 The power pursuant to Section 33(11) of the Act to apply		Resour	ces and Development court for one or more of the following orders:
refuse or fail to take any action required by the Act — an order requiring the person to take that action; 11.1.3 if a person has caused damage to property by a contravention of the Act — an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage; 11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage — an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action; 11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage — an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action; 11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.5 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.		11.1.1	in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring
an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage; 11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action; 11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action; 11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filling the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.		11.1.2	refuse or fail to take any action required by the Act – an order requiring the
mitigate damage - an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action; 11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action; 11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filling the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.		11.1.3	an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate
a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action; 11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.		11.1.4	mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in
has contravened the Act for payment to the Council. 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. 11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.		11.1.5	a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and
 33 of the Act. 11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person. 		11.1.6	
the Minister within three days after filing the application with the court. 11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	11.2		
 to be joined as a party to the proceedings. 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person. 	11.3		
Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	11.4		
notice to any person. 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	11.5	Section	33 of the Act in a representative capacity (provided the consent of all
notice to any person.	11.6		
11.8 The power pursuant to Section 33(19) of the Act to apply to the court to vary or	11.7	•	· · · · · · · · · · · · · · · · · · ·
	11.8	The pov	wer pursuant to Section 33(19) of the Act to apply to the court to vary or



		revoke an order previously made under Section 33 of the Act.				
12.	12. Minister or Council May Recover Civil Penalty in Respect of Contravention					
	12.1	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.				
	12.2	The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.				
	12.3	The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:				
		12.3.1 unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or				
		12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.				
	12.4	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.				
	12.5	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).				
	12.6	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).				
	12.7	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act				



more than three years and within 10 years after the date of the alleged contravention. **Statutory Declaration** 13. The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified. 14. Orders in Respect of Contraventions The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following: an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage; 14.1.2 an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person; 14.1.3 an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter); the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.

- The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.
- 14.3 The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.

15. Recovery of Administrative and Technical Costs Associated with Contraventions

- 15.1 The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:
 - 15.1.1 has taken action to:

15.1.1.1 investigate the contravention; or



			15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or
			15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or
		15.1.2	has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,
			otice in writing served on the person, require the person to pay to the Council sonable costs and expenses incurred by the Council in taking such action.
	15.2	within w	wer pursuant to Section 48(2) of the Act to specify in the notice the period which an amount payable to the Council in accordance with a notice under 48 of the Act must be paid.
	15.3		wer pursuant to Section 48(3) of the Act, on application by a person who has erved a notice under Section 48 of the Act to, by notice in writing:
		15.3.1	extend the time for payment of an amount payable in accordance with the notice; or
		15.3.2	waive payment of such an amount or reduce the amount payable.
	15.4		wer pursuant to Section 48(6) of the Act, if an amount payable to the Council aid in accordance with Section 48 of the Act to recover the amount as a debt.
16.	Asses	ssment o	of Reasonable Costs and Expenses
	16.1	reasona or some costs a	by pursuant to Section 49 of the Act, to for the purposes of the Act, assess the lable costs and expenses that have been or would be incurred by the Council e other person or body in taking any action by reference to the reasonable and expenses that would have been or would be incurred in having the action y independent contractors engaged for that purpose.
17.	Evide	ntiary P	rovisions
	17.1		wer pursuant to Section 50(4) of the Act to execute a certificate certifying as natter relating to:
		17.1.1	the appointment or non-appointment of a person as an authorised officer under the Act; or
		17.1.2	a delegation or authority under the Act; or
		17.1.3	a notice, requirement or direction of the Council or an authorised officer under the Act; or
		17.1.4	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished



to the Council or authorised officer under the Act.

17.2 The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.



SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	Nil



APPENDIX [34]

INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Water	Plannir	ng	
	1.1	•	wer pursuant to Section 6(6) of the Water Industry Act 2012 (the Act), in to a proposal:	
		1.1.1	to create the State Water Demand and Supply Statement; or	
		1.1.2	to undertake a comprehensive review of the State Water Demand and Supply Statement,	
		to make	e written representations on the proposal to the Minister.	
2.	Application for Licence			
	The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.			
3.	Licence fees and returns			
	3.1	The power pursuant to Section 24(2) of the Act, where the Council is the holder of licence issued for a term of 2 years or more, to,:		
		3.1.1	in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and	
		3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.	
4.	Variat	ion of L	icence	
	4.1	The po	wer pursuant to Section 28(2) of the Act to:	



- 4.1.1 make application to the Commission to vary the terms or conditions of the Council's licence;
 - 4.1.2 agree to the variation of the terms or conditions of the Council's licence;
 - 4.1.3 make representations to the Commission about the proposed variation.

5. Transfer of Licence

- 5.1 The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.
- 5.2 The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.

6. Surrender of Licence

- 6.1 The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.
- 6.2 The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.

7. Suspension or cancellation of Licences

The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.

8. Standard terms and conditions for retail services

- 8.1 The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.
- 8.2 The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.
- 8.3 The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.
- 8.4 The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.

9. Customer hardship policies

- 9.1 The power pursuant to Section 37(3) of the Act to:
 - 9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or
 - 9.1.2 with the written approval of the Commission, adopt such a policy with



modifications.

10. Power to take over operations

10.1 The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.

11. Appointment of operator

The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.

12. Appointment of water industry officer

- 12.1 The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.
- 12.2 The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.

13. Conditions of appointment

- 13.1 The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
- 13.2 The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.

14. Identity cards

The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.

15. Power to enter land to conduct investigations

- 15.1 The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.
- 15.2 The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:
 - 15.2.1 give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and
 - 15.2.2 minimise the impact of work carried out by the Council on activities of others on the land; and
 - 15.2.3 comply with the conditions of the authorisation.

16. Power to carry out work on land



16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:
	16.1.1 to construct, install, improve or add to any water/sewerage infrastructure; or
	16.1.2 to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or
	16.1.3 to lay pipes and install, operate or inspect pumps and other equipment; or
	16.1.4 to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or
	16.1.5 to obtain or enlarge a supply of water; or
	16.1.6 to protect, improve or restore the quality of water; or
	16.1.7 to protect any infrastructure or equipment connected with any water service or sewerage service; or
	16.1.8 to perform any other function brought within the ambit of Section 45 of the Act by the regulations.
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:
	16.2.1 give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and
	16.2.2 secure the authority's agreement to the carrying out of the work;
16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.
16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and



and or and proposed erray.	
	of the Act and subject to Section 45(13) of the

- 16.8 Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.
- 16.9 The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.
- 16.10 The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.
- 16.11 The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
- 16.12 The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.

17. Acquisition of land

The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969.

Requirement to connect to infrastructure 18.

time of the proposed entry.

Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).

- 18.1 The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.
- 18.2 The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.
- 18.3 The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.
- 18.4 The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.
- The power pursuant to Section 48(12) of the Act to recover the reasonable costs and 18.5 expenses incurred by the Council in taking action under Section 45(9) or (10) as a



		debt from the person who failed to comply with the requirements of the notice.	
	18.6	The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.	
19.	Encro	pachments	
	19.1	The power pursuant to Section 49(1) of the Act to consent to a person:	
		19.1.1 constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or	
		19.1.2 creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or	
		19.1.3 obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or	
		19.1.4 excavating or altering any land or structure supporting any water/sewerage infrastructure.	
	19.2	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	
		19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and	
		19.2.2 as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.	
	19.3	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	
	19.4	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	
	19.5	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	
	19.6	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	
20.	Prote	ction of infrastructure and equipment	
	20.1	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:	



		20.1.1	at any reasonable time, enter any land and carry out an inspection of any place; and
		20.1.2	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.
	20.2		ver pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
	20.3	The pow on the C	ver pursuant to Section 50(4) of the Act to authorise a person to take action council's behalf under Section 50 of the Act.
	20.4	of a con	ver pursuant to Section 50(7) of the Act, if the Council suffers loss as a result travention of Section 50 of the Act, to recover compensation for the loss from a guilty of the contravention:
		20.4.1	on application to a court convicting the person of an offence against Section 50 of the Act; or
		20.4.2	by action in a court of competent jurisdiction.
21.	Notice	e of work	that may affect water/sewerage infrastructure
	21.1	of a con	ver pursuant to Section 51(4) of the Act, if the Council suffers loss as a result travention of Section 51 of the Act, to recover compensation for the loss from a guilty of the contravention:
		21.1.1	on application to a court convicting the person of an offence against Section 51 of the Act; or
		21.1.2	by action in a court of competent jurisdiction.
22.	Duty t	to give n	otice before paving a road etc
	22.1	The pow	ver pursuant to Section 52(1) of the Act, before the Council begins:
		22.1.1	to first lay the pavement or hard surface in any road; or
		22.1.2	to relay the pavement or hard surface in any road; or
		22.1.3	to widen or extend the pavement or hard surface in any road; or
		22.1.4	to alter the level of any road; or
		22.1.5	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or
		22.1.6	to construct or alter any drainage work in any road,
		industry includes	there is any water/sewerage infrastructure, to give the relevant water entity at least 14 days notice of the proposed work (being a notice that details of the nature and thickness of the pavement or hard surface d to be made or laid in any such work, and of any other work that is



		proposed to be undertaken).
	22.2	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.
	22.3	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:
		22.3.1 unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;
		22.3.2 in prescribed circumstances – an amount determined under the regulations.
	22.4	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.
23.	Unlav	vful abstraction, removal or diversion of water or sewage
	23.1	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.
	23.2	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:
		23.2.1 on application to a court convicting the person of an offence against this Section; or
		23.2.2 by action in a court of competent jurisdiction.
24.	Water	meters
	24.1	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to
		24.1.1 allow a person authorised by the Council to enter land and fix a meter supplied by the Council;
		24.1.2 ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.
	24.2	The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.
	24.3	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.
	24.4	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to
Lasta	amended	: 23 rd January 2017 AF11/1020 - AR17/2894 Version 1



		take such action as is specified in the notice to provide access to the meter or fitting.
	24.5	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.
	24.6	The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.
	24.7	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:
		24.7.1 on application to a court convicting the person of an offence against this section; or
		24.7.2 by action in a court of competent jurisdiction.
	24.8	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.
25.	Disch	arge of unauthorised material into water infrastructure
	25.1	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:
		25.1.1 on application to a court convicting the person of an offence against this Section; or
		25.1.2 by action in a court of competent jurisdiction.
26.	Disch	arge of unauthorised material into sewerage infrastructure
	26.1	The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:
		26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or
		26.1.2 as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.
	26.2	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.
	26.3	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or



		to otherwise enter, any sewerage infrastructure.
	26.4	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.
	26.5	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.
27.		to be carried out by owner at requirement of water industry entity with respect werage infrastructure
	27.1	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:
		27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or
		27.1.2 to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,
		by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.
	27.2	The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:
		27.2.1 install or construct in such locations as are specified in the notice;
		27.2.2 connect to the infrastructure;
		27.2.3 alter or replace;
		27.2.4 maintain, repair or cleanse;
		27.2.5 remove, block or disconnect,
		such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.
	27.3	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.
	27.4	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.
	27.5	The power pursuant to Section 57(6) of the Act, to authorise a person to take action



		under Section 52(5) of the Act on the Council's behalf.
	27.6	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.
28.	Powe	r to disconnect drains to restrict services
	28.1	The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:
		28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or
		28.1.2 has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,
		to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.
	28.2	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.
29.	Powe	r to restrict or discontinue water supply
	29.1	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:
		29.1.1
		29.1.1.1 that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or
		29.1.1.2 that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or
		29.1.1.3 that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and
		29.1.2 that action under Section 59(1) of the Act is justified in the circumstances,
		to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.
	29.2	The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:
		29.2.1 lessen the supply of water through any infrastructure (to such extent and in
		22 rd January 2017



		such manner as the delegate thinks fit);
		29.2.2 prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
		29.2.3 prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
		29.2.4 prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;
		29.2.5 for such time or times as the delegate thinks proper, discontinue the supply of water.
	29.3	The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.
	29.4	The power pursuant to Section 59(4) of the Act, to:
		29.4.1 impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and
		29.4.2 vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.
30.	Powe	to require the use of devices to reduce flow
	30.1	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.
	30.2	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:
		30.2.1 to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and
		30.2.2 to use the device to reduce flow in those pipes during the periods specified in the notice.
	30.3	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.
	30.4	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a



debt from the person who failed to comply with the requirements of the notice.

31. Disconnection in an emergency

The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.

32. Responsibilities of water industry entity

- 32.1 The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:
 - 32.1.1 prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and
 - 32.1.2 obtain the approval of the Technical Regulator to the plan and any revision; and
 - 32.1.3 comply with the plan as approved from time to time; and
 - 32.1.4 audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.

33. Responsibilities of Customers

The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.

34. Enforcement notices

The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.

35. Warning notices and assurances

- 35.1 The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
- 35.2 The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.

36. Injunctions

36.1 The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in



		conduct	that constitutes or would constitute a contravention of the Act.					
	36.2		The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.					
37.	Revie	ew of dec	cisions by Commission or Technical Regulator					
	37.1	with Section 84 of the Act to make an application to:						
		37.1.1	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or					
		37.1.2	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or					
		37.1.3	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or					
		37.1.4	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.					
38.	Appea	als						
	38.1		ver pursuant to Section 85(1) of the Act and in accordance with Section 85(2) ct to appeal to the District Court:					
		38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;					
		38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.					
Thir	d Party	Access	Regime					
	structui		R apply in relation to operators of water infrastructure or sewerage frastructure services, to the extent that it is declared by proclamation to					
38A.	Inform	nation br	ochure					
	38A.1	The pov	ver pursuant to Section 86F(1) of the Act to determine:					
		38A.1.1	the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and					
		38A.1.2	the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and					
		38A.1.3	the prices and costs associated with gaining access to (and using)					



regulated infrastructure and infrastructure services; and

38A.1.4 the standard access arrangement used by the Council.

38B. Specific information to assist proponent to formulate proposal

- 38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.
- 38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.

38C. Access proposal

- 38C.1 The power pursuant to Section 86l(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.
- 38C.2 The power pursuant to Section 86l(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,
 - 38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions: and
 - 38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.
- 38C.3 The power pursuant to Section 86l(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:
 - 38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and
 - 38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and
 - 38C.3.3 the general nature of the access proposal.
- 38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.

38D. Duty to negotiate in good faith

38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.



38E. Existence of Dispute

38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.

38F. Power to refer dispute to arbitration

38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.

38G. Confidentiality of information

38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.

38H. Formal requirements related to awards

38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.

38l. Consent awards

38l.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.

38J. Termination of variation of award

- 38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.
- 38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.

38K. Appeal on question of law

38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.

38L. Injunctive remedies

- 38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.
- 38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.
- 38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.

38M. Compensation

38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.

38N. Confidential information

38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as



authorised by Section 86ZM of the Act.

38O. Access by agreement

38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.

38P. Review of Part

38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.

39. Water conservation measures

The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.



WATER INDUSTRY REGULATIONS 2012

40. Information as to amounts already paid for retail services etc

- 40.1 The power pursuant to Regulation 11(1) of the *Water Industry Regulations* 2012 (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.
- 40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.
- 40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.

41. Certificate as to encumbrance

41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council

42. Protection of infrastructure - planting of trees etc on public land

- 42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.
- 42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.

43. Protection of infrastructure - action in relation to trees and shrubs

- 43.1 The power pursuant to Regulation 14(1) of the Regulations, if:
 - 43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or
 - 43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,

to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.



- 43.2 The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.
- 43.3 The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.

44. Protection of infrastructure – damage caused by trees or shrubs

- 44.1 The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:
- 44.2 the owner for the time being of the land on which the tree or shrub is, or was, situated; or
- 44.3 in the case of land under the care, control or management of a Council that Council.

45. Access to sewerage infrastructure

The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.

46. Power to restrict or discontinue water supply

- 46.1 The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:
 - 46.1.1 obtain the approval of the prescribed authority before acting; and
 - 46.1.2 notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):
 - 46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) in the Gazette; and

46.1.2.2 in all cases:

- a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and
- b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
- c)in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.



47. Notices under Section 59 – Permits

The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.

48. Fittings etc to be flush with road surface

- 48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.
- 48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.
- 48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.

49. Pipes must not lie across allotment boundaries

- 49.1 The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.
- 49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.
- 49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.

50. Water meters – estimates



	50.1	The pov	ver pursuant to Regulation 36 of the Regulations if:
		50.1.1	the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and
		50.1.2	a code or rules made under the Essential Services Commission Act 2002 relating to the provision of retail services to customers does not apply to that supply of water,
		50.1.3	to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.
51.	Charg	ge where	land not connected or service to land reduced or discontinued
	51.1	Section	ver pursuant to Regulation 38 of the Regulations to, for the purposes of 115(2)(c) of the Act, impose a charge in respect of land of a kind d by the Minister by notice in the Gazette despite the fact that:
		51.1.1	the land is not connected to infrastructure by which a retail service is provided by the Council; or
		51.1.2	the provision of a retail service to the land by the Council has been reduced or discontinued.



SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

CORPORATE AND COMMUNITY SERVICES REPORT NO. 02/2017

SUBJECT: FINANCIAL SUSTAINABILITY - KEY FINANCIAL INDICATORS

REF: AF11/704

What is Financial Sustainability?

The definition of Financial Sustainability for Local Government emanated from the independent SA Local Government Financial Sustainability Inquiry in 2005.

It is defined as:

"A Council's long-term financial performance and position is sustainable where planned longterm service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services."

The definition was endorsed nationally at the National General Assembly of Local Government in Canberra in November 2006.

As part of the financial sustainability inquiry conducted in 2005, each Council was catagorised into one of 6 groups, with Category 1 being Sustainable with a very substantial margin of comfort and Category 7 being Unsustainable.

Mount Gambier's ranking at this time was a Category 4, being sustainable with a minimum margin of comfort. The definition attributed to this category was:

"If unanticipated financial shocks/risks eventuate on top of known developments, the Council should be able to avoid a substantial per-property rates increase albeit with a minimum margin of comfort <u>provided</u> its revenue and spending policies remain unchanged over time."

To put this into some form of context, 43 of the 68 South Australian Councils (63%) received a rating of 4 or worse.

Why is it important?

The importance of financial sustainability is to ensure that each generation 'pays their way', rather than any generation living off their assets and leaving it to the future generations to address the issue of repairing/replacing worn out infrastructure.

The Council is the custodian of infrastructure and assets with a current written down value of approximately \$234 million. Council has the responsibility to ensure that assets are managed efficiently and effectively and that decisions regarding the acquisition of new assets and the sale and maintenance of existing assets are undertaken in an open and transparent fashion.

Sound asset management is the key to financial sustainability. There is clearly a direct link between the development and implementation of Council's Infrastructure and Asset Management Plan and its LTFP. Council expends considerable funds on the acquisition and management of assets. It will be exposed to financial risk over the longer term if budget processes have little regard for ongoing costs associated with the maintenance and renewal of these assets beyond the current budget period. It is incumbent on Council to carefully consider information about the stock of infrastructure and other assets and the contribution that current ratepayers are making to their consumption.

Council is facing new challenges in managing infrastructure and other assets as a result of issues such as increasing community expectations; population growth; development of new infrastructure; replacement of ageing infrastructure; new legislative requirements (e.g. EPA standards) and the growing demands of an ageing population.

The term "asset management" is used to describe the process by which the Council manages physical assets to meet current and future levels of service. The Council determines the policy framework within which existing assets are managed, new assets are acquired and the overall

program for the maintenance and disposal of assets. This policy framework typically has regard to the link between the purchase, upgrade and disposal of assets, the delivery of services to communities and consultation processes required to ensure the community is well informed and able to influence the decisions of the Council.

How is it measured?

To ensure that each generation 'pays its way', it is crucial that current ratepayers effectively fund the current net cost of services provided and community assets consumed. Without this being achieved (i.e. an operating deficit), future generations are effectively subsidising the current cost of service provision and asset consumption.

Based on this, the financial sustainability of a Council is measured by the surplus/(deficit) (before capital revenues) disclosed in the Income Statement. A Council's long-term financial sustainability is dependent upon ensuring that on average, over time its expenses are less than its associated revenues.

The following indicators have been developed specifically to focus attention on factors identified as key to securing long-term financial security:

- Operating ratio
- Net financial liabilities ratio
- · Asset sustainability ratio

For each key financial indicator, which are consistent with industry standards, appropriate targets have been nominated to enable meaningful performance measurement.

What are the Key Financial Indicators?

The following is a brief explanation of the principal Key Financial Indicators used throughout the local government sector in South Australia:

 Operating Ratio – expresses the operating surplus or (deficit) as a percentage of general and other rates, net of rebates.

A positive ratio indicates the percentage of rates available to fund current and future capital expenditure. A negative ratio indicates the percentage increase in rate revenue that would have been required to achieve a break-even operating result.

When a breakeven result is achieved it means that ratepayers are meeting the costs of the services they are consuming (including depreciation).

• Net Financial Liabilities Ratio – indicates the extent to which net financial liabilities of the Council can be met by the Council's total operating revenue.

Where the ratio is falling it indicates the Council's capacity to meet its financial obligations from operating revenues is strengthening. Where the ratio is increasing it indicates a greater amount of Council's operating revenue is required to service its financial obligations.

Asset Sustainability Ratio – indicates whether the Council is renewing or replacing existing physical assets at the rate at which they are wearing out.

Councils with a high ratio are replacing and renewing capital assets at a rate comparable to depreciation / wear.

Local Government sector targets for each of the key financial indicators are as follows:

Operating Ratio: 0% - 15% over any five year period.

Net Financial Liabilities: not to exceed total operating revenue or 100%

Asset Sustainability Ratio: a range between 90% to 100% over any three year period.

What do our results tell us?

Key Financial Indicators Targets and Results relevant to the City of Mount Gambier over the past five (5) years are summarised in the following table.

Summary of Financial Results					
	2015/16	2014/15	2013/14	2012/13	2011/12
Operating Ratio (Adjusted)	(3%)	(1%)	3%	2%	(4%)
(Target: 0% - 15% over 5 years)					
Net Financial Liabilities Ratio	27%	26%	31%	23%	27%
(Target: not to exceed 100%)					
Assets Sustainability Ratio	57%	53%	107%	85%	52%
(Target: 90% - 100% over 3 years)					

Operating Ratio:

A positive ratio indicates the percentage of rates available to fund current and future capital expenditure.

<u>A negative ratio</u> indicates the percentage increase in rate revenue that would have been required to achieve a breakeven operating result.

<u>Result</u>: A breakeven result (over five years) means that current day ratepayers are meeting the costs of services currently being consumed.

(Adjusted = Adjustments for the distortion caused as a result of early payment of Grants Commission allocaitons).

Net Financial Liabilities Ratio: where the ratio <u>is falling</u> it indicates the Councils capacity to meet its financial obligations from operating revenues is strengthening.

Where the ratio <u>is increasing</u> it indicates a greater amount of Councils operating revenue is required to service its financial obligations.

<u>Result</u>: Target (due to Councils recent major capital works) increasing a greater amount of Councils operating revenue is required to service its financial obligations.

<u>Asset Sustainability Ratio</u>: A high ratio indicates Council is replacing/renewing capital assets at a rate comparable to depreciation/wear.

<u>Result</u>: Target close to being met. Considerable focus to increase this ratio over recent years to ensure Council is replacing/renewing capital assets at a rate comparable to depreciation/wear.

How do we compare with other SA Councils?

Each year the SA Local Government Grants Commission prepares what is commonly known as 'database' reports which are derived from SA Councils Annual Financial Statements and General Information Returns.

Corporate and Community Services Report No. 62/2016 in September 2016 provided a detailed breakdown of these statistics both in comparative form (with other SA Councils) and in a time series format (our statistics only).

Relevant extracts from that Report are repeated, for information, in this Report noting that the release of the 30th June, 2016 database reports are anticipated to be received in July, 2017 and will be subject to a further report.

SA Local Government Grants Commission Database Reports 2014/2015 FINANCIAL COMPARISON

COUNCIL	TOTAL ASSETS (\$000)	TOTAL LIABILITIES (\$000)	TOTAL EQUITY (\$000)	TOTAL FINANCIAL ASSETS (\$000)	NET FINANCIAL LIABILITIES (\$000)	OPERATING SURPLUS RATIO (%)	NET FINANCIAL LIABILITIES RATIO (%)	ASSET SUSTAINABILITY RATIO (%)
Alexandrina	417,768	35,570	382,198	5,150	30,420	1	76	50
Barossa	345,931	23,187	322,744	9,645	13,542	(1)	40	230
Gawler	252,917	17,098	235,819	6,371	10,727	5	44	140
Mount Barker	469,585	14,053	455,082	8,100	6,403	0	16	106
Mount Gambier	233,034	9,453	223,581	2,645	6,808	(2)	27	53
Murray Bridge	279,402	17,589	261,813	11,945	5,644	0	17	?
Port Augusta	214,819	41,760	173,060	7,187	34,783	(25)	92	?
Port Lincoln	170,326	5,430	164,895	5,652	(222)	0	1	313
Victor Harbor	266,617	16,664	249,953	7,374	9,290	7	39	58
Whyalla	253,589	13,605	239,984	3,771	9,834	(3)	32	87

SA Local Government Grants Commission Database Reports 2014/2015 EXPENDITURE COMPARISON

COUNCIL	ESTIMATED RESIDENT POPULATIO N 30 JUNE 2015	EMPLOYEE COSTS (\$000)	MATERIALSC ONTRACTS AND OTHER EXPENSES (\$000)	FINANCE COSTS (\$000)	DEPRECIATION, AMORTISATION AND IMPAIRMENT (\$000)	TOTAL OPERATING EXPENSES (\$000)	OPERATING SURPLUS/ (DEFICIT) (\$000)
Alexandrina	25,449	12,768	15,827	1,498	9,547	39,640	971
Barossa	23,104	11,428	14,053	1,191	7,465	34,177	277
Gawler	22,618	8,849	10,175	741	3,323	23,153	1,578
Mount Barker	32,558	12,665	17,777	64	8,297	38,803	646
Mount Gambier	26,348	9,197	8,920	299	6,649	25,065	1,045
Murray Bridge	20,971	14,375	11,329	534	6,170	32,408	1,926
Port Augusta	14,522	17,419	15,644	1,440	5,741	40,244	(2,620)
Port Lincoln	14,984	4,320	9,378	22	3,280	17,000	691
Victor Harbor	15,169	8,214	7,991	792	5,331	22,328	1,602
Whyalla	22,759	10,332	12,792	390	6,312	29,826	1,680

Local Government Grants Commission Database Time Series Reports

ASSETS

Year	Cash / Cash Equiv.	Other Receivables	Inventories	Land	Buildings	Infrastructure	Plant, Equipment	Other Assets	Total Assets
2010/11	8,298,000	2,520,000	35,000	28,363,000	56,215,000	45,263,000	4,704,000	2,425,000	135,289,000
2011/12	981,000	1,470,000	47,000	41,026,000	112,109,000	56,625,000	4,840,000	2,946,000	220,044,000
2012/13	675,000	1,397,000	40,000	41,188,000	87,340,000	58,186,000	4,627,000	2,670,000	196,123,000
2013/14	1,173,000	1,286,000	37,000	40,858,000	86,810,000	60,343,000	4,749,000	2,384,000	197,690,000
2014/15	969,000	1,676,000	40,000	40,818,000	87,891,000	94,772,000	4,648,000	2,220,000	233,034,000

FINANCIAL

Year	Total Liabilities	Total Financial Assets	Net Financial Liabilities	Total Equity	% Operating Surplus Ratio	Net Financial Liab. Ratio %	Asset Sustainability Ratio %
2010/11	12,534,000	10,818,000	1,716,000	135,289,000	(8)	9	51
2011/12	8,432,000	2,451,000	5,981,000	211,612,000	(4)	27	52
2012/13	7,070,000	2,072,000	4,998,000	189,053,000	2	23	85
2013/14	9,418,000	2,459,000	6,959,000	188,222,000	3	31	107
2014/15	9,453,000	2,645,000	6,808,000	223,581,000	(1)	26	53

Further information on the Local Government Associations Financial Sustainability Program can be found at http://www.lga.sa.gov.au/page.aspx?u=6812 which include a range of Information Papers, local government sector wide reports and general information on the Sustainability Program / Inquiry.

RECOMMENDATION

- (a) Corporate and Community Services Report No. 02/2017 be received for information;
- (b) Corporate and Community Services Report No. 02/2017 be referred to Council's Audit Committee for review.

f.

Grant HUMPHRIESDIRECTOR – CORPORATE SERVICES

Meshon

Sighted:

Mark McSHANE

CHIEF EXECUTIVE OFFICER

6th December, 2016 MJT

9: Assets - Project Costing

MODERATE

Issues	Recommendations	Management Response
Issues:	Consideration be given to an investment in resources and/or	Management Accountant has sent email to
Projects are either inaccurately recorded or not recorded at all and	upskilling/training staff in developing project costing budget	IT Manager on 16/11/2016 requesting
over-expenditure on projects may not be detected.	software including the production of reports that better assist	whether Authority has the ability to
	Budget Officers and staff required to deliver and manage projects.	complete detailed project costing,
		budgeting and management. Awaiting
Impact:	Management Accountant take lead in developing these processes	Response.
	further with the assistance of relevant staff responsible for project	2
Inappropriate costing methods may result in misstatements in both	costing and management.	
management reports and the financial statements. Over		* *
expenditures may result in project objectives not being achieved		
and restrict Council's ability to commit to funding future projects.		
Background:		
Project Costing and budgeting are supported by		
estimates/quotations using spreadsheet application. Some, such as		*
footpath construction are based on historical costings and		
estimates.		*

Prepared By: Kahli Rolton

Date: 17/11/2016

31: Strategic Financial Planning - Statutory Reporting

MODERATE

	Recommendations	Management Response
Inpact: I/here Council does not comply with statutory reporting equirements and deadlines, Council is at risk of misstating fiancial formation, not fulfilling its statutory obligations which may result fines and penalties and/or decisions made based on inaccurate formation. Indexerging the council is very reliant on the knowledge of a few key staff members of ensure statutory reporting deadlines are met.	Investigation in to an electronic calendar system (or timeline of important dates) that can set reminders to responsible staff members, but is still accessible to the entire group/division of employees would ensure once established that all deadlines are known (especially in the event of staff turnover). Council currently has in place a manual reminder card system, consideration should be given to merging these reminder cards to an electronic system at the same time as there may be a solution to suit both. IT and Records may be able to assist with this. Due to the recurrent nature of legislative changes in regards to GST, FBT & Payroll, suggest that Council commits to an annual (or biannual) training program for relevant staff to ensure they are suitably skilled to meet legislative requirements.	Management Response Finance Manager already working on a calendar of dates for customer service and planning to roll this out across the entire division.

Prepared By: Kahli Rolton

16/11/2016



Civic Centre, 10 Watson Terrace Mount Gambier SA 5290

PO Box 56 Mount Gambier SA 5290

Telephone 08 87212555 Facsimile 08 87249791 city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

TO: Ma

Management Executive Team

CC:

Procurement Officer

REF:

AF16/164

RE:

Implementation of Minor Plant Register - Action Plan

At present there is inadequate recording and accountability of minor plant and equipment items under Council's capitalisation threshold of \$5,000. The Establishment of a Minor Plant Register will provide the basic framework for the recording and ongoing management of Council's minor plant and equipment.

A Scoping exercise has uncovered that Council currently has in excess of 950 minor plant and equipment items found at various locations. There is no record of the details of such minor plant and equipment items, nor is there a consistent location where items can be easily accessed for use by all staff.

As part of this process we are challenging Council to think as a whole, rather than departmental for items of minor plant and equipment. Staff will be required to review the minor plant register (once established) and use any available items before purchasing new items, unless there is a specific requirement for a new item to be purchased. This may cause conflict between departmental budget managers who will wear the initial cost of purchasing a minor plant and equipment item that could become available for use by all of Council. It is envisaged that the sharing of minor plant and equipment across various Council departments will reduce overall spending on such items.

In order to track purchases of new items a new Resource/Activity code has been established. All requisitions for minor plant and equipment items must use this code. It is envisaged that the Procurement Officer will assume responsibility for the following:

- Establishment and maintenance of a Minor Plant and Equipment Register.
- Monitoring the procurement of minor plant and equipment items. This will be made far more
 efficient by the use of a standard Resource/Activity. Staff members are encouraged to seek
 advice from the Procurement Officer before making purchases of this nature.
- Following up staff that make unnecessary purchases without considering the minor plant register.
- Establishing a common area for minor plant and equipment to be located. Allocating unique identification numbers to such plant and a sign in/out register to ensure that the location of minor plant is known at all times.
- Annually auditing minor plant and equipment stock levels, following up missing items.
- Determining what minor plant and equipment is not of use or value to Council and preparing for disposal in line with Council's P420 Procurement and Disposal of Land and Assets Policy.



Civic Centre, 10 Watson Terrace Mount Gambier SA 5290

PO Box 56 Mount Gambier SA 5290

Telephone 08 87212555 Facsimile 08 87249791 city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

Due to the volume of minor plant and equipment items uncovered during the scoping exercise, a spreadsheet monitoring system is considered the simplest and least time consuming. Authority does have the ability to track 'Accountable Items'. Using Authority where practical is the forefront option; however, due to the cumbersome establishment and processing required to maintain an Accountable Items system in Authority this is not the recommended option. Spreadsheets offer an alternative off system register that will enable earlier establishment of such a register and a more efficient sign in/out process for staff without lengthy training.

In future, if/when the 'Accountable Items' processing in Authority allows staff to easily scan a barcode to sign in/out items, consideration may be given to converting any established spreadsheets. It should be noted that investigations have been made in to stand alone software products which offer a very simple scanning process to check in/out items. Whilst this would be ideal, it comes at a further expense to Council, does not link to the current software system and requires training to establish and use.

Action Plan for initial set up

Description/Task	By When	By who	Completion
			Date
Set up Resource/Activity Code	13/01/2017	MA, FM	13/01/2017
Prepare instructions to go on	28/02/2017	MA, PO	
intranet. Ie, must check register			*
before purchasing items, must use			
particular resource code.			
Upload instructions & current listing	01/03/2017	IT	
of minor plant to intranet			
In depth review of minor plant (split	Ongoing until all	PO	
into segments) & obtain further	areas completed		
details of plant such as make/model			
etc			
Allocate Unique Identifiers to minor	Ongoing until all	PO	
plant items	areas completed		
	(as above)		
Locate minor plant items in a	Contingent on	PO	
centralised/secure area (area TBA &	completion of in		
dependent on where Procurement	depth review	•	
Officer is located with the			
restructure)			
Establish a sign in/out register for	Contingent on	PO	
staff taking plant to use & build in	completion of in		



Civic Centre, 10 Watson Terrace Mount Gambier SA 5290

PO Box 56 Mount Gambier SA 5290

Telephone 08 87212555 Facsimile 08 87249791 city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

capacity to permanently sign out	depth review	
plant to a particular location		
if/where necessary.		

Kahli ROLTON

MANAGEMENT ACCOUNTANT

FINANCIAL INTERNAL CONTROLS REPORT 07/2016

SUBJECT: UPDATE ON FINANCIAL INTERNAL CONTROLS

REF: AF16/164

Table of Financial Internal Controls for Review by Management Executive Team:

- Items highlighted in green are new items for discussion.
- Items highlighted in orange have been presented and are awaiting finalisation.
- Items highlighted in yellow are complete.

	FINANCIA	L INTERNAL CONTRO	OLS – RISK	CATEGO	RY PROGRESSION
Category	Element	Description	Risk Rating	MET Meeting	Action
1	-	•			
2	Asset	Cash Floats & petty Cash	Low		
3	Assets	Banking	High	MAY 16	Council Meeting 21/06/2016 Completed per memo AR16/21855
4	Assets	Investments	High	AUG 16	Audit Committee Meeting 4/10/2016 Per memo AR16/39438 MET to review existing
5	Assets	Debtors	Moderate		
6	Assets	Inventory	Low		
7	Assets	Prepayments	Moderate		
8	Assets	Fixed Assets	Moderate		
9	Assets	Project Costing	High	JAN 17	
10	Assets	Loans/Grants to clubs	Low		
11	Liabilities	Accounts Payable	Moderate	JUN 16	Council Meeting 16/08/2016
12	Liabilities	Accrued Expenses	Moderate		
13	Liabilities	Borrowings	Moderate	AUG 16	Audit Committee Meeting 4/10/2016 Completed per memo AR16/39438
14	Liabilities	Employee Provisions	Low		
15	Liabilities	Taxation	Low		
16	Revenue	Rates/Rate Rebates	Moderate	NOV 16	Awaiting Audit Committee Meeting 07/03/2017
17	Revenue	Grants	Moderate		-
18	Revenue	Fees for Service	Moderate		
19	Revenue	Investment/Interest Income	Low		

Financial Internal Controls Report No. 07/2016 cont'd...

20	Revenue	Receipting	Low		
21	Revenue	Other Revenue	Moderate		
22	Expenses	Purchasing & Procurement	High	MAY 16	Waiting Council Meeting 21/06/2016 Completed per memo AR16/21855
23	Expenses	Payroll	Moderate		
24	Expenses	Elected Member Expenses	Low		
25	Expenses	Credit Cards	Low	MAY 16	Waiting Council Meeting 21/06/2016 Completed per memo AR16/21855
26	Expenses	Employee Reimbursements	Low		
27	Expenses	Other Expenses	Low		
28	External Services	Contracting	Extreme	MAY 16	Waiting Council Meeting 21/06/2016 per memo AR16/21855 part completed and part continuing
29	Strategic Planning	Budgets	Moderate		
30	Strategic Planning	General Ledger	High	SEP 16	Audit Committee Meeting 04/10/2016 Per mem AR16/39435 part completed and part to be completed
31	Strategic Planning	Statutory Reporting	Moderate	JAN 17	
32	Strategic Planning	Management Reporting	Moderate		
Finar	icial Internal	Controls Procedure M	anual	JAN 17	Quarterly Update

In order to maintain the relevance of the Financial Internal Controls Procedure Manual and ensure its alignment with Council's continuous improvement regime, quarterly reviews will be completed in 2017 calendar year and amendments submitted for Management Executive Approval. Below is a summary of changes made for the Quarter ending 31/01/2017, anticipated adoption date of 01/02/2017.

Financial Internal Controls Procedure Manual - quarterly update, summary of changes:

1. General Debtors:

a. Refinement for Cemetery Debtors to ensure stricter controls and adherence to credit terms. Cancellation of goods/services on hold or waiting ordering after 90 days. Where part payment received, amounts shall be refunded to the customer excluding

Financial Internal Controls Report No. 07/2016 cont'd...

- any cancellation fee for reasonable costs relating to administration and postage. Page 26
- b. "longer payment terms MUST (previously shall) be approved by Finance Manager".
 Page 25
- 2. Wording refinements (various throughout the document):
 - a. Four (4) times per year; Changed to: every three (3) months (quarterly)
 - b. Ten (10 times per year; Changed to: Once every month for at least ten (10) months per year.
- 3. Petty Cash Civic Centre: responsible officers altered to Team Leader Finance/Finance Personnel. Page 15
- 4. Accounts Receivable Master File Access Add Finance Manager. Page 24
- 5. Add "Council Auditors" to list of advisors for guidance for useful life of assets. Page 32
- 6. Add Guidance Note to Project Costing section referencing policies R305 and P415. Page 37
- 7. Rate Rebates add "authorised in accordance with Council Delegations". Page 48
- 8. Surplus Cash include "Generally, months July and August". Page 52
- 9. Register of Salaries include "made available for inspection or purchase of an extract by the public upon request". Page 64
- 10. Stike out: "verbal authorisation is accepted". Page 13

Recommendations:

- (a) Financial Internal Controls Report 07/2016 be received;
- (b) Recommendations for each financial internal control category presented for December 2016 be actioned;
- (c) Internal Financial Controls Procedure Manual Quarterly Update be adopted as at 1st February 2017.

Kahli ROLTON

MANAGEMENT ACCOUNTANT



Long Term Financial Plan 2017/2018 to 2026/2027 February 2017

TABLE OF CONTENTS

1.	LON	G TERM FINANCIAL PLAN FRAMEWORK3
	1.1	Introduction3
	1.2	Strategic Planning Framework
		1.2.1 The City Development Framework Project
		1.2.2 The Community Plan4
		1.2.3 Our Vision
	1.3	Long Term Financial Plan Review, Input & Analysis5
		1.3.1 Key Assumptions5
	1.4	Financial Sustainability6
		1.4.1 Forecast Key Financial Indicators8
		1.4.2 Long Term Financial Plan Projections9
	1.5	Long Term Financial Plan Risks
2.	FUN	DING THE LONG TERM FINANCIAL PLAN11
	2.1	General Rates
	2.2	Rate Comparisons11
	2.3	Borrowing Strategies
	2.4	Forecast Borrowings13
3.	FOR	ECAST FINANCIAL STATEMENTS14
	3.1	Forecast Statement of Comprehensive Income14
	3.2	Forecast Statement of Financial Position15
	3.3	Forecast Statement of Cash Flows
	3.4	Forecast Statement of Changes in Equity17
4.	GLO	SSARY 20

1. LONG TERM FINANCIAL PLAN FRAMEWORK

1.1 Introduction

The Local Government Act requires Council to develop and adopt Strategic Management Plans. This includes preparation of a Long Term Financial Plan (LTFP) which expresses in financial terms the activities Council proposes to undertake over the medium to longer term.

They key objective of Council's LTFP is to guide the direction of Council in a financially sustainable manner while still meeting the needs and expectations of our communities and achieving Council's corporate objectives as specified in the Community Plan and related strategies. The LTFP ensures there is understanding of the impact of decisions made today on Council's future sustainability over a period of at least ten (10) years.

Council operates under a continuous improvement philosophy due to the dynamic economic, political and fiscal operational environment. Each year Council reviews and updates its LTFP as part of the strategic planning process and to ensure it reflects and aligns with our changing environment.

To illustrate the expected long term financial performance and whether financial sustainability is being achieved, the LTFP must be presented in a manner consistent with the relevant South Australia Model Financial Statements for each future year covered. This includes estimates of the key financial ratios, operating surplus, net financial liabilities and asset sustainability ratio.

1.2 Strategic Planning Framework

Together the Futures Paper and the Community Plan – The Futures Paper 2016-2020 provide the strategies and actions to guide Council into the future and to serve as a blueprint to build a progressive, knowledge based city that embraces new technologies, culture and sustainable living.

1.2.1 The City Development Framework Project

The City Development Framework Project was fundamental in the development of the Futures Paper. This project commenced to ensure we have a robust and planned approach to meet the current and future challenges facing the City. The project involved the development of overall strategies for development, incorporating economic, social, environment and community opportunities and aspirations.

The Futures Paper looks forward and focuses on two key questions:

- 1. Is what we have done in the past going to sustain our community and economy into the future?
- 2. What do we need to do to change or introduce to ensure that our community and economy are sustainable into the future?

Most importantly the Futures Paper was developed entirely on the aspirations and issues raised and identified from people within the community.

It is important to identify that the development of the Futures Paper is based on sound academic research that has identified four key characteristics of successful cities:

- Home to a highly skilled population;
- Centrally located, at the heart of a rich market and/or well positioned for trade with expanding markets;
- Has a diversified economy with a significant proportion of high order services;
- Boasts a climate and/or natural setting superior to most other cities in the nation.

In using and applying the Futures Paper as a guiding strategy for the long term development of the City, Council will be able to develop policies and allocate resources where the most gain can be achieved.

1.2.2 The Community Plan

The Community Plan represents Council's vision, aspirations and priorities of the community now and into the future. It describes Council's values, how we work together and outlines the strategic initiatives to achieve ongoing sustainability and prosperity. The Community Plan was endorsed by Council at its meeting in May 2016.

The Community Plan together with the Futures Paper are now Council's key strategic documents and are supported by the Long Term Financial Plan, the Asset Management Plan and the Annual Budget. These plans identify the direction, services and facilities that Council wishes to provide for the Community, specifically for the next four years but also for the future.

The Community Plan is a significant departure from the previous Strategic Plan and significant work has commenced to consider how to effectively deliver the outcomes.

1.2.3 Our Vision

"An inclusive city where people lead fulfilling lives"

What makes Mount Gambier the thriving successful place that people are proud to call home is the richness and diversity of:

- Our People;
- Our Location;
- Our Economy; and
- Our Climate, Natural Resources, Art, Culture and Heritage.

It is these elements that will all contribute towards the future growth and development of the City and form the goals of Council's Community Plan.

Council strives to create vibrancy, promote our identity and build a reputation as a place to live, work, visit and invest. To provide a future for our people we need economic growth and employment as well as recreational and educational opportunities.

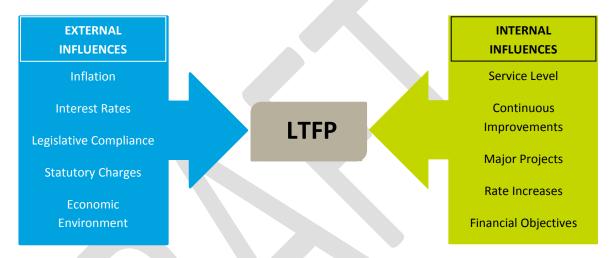
The Vision is supported by the above mentioned 4 goals which identify what is important to the community and how the community would like to see the City develop and grow. Working together both Council and the community can collectively achieve these goals.

1.3 Long Term Financial Plan Review, Input & Analysis

Each annual review process provides an opportunity to introduce new assumptions or enhance the information that Council's LTFP is based upon. The financial reports and information at the center of the current review include:

- 2015/2016 Audited Financial Statements
- 2016/2017 Council Budget
- Infrastructure and Asset Management Plan 2016/2017 to 2026/2027

Further to this, the LTFP incorporates a number of other significant factors arising from the ever changing environment in which Council operates. It should be noted that Council does not have the ability to control all of these factors, namely external influences.



1.3.1 Key Assumptions

Council's financial projections over the long term planning horizon are not meant to be a prediction of financial position or performance but rather an indication of direction and financial capacity. Projections are shaped by a variety of underlying and dynamic assumptions including the continuation of existing services at current service standards and no internal changes to services or investment in new of upgraded assets other than what is already resolved and planned.

Significant issues and assumptions identified in developing projections for 2017/2018 and future years include:

- Freeze on indexation of Federal Government Grants
- Increase in Environment Protection Authority's solid waste levy
- Increasing cost of electricity charges
- Increases in mandatory rate rebates to community housing properties
- Council Organisational Restructure Best People, Best Community
- Rates 4.5% increase (2017/18 2026/27)
- Employee Costs annual increase 2% incorporating indicative EBA increases, Award increments, periodic reclassifications and growth in staffing
- Election expenses four (4) yearly election expenses \$90k

Where possible Council ensures these issues will be offset by aggregate projected operating revenues and proposed variations in the range and level of services provided whilst maintaining overall financial sustainability.

The following capital works projects have not been included as they require further Council consideration, detailed costing and financial analysis or are subject to community consultation:

- Indoor Recreation Centre (noting previous consideration given)
- Contribution to regional Airport (District Council of Grant)
- Railway Station Building
- Skate Park
- Civic Centre Courtyard upgrade
- The Lady Nelson "Discovery Centre" review
- City Economic Blue Print (City Growth)
- Building a Connected Regional City Digital Strategy (capital component only)
- Materials Recovery Centre
- Signage Strategy & Action (capital component only)

Any other capital works projects for the final five years of the term of the Long Term Financial Plan remain unallocated to allow Council to continually review its position in this regard. At any point in time future Councils will have the flexibility to determine allocation of further capital works projects, elect to reduce debt or a combination of both.

1.4 Financial Sustainability

"A Council's long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services."

Definition endorsed at the National General Assembly of Local Government in Canberra, November 2006.

Why is it important?

The importance of financial sustainability is to ensure that each generation 'pays their way', rather than any generation living off their assets and leaving it to future generations to address the issue of repairing/replacing worn out buildings, infrastructure and equipment.

Council is the custodian of infrastructure and assets with a current written down value in excess of \$230 million. Council has the responsibility to ensure that assets are managed efficiently and effectively and that decisions regarding the acquisition of new assets and the sale and maintenance of existing assets are undertaken in an open and transparent fashion.

Sound asset management is the key to financial sustainability and therefore Council's Infrastructure and Asset Management Plan significantly influences the Long Term Financial Plan.

Council will be exposed to financial risk over the longer term if budget processes have little regard for ongoing costs associated with the maintenance and renewal of their assets beyond the current budget period. It is incumbent on Council to carefully consider information about the stock and service levels of infrastructure and other assets and the contribution that current ratepayers are making to their consumption.

In line with requirements in the Local Government Act, Council must prepare an Infrastructure and Asset Management Plan, covering a period of at least 10 years which addresses these considerations.

How is it measured?

To ensure that each generation 'pays their way', it is crucial that current ratepayers effectively fund the current net cost of services provided and community assets consumed. Without this being achieved future generations are effectively subsidising the current cost of service provision and asset consumption.

The financial sustainability of Council is measured by the operating surplus/(deficit) as disclosed in the Statement of Comprehensive Income. A Council's long-term financial sustainability is dependent upon ensuring that on average, over time its expenses are less than its associated revenues.

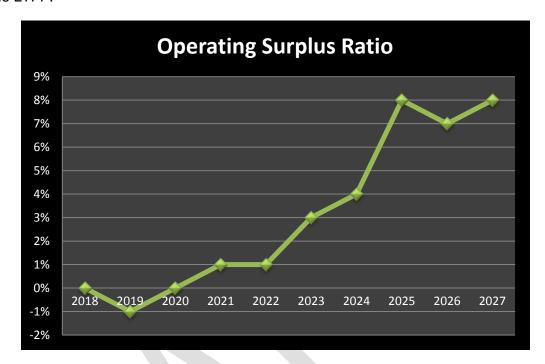
The following local government sector wide indicators have been developed specifically to focus attention on factors identified as key to securing long-term financial security:

Key Financial In	dicator		Minimum Target Range	Maximum Target Range
Operating Surplus Ratio	By what percentage does the operating income vary from operating expenses?	The operating surplus ratio is the operating surplus expressed as a percentage of operating income.	0%	10%
Net Financial Liabilities Ratio	How significant is the net amount owed to others, compared with operating income?	The net financial liabilities ratio is calculated by expressing net financial liabilities at the end of a financial year as a percentage of operating income for the year. If the ratio falls, over time, this indicates that Council's capacity to meet its financial obligations from operating income is strengthening.	0%	100%
Asset Sustainability Ratio	Are Assets being renewed and replaced in an optimal way?	The Asset Sustainability Ratio is calculated by measuring capital expenditure on renewal or replacement of assets for a period, divided by the optimal level of such expenditure proposed in Council's Infrastructure and Asset Management Plan.	90%	110%

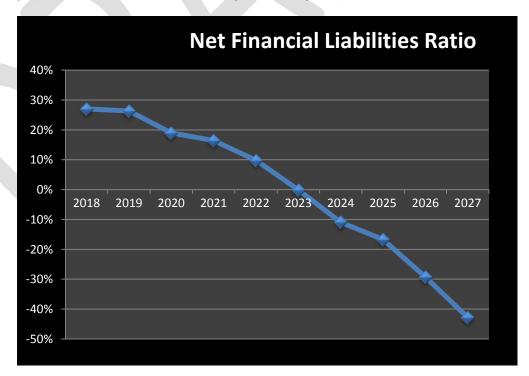
Local Government of South Australia, Financial Sustainability, Information Paper 9, Financial Indicators

1.4.1 Forecast Key Financial Indicators

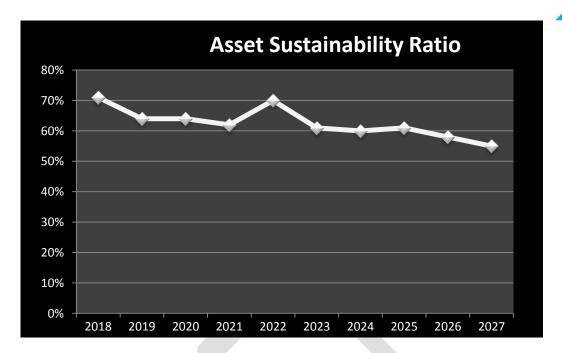
The following graphs illustrate the financial sustainability of the City of Mount over the life of the LTFP.



The City of Mount Gambier is forecast to meet Operating Surplus Ratio standards for the first 7 years of the LTFP. The remaining 3 years exceed the maximum target range, reaching up to 15%. Council is forecasting increasing surpluses over the life of the LTFP.



The City of Mount Gambier is in a very strong financial position. The Net Financial Liabilities Ratio is falling indicating that Council will have capacity to meet its financial obligations from operating revenues over the longer term. This is due to a combination of revenues forecast to increase and liabilities forecast to decrease.



On occasions, Council will accelerate or reduce asset expenditures over time to compensate for prior events and annual budget fluctuations, or invest in assets by spending more now to reduce future maintenance.

The City of Mount Gambier's forecast Asset Sustainability Ratio ranges from 55% to 72% and averages only 63% over the life of the LTFP. Council is currently working on refining the Infrastructure and Asset Management Plan and its key inputs and assumptions. Council aims to achieve at least 80% Asset Sustainability Ratio following this refinement process. Whilst this is 10% below the minimum Local Government Sector Wide Indicator, Council considers this target more reasonable to attain taking into account the current average Asset Sustainability Ratio of 63%.

1.4.2 Long Term Financial Plan Projections

The financial projections contained in this plan are necessarily based on a variety of estimates and assumptions. A modest change in one may have a material effect on the projections. Equally, the level of confidence in projections diminishes with each additional year along the 10 year time horizon. However, they do provide Council and the Community with a reasonable indication of Council's capacity to not only continue delivering existing services and programs, but to improve services to meet the needs of its community.

As already noted, the base case assumes a 'no change' policy (i.e. a continuation of existing services and programs). As Council responds to changing community expectations, it will make decisions to change services and invest in new and improved infrastructure, such as community facilities, that will be funded from the projected strong financial capacity.

Council continues to strive to our Community's service demands, noting these demands are currently concentrated on the areas of health and well-being and economic development whilst also maintaining the flexibility to respond to changing circumstances as well as initiate new and improved services. We endeavor to meet our Community's demands by:

 Continually reviewing and enhancing services that have been identified as important to our Community;;

- Investment in renewal and replacement of our assets and infrastructure in the most costeffective manner;
- · Taking advantage of opportunities and responding to emerging issues; and
- Growing opening in the latter years of the Plan to use additional borrowings to fund new (or upgrade) facilities and assets.

As with all projections, the view can change as underlying circumstances change. For this reason, Council closely monitors its strategic and financial planning outlook.

The projections indicate that, based on current assumptions, Council is in a sound financial position with a favourable outlook over the term of the Plan, but with very tight operating budgets for the first five (5) years of the plan..

These projections are summarised in the Forecast Financial Statements, see item 3 of this document.

1.5 Long Term Financial Plan Risks

This LTFP has been developed based on the best information and assumptions available at the time. Users of information contained in the 2017/2018 LTFP should be aware that there are inherent risks associated with the outcomes reported, as circumstances (i.e. change in legislative requirements) may bring about changes that could materially affect the outcome and projected results of the LTFP. To ensure that the Plan is timely and relevant to Council's forecasts it will be reviewed and updated on an annual basis.

2. FUNDING THE LONG TERM FINANCIAL PLAN

2.1 General Rates

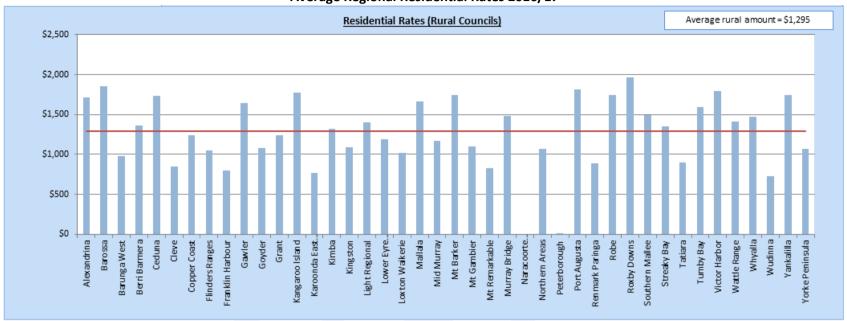
Council continues to rely heavily on rate revenue to fund its annual activities. General rate revenue contributed to 72.12% of Council's operating revenue for the 2015/2016 financial year.

2.2 Rate Comparisons

The following graphs illustrate that Mount Gambier's average residential rates are comparable with the State average and with both the averages of Metropolitan and Regional Councils.

Average for City of Mount Gambier	\$1,101
Average for all SA Regional Councils	\$1,295
Average for all SA Metro Councils	\$1,505

Average Regional Residential Rates 2016/17



Source: Local Government Association 2016/2017 Rates Survey.

2.3 Borrowing Strategies

Borrowings provide an alternative source of funding to enable Council to achieve its objectives and a means by which cash flows can be averaged out over a longer timeframe. They should always be reviewed in light of the LTFP and the objective of financial sustainability.

Debt can be considered as an appropriate source of funding:

- (a) In the achievement of strategic objectives of Council and within the context of long term financial sustainability.
- (b) In the creation of long term infrastructure and the cost spread over the life of the asset and future users.
- (c) As a means by which to fund major capital expenditure only and not as a funding source for operating/recurrent expenditure commitments.

Council's Treasury Management Policy stipulates borrowing and investment direction. Existing borrowings are a mixture of fixed and variable interest loans designed to manage liquidity and interest rate risk.

Existing borrowings are with the Local Government Finance Authority (LGFA), being the preferred financial institution guaranteed by the SA Government.

2.4 Forecast Borrowings

Council's variable interest loans operate on 'Treasury Management' principles (guided by Council's Treasury Management Policy) which enables Council to utilise cash resources in a holistic way and to significantly reduce loan interest expenditure.

No additional borrowings are provided for in Council's 2016/2017 Budget, however an amount of \$2.64m allocated from previous Budgets but not spent is carried forward into the 2016/2017 Budget as 'Works in Progress'. This 'Works in Progress' amount comprised of \$2.6m capital funds and \$0.40m operating funds carried forward.

New major capital works projects and associated funding for the final five yeas of the term of the LTFP remain unallocated to allow Council to continually review its position in this regard. At any point in time future Councils will have the flexibility to determine allocation of further major capital works projects, elect to reduce debt or a combination of both.

3. FORECAST FINANCIAL STATEMENTS

3.1 Forecast Statement of Comprehensive Income

Year Ended 30 June:	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
	A ctual	Estimate	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year9	Year 10
	\$('000)	\$(000)	\$(*000)	\$('000)	\$(000)	\$(000)	\$(000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)
INCOME												
Rates	18,327	18,649	19,479	20,346	21,253	22,200	23,189	24,222	25,302	26,430	27,608	28,838
Statutory Charges	340	402	410	418	428	434	442	451	460	469	478	487
User Charges	3,806	3,508	3,771	3,826	3,882	3,939	3,997	4,056	4,117	4,179	4,242	4,306
Grants, subsidies, contributions	2,250	3,751	3,807	3,864	3,922	3,981	4,041	4,102	4,164	4,226	4,289	4,353
Investment Income	32	11	11	11	11	59	63	129	252	413	521	750
Reimbursements	274	108	110	112	114	116	118	120	122	125	128	131
Other Income	382	385	373	381	389	397	405	413	421	430	439	448
				- 1								
Total Revenues	25,411	26,794	27,961	28,958	29,997	31,126	32,255	33,493	34,838	36,272	37,705	39,313
				- 1								
EXPENSES				- 1								
Employee costs	10,066	10,438	11,048	11,270	11,497	11,728	11,964	12,205	12,450	12,700	12,955	13,216
Materials, contracts & other expenses	8,955	9,311	9,820	10,318	10,659	11,104	11,544	12,101	12,480	12,976	13,493	14,030
Depreciation	6,704	6,975	6,616	7,011	7,204	7,438	7,977	7,845	8,445	8,162	9,008	9,648
Finance Costs	238	372	575	565	663	593	551	495	423	291	261	232
Other Expenses	0	0	0	0	0	0	0	0	0	0	0	0
Total Expenses	25,961	27,096	28,059	29,164	30,023	30,863	32,036	32,646	33,798	34,129	35,717	37,126
OPERATING SURPLUS/(DEFICIT) BEFORE CAPITAL AMOUNTS	(550)	(302)	(98)	(206)	(26)	263	219	847	1,040	2,143	1,988	2,187
Net gain/(loss) on disposal or revaluations	(124)	(309)	(400)	(410)	(420)	(431)	(442)	(453)	(484)	(450)	(450)	(450)
Amounts specifically for new assets	585	` ó	569	ČÓ	` ó	` ó	ČÓ	` ó	` ó	` ó	` ó	Ò
Physical resources free of charge	604	630	50	50	50	50	50	50	50	50	50	50
NET SURPLUS/(DEFICIT)	515	19	121	(566)	(396)	(118)	(173)	444	626	1,743	1,588	1,787
THE COLUMN TO STATE OF THE STAT	0.0			(200)	(000)	(110)	(110)		525	1,140	.,,,,,,	1,1-01
Other Comprehensive Income												
Changes in revaluation surplus - IPP&E	3,932	0	0	0	636	18,488	0	0	0	505	19,397	0
Impairment (expense) / recoupments offset to a sset revaluation reserve	0	0	0	0	0	0	0	0	0	0	0	0
Total Other Comprehensive Income	3,932	0	0	0	636	18,488	0	0	0	505	19,397	0
TOTAL COMPREHENSIVE INCOME	4,447	19	121	(566)	240	18,370	(173)	444	626	2,248	20,985	1,787

3.2 Forecast Statement of Financial Position

Year Ended 30 June	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
rear Elided 50 Julie	A ctual	Estimate	Plan									
	nota.	L Standte	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	\$(*000)	\$(000)	\$('000)	\$('000)	\$(000)	\$(000)	\$(000)	\$(*000)	\$(*000)	\$("000)	\$("000)	\$(*000)
ASSETS												
Current As sets												
Cash & Equivalent Assets	991	0	0	0	1,070	1,155	2,619	5,357	8,938	11,324	16,423	22,295
Trade & Other Receivables	1,158	1,152	1,152	1,118	1,118	1,118	1,118	1,118	1,118	1,118	1,118	1,118
Investments & Other Financial Assets	0	.0	0	0	0	0	0	0	0	0	0	0
Inventories	39	39	0	0	0	0	0	0	0	0	0	0
Sub-tota Non-current assets held for sale	2,188	1,191	1,152	1,118	2,188	2,273	3,737	6,475	10,056	12,442	17,541	23,413
Total Current Assets		1.191	1,152	1,118	2.188	2,273	3,737	6.475	10.056	12.442	17.541	23,413
Total Current A SSet	2,100	1,151	1,102	1,110	2,100	2,213	3,131	0,475	10,036	12,442	17,341	23,413
Non-Current Assets												
Receivables	68	34	0	o	0	o	o	0	0	0	0	0
Other Financial Assets	0	0	0	o	0	o	ō	o	0	ō	0	0
Equity Accounted Investments in Council Businesses	0	0	0	0	0	0	0	0	0	0	0	0
Investment Property	0	0	0	0	0	0	0	0	0	0	0	0
Infrastructure, Property, Plant & Equipment	234,422	235,419	235,679	235,165	233,499	251,284	249,176	246,398	243,287	243,243	259,248	255,270
Inventories	0	0	39	39	39	39	39	39	39	39	39	39
Other Non-Current Assets	0	0	0	0	0	0	0	0	0	0	0	0
Total A ssets	234,490	235,453 236,644	235,718 236,870	235,204 236,322	233,538 235,726	251,323 253,596	249,215 252,952	246,437 252,912	243,326 253,382	243,282 255,724	259,285 276,826	255,309 278,722
Total A SSetS	236,678	236,644	236,870	236,322	235,726	253,596	252,952	252,912	253,382	255,724	2/6,826	218,122
LIA BILITIES												
Current Liabilities												
Trade & Other Pavables	2.092	2.092	2,133	2,169	2,203	2,221	2,257	2,283	2,322	2,338	2,375	2,402
Borrowings	239	392	3,032	950	582	582	582	272	0	0	0	0
Provisions	2,435	2,435	2,553	2,596	2,635	2,678	2,720	2,763	2,807	2,852	2,898	2,945
Landfill Provision	0	0	0	0	0	0	0	0	0	0	0	0
Sub-tota	4,766	4,919	7,718	5,715	5,420	5,481	5,559	5,318	5,129	5,190	5,273	5,347
Liabilities Relating to Non-Current Assets held for sale	0	0	0	0	0	0	0	0	0	0	0	0
Total Current Liabilities	4,766	4,919	7,718	5,715	5,420	5,481	5,559	5,318	5,129	5,190	5,273	5,347
Non-Commod Colonia												
Non-Current Liabilities Trade & Other Payables	٥ ا		0		0		_	0		0	0	0
Borrowings	3.675	3.469	697	2,715	2.133	1.551	969	697	697	697	697	697
Provisions	209	209	287	2,710	331	352	385	414	447	480	514	549
Landfill Provision	200	200	0	200	0.0	0	0	717	0	0	0	0
Total Non-Current Liabilitie	3,884	3,678	984	3,005	2,484	1,903	1,354	1,111	1,144	1,177	1,211	1,248
Total Lia bilities	8,650	8,597	8,702	8,720	7,884	7,384	6,913	6,429	6,273	6,367	6,484	6,593
NET A SSET S	228,028	228,047	228,168	227,602	227,842	246,212	246,039	246,483	247,109	249,357	270,342	272,129
FOURTY												
EQUITY Accumulated Surplus	54.680	54.699	54,820	54,254	53,858	53,740	53,567	54.011	54.637	56,380	57.968	59.755
Asset Revaluation Reserve	168,966	168,966	168,966	168,966	169,602	188,090	188,090	188,090	188,090	188,595	207,992	207,992
Other Reserves	4.382	4.382	4.382	4,382	4.382	4.382	4.382	4,382	4.382	4,382	4,382	4,382
TOTAL EQUITY	228.028	228.047	228.168	227,602	227,842	246,212	246,039	246,483	247,109	249,357	270,342	272,129
TO IN L EQUIT	220,020	220,047	220,100	221,002	221,042	240,212	240,033	240,403	241,100	245,331	210,342	21 2,123

3.3 Forecast Statement of Cash Flows

Year Ended 30 June:	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Year Ended 30 June:	Actual	Estimate	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year7	Year 8	Year 9	Year 10
	\$(000)	\$(000)	\$('000)	\$(000)	\$('000)	\$(000)	\$('000)	\$(000)	\$('000)	\$(000)	\$('000)	\$('000)
CA SH FLOWS FROM OPERATING ACTIVITIES												
Re ceipts												
Raites		18,649	19,479	20,346	21,253	22,200	23,189	24,222	25,302	26,430	27,608	28,838
Statutory Charges		402	410	418	426	434	442	451	460	489	478	487
User Charges		3,508	3,775	3,829	3,885	3,941	4,000	4,059	4,120	4,181	4,245	4,309
Grants, subsidies, contributions Investment Income		3,751 11	3,807 11	3,864	3,922	3,981	4,041	4,102	4,164	4,226 413	4,289 521	4,353 750
Reimbursements		108	110	112	11 114	59 116	63 118	129 120	252 122	125	128	131
Other Income		385	378	386	393	399	410	416	428	432	444	451
Spare Income 2		0	0,0	000	000	0.00	0	0	120	0	777	101
opare moone 2			ĭ	ĭ	ĭ		Ĭ	ĭ	ĭ	ĭ	ŭ	_ ~[
Employee costs		(10,438)	(10,849)	(11,222)	(11,415)	(11,663)	(11,887)	(12,131)	(12,371)	(12,621)	(12,873)	(13,132)
Materials, contracts & other expenses		(9,311)	(9,791)	(10,292)	(10,634)	(11,091)	(11,518)	(12,083)	(12,451)	(12,965)	(13,466)	(14,011)
Finance Costs		(372)	(575)	(565)	(663)	(593)	(551)	(495)	(423)	(291)	(261)	(232)
Loss - Joint Ventures		Ó	Ó	Ó	Ö	Ó	Ó	Ö	Ó	Ö	Ö	Ó
Other Expenses		0	0	0	0	0	0	0	0	0	0	0
				0.000	7.0	7.7	0.000	0.700	0.07.1	40.000	44.4.5	44.0
Net Cash provided by (or used in) Operating Activities CASH FLOWS FROM INVESTING ACTIVITIES		6,673	6,7 55	6,887	7,292	7,783	8,307	8,790	9,601	10,399	11,113	11,944
Receipts												
Amounts Specifically for New/Upgraded Assets		l ol	569	0	0	0	0	0	0	0	0	0
Sale of Renewed/Replaced Assets		اة	0	ŏ	ŏ	o	Ö	ŏ	ŏ	ŏ	o	ŏ
Sale of Surplus Assets		l ö	ō	ō	ō	ō	Ō	ō	ō	ō	ō	ō
Proceeds of disposals - Invest. Prop.		Ō	ō	ō	ō	0	Ō	ō	ō	ō	Ō	ō
Net disposal of Investment Securities		0	0	0	0	0	0	0	0	0	0	0
Pcds of disposal - Real Estate Devel.		0	0	0	0	0	0	0	0	0	0	0
Repayments of Loans by Community Groups		40	34	34	0	0	0	0	0	0	0	0
Distributions Received from Associated Entities		0	0	0	0	0	0	0	0	0	0	0
Payments Payments												
Expenditure on Renewal/Replacement of Assets		(4,837)	(4,671)	(4,495)	(4,581)	(4,598)	(5,561)	(4,781)	(5,027)	(4,987)	(5,268)	(5,337)
Expenditure on New/Upgraded Assets		(2,814)	(2,555)	(2,362)	(691)	(2,518)	(700)	(709)	(721)	(3,026)	(746)	(735)
Purchase of Investment Property		0	0	0	0	0	0	0	0	0	0	0
Net purchase of Investment Securities Acquisitions - Real Estate de velopments		0	9	0	0	0	0	ů,	9	0	0	Ö
Loans Made to Community Groups			ŏ	ŏ	ŏ	0		ŏ	ŏ	ő	0	0
Capital Contributed to Associated Entities		l ő	ŏ	ŏ	ŏ	0	0	ŏ	ŏ	ő	0	o o
Net Cash Provided by (or used in) Investing Activities		(7,611)	(6,623)	(6,823)	(5,272)	(7,116)	(6,261)	(5,470)	(5,748)	(8,013)	(6,014)	(6,072)
		, ,	, ,,			, ,	,	, ,	, , , , , ,	, , , , ,	, ,	, ,
CA SH FLOWS FROM FINANCING ACTIVITIES								l		J		
Re œipts												
Proceeds from Borrowings		0	0	2,600	0	0	0	0	0	0	0	0
Proceeds from Aged Care Facility Deposits		0	0	0	0	0	0	0	0	0	0	0
Payments Payments		(405)	(2.22)	(0.770)	/E 000	(E00)	/E0.00	/E00	(07.0)	_		0
Repayments of Borrowings		(195)	(208)	(2,772)	(582)	(582)	(582)	(582)	(272)	0	0	0
Re payment of Finance Lease Liabilities		0	0	0	9	0	0	ŭ	0	0	0	0
Repayment of Aged Care Facility Deposits Net Cash provided by (or used in) Financing Activities		(195)	(206)	(172)	(582)	(582)	(582)	(582)	(272)	0	0	0
net out provided by for used in a manning notivities		(133)	(200)	(172)	(502)	(502)	(002)	(552)	(212)	U	U	U
Net Increase/(Decrease) in cash held		(1,133)	(74)	(108)	1,438	85	1,464	2,738	3,581	2,386	5,099	5,872
Opening cash, cash equivalents or (bank overdraft)		947	(188)	(260)	(368)	1,070	1,155	2,619	5,357	8,938	11,324	16,423
Closing cash, cash equivalents or (bank overdraft)	947	(186)	(260)	(368)	1,070	1,155	2,619	5,357	8,938	11,324	16,423	22,295
Grosning cash, cash equivalents or (bank overtrait)	347	(100)	(200)	(900)	1,070	1,100	2,019	3,331	0,330	11,324	10,423	22,233

3.4 Forecast Statement of Changes in Equity

Year Ended 30 June:	2016 A ctual \$('000)	2017 Estimate \$(000)	2018 Plan Year 1 \$(*000)	2019 Plan Year 2 \$(*000)	2020 Plan Year 3 \$(000)	2021 Plan Year 4 \$(000)	2022 Plan Year 5 \$(000)	2023 Plan Year 6 \$(*000)	2024 Plan Year 7 \$('000)	2025 Plan Year 8 \$(*000)	2026 Plan Year 9 \$(*000)	2027 Plan Year 10 \$(000)
ACCUMULATED SURPLUS												
Balance at end of pre vious reporting period	53,930	54,680	54,699	54,820	54,254	53,858	53,740	53,567	54,011	54,637	56,380	57,968
Net Result for Year	515	19	121	(566)	(396)	(118)	(173)	444	626	1,743	1,588	1,787
Other Comprehensive Income	0	0	0	0	0	0	0	0	0	0	0	0
Transfers to Other Reserves	(2,752)	0	0	0	0	0	0	0	0	0	0	0
Transfers from Other Reserves	2,987	0	0	0	0	0	0	0	0	0	0	0
Balance at end of period	54,680	54,699	54,820	54,254	53,858	53,740	53,567	54,011	54,637	56,380	57,968	59,755
A S SET REVA LUATION RE SERVE Land Buildings & Other Structures Infrastructure Plant & Equipment Min or Plant Office Equipment Other Caroline Landfill Asset Group 9 Asset Group 10 Balance at end of period	31,370 75,418 57,758 789 34 0 3,617 0 0	31,370 75,418 57,758 789 34 0 3,617 0 0	31,370 75,418 57,758 789 34 0 3,817 0 0	31,370 75,418 57,758 789 34 0 3,617 0 0	31,370 75,418 57,758 1,278 52 17 3,711 0 0	34,820 82,147 66,067 1,276 52 17 3,711 0 0	34,820 82,147 68,067 1,276 52 17 3,711 0 0	34,820 82,147 66,067 1,276 52 17 3,711 0 0	34,820 82,147 68,067 1,276 52 17 3,711 0 0	34,820 82,147 66,067 1,739 69 18 3,735 0 0	38,575 88,711 75,145 1,739 69 18 3,735 0 0	38,575 88,711 75,145 1,739 69 18 3,735 0 0
Datative at end of period	100,000	100,000	100,000	100,500	100,002	100,000	100,000	100,000	100,000	100,000	201,002	201,002
OTHER RESERVES		l						l				
Balance at end of pre vious reporting period	4,617	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382
Transfers from Accumulated Surplus	2,752	0	0	0	0	0	0	0	0	0	0	0
Transfers to Accumulated Surplus	(2,987)	0	0	0	0	0	0	0	0	0	0	0
Balance at end of period	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382	4,382
TOTAL EQUITY AT END OF REPORTING PERIOD	228,028	228,047	228,168	227,602	227,842	246,212	246,039	246,483	247,109	249,357	270,342	272,129

Year Ended 30 June:	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
	A ctual	Estimate	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	\$('000)	\$(000)	\$('000)	\$('000)	\$(000)	\$(000)	\$(000)	\$('000)	\$('000)	\$('000)	\$(*000)	\$("000)
Operating Revenues	25,411	26,794	27,961	28,958	29,997	31,126	32,255	33,493	34,838	36,272	37,705	39,313
less Operating Expenses	25,961	27,096	28,059	29,164	30,023	30,863	32,038	32,646	33,798	34,129	35,717	37,126
Operating Surplus/(Deficit) before Capital Amounts	(550)	(302)	(98)	(206)	(26)	263	219	847	1,040	2,143	1,988	2,187
Less: Net Outlays on Existing Assets				- 1								
Capital Expenditure on Renewal/Replacement of Existing Assets	5,183	4,837	4,671	4,495	4,581	4,598	5,561	4,761	5,027	4,987	5,268	5,337
less Depreciation, Amortisation & Impairment	6,704	6,975	6,616	7,011	7,204	7,438	7,977	7,845	8,445	8,162	9,008	9,648
less Proceeds from Sale of Replaced Assets	368	0	0	0	0	0	0	0	0	0	0	0
	(1,889)	(2,138)	(1,945)	(2,516)	(2,623)	(2,840)	(2,416)	(3,084)	(3,418)	(3,175)	(3,740)	(4,311)
Less: Net Outlays on New and Upgraded Assets												
Capital Expenditure on New/Upgraded Assets	1.550	2.814	2,555	2.362	691	2.518	700	709	721	3.026	748	735
less Amounts Specifically for New/Upgraded Assets	585	2,014	569	2,002	001	2,010	,,,,	, 00	/21	0,020	, 40	,
less Proceeds from Sale of Surplus Assets	000	ŏ	300	ŏ	ŏ	ŏ	0	ŏ	ŏ	ŏ	ŏ	ŏ
nee i reaces tem ear er empas 13305	965	2,814	1,986	2,362	691	2.518	700	709	721	3.026	746	735
	303	2,014	1,500	2,302	001	2,010	700	703	721	3,020	740	755
Net Lending / (Borrowing) for Financial Year	374	(978)	(139)	(52)	1,906	585	1,935	3,222	3,737	2,292	4,982	5,763

In any one year, the above financing transactions are associated with either applying surplus funds stemming from a net lending result or accommodating the funding requirement stemming from a net borrowing result.

	Year Ended 30 June:	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
FINANCING TRANSACTIONS		A ctual	E stim ate	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
		\$("000)	\$("000)	\$(*000)	\$("000)	\$("0 00)	\$("000)	\$("000)	\$("000)	\$("000)	\$("000)	\$("000)	\$(*000)
New Borrowings			0	0	2,600	0	0	0	0	0	0	0	0
Repayment of Principal on Borrowings			195	206	2,772	582	582	582	582	272	0	0	0
(Increase)/Decrease in Cash and Cash Equivalents			1,133	74	108	(1,438)	(85)	(1,484)	(2,738)	(3,581)	(2,386)	(5,099)	(5,872)
(Increase)/Decrease in Receivables			6	0	34	0	0	0	0	0	0	0	0
Increase/(Decrease) in Payables & Provisions			0	237	82	114	82	111	98	116	94	117	109
Other - Including the Movement in Inventories			(356)	(378)	(5,544)	(1,164)	(1,164)	(1,164)	(1,164)	(544)	0	0	0
Financing Transactions			978	139	52	(1,906)	(585)	(1,935)	(3,222)	(3,737)	(2,292)	(4,982)	(5,763)

KEY FINANCIAL INDICATORS	2016 A ctual	2017 Estimate	2018 Plan	2019 Plan	2020 Plan	2021 Plan	2022 Plan	2023 Plan	2024 Plan	2025 Plan	2026 Plan	2027 Plan
			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year9	Year 10
Operating Surplus / (Deficit) - \$'000	(550)	(302)	(98)	(206)	(26)	263	219	847	1,040	2,143	1,988	2,187
Operating Surplus Ratio - %	(3)%	(2)%	(1)%	(1)%	(0)%	1%	1%	3%	4%	8%	7%	8%
Net Financia I Liabilities - \$'000	6,501	7,445	7,550	7,602	5,696	5,111	3,176	(46)	(3,783)	(6,075)	(11,057)	(16,820)
Net Financia I Liabilities Ratio - %	25.6%	27.8%	27.0%	26.3%	19.0%	16.4%	9.8%	(0.1)%	(10.9)%	(16.7)%	(29.3)%	(42.8)%
Interest Cover Ratio - %	0.8%	1.3%	2.0%	1.9%	2.2%	1.7%	1.5%	1.1%	0.5%	(0.3)%	(0.7)%	(1.3)%
As set Sustainability Ratio - %	72%	69%	71%	64%	64%	62%	70%	61%	60%	61%	58%	55%
As set Consumption Ratio - %	76%	74%	73%	71%	69%	68%	66%	65%	63%	62%	60%	59%



4. GLOSSARY

Asset Sustainability Ratio

Asset Sustainability Ratio indicates whether the Council is renewing or replacing existing non-financial assets at the same rate as its assets are used or 'consumed'. The ratio is calculated by measuring capital expenditure on renewal and replacement of assets relative to the level of depreciation. Where a Council has a soundly based Infrastructure and Asset Management Plan, a more meaningful asset sustainability ratio would be calculated by measuring the actual level of capital expenditure on renewal and replacement of assets (or proposed in the Budget) with the optimal level identified in the Plan.

Financial Assets

Financial Assets include cash, investments, loans to community groups, receivables and prepayments, but excludes equity held in Council businesses, inventories and land held for resale.

Financial Sustainability

Financial Sustainability is where planned long-term service and infrastructure levels and standards are met without unplanned and disruptive increases in rates or cuts to services.

Infrastructure and Asset Management Plan

A tactical plan for Council's Land, Building and Structure, Infrastructure, Plant and Equipment and other physical assets with the objective of providing the required level of service, maintenance and renewal of such assets in the most cost effective and efficient manner.

Net Financial Liabilities Ratio

Net Financial Liabilities Ratio expresses Net Financial Liabilities as a percentage of total operating revenue. The ratio allows interested parties to readily equate the outstanding level of the Council's accumulated financial obligations against the level of one-year's operating revenue. Where the ratio reduces over time, it generally indicates that the Council's capacity to meet its financial obligations is strengthening.

Net Lending/(Borrowing)

Net Lending/ (Borrowing) equals Operating Surplus / (Deficit), less net outlays on non-financial assets. The Net Lending / (Borrowing) result is a measure of the Council's overall (i.e. Operating and Capital) budget on an accrual basis. Achieving a zero result on the Net Lending / (Borrowing) measure in any one year essentially means that the Council has met all of its expenditure (both operating and capital) from the current year's revenues.

Non-financial or Physical Assets

Non-financial or Physical Assets refers to infrastructure, land, buildings, plant, equipment, furniture and fittings, library books and inventories.

Operating Deficit

Operating Deficit is where operating revenues are less than operating expenses (ie. operating revenue is therefore not sufficient to cover all operating expenses).

Operating Expenses

Operating Expenses are operating expenses shown in the Income Statement, including depreciation, but excluding losses on disposal or revaluation of non-financial assets.

Operating Revenues

Operating Revenues are incomes shown in the Income Statement, but exclude profit on disposal of non-financial assets and amounts received specifically for new/upgraded assets (e.g. from a developer). For ratios calculated where the denominator specified is total operating revenue or rate revenue, Natural Resource Management (NRM) levy revenue is excluded.

Operating Surplus

Operating Surplus is where operating revenues are greater than operating expenses (ie. operating revenue is therefore sufficient to cover all operating expenses).

Operating Surplus Ratio

Operating Surplus Ratio expresses the operating surplus (deficit) as a percentage of general and other rates.