



Reference: AF11/861 TLG

6<sup>th</sup> March, 2014

## MEMBERS

**NOTICE** is hereby given that the Corporate and Community Services Committee will meet in the following Meeting Room on the day, date and time as follows:

**Corporate and Community Services Committee**  
(Committee Room - Level 4):

Tuesday, 11<sup>th</sup> March, 2014 at 6.00 p.m.

An agenda for the meeting is enclosed herewith.

**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held on Tuesday, 11<sup>th</sup> March, 2014 at 6.00 p.m.

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13. CORPORATE AND COMMUNITY SERVICES REPORT NO. 23/2014 – Family Fun

MOTION WITH NOTICE

MOTIONS WITHOUT NOTICE

CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held at the Reception Area, Level 4, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 11<sup>th</sup> March, 2014 at 6.00 p.m.

AGENDA

PRESENT: Cr P G Richardson (Acting Presiding Member)  
Cr A Lee, Cr A T Smith and Cr H Persello

APOLOGY: moved that the apology from Cr J A Maher be received.  
seconded

COUNCIL OFFICERS: Chief Executive Officer, Mark McShane  
Director – Corporate Services, Grant Humphries  
Finance Manger – Gary Button  
Governance Officer, Michael McCarthy  
Manager Community Services and Development, Barbara Cernovskis  
Administration Officer, Tracey Gritton

COUNCIL MEMBERS  
AS OBSERVERS:

**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 that the minutes of the previous meeting held 11<sup>th</sup> February, 2014 be taken as read and confirmed.  
seconded

QUESTIONS:

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

**1. FINANCIAL STATEMENT – as at 28<sup>th</sup> February, 2014**

*Goal: Governance*  
*Strategic Objective: Demonstrate innovative and responsive organisational governance.*

moved it be recommended the financial statement as at 28<sup>th</sup> February, 2014 be received.

seconded

**2. STRATEGIC MANAGEMENT - Internal - Corporate and Community Services Committee - Business Arising Table - Ref. AF11/1900**

*Goal: Governance*  
*Strategic Objective: Develop an improved means of communication and engagement between Council and the community (including vulnerable communities) in the building of community capacity.*

moved it be recommended that the Business Arising Schedule be recorded for information.

Date of Motion	Subject Matter	Action Required	Responsibility	Status	Comments
<b>CORPORATE AND COMMUNITY SERVICES</b>					
18/10/2011	Strategic Management Plan	Develop Operational Plans	Chief Executive Officer	In Progress	<p>Meeting with Presiding Member 2nd April 2013 with Chief Executive Officer and Senior Staff to progress the two matters being:</p> <ol style="list-style-type: none"> <li>1) Improved Corporate reporting and review; and</li> <li>2) Strategic Plan reflecting roles of Elected Members and Staff</li> </ol> <ul style="list-style-type: none"> <li>• Desktop analysis to be conducted</li> <li>• Review of responsibility matrix to be completed</li> <li>• Comments reviewed by 27th November 2013</li> <li>• Workshop commencing January 2014</li> </ul>
20/11/2012	Establishment of City Development Framework		Chief Executive Officer	In Progress	<ul style="list-style-type: none"> <li>• Stage 1 completed</li> <li>• Stage 2 authorised</li> <li>• Additional funding authorised</li> <li>• Workshop conducted with Professor John Martin on 3rd December 2013</li> <li>• Working group now a sub-committee of Corporate and Community Services</li> <li>• Professor John Martin engaged by Council</li> <li>• Workshops held during February and March</li> </ul>
09/07/2013	SELGA Review	Council prepare plans to undertake a review (of SELGA) by the end of the calendar year	Chief Executive Officer	Completed	<ul style="list-style-type: none"> <li>• Waiting for a date from SELGA to arrange an extended Workshop for Elected Members. Facilitator is organised.</li> <li>• SELGA President and Executive Officer informal meeting with Council</li> <li>• SELGA conducting a review of its strategic plans including engagement with constituent Councils (independent of Council's resolution on this matter)</li> <li>• Councillor Workshop conducted 25<sup>th</sup> February, 2014 with SELGA President Richard Vickery &amp; SELGA Executive Officer Ann Aldersey.</li> </ul>
20/08/2013	Umpherston Sinkhole	<ul style="list-style-type: none"> <li>• Expressions of Interest Process</li> <li>• Council Report</li> </ul>	Governance Officer	In Progress	Review of leasing options for this and other Council facilities



17/09/2013	China Relationship	Further investigations/members workshop	Chief Executive Officer	In Progress	<ul style="list-style-type: none"> <li>Initial workshop held</li> <li>Regional workshop scheduled on 5th December</li> <li>Members Informal workshop on 6th December</li> <li>Further workshop scheduled for 19<sup>th</sup> February 2014.</li> </ul>
17/09/2013	Smoke Free areas	Implementation of	Operational Services, Governance Officer, Manager Community Services and Development	In Progress	Event surveys underway and results to be presented in 2014
15/10/2013	Policy Review	Review process confirmed	Governance Officer	In Progress	Review continuing Report to Corporate and Community Services 11th February 2014
17/12/2013	Display of Aboriginal and Torres Strait Islander Flags in the Council Chamber	Engagement with stakeholders and establishing a process	Manager Community Services and Development	In Progress	Ongoing planning with Pangula Mannamurna, Burrandies Aboriginal Corporation and Elders Group. Date to be confirmed for May 2014 Ceremony .
28/1/2014	Men's Shed	Further Planning	Chief Executive Officer, Governance Officer	In Progress	Meeting with Men's Shed, Councillors and Staff scheduled for 10 <sup>th</sup> February, 2014 Report to Corporate and Community Services Sub-Committee 11 <sup>th</sup> March, 2014.
28/1/2014	Pedal Prix Event	Further Report	Manager Community Services and Development	Completed	Application withdrawn

Date of Motion	Subject Matter	Action Required	Responsibility	Status	Comments
<b>OPERATIONAL SERVICES</b>					
16/04/2013	Park and Stride - community engagement	Matter left to lie on table pending further re-engagement with the community	Director - Operational Services	In Progress	Referred to Environmental Sustainability Sub-Committee for further action
17/09/2013	Playground Construction - Traditional Playgrounds vs. Natural Playgrounds	Prepare concept designs for a natural playground within the John Powell Drive Reserve, engage with the local community and schools regarding their ideas/ acceptance and contributions towards a natural playground	Engineering Manager	In Progress	Concept being prepared, consultation in process
17/09/2013	Regional Development Assessment Panels	Support the focus of the proposal and review the recommendations at a later date	Strategic Project Officer	Ongoing	Waiting for outcomes of investigation by SELGA
15/10/2013	Desktop Analysis of Strategic Plan	Relevant sections of Strategic Plan - Beyond 2013 and the Corporate Plan 2012 be provided to relevant Committees, Members and Staff (subject to reviewing the responsibility matrix)	Strategic Project Officer	In Progress	Review is progressing

19/11/2013	Disposal of surplus materials	Nominate all surplus/unwanted materials and arrange public auction	Director - Operational Services	Completed	Scheduled to occur on Sunday, 30 <sup>th</sup> March 2014 at 11:00am
17/12/2013	12 Canavan Road - fence and retaining walls	Prepare report on condition of the fence	Director - Operational Services	Completed	Refer to item on agenda
28/01/2014	Mount Gambier Cemetery Trust	Adopt Terms of Reference (with addition of Clause 17.1.2) and Memorandum of Understanding	Director - Operational Services	Completed	Documents signed and forwarded to the Mount Gambier Cemetery Trust for execution
28/01/2014	Installation of Bus Zone - Lady Nelson Carpark	Arrange installation of Bus Zone	Team Leader - General Inspector	Completed	Signage in place
28/01/2014	Rescission of Motorcycle Parking - Railway Terrace Carpark	Arrange for rescission of Motorcycle Parking	Team Leader - General Inspector	Completed	Signage removed and lines repainted
28/01/2014	Operational Services Policy Review	Receive feedback by 21/02/2014, to present further report in March 2014	Governance Officer	Completed	Refer to item on agenda
11/02/2014	Earth Hour 2014	Arrange for participation in Earth Hour	Environmental Sustainability Officer	In Progress	Arrangements in progress
11/02/2014	Installation of Loading Zone - Lady Nelson Carpark	Arrange installation of Loading Zone	Team Leader - General Inspector	In Progress	Signage has been ordered
11/02/2014	Installation of 1 Hour Parking Zone - Percy Street	Arrange installation of 1 Hour Parking Zone	Team Leader - General Inspector	In Progress	Signage has been ordered
11/02/2014	Grant of easement - Botanic Park	Consent be given to the granting of easements	Governance Officer	In Progress	Awaiting registration of easements
11/02/2014	Metro Bakery and Cafe - Liquor Licence application	Send letter to the applicant and Office of the Liquor and Gambling Commissioner	Planning Officer	Completed	Letter sent on 19/02/2014
11/02/2014	Lease - 24 Margaret Street	Send letter to Lessee to advise extension of time	Director - Operational Services	Completed	Letter sent on 20/02/2014
11/02/2014	Tender for Provision of Organic Waste Modelling and Advice	Advise successful and unsuccessful applicants	Environmental Sustainability Officer	Completed	Letters sent on 19/02/2014
11/02/2014	Tender for Supply and Delivery of Out Front Deck Mower	Advise successful and unsuccessful applicants	Director - Operational Services	Completed	Letters sent on 19/02/2014
11/02/2014	Tender for Supply and Delivery of Tip Truck	Advise successful and unsuccessful applicants	Director - Operational Services	Completed	Letters sent on 19/02/2014
11/02/2014	Tender for Supply of Painting Services (Council Buildings and Structures)	Advise successful applicant	Director - Operational Services	Completed	Letter sent on 19/02/2014
11/02/2014	Tender for Supply of Maintenance Services (Council Buildings and Structures)	Advise successful and unsuccessful applicants	Director - Operational Services	Completed	Letters sent on 19/02/2014

seconded

3. **GOVERNANCE - Committees – City Development Framework Sub-Committee – Minutes of Meeting held on 27<sup>th</sup> February, 2014 - Ref. AF13/486**

*Goal: Governance*

*Strategic Objective: Demonstrate innovative and responsive organisations governance.*

moved it be recommended:

(a) the minutes of the City Development Framework Sub-Committee meeting held on 27<sup>th</sup> February, 2014 be received;

(b) recommendations (numbered 1 to 4) of the City Development Framework Sub-Committee be adopted by Council.

1. **COMMUNITY ENGAGEMENT** – Ref. AF13/125

(a) The report be received.

(b) Mayor Perryman be nominated to attend the Lions dinner/meeting to present the City Development Framework project at the RSL on Tuesday 25<sup>th</sup> March, 2014.

2. **COMMUNITY ENGAGEMENT – WORKSHOPS** – Ref. AF13/125

(a) The report be received.

3. **COMMUNITY ENGAGEMENT** – DR SUE MUTTON – Ref. AF13/125

(a) The report be received.

(b) Council continue to undertake further consultation with community groups as proposed and as suggested by Dr Sue Mutton during the month of July, 2014.

4. **ANY OTHER BUSINESS**

General discussion was undertaken as to undertaking further and wider consultation with the community including but not limited to:

(a) Advertisements in the print media and other forms of media;

(b) The internet and other forms of social media;

(c) Bang the table

This discussion to be further expanded at the next meeting of the City Development Framework Sub Committee.

seconded

4. **GOVERNMENT – Local – Provincial Cities Association of South Australia – Minutes of Meeting held on Wednesday 12<sup>th</sup> February, 2014 – Ref. AF11/935**

*Goal: Governance*

*Operational Activity: Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Council's service delivery and performance.*

moved that the minutes of the Provincial Cities Association meeting held in Glenelg on Wednesday, 12<sup>th</sup> February, 2014 be received and contents noted.

seconded

5. **ORGANISATIONS AND ASSOCIATIONS – Australian Local Government Association (ALGA) – National Assembly of Local Government – Ref. AF11/947**

*Goal: Financial Sustainability*

*Operational Activity: Engage with National, State, Regional and local forums and partnerships to provide solutions and options to improve Council's financial sustainability*

moved it be recommended that Mayor Perryman (or Deputy Mayor if Mayor unable to attend) and Chief Executive Officer attend the 2014 National General Assembly of Local Government to be held in Canberra from 15<sup>th</sup> – 18<sup>th</sup> June 2014 with all costs of registration, travel, accommodation and meals etc. being met by Council.

seconded

6. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 16/2014 – Review of Valuation and Rating System – Ref: AF11/2290**

*Goal: Governance*

*Strategic Objective: Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.*

moved it be recommended:

- (a) Corporate and Community Services Report No. 16/2014 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.

seconded

7. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 17/2014 – Policy Review – C305 Caretaker Policy & Member – Complaints Handling – Ref: AF11/1950**

*Goal: Governance*

*Strategic Objective: Demonstrate innovative and responsive organisational governance.*

moved it be recommended:

- (a) Corporate and Community Services Report No. 17/2014 be received;
- (b) Council hereby adopts minor alterations to Council Policy C305 Council and Committees - Caretaker Policy, as attached to Corporate and Community Services Report No. 17/2014;

- (c) Council hereby adopts the new Council Policy '*Member – Complaints Handling*', as attached to Corporate and Community Services Report No. 17/2014, to be numbered and incorporated into Council's Policy Index.

seconded

**8. CORPORATE AND COMMUNITY SERVICES REPORT NO. 18/2014 – Delegation of Powers of Council – Ref: AF11/1020**

*Goal: Governance*

*Strategy: Demonstrate innovative and responsive organisational governance*

moved it be recommended:

- (a) Corporate and Community Services Report No. 18/2014 be received;
- (b) Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the:
- Community Titles Act 1996
  - Expiation of Offences Act 1996
  - Liquor Licensing Act 1997
  - Heavy Vehicle National Law (South Australia) Act 2013
  - Strata Titles Act 1988
- (c) (i) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Act and specified in the proposed Instruments of Delegation contained in Appendices 1, 5, 12, 29, 31 & 32 (attached and individually identified below) are hereby delegated this 18th of March 2014 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 the proposed Instrument of Delegation.
- Community Titles Act 1996 (Appendix 1)
  - Expiation of Offences Act 1996 (Appendix 5)
  - Liquor Licensing Act 1997 (Appendix 12)
  - Strata Titles Act 1988 (Appendix 29)
  - Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 31)
  - Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 32)
- (ii) 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 the proposed Instrument of Delegation.
- (iii) 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.
- (iv) For the purposes of these delegations all delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-delegate.

seconded

**9. CORPORATE AND COMMUNITY SERVICES REPORT NO. 19/2014 – Mount Gambier Men’s Shed – Ref: AF11/1700**

- Goal:*
- (i) *Building Communities*
  - (ii) *Community Well-Being*
- Strategy:*
- (i) *Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community.*
  - (ii) *Increase the local awareness and understanding of the range of health issues and needs of the community.*

moved it be recommended:

- (a) Corporate and Community Services Report No. 19/2014 be received.
- (b) The Council Depot site (portion of existing shed and land at the corner of Commercial Street West and McDonnell Drive on Lot 71 in Deposited Plan 51622 contained in Certificate of Title Volume 5727 Folio 721) be endorsed as the location for development of a Men’s Shed.
- (c) A Project Group comprising 2 representatives of Councillors, Council Administration and the Mount Gambier Men’s Shed be convened to finalise the design, scope of works and responsibilities and leasing arrangements for a Men’s Shed at the location in resolution (b).
- (d) A capital budget of \$80,000 be incorporated into the 2014/15 Budget for the cost of pre-lease works to prepare the Men’s Shed site for occupation.
- (e) Pre-Handover works be undertaken by Council within its allocated budget specified at resolution (d) to comprise:
  - Site access from McDonnell Drive including inverts and sealed car park.
  - Secure internal fencing to separate Council Depot and Men’s Shed areas (including gates on Council’s key system to enable controlled access)
  - 1x roller door and 1x personal access door for Men’s Shed access to building.
  - Fixed internal wall to separate Men’s Shed from Council portion of building.
  - Water, Sewer and Electricity connections including tenancy meters to building to agreed specification.
  - Separation of (existing) internal lighting from Council portion of building.
  - Basic existing internal electrical layout plus installation of new meter board.
  - Activities and works associated in connection with achieving the above works.
- (f) Post-Handover works to be undertaken by the Men’s Shed at their own cost and arrangement:
  - Internal fit-out including any internal walls, ceilings, storage.
  - Internal wet area fit-out (i.e. toilets/kitchen), to relevant building standards (if/as required) including, but not limited to:
    - i. Internal walls/ceilings and any sound/dust/water proofing/treatments
    - ii. Plumbing and other services to service connections at building perimeter
    - iii. Cabinets, sinks, toilets, etc
    - iv. Exhaust fans, lighting etc
    - v. Disabled/ambulant facilities
  - Any additional Internal/external electrical layout including any external lighting
  - Any other service connections/layout (e.g. security, telephone, internet, gas)
  - Provision of detailed plans prior to commencing any internal works, and provision of as-built/as-constructed plans of any works once completed.

- Lodgement of any required application and supporting documentation for planning and/or building rules consent for proposed works.
  - Engagement of qualified engineer/builder to confirm adequacy of any works and structural components of building prior to commencing any relevant works.
- (g) Interested Councillors to nominate as representatives to work with Council Administration and Men's Shed representatives on the Project Group for the design, leasing and works.
- (h) The Chief Executive Officer and Mayor be authorised to negotiate the final terms and conditions and to execute any documentation necessary to give effect to a lease over portion of Lot 71 in Deposited Plan 51622 contained within Certificate of Title Volume 5727 Folio 721 to the Men's Shed for an initial term of 2 years with 1 (3 year) renewal.

seconded

**10. CORPORATE AND COMMUNITY SERVICES REPORT NO. 20/2014 – Hands Off Aussie Post – Ref: AF11/234**

*Goal: Building Communities*  
*Strategy: Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met.*

moved it be recommended:

- (a) Corporate and Community Services Report No. 20/2014 be received.
- (b) Council write to the Member for Barker, Mr Tony Pasin MP seeking information regarding the Federal Governments plans for Australia Post and seeking assurance that regional and rural postal services will not be reduced.

seconded

**11. CORPORATE AND COMMUNITY SERVICES REPORT NO. 21/2014 – Economic Development – Joint Ventures – Partnering Cities – Ref: AF13/306**

*Goal: Securing Economic Prosperity*  
*Strategic Objective: Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region.*

moved it be recommended:

- (a) Report by the Chief Executive Officer on Economic Development – Joint Ventures – Partnering Cities be received;
- (b) That the matter be progressed to the next stage that includes engaging with Mr Sean Keenihan to provide expertise and advice in developing a strategy. A budget to a maximum of \$5,000 be allocated from the 2013-2014 budget.
- (c) Consultants and senior staff participate in the strategy development with Mr Sean Keenihan leading to a further report to Council.

seconded

**12. CORPORATE AND COMMUNITY SERVICES REPORT NO. 22/2014 – Major Events – 2014  
Tour Of The Great South Coast – Ref: AF13/154**

*Goal: Securing Economic Prosperity*  
*Strategic Objective: Support the development of our local economy, our unique local experiences and our capacity to grow visitation to our City*

moved it be recommended:

- (a) Corporate and Community Services Report No. 22/2014 be received;
- (b) Council approve the allocation of \$20,000 sponsorship for the 2014 Tour of the Great South Coast cycling event conditional upon the proponents obtaining all necessary approvals from relevant authorities;
- (c) Funding be allocated to Major Events Sponsorship account number 6350.0805

seconded

**13. CORPORATE AND COMMUNITY SERVICES REPORT NO. 23/2014 – Family Fun Day – Ref: AF13/471**

*Goal: Building Communities*  
*Strategic Objective: Develop an improved means of communication and engagement between Council and the community (including vulnerable communities) in the building of community capacity*

*Goal: Diversity*  
*Strategic Objective: Understand our community profile  
Consider the needs of all community groups in developing projects, services and infrastructure (public or privately owned)*

*Goal: Community Well-being*  
*Strategic Objective: Ensure through research and engagement that the current and future health (services and infrastructure) needs are identified*

moved it be recommended:

- (a) Corporate and Community Services Report No. 23/2014 be received;
- (b) Alternate format/s for the Family Fun Day be developed by the Lifelong Learning and Community Engagement & Social Inclusion Sub Committees;
- (c) An alternate event be held by August 2014.

seconded

**MOTIONS WITH NOTICE: NIL**

**MOTIONS WITHOUT NOTICE**

Meeting closed at          p.m.  
TLG



as at 31/01/2014 \$	<b>FINANCIAL STATEMENT - Monthly Bank Reconciliation</b>	as at 28/02/2014 \$
	<u>GENERAL ACCOUNT (Westpac)</u>	
767,287.47 CR	OPENING BALANCE	361,940.20 CR
326,476.24	<u>PLUS</u> Receipts -	
785,629.47	Rates & Arrears	328,157.34
-	General	1,038,201.66
300,000.00	Receipt of Cash Advance Funds	
389,090.25	Transfer from CAD Loan 103	2,150,000.00
<u>0.00</u>	Transfer from Investment Funds	0.00
1,801,195.96	Transfer from Reserve Funds	<u>-</u>
		3,516,359.00
2,568,483.43 CR		3,878,299.20 CR
(629,212.49)	<u>LESS</u> Direct Debits to Bank Account -	
-	Payroll - 2 Pays processed in February (7/2 & 21/2)	(626,309.66)
-	Sundry	
<u>-</u>	Transfer to Investment Funds	
(629,212.49)	Transfer to CAD Loan 103	<u>-</u>
		(626,309.66)
1,939,270.94 CR		3,251,989.54 CR
(1,577,330.74)	<u>LESS</u> Expenditure Statement - \$	(2,470,958.46)
<u>\$361,940.20</u> CR	<u>CASH BALANCE</u>	<u>\$781,031.08</u> CR
	<u>BANK RECONCILIATION</u>	
354,679.68 CR	Balance as per Bank Statement	849,600.24 CR
23,667.05	<u>PLUS</u> Deposits not yet credited	11,083.66
(6,798.55)	<u>LESS</u> Deposits not yet reconciled	(23,900.71)
-	<u>PLUS</u> Payments not yet reconciled	
<u>371,548.18</u> CR		<u>836,783.19</u> CR
(9,607.98)	<u>LESS</u> Unpresented Cheques & EFT's	(55,752.11)
<u>\$361,940.20</u> CR	<u>CASH BALANCE</u>	<u>\$781,031.08</u> CR
	Current Interest Rate on Bank Account Balance is	0.01%
	<u>LGFA CAD LOAN 103</u>	
- DR	OPENING BALANCE	(300,000.00) DR
-	<u>PLUS</u> Deposits	437,259.00
(300,000.00)	<u>LESS</u> Withdrawals (Transfer to General Account)	(2,150,000.00)
-	Sundry	
<u>\$ (300,000.00)</u> DR	<u>CASH BALANCE</u>	<u>(2,012,741.00)</u> DR
	Current Interest Rate on CAD Loan Balance is	4.75%

as at 31/01/2014 \$	<u>FINANCIAL STATEMENT continued.....</u>	as at 28/02/2014 \$
	<u>INVESTMENT FUNDS (Local Government Finance Authority)</u>	
382,654.89 CR	Opening Balance	0.00 CR
6,435.36	<u>PLUS</u> Deposits	437,259.00
	<u>PLUS</u> Accrued interest	
(389,090.25)	<u>LESS</u> Withdrawals (Transfer to Westpac)	
	Withdrawals (Transfer to CAD Loan 103)	(437,259.00)
<u>\$0.00 CR</u>	CLOSING BALANCE	<u>\$0.00 CR</u>
	<u>RESERVE FUNDS (Local Government Finance Authority)</u>	
0.00 CR	OPENING BALANCE	0.00 CR
	<u>PLUS</u> Deposits	
	<u>LESS</u> Withdrawals (Transfer to CAD Loan 103)	
<u>\$0.00 CR</u>	CLOSING BALANCE	<u>\$0.00 CR</u>

INVESTMENT OF FUNDS

Investment Funds - all invested - 'At Call' at	2.50%
Reserve Funds - all invested - 'At Call' at	2.50%

as at 31/01/2014 \$	<u>LOAN FUNDS OWING (Local Government Finance Authority)</u>	as at 28/02/2014 \$
<b>Opening Bal</b>	<b>Loan Purpose</b>	<b>Closing Bal</b>
50,062.61	098 City Hall Redevelopment	50,062.61
12,481.52	099 MG Bowls - Artificial Rink	6,341.35
32,023.82	091 Blue Lake Golf Centre	32,023.82
46,650.49	094 Old Gaol/TAFE/Reidy Pk	46,650.49
172,272.03	101 RSL Bowls - Artificial Rink	172,272.03
3,459,559.66	102 Library	3,459,559.66
300,000.00	103 CAD - Variable Int Only	2,012,741.00
0.00	104 CAD - Variable Int Only	0.00
<u>\$4,073,050.13 DR</u>		<u>\$5,779,650.96 DR</u>

Prepared by:

Finance Manager

Reviewed by:

Chief Executive Officer

CITY DEVELOPMENT FRAMEWORK SUB-COMMITTEE

Meeting held in the Committee Room, level four of the Civic Centre, 10 Watson Terrace,  
Mount Gambier, on Thursday 27<sup>th</sup> February, 2014 at 1.20 p.m.

MINUTES

PRESENT: Mayor S Perryman  
Cr A Smith (Presiding Member)  
Cr M White

COUNCIL OFFICERS: Strategic Project Officer, Tracy Tzioutziouklaris

SPECIAL GUEST: Professor John Martin

COUNCIL MEMBERS  
AS OBSERVERS: Nil

**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 OF PREVIOUS MEETING: Mayor Perryman moved that the Minutes of the previous meeting held on Thursday 16<sup>th</sup> January, 2014 be taken as read and confirmed.

Cr White seconded.

**Carried.**

QUESTIONS: (a) With Notice - nil submitted.  
(b) Without Notice – nil submitted.

**1. COMMUNITY ENGAGEMENT – Ref. AF13/125**

*Goal: Building Communities*  
*Strategic Objective: Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs are met.*

*Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.*

*Goal: Securing Economic Prosperity*  
*Strategic Objective: Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region.*

Minutes of the City Development Framework Sub Committee meeting held on 27<sup>th</sup> February, 2014  
Cont'd...

The Strategic Project Officer reported:

- (a) A community-wide discussion and dialogue about the Mount Gambier City Development Framework project has commenced with four workshops being held during the first week of February.
- (b) All Members have now been requested to identify those groups within the community that they will/or can engage with before the end of March, 2014 as part of the community engagement process for this project. A flyer with a tear off section has been developed and will be provided to all Members to assist in this broader community engagement process.
- (c) A list of different organisations that could be contacted has been developed.

At this time the following Members have indicated that they have met with or are meeting with the following groups/organisations:

Mayor Perryman and Cr Smith	Chamber of Commerce
Cr Lee	Woodlands Grove and Hallmont Estate
Cr Von Stanke	Men's Shed, Mulga Street Primary School, Bowling Club, Probus, Arts Society
Cr White	Soroptomist
Cr Maher	Grant High School SRC

- (d) Council has also received a request from the LionsClub for a representative of Council to be a guest speaker at a Lions dinner being held on the 25<sup>th</sup> of March, 2014 at the RSL at 6.00p.m. to talk specifically on the City Development Framework project. It would be appreciated if a Member was available for this. Dinner is provided for the guest speaker.
- (e) Sessions have been scheduled with Council staff from the Civic Centre, Library, Main Corner and Tourism Information Centre on Tuesday the 4<sup>th</sup> March, 2014 and Wednesday the 5<sup>th</sup> March, 2014 from 8.30a.m. to 9.30a.m. in the Reception Area. Professor Martin is to facilitate these sessions. All Council Members are welcome to attend.
- (d) A session with the field staff has been scheduled on Thursday 6<sup>th</sup> March, 2014 starting at 7.30a.m. at the depot. Council's Strategic Project Officer is to facilitate these sessions.

**Mayor Perryman moved:**

- (a) The report be received.**
- (b) Mayor Perryman be nominated to attend the Lions dinner/meeting to present the City Development Framework project at the RSL on Tuesday 25<sup>th</sup> March, 2014..**

**Cr White seconded.**

**Carried**

Minutes of the City Development Framework Sub Committee meeting held on 27<sup>th</sup> February, 2014  
Cont'd...

**2. COMMUNITY ENGAGEMENT – WORKSHOPS – Ref. AF13/125**

*Goal: Building Communities*

*Strategic Objective: Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs are met.*

*Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.*

*Goal: Securing Economic Prosperity*

*Strategic Objective: Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region.*

The Strategic Project Officer reported:

- (a) The community wide discussion and dialogue about the Mount Gambier City Development Framework project commenced with four workshops during the week commencing Monday 3<sup>rd</sup> February, 2014. The data that was gathered at these workshops will form the basis of the 'four futures papers' on the four identified key areas Our People, Our Location, Our Diverse Economy and Our Climate, Natural Resources and Heritage.
- (b) Further workshops have now been scheduled for the first week of March to present the data and draft material obtained from the workshops held in February. The purpose of these workshops is to seek feedback on the measures and aspirations identified and to think broadly about the community and to determine if the aspirations related to each theme are comprehensive. The key question we are addressing here is; have we overlooked anything?

Each of the workshops will again focus on one of the key areas identified by the City Development Framework Sub-Committee as follows:

- Monday 3<sup>rd</sup> March, 2014, Workshop 1 - Our People
- Tuesday 4<sup>th</sup> March, 2014, Workshop 2 - Our Location
- Wednesday 5<sup>th</sup> March, 2014, Workshop 3 - Our Diverse Economy
- Thursday 6<sup>th</sup> March, 2014, Workshop 4 - Our Climate, Natural Resources and Heritage

All workshops will commence at 4.00 p.m. and finish by 6.00 p.m. and will be held in the City Hall.

- (c) all Council Members will be invited to attend the workshops as well as relevant staff from throughout Council.
- (d) all of the workshops will be facilitated by Professor Martin who will be assisted by the Sub-Committee and Council's Strategic Project Officer.
- (e) Professor Martin will be available to provide an update to Members as to the format of the workshops and what is envisaged to be achieved.

Minutes of the City Development Framework Sub Committee meeting held on 27<sup>th</sup> February, 2014  
Cont'd...

**Mayor Perryman moved that the report be received.**

**Cr White seconded.**

**Carried**

**3. COMMUNITY ENGAGEMENT – DR SUE MUTTON – Ref. AF13/125**

*Goal: Building Communities*

*Strategic Objective: Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs are met.*

*Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.*

*Goal: Securing Economic Prosperity*

*Strategic Objective: Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region.*

The Strategic Project Officer reported:

- (a) Dr Sue Mutton has kindly offered her assistance to work with Council to ensure Council obtains true representation of the people of Mount Gambier. Sue is the Course Coordinator WBSW program, Lecturer Social Work and Rural Practice, Social Work and Rural Practice Unit, Centre for Regional Engagement at the University of South Australia.
- (b) A meeting with Dr Mutton is currently being organised. A further update will be provided at the meeting.

**Cr White moved:**

- (a) The report be received.**
- (b) Council continue to undertake further consultation with community groups as proposed and as suggested by Dr Sue Mutton during the month of July, 2014.**

**Mayor Perryman seconded.**

**Carried**

**4. ANY OTHER BUSINESS**

**General discussion was undertaken as to undertaking further and wider consultation with the community including but not limited to:**

- (a) Advertisements in the print media and other forms of media;**
- (b) The internet and other forms of social media;**
- (c) Bang the table**

Minutes of the City Development Framework Sub Committee meeting held on 27<sup>th</sup> February, 2014  
Cont'd...

**This discussion to be further expanded at the next meeting of the City Development Framework Sub Committee.**

**5. MOTIONS WITHOUT NOTICE**

Nil.

The meeting closed at 2.10 p.m.

AF13/486  
MTT/FM



**Membership**  
City of Port Augusta  
City of Mount Gambier  
City of Port Lincoln  
City of Whyalla  
Port Pirie Regional Council  
Rural City of Murray Bridge

**Executive Officer**  
Mr. Ian McSparran  
PO Box 3106  
PORT AUGUSTA WEST SA 5700  
Mobile: 0419 810 644  
Phone: (08) 8642 2092  
Email: [myallone@bigpond.com](mailto:myallone@bigpond.com)

## *Meeting #56*

## MINUTES

12<sup>th</sup> February 2014

### Waterfront Room, Haven Comfort Inn Motel, Adelphi Terrace, North Glenelg

#### PRESENT

There were present:

#### Regional City of Port Pirie

Mayor Brenton Vanstone (Deputy Chairperson)

#### City of Mount Gambier

Mayor Steve Perryman  
Mr Mark McShane (Chief Executive Officer)

#### Rural City of Murray Bridge

Mayor Allan Arbon

#### City of Port Augusta

Mr Greg Perkin (City Manager)  
Cr Peter Solomon

#### City of Whyalla

Mr Peter Peppin (Chief Executive Officer)

Also in attendance was:

Mayor Lorraine Rosenberg (Act President, Local Govt Association of SA)  
Ms Wendy Campana (Chief Executive Officer, Local Govt Association of SA)  
Mr Ian McSparran (Executive Officer)

#### WELCOME

Mayor Vanstone declared the meeting open at 9:05am and welcomed members and guests to the meeting.

#### APOLOGIES

The Provincial Cities Association resolved to receive and note the following apologies:

Mayor Jim Pollock  
Mayor Sam Johnson  
Mayor Bruce Green (late arrival)  
Mr Rob Donaldson (lat arrival)  
Cr Barry Laubsch  
Cr Bob England  
Mr Peter Bond



-2-

Mr Steven Marshall (State Liberal Leader)  
 Assoc Prof Michael O'Neil (Executive Director, SA Centre of Economic  
 Studies)

**Moved:** Murray Bridge

**Seconded:** Mount Gambier

CARRIED

## MINUTES

**The Provincial Cities Association resolved to** receive and note the Minutes of Meeting #55 held on the 23<sup>rd</sup> October, 2013.

**Moved:** Port Augusta

**Seconded:** Murray Bridge

CARRIED

## SOUTH AUSTRALIAN EXPERT PANEL

Mayor Vanstone raised a query with Mayor Rosenberg and Ms Campana on what action had been undertaken by the Local Government Association Board in relation to the recommendations made by the SA Expert Panel.

Advice was provided that a Summary of the recommendations, LGA Secretariat recommendations and "New Comments" had been considered by the LGA Board on the 30<sup>th</sup> January 2014, and a copy of this information was provided to members (copy attached – Appendix A).

## REGIONAL EDUCATION OFFICE RESTRUCTURE

At this time (9:25am) Mayor Bruce Green and Mr Rob Donaldson entered the meeting.

Members discussed and commented on a number of matters associated with the issue, prior to Ms Trish Strachan, Head, Office for Children and Young People, Department for Education and Children's Services entering the meeting at 9:40am.

Mayor Vanstone welcomed Ms Strachan to the meeting and invited members to introduce themselves to Ms Strachan. He then invited Ms Strachan to address the meeting.

In her address to members, Ms Strachan made the following comments;

- her position within the "Education Department" meant she had responsibilities for the wellbeing of children from ages 0 to 18 years
- the Department was looking to modernise the way in which it did business
- the tight economic situation in South Australia and a finite budget had meant that changes had to occur but the changes were "administratively driven not politically driven"
- the plan was to change the way "we deliver services and to make the mode of the service delivery more effective"
- the changes undertaken were to establish partnerships under 20 Educational Directors with each Director being responsible for 3 partnerships
- the partnerships which had been established were geographically based and were aimed at the sharing of expertise across the partnerships
- the challenges which were being faced was in the delivery of specialised services within the regions, without the centralisation of support services
- 35 Integrated Children's Centres have been established and it was planned to lift this number to 40 by the end of the year

- the Plan was looking to strengthen local school partnerships with Local Government being a vital component of the Partnership Program
- principals will still have a significant degree of autonomy and responsibility for their school budget
- partnerships will not be left to flounder and the loss of any staff in the short term should not to be seen as a centralisation of support services
- would welcome the opportunity to address other Regional Local Govt Associations or individual Councils on the proposals

Following a number of questions being asked by members and responses being provided by Ms Strachan, Mayor Vanstone thanked Ms Strachan for her attendance and address to members.

The meeting adjourned at 10:20am and Ms Strachan left the meeting.

The meeting reconvened at 10:40am.

### **NATIVE VEGETATION MANAGEMENT UNIT**

Mayor Vanstone welcomed to the meeting Mr Piers Brissenden, Manager, Native Vegetation Management Unit, Dr Andrew Fisher, SEB Policy Review Project Leader and Ms Dijana Jevremov, NVC Communications Officer.

Introductions of the Association members and the NVM Unit members were then undertaken.

Mayor Vanstone thanked the NVM Unit members for their attendance at the meeting and referred them to the issues which had been raised at the Association's previous meeting and which had been conveyed to the NVM Unit by email by the Executive Officer on the 24<sup>th</sup> October 2013.

Mr Brissenden thanked the Association for the invitation to attend the meeting and indicated that Dr Fisher would provide background to the consultation being undertaken into the "Significant Environmental Benefit Review (SEB Review)."

Dr Fisher provided information on the processes being undertaken under the Native Vegetation Act for the Native Vegetation Council.

In his address (accompanied) by a data show, Dr Fisher commented on:

- the meetings which had been held to "workshop the proposal"
- the SEB requirements under the existing legislation
- how the revenue raised from the SEB payments is utilised ie. must be used for "on ground projects not for general admin purposes" with the projects meeting regional NRM biodiversity targets which also meet the objects of the Native Vegetation Act
- the state of the South Australian Environment "which was deemed to be in poor condition/decline"

Members raised a number of issues with Mr Brissenden and Dr Fisher regarding the SEB Review. These issues included:

- suggested exemptions for Local Government infrastructure activities
- simplification of any formula for the calculation of SEB payments
- the proposed SEB payment system was a tax on development within the regions
- the proposed SEB payment system was discriminatory and any payments should be levied across the State eg. via an increase in the NRM Levy on all properties including the Adelaide Metropolitan area
- a regulatory change to "the system" should be implemented

Following further discussion, Mr Brissenden, Dr Fisher, Ms Jevremov and Cr Solomon (medical appointment for his wife), left the meeting at 12:05pm.

**The Provincial Cities Association resolved to:**

1. Thank the Native Vegetation Management representatives for their presentation on the Significant Environmental Benefit (SEB) Review being undertaken at the request of the Native Vegetation Council
2. Express to the Native Vegetation Council, the Premier and the Minister for Sustainability, Environment and Conservation, the Association's serious concerns that the substantial increases in SEB offset payments canvassed in the Phase 3 Consultation would significantly constrain the social and economic sustainability of regional towns and cities
3. Ask that the Native Vegetation Council, Premier and Minister for Sustainability, Environment and Conservation, commit to a wider review of the Native Vegetation Act, Regulations and associated policy, which should include consideration of at least—
  - i. The relationship of native vegetation clearance controls and off-set arrangements with NRM planning and the NRM local government levy
  - ii. Direct and indirect benefits derived by Greater Adelaide Metropolitan area citizens and appropriate contributions to off-set costs
  - iii. Removal of the significant native vegetation constraints and penalties sometimes associated with normal local government infrastructure provision eg road construction, effluent disposal ponds, designated cemeteries
  - iv. Removal of at least existing townships and urban areas for the regulatory regime
4. Seek the support and advocacy of the Local Government Association of SA in relation to the Association's concerns on this issue on behalf of the Local Government sector

**Moved:** Port Lincoln**Seconded:** Murray BridgeCARRIED**HON TOM  
KOUTSANTONIS MP  
MINISTER FOR  
TRANSPORT AND  
INFRASTRUCTURE****The Provincial Cities Association resolved to** receive and note with disappointment the response from the Minister's office relating to promised regional visits.**Moved:** Mount Gambier**Seconded:** Port LincolnCARRIED**REGIONAL  
STATEMENT****The Provincial Cities Association resolved to:**

1. receive and note the information relating to Regional Development
2. commend Regional Development South Australia for the Report "Prioritising South Australia's Regional Infrastructure Projects" of December 2013

**Moved:** Murray Bridge**Seconded:** Port LincolnCARRIED**FINANCE****The Provincial Cities Association resolved to** receive and note the Income and Expenditure Statement and associated comments for the period 1<sup>st</sup> July 2013 to 31<sup>st</sup> January 2014.**Moved:** Port Lincoln**Seconded:** Murray BridgeCARRIED

**LOCAL GOVERNMENT PRESENTATION**

A copy of the Local Government Association Presentation to the meeting is attached (Appendix B).

**NEXT MEETING**

**The Provincial Cities Association resolved** to affirm its previous decision that the next Association meeting will be held in Port Augusta on the 3<sup>rd</sup> June 2014 (inspection tour etc) and 4<sup>th</sup> June 2014 (meeting).

**Moved:** Murray Bridge  
**Seconded:** Port Augusta

**CARRIED**

**CLOSURE**

The meeting was declared closed by Mayor Vanstone at 1pm.

**Confirmed:**

\_\_\_\_\_  
(Chairperson)

\_\_\_\_\_  
Date



LGA Board Meeting 30 January 2014



**Local Excellence**  
 Councils Working Together for Communities

Strengthening South Australian  
 Communities in a Changing World

The Council of the Future

**Final Report**  
 November 2013



**LOCAL EXCELLENCE EXPERT PANEL**

**Recommendations**

The Expert Panel has quite deliberately not set out a "blueprint" for the "Council of the Future" as it recognises that there will need to be much discussion and debate about the best governance and organisational models to be established in each region, recognising that there is not a "one size fits all" approach to the proposed changes. Throughout its Final Report the Expert Panel has sketched a vision for the future of Local Government in South Australia by focusing on a number of key concepts and elements as follows:

- improved political and corporate governance, with enhanced accountability and transparency;
- increased community engagement extending into support for new forms of local community governance;
- sound financial and asset management;
- continued moves to more efficient and effective service delivery, including shared services and other new forms of delivery;
- closer inter-governmental relations, especially with State Government agencies, including innovative partnerships in planning, infrastructure and service delivery, and improved mechanisms for negotiation and collaboration;
- a much stronger focus on regional collaboration and partnerships both between Councils and with key stakeholders including other Government agencies, community organisations and the private sector.

The Expert Panel has made a number of recommendations. These are arranged by the sections of the report in which they appear.

Local Excellence Panel Recommendation	LGA Secretariat Recommendation	New Comments
<p><b>Regional Collaboration and Partnerships - Section 6</b></p> <p>That Regional Councils be established across all areas of the State where there are Local Councils, along the lines proposed in section 6.3</p>	<p>Subject to consultation with Councils.</p>	
<p>That a Regional Strategic Partnership be established alongside each Regional Council, as proposed in section 6.4. That the Local Government Association of South Australia (LGASA) pursue these initiatives through a series of regional forums with Councils, and through discussions with the State Government.</p>	<p>Subject to consultation with Councils. Support in principle.</p>	<p>The LGA would need to consult its members on proposals of this nature and in doing so undertake appropriate research to enable and to support debate and discussion.</p>



<p><b>Intergovernmental Relationships - Section 7</b></p> <p>Priority be given within the agenda of the Premier's Local Government Forum to discussions on;</p> <ul style="list-style-type: none"> <li>The implications for State-Local Government relations of recent machinery of government changes.</li> <li>Opportunities over time to rationalise ministerial responsibilities for the various elements of the State-Local Government relationship, including administration of the Local Government Act, and to strengthen the role of the Premier's Local Government Forum as the centrepiece of the relationship.</li> <li>Establishing a Joint Secretariat to support the Forum and to drive ongoing development and improvement of State-Local Government relations.</li> </ul>	<p>Support in principle</p>	<p>Initial indications are that if there is a change in government a similar structure for having a Premier's Local Government Forum will be supported.</p> <p>The machinery of government changes implemented by the current Government may not be supported if there is a change of government and this matter will need to be reassessed at this time.</p>
<p><b>Financial Sustainability and Accountability - Section 8</b></p> <p>That the LGASA and State Government collaborate to undertake a '10-Year Sustainability Stocktake' in order to formulate and later implement a renewed and broadly-based agenda for improved financial and asset management in Local Government aimed at ensuring the long-term sustainability of Councils and the sector as a whole.</p> <p>That in the meantime the LGASA reshape and strengthen the Business Partners Program, including further training of Elected Members and staff in asset and financial management.</p> <p>That investigations be undertaken into the establishment of a new facility to provide strategic financial management advice to Councils in relation to the funding of infrastructure.</p>	<p>Support in principle.</p> <p>Support</p>	<p>A considerable amount of LGA resources and that of Councils has been invested into financial sustainability issues. Evaluations of the outcomes of this work have been undertaken and would be invaluable in undertaking such a stock take.</p> <p>This reframing activity is already underway.</p>
<p>That investigations be undertaken into the establishment of a new facility to provide strategic financial management advice to Councils in relation to the funding of infrastructure.</p>	<p>Support in principle.</p>	<p>The LGFA provides support to Councils in some areas of financial management and the work of the LGA should continue to complement this.</p>

<p>That the Auditor General assumes responsibility for Local Government auditing on a basis to be agreed between the LGASA and the State Government.</p>	<p>For discussion</p>	<p>The LGA has in the past rejected this proposal on the basis that no fees were able to be articulated by the Auditor-General's office. It is probably valuable to revisit this issue with Councils and the Auditor-General.</p>
<p><b>Governance and Leadership - Section 9</b></p>		
<p>That the electoral system for Local Government be aligned as closely as possible with those for State and Federal Governments, including compulsory voting.</p>	<p>Subject to consultation with Councils.</p>	<p>Current LGA policy is to retain voluntary voting however there has been an increasing interest in this issue arising at AGMs and in Council discussions.</p>
<p>That consideration be given to enabling Councils to appoint additional members with voting rights in order to ensure adequate representation of all sectors of the community and to include members with specific knowledge and expertise.</p>	<p>For discussion.</p>	<p>There are already non-elected persons on key committees of Councils i.e. Audit Committees and Development Assessment Panels. Councils are also able to engage non-elected people on other committees. This matter will need further consideration by the Board.</p>
<p>That all Elected Members be required to undertake ongoing professional development, with supplementary requirements for Mayors and Chairpersons.</p>	<p>Support</p>	<p>The LGA position on recent changes to the Local Government Act was to support mandatory training albeit the State and the LGA had not determined the nature of this training.</p>
<p>That the responsibilities of Mayors and Chairpersons as set out in the Local Government Act be reviewed, with a view to ensuring that the provisions of the Act match the way the role is developing in practice and enable its ongoing development to address future needs for civic leadership.</p>	<p>Support in principle</p>	<p>It is clear that Mayors/Chairpersons undertake facilitative roles as suggested in the Panel's report but not articulated in the Local Government Act.</p>
<p>That a person elected as a Mayor/Chairperson be limited to serving a maximum of 3 terms in that capacity.</p>	<p>For discussion</p>	
<p>That the LGASA and State Government develop a new performance monitoring, assessment and reporting framework for Councils drawing on the recent initiative in Victoria and which includes a requirement for Council's performance assessment to be reported publicly in the Annual Report.</p>	<p>Support in principle</p>	<p>The LGA currently has a project to review performance measurement/monitoring information.</p>





Community Engagement and Governance - Section 10		
<p>The <i>Local Government Act</i> be amended to:</p> <ul style="list-style-type: none"> <li>ensure Councils prepare and adopt a community engagement plan; and</li> <li>enable Councils to adopt a flexible approach to community engagement depending on the nature and needs of their communities, while requiring far-reaching community engagement in specific circumstances such as to communicate and receive feedback on the annual business plan and budget.</li> </ul>	<p>Support in principle.</p>	<p>Community engagement methodology is changing all the time, from public meetings to focus groups and now shopping centres and local footy forums. It should be up to council to select the most effective engagement process. Specifics shouldn't be mandated. Best practice material and training can be developed and updated to provide guidance. Act could be amended to provide objectives and outcomes for consultation and engagement plans and processes. As above</p>
<p>The <i>Local Government Act</i> be amended in consultation with Local Government and representatives of community organisations in the interests of the further development of community governance, so that Councils have an obligation to promote community governance; through:</p> <ul style="list-style-type: none"> <li>the establishment of Council committees comprising in part at least, persons who are appointed for their relevant knowledge and skills;</li> <li>enabling a community to trigger the process of setting up a community governance structure in its locality or neighbourhood, or for a particular purpose or goal;</li> <li>setting out the extent of the functions and powers available to community organisation structures;</li> <li>setting out goals/principles for community governance and the establishment of structures (rather than prescribing processes);</li> <li>providing opportunities for a range of support options for community governance structures; and,</li> <li>encouraging Councils to facilitate community governance and developing capacity in communities.</li> </ul>	<p>Support in principle.</p>	<p>Support complete review of current committee governance requirements. As example Indigenous and Youth committees currently find process overwhelming, onerous and disengaging.</p>

<p>The <i>Local Government Act</i> be amended to extend representation reviews to include an obligation on Councils to consider the need for additional processes and mechanisms to promote community engagement and governance.</p>	<p>For discussion.</p>	
<p><b>Planning Reform - Section 11</b></p>	<p>Consider these sections alongside the Planning Review.</p>	<p>Consider these sections alongside the Planning Review.</p>
<p><b>Regional Development Plans</b> Councils with the support of the relevant State Government department collaborate with other Councils to develop regional development plans.</p>	<p>Support in principle</p>	
<p><b>Development Plan Amendment (DPA) Process</b> That for steps in the DPA process, the development legislation be amended to provide time limits for State agency responses and ministerial decision-making.</p>	<p>Support in principle</p>	
<p><b>Regional Development Assessment Panels (DAPs)</b> Regional DAPs for development assessment be established to replace individual Council DAPs.</p>	<p>For discussion</p>	<p>There is some interest among some Councils to pursue regional panels whereas others appear not supportive.</p>
<p>That the legislation be amended to provide for every DAP to comprise 5 or 7 members (but not including any person who is at the time employed in any government (Commonwealth, State or local) office in a strategic planning or development assessment role) as follows:                      a) An independent, appropriately qualified chairperson,                      b) 2-3 independent, appropriately qualified members,                      c) 2-3 elected members or staff of constituent Councils.</p>	<p>For discussion with Councils.</p>	<p>Concern that precluding staff from sitting on other council DAPs will increase costs due to reliance on consultants.</p>
<p>That consideration be given to ensuring meetings of members of a regional DAP might lawfully proceed using e-meeting technology.</p>	<p>Support</p>	
<p>That the role of the Development Assessment Commission (DAC) be reduced once regional DAPs are established.</p>	<p>Support in principle</p>	



<p><b>Community Planning</b> Councils engage with communities in community/neighbourhood townships/localities/neighbourhood/places using best practice methods and social media tools.</p>	<p>Support</p>	<p>Many Councils are pursuing best practice approaches.</p>
<p><b>Urban Renewal</b> That precinct authorities work collaboratively with any directly interested Council, the community reference panel and design review panel, from the commencement of the drafting of the preparatory stages for a precinct plan or its amendment.</p>	<p>Support</p>	<p>This is currently a requirement of the legislation.</p>
<p><b>Major Projects</b> The Development Act or any replacement legislation incorporate the following: a) specify criteria to assist the decision maker to determine whether any development constitutes a major project; b) enable Council and community input into the formulation of the guidelines for the EIS/PER/DR; c) specify time periods for the performance of tasks assigned by the legislation to DAC and the Minister; and d) provide a right of appeal for a Council to the Environment, Resources and Development Court in relation to the recommendations of a Minister's Assessment Report.</p>	<p>Support</p>	
<p>The relevant Minister and representatives of Local Government consider how local and regional communities could have greater involvement in the assessment of major projects.</p>	<p>Support</p>	

Other Key Areas - Section 12	
<p><b>Waste</b></p> <p>Collaborative and cooperative approaches to waste management be explored on a Local Government-wide basis and/or regional basis to identify structures that would deliver greater efficiencies and improved outcomes for Local Government in the waste management sector.</p>	<p>Support</p> <p>The LGA is currently undertaking research on this matter.</p>
<p><b>Energy</b></p> <p>That Local Government investigates how it can position itself as a key stakeholder in the energy sector by developing appropriate organisational structures which optimise collaboration and partnerships and will deliver the best possible energy outcomes for communities in the most efficient and cost effective way.</p>	<p>Support</p> <p>The LGA is in the process of identifying research activity in this area.</p>
<p><b>Climate Change, Environment and Natural Resources</b></p> <p>The collaborative partnership between Local and State Governments towards adaptation for climate change continue beyond 2017.</p>	<p>Support</p> <p>This is currently the LGA's State Election position.</p>
<p>Consideration be given to a new approach for Development Plans in which equal priority is given to the desired future character of the natural and built environment and the forecast and avoidance of likely impacts on the contextual environment within and beyond the region including cumulative impacts.</p>	<p>Support</p>
<p>The authority to manage natural resources and native vegetation clearance become the responsibility of regional Councils, once established, on condition that technical expertise and support is provided by relevant State agencies.</p>	<p>Support in principle</p> <p>The concept of "regional Councils" will require clarification. This is clearly scope for regional bodies to be established – whether they need to be a "regional Council" or a regional body under the LG Act is worthy of further research and consultation.</p>



<p>The responsibility for investigating and resolving matters of local environmental nuisance be accepted as part of the function of a regional Council on condition that the EPA provide support in the form of expertise and equipment.</p>	<p>Support in principle</p>	<p>As above.</p>
<p><b>An Updated Local Government Act - Section 13</b></p> <p>That the State Government and LGASA initiate a joint review of the <i>Local Government Act</i> and associated legislation to facilitate future enhancement of the role and functions of Councils in line with the concept of the 'Council of the Future' set out in this report.</p>	<p>Support in principle</p>	
<p><b>A Local Government Commission - Section 14</b></p> <p>That the State Government and LGASA set up a joint working party to investigate the establishment through legislation, of an independent Local Government Commission answerable to Parliament and having functions that include:</p> <ul style="list-style-type: none"> <li>• Advising the Parliament, State Government and Local Government (through LGASA) on matters they refer to it</li> <li>• Undertaking specific projects or tasks as agreed under the provisions of the State-Local Agreement to assist the Local Government sector</li> <li>• Incorporating the roles of the Local Government Grants Commission (subject to Federal Government agreement) and the Boundary Adjustment Facilitation Panel</li> <li>• Researching and monitoring the ongoing performance and sustainability of the Local Government sector, and identifying areas of activity that require improvement and/or developmental support.</li> </ul>	<p>For discussion</p>	<p>There are pros and cons of adopting a parliamentary approach to this activity as opposed to a non statutory approach.</p>



Local Government Association  
of South Australia

LGA Board Meeting 30 January 2014

<p><b>Role of the Local Government Association of SA - Section 15</b></p>	<p>Support in principle</p>	<p>The LGA has already commenced its consultation process. Depending on the feedback on some proposals – not all these issues may be addressed.</p>
<p>That the LGASA:</p> <ul style="list-style-type: none"> <li>• convene a series of forums with Councils and other key stakeholders to canvass the Panel's proposals for development of the 'Council of the Future' and related matters.</li> <li>• Further develop the concept of a 'Council of the Future' based on the Panel's deliberations and undertake a review of its current strategies, policies, priorities and services to member Councils to ensure that they align with that concept and will facilitate its effective realisation.</li> <li>• Consider in particular a strategy to develop arrangements which will support early moves towards enhanced regional collaboration, including the establishment of Regional Councils and Strategic Partnerships, such strategy to encompass -             <ul style="list-style-type: none"> <li>o the possible conversion of currently stand-alone regional LGAs into formal branches of the LGASA</li> <li>o the future role, structure and membership of the Provincial Cities Association</li> <li>o the role of the South Australian Region of Councils (SAROC) and the Metropolitan Local Government Group (MLGG) and whether they would align effectively with new regional arrangements</li> <li>o specific services and products (eg a model business plan) that would support the establishment of new regional entities.</li> </ul> </li> </ul>		



## APPENDIX B

### LGA Regional Topical Report

LGA representative	Wendy Campana
Date	February 2014
Purpose	The Regional Topical report is provided as an information update for Regional LGA meetings and is current at the time it is supplied to the Region
Recommendation	That the item be noted

#### 1. State Election Update

LGA Acting President, Mayor Lorraine Rosenberg launched the LGA's State Election strategy at a media briefing outside Parliament House on 10 December 2013. The launch focussed on the need for a review of the Solid Waste Levy.

During January, platforms for Disaster Resilience/Emergency Management and Sport and Recreation were launched and Natural Resource Management followed in early February.

Mayor Rosenberg launched the Regional Development Platform in Port Pirie on 23 January and on 30 January hosted a Regional Development luncheon with guest speakers, Minister for State/Local Government Relations and Regional Development, Hon Gail Gago, Shadow Minister, Steven Griffiths, Family First Legislative Councillor, Hon Robert Brokenshire and SACES EO, Associate Professor, Michael O'Neil.

The LGA also invited both the major party leaders to make an address and a one on one Forum with Opposition Leader, Steven Marshall was held in early February. A Planning Luncheon has also been scheduled for 14 February with Planning Minister John Rau, Shadow Minister Vickie Chapman and Greens Legislative Councillor Hon Mark Parnell. Video presentations from the Leader of the Opposition's address and the luncheon forums will be available on the LGA Elections webpage at <http://www.lga.sa.gov.au/2014stateelection>

Position papers for Roads, Stormwater Management and CWMS, Climate Change and Native Vegetation and Infrastructure will be released over the next few weeks. The LGA will also be asking all major parties for answers to ten questions so that the positions of the parties are clear as we head to the polls. The answers will be published on the LGA State Election page (link above). Mayors, Chairpersons and their proxies recorded video messages at the LGA AGM last year and these messages, in YouTube format, are also being rolled out on the State Election webpage.

#### 2. The Premier's Local Government Stimulus Program

The State Government has announced a \$7.5 million scheme, part of a wider jobs and skills policy, to fast-track improvements to community infrastructure such as parks, playgrounds, streetscapes etc. The scheme involves bringing forward minor capital works which are not already planned to commence in this financial year. State Government funding is capped at 50% of a project's capital cost (up to a maximum of \$100,000 per project) with individual Councils to meet the remaining capital cost, and all ongoing costs. Each Council was permitted to make up to three applications, to attract at most a total of \$300,000 in matching capital funds from the State Government. The State will seek to give preference to local contractors where possible.



The Program is being administered by the Department of Planning, Transport and Infrastructure (DPTI). Applications were required by 2 December 2013. DPTI has advised that it received 155 applications seeking a total of \$11.3 million. Applications have been considered against the funding criteria and relevant government strategies, and it is expected that the grants will be announced during February. The LGA is working to ensure that the program is finalised before the caretaker period begins.

The Opposition announced that if elected they would also provide a stimulus program via interest rate concessions on some Council borrowings, for specific infrastructure purposes. The LGA has written to the Leader of the Opposition to obtain more information about the type of projects that would be eligible for the subsidy.

### 3. Delegation to Canberra

In the lead up to the 2013 Federal Election the LGA organised a delegation to Canberra to alert the then Government, Opposition, Minor Parties and Independents of the issues of importance to SA Councils. Specific events were also held with SA Federal MPs. The Delegation was successful and it was determined by the group that it would be valuable to undertake another delegation when the election had been determined and the government was in place. A delegation is now being arranged for 3-4 March with another delegation possibly later in the year.

Contact has been made with Parliament House in Canberra as the delegation is proposed once again to be held in a meeting room in Canberra. The LGA Acting President will be inviting key Ministers, MPs and Senators to attend the various sessions, including informal luncheons. The issues highlighted in the LGA's Federal Election Platform document are proposed to be the focus of discussions.

### 4. New Burial and Cremation legislation

The Burial and Cremation Act and the Burial and Cremation Regulations began on 1 February 2013 and with it the repeal of other pieces of related legislation. The LGA has provided advice to Councils on the implications of the new legislation – see Circular 4.4. The LGA's Education and Training service, in conjunction with the Centennial Park Cemetery Authority and Adelaide Cemeteries Authority is providing training sessions on 'Understanding your obligations under the Burial and Cremation Act 2013 and Regulations'. Training sessions are scheduled as follows: Adelaide (7 March); Port Lincoln (20 March); Port Augusta (31 March); Victor Harbor (10 April); Berri (1 May); and Naracoorte (2 May). To register please go to the Education and Training services website at [www.lga.sa.gov.au/goto/training](http://www.lga.sa.gov.au/goto/training) or contact Liz O'Flynn on 08 8224 2044 or at [liz.oflynn@lga.sa.gov.au](mailto:liz.oflynn@lga.sa.gov.au)

### 5. Local Excellence Program

Following the release of a Discussion Paper in June 2013, the Expert Panel engaged in an extensive round of meetings and consultations with key stakeholders. The Panel provided an update at the LGA Conference and AGM in October and submitted its final report to the LGA in November. The LGA conducted a Forum on 12 December to discuss the recommendations, and provided a report to the Board at its meeting of 30 January. The Board noted the preliminary work being undertaken by the Secretariat and that a membership consultation program is being organised to take place in the first half of 2014. In addition, separate workshops are being organised for both SAROC and MLGG to work through the concepts and reforms suggested in the Panel Report.

For further information go to the Panel website <http://www.lga.sa.gov.au/page.aspx?u=2939>

### 6. Local Government (Procedures at Meetings) Regulations

The Local Government (Procedures at Meetings) Regulations commenced on 1 January 2014. The LGA's *Meeting Procedures Handbook* has been revised in light of the new Regulations and is available on the LGA website (<http://www.lga.sa.gov.au/page.aspx?u=204>). For further information contact [andrea.malone@lga.sa.gov.au](mailto:andrea.malone@lga.sa.gov.au)



#### 7. Local Government (General) Regulations

The Local Government (General) Regulations commenced on 1 January 2014. For information about the substantive changes, see Circular 32.8, August 2013). For further information contact [andrea.malone@lga.sa.gov.au](mailto:andrea.malone@lga.sa.gov.au)

#### 8. Refunding referendum funds

Almost all Councils have now been reimbursed for their contributions to the ALGA referendum campaign. A small number of Councils are yet to invoice the LGA to trigger their repayment and they are being reminded. Campaign preparations are being assessed and "stored" as a potential future campaign and ALGA is having discussions with the Commonwealth in relation to further High Court challenges which could create issues for Commonwealth funding.

#### 9. Waste Management

Over the past six months, the LGA has undertaken an extensive research project in order to develop a work program for 2014, and to also feed in to the LGA's state election strategy document. The future waste strategy document is near completion and will form the basis of future work in this area, while the State Election Strategy is well underway. The LGA and other waste industry members have also finalised a joint position document regarding the future of Zero Waste SA. It is anticipated that this document will be released in the coming weeks. For further information contact [simon.thompson@lga.sa.gov.au](mailto:simon.thompson@lga.sa.gov.au).

#### 10. Stormwater Management

The South Australian Centre for Economic Studies has produced for the LGA a research report regarding the cost of water for public open spaces and sports grounds. This is in response to rising water costs to irrigate parks and ovals, which have huge community value. A final draft has been provided to the LGA, the recommendations from which will be subject to consideration by the LGA Board. The LGA is also continuing to develop a strategic work program in regards to furthering the LGA's and the sector's activities in stormwater management. This includes issues such as continuing to develop a consistent narrative, risk management and pricing principles.

#### 11. South Australian Public Health Act

On recommendation from SAROC the LGA Board resolved that the LGA and SA Health continue to work together to conduct outreach work to support the regional areas in Regional Public Health Planning. Types and delivery of support may be varied as each Local Government Area is at different stages of planning and may have different approaches to planning.

A two day Public Health Forum 'Learn Together, Lead Together' will be held in Adelaide on the 27 and 28 March 2014. The LGA has identified a gap in training and development for Environmental Health Officers and this forum will identify and provide support, resources, and build capacity to apply the provisions of the *South Australian Public Health Act 2011*, the *Food Act 2001* and other relevant legislation. To view the draft program and to register to attend please visit [www.lga.sa.gov.au/goto/publichealth](http://www.lga.sa.gov.au/goto/publichealth) For further information please contact Courtney Bartosak on 8224 2067 or [courtney.bartosak@lga.sa.gov.au](mailto:courtney.bartosak@lga.sa.gov.au)

#### 12. LGA Procurement

In response to feedback from Councils, LGA Procurement has begun work on establishing panel arrangements for the supply of: Engineering Consultancy Services; Road Signs and Related Services; Industrial Hardware. Tenders are now expected to be released over the first half of 2014 along with several other new Agreements to be provided to the Sector.

LGA Procurement is seeking expressions of interest from Councils/Staff who are interested in participating in the review of current agreements and the development and assessment of any subsequent market testing activity.

The Procurement Roadmap is a program to help Councils identify opportunities to improve the efficiency and effectiveness of their spending on goods and services. In 2013 fifteen Councils commenced and/or completed the program with all finding significant efficiency dividends and

improvements in their spend capacity. As well Riverland Councils identified opportunities to collaborate and two very successful tenders were completed late in 2013. In 2014 nine of the eleven Councils on the Eyre Peninsula will begin the Roadmap program. This group represents in excess of \$45M expenditure on CAPEX and OPEX. This is a significant project for Eyre Peninsula Councils individually and in establishing collaborative opportunities to pursue.

LGA Procurement welcomes input from Councils regarding the development of these contracts. Free advice on procurement and use of the standard documentation is available via the LGA Procurement Advisory Hotline. For further information contact: Rob Ackland on [rob.ackland@lga.sa.gov.au](mailto:rob.ackland@lga.sa.gov.au) or Libby Camp on [elizabeth.camp@lga.sa.gov.au](mailto:elizabeth.camp@lga.sa.gov.au).

### 13. Emergency Support Awareness Training

The LGA's Education & Training Service initiated the rollout of the SAFECOM and National Disaster Resilience Program funded phase of the Supporting Emergency Services Training Program during November 2013. The program to date has seen; The development of an 'All Hazards' training module called **i-Responda**, Specific bushfire awareness sessions conducted in the Eyre Peninsula (Tumby Bay, Pt Lincoln & Lower Eyre Peninsula) and Adelaide Hills (Onkaparinga, Adelaide Hills, Mt Barker & Mitcham), and the drafting of Joint Operating Guidelines between Local Government and the CFS to use if a Council makes the decision to support at a bushfire. The program has been met with enthusiasm and interest from Councils and CFS. The project will continue until May 2014, with the next steps being; two more specific bushfire awareness sessions conducted in the South East (Grant, Mt Gambier, Naracoorte/Lucindale, Wattle Range & Tatiara) and The Northern area (Northern Areas, Mt Remarkable, Orroroo/Carrieton, Peterborough & Flinders Ranges), and the offer of the **i-Responda** 'All Hazard' module to all Councils. The project has been, well attended and meet with great success with the provision of valuable, constructive feedback.

The LGA Education and Training Service is currently working with SAFECOM to secure funding for phase 2, which will see the full roll out of the Bushfire Support training to all councils, training and guidelines on Flood & Severe weather support (SES) and Hazardous Materials (MFS).

All enquiries to Scott Loechel on 8224 2069 or [scott.loechel@lga.sa.gov.au](mailto:scott.loechel@lga.sa.gov.au)

### 14. Bushfires

South Australia was impacted by a significant extreme heat event commencing the week of 13 January 2014. Lightning associated with thunderstorms ignited bushfires that by weeks end had burnt approximately 450,000 hectares of the State. Some homes and buildings were lost but the worst affected were farmland (stock and pasture loss) and conservation parks. The LGA has prepared a preliminary damage assessment summary from information provided by Councils which will be expanded to include issues raised at the recent SAROC meeting. The information when compiled will be made available to Councils. In all some twenty Councils were involved with the bushfire fighting response with assistance provided on a number of levels from supplying plant and equipment to manning emergency operation centres. Local Recovery Committees have been established for the Mid Murray and Barossa areas as well as at Mount Remarkable. LGA [Circular 5.7](#) gives further recovery information.

### 15. National Heavy Vehicle Regulation

The new [Heavy Vehicle National Law \(HVNL\)](#) and [Regulations](#) are planned to begin on 10 February 2014 in Queensland, New South Wales, Victoria, South Australia and Tasmania. Councils as road managers could receive access requests to their road infrastructure from this date. It is important that such requests are responded to expeditiously. If assistance is required to assess the access request Councils should immediately contact the Regulator. At this stage Councils should have had direct contact with the Regulator and been advised of inquiry channels. The general information number is: 1300 696 487  
Further information is available on: [www.nhvr.gov.au](http://www.nhvr.gov.au)

### 16. Climate Change Action Planning



The LGA has determined key climate change activities for inclusion in the Climate Change Action Plan for the years 2013-2017. These activities aim to deliver the objectives developed through consultation with Councils during the 2013 Climate Change Strategy Review. The LGA proposes to consult with Councils on the final content of the Action Plan in March 2014. The final content will inform the development of the 2014 LGA Annual Priorities for climate change, and will be implemented in conjunction with the setting of overall LGA priorities for 2014.

#### **17. Capacity Building**

On 13 and 14 February 2014, the LGA is co-convening a Climate Adaptation Showcase with the Department of Environment, Water and Natural Resources (DEWNR). The showcase will facilitate discussion on the latest climate change science, showcase leading climate adaptation practice and provide a platform for practitioners to learn from leading scientists on how to translate policy into action. The showcase is targeted at the Local Government, RDA and NRM sectors as well as researchers, universities, State Government, industry associations and business leaders.

For further information please contact: Victoria Brown on [victoria.brown@lga.sa.gov.au](mailto:victoria.brown@lga.sa.gov.au) or 8224 2053.

#### **18. Science to Solutions**

The Science to Solutions project is about to enter a pioneering program of engagement activities. The activities are designed to understand institutional, policy or information barriers to climate adaptation integration in strategic and operational planning processes. We will be focusing on Councils in this engagement. Surveys will be distributed in February, and one on one interviews and workshops will be conducted in March and April. The engagement will focus on existing systems and processes and how we can build climate change capacity into these systems.

For the program to achieve the best possible outcomes, we need Councils fully engaged in the research that we are undertaking. For further information please contact: Victoria Brown on [victoria.brown@lga.sa.gov.au](mailto:victoria.brown@lga.sa.gov.au) or 8224 2053.

#### **19. My Local Services App**

The LGA's Electronic Services Program Team has set a launch date for the My Local Services App of Thursday 27 February 2014. A total of 22 early adopter Councils have now signed up and been invited to the launch event.

For further information please contact: Mary Ann Stenberg on [maryann.stenberg@lga.sa.gov.au](mailto:maryann.stenberg@lga.sa.gov.au) or 8224 2063.

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 16/2014**

**SUBJECT: REVIEW OF VALUATION AND RATING SYSTEM**

**REF: AF11/2290**

*Goal: Governance*

*Strategic Objective: Evaluate the effectiveness of all service delivery initiatives against the returns and/or benefits to the community.*

**BACKGROUND**

During 2003/2004, Council in conjunction with community representatives completed an extensive review of the Council Rating Policy.

The Valuation and Rating Systems Review had the following aims:

- identify the options for rating allowed under the Local Government Act;
- identify an appropriate valuation system for the City of Mount Gambier; and
- using rate modelling to assess the various options, recommend a rating system that will serve Mount Gambier into the future.

The Valuation and Rating Systems Working Party Report was adopted by Council in March 2004, for community consultation purposes.

Following an extensive community consultation process on the proposed changes to Council's Rating Policy, Council resolved to introduce a rating system which has as its focus the broad principle of achieving fairness and equity in the distribution of the rate burden, but particularly within the residential land use type.

**The principle elements of the new rating system are:**

- **change the basis of valuation from site value to capital value**
- **introduce differential general rates based on land use (as per the local government land use codes)**
- **introduce a fixed charge for all assessments in lieu of a minimum rate**
- **introduce transitional rate caps (for certain classes of ratepayers)**
- **introduce the new valuation and rating structure from 1<sup>st</sup> July 2004**

Council also resolved to implement transitional measures (rate caps) to assist where ratepayers experience substantial changes in rates payable as a result of the introduction of the new rating system, as follows:

- for the transition to the new valuation/rating system, no property with an eligible pensioner concession provided by SA Water will pay an increase of greater than 15% of the rates levied in the previous year **inclusive** of the gross rate revenue increase percent;
- for the transition to the new valuation/rating system, increases in the rates levied by residential owner/occupied/principal place of residence properties will be limited to 31.48%, of the rates levied in the previous year **inclusive** of the gross rate revenue percentage increase adopted for the financial year;
- for the transition to the new valuation/rating system, increases in the rates paid by Commercial and Industrial properties will be limited to 91.48% of the rates levied in the previous year **inclusive** of the gross rate revenue percentage increase adopted for the financial year;

- for the transition to the new valuation/rating system eligible self funded retirees may be considered for a rebate/deferral on Council rates on a case by case basis, upon application, through the existing relief provisions in the Local Government Act, i.e. hardship application with a maximum rate benefit of up to \$90 provided no other additional concessions for self funded retirees are introduced in addition to those concessions that were available to self funded retirees as at 30<sup>th</sup> June, 2004;
- for the transition to the new valuation/rating system, vacant land owned by person/persons intending to be developed in the short term as their principal place of residence may be considered for a rebate/deferral on Council rates on a case by case basis through the existing relief provisions of the Local Government Act, i.e. hardship application with the maximum rate rebate calculated so that the rates payable is equivalent to the average residential land use.

### 2014/2015 RATING STRATEGY

Since the introduction of the new valuation and rating system Council has conducted an annual review highlighting any issues that have arisen from the years rating process.

In 2008 Council engaged Mr David Hope of Skillmar Systems to conduct a periodic review of Council's ongoing rating strategy and as a result no issues or deficiencies were identified.

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 \$544.80 which continues to raise approximately half (45%) of Council's overall general rate burden.

This principle appears to now be well accepted as a fair and equitable system rather than the historic valuation by rate in the dollar principle.

By maintaining this principle Council achieves its initial aim of "future proofing" its rating structure against the 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 (these two land use categories were aligned as from the 2010/2011 financial year)
- Vacant Land differential has also now been set at +170% (decreased from +300% from 2010/2011)
- All other land uses (Primary Production and Other) are set at the Residential differential

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

	<u>Mount Gambier</u>	<u>Metro</u>	<u>Rural</u>	<u>All Councils</u>
Residential	\$984	\$1,360	\$1,093	\$1,178
Fixed Charge	\$545	\$507	\$363	\$380
Average Increase	\$57	\$55	\$49	\$51

Source: Local Government Association 2013/2014 Rating Survey (unqualified).

(See attachments for graphical representation).

- Rate Capping - Eligible Pensioners

Has been accepted that this arrangement should continue and be a permanent fixture to Council's rating structure (15% inclusive of the general rate revenue percentage increase).

- Rate Capping - Residential (Principal Place of Residence)

Introduced in the 2007/2008 rating period to provide relief to residential ratepayers (principal place of residence) where increases in rates have been experienced greater than 15% plus the gross rate revenue percentage increase.

- Vacant Land Rate Rebate

Council introduced this measure to assist ratepayers who own vacant land and are therefore rated on the vacant land differential (previously +300% / now +170%).

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 recent 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.

- Boundary Rate Adjustment Plan (from 1<sup>st</sup> July, 2010)

Has been implemented in accordance with the Joint Council's Initiated Proposal for Boundary Adjustment. All transferring properties are now rated in accordance with this Council's established rating structure and are now consistent with the remainder of the City. The rate adjustment methodology will continue to apply until such time as the individual assessment rate amounts fall under the prescribed rate rebate percentage levels or within the five (5) year term of the Financial Plan.

### SUPPLEMENTARY INFORMATION

Provided as an attachment is a copy of Valuation and Rating Comparison which details all aspects of Council's Rating Strategy over the past three (3) rating periods, in comparative format.

### RECOMMENDATION

- (a) Corporate and Community Services Report No. 16/2014 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

Sighted:



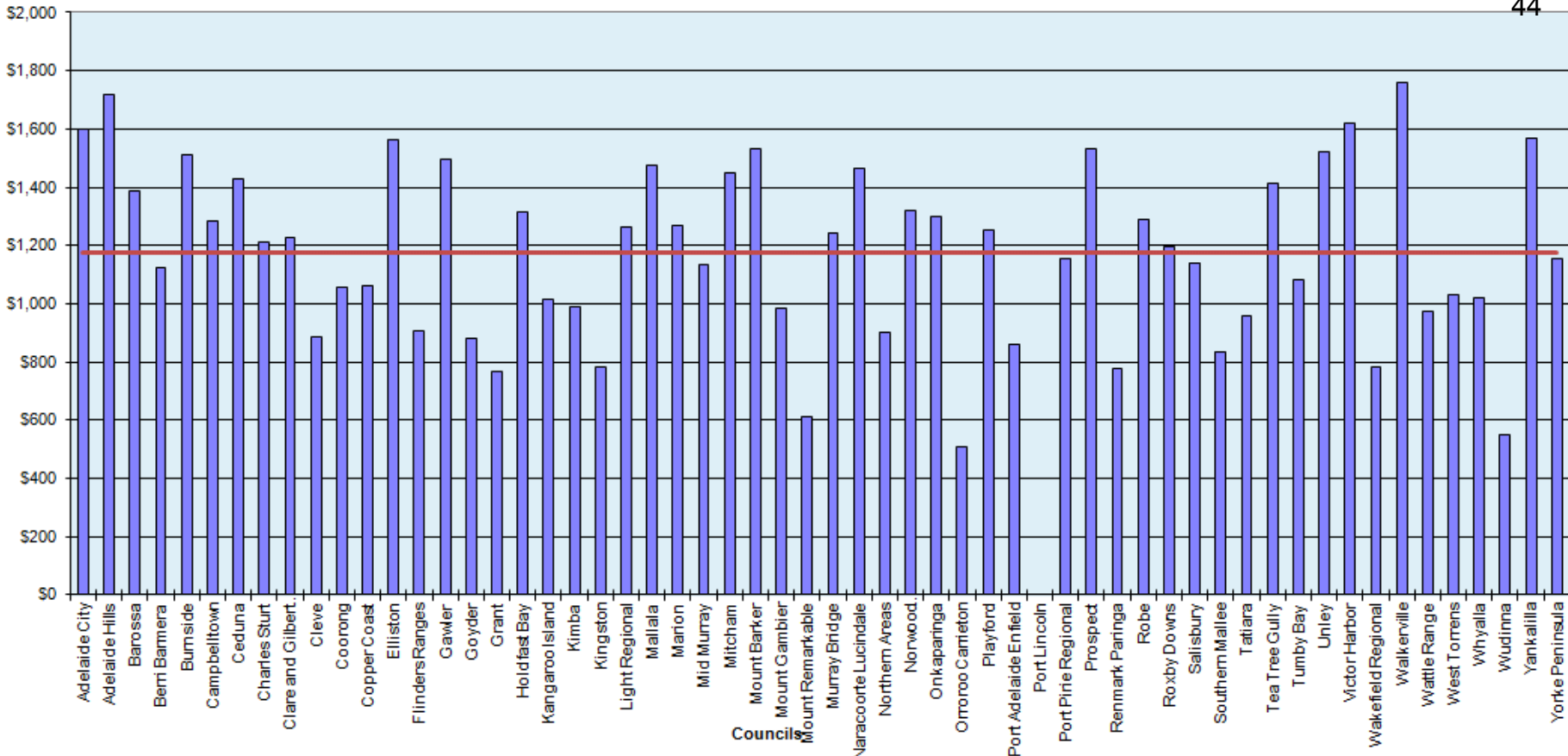
**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

3<sup>rd</sup> February, 2013  
MJT

(Refer Item            of Corporate and Community Services Minutes)

### Average Residential Rates 2013-14

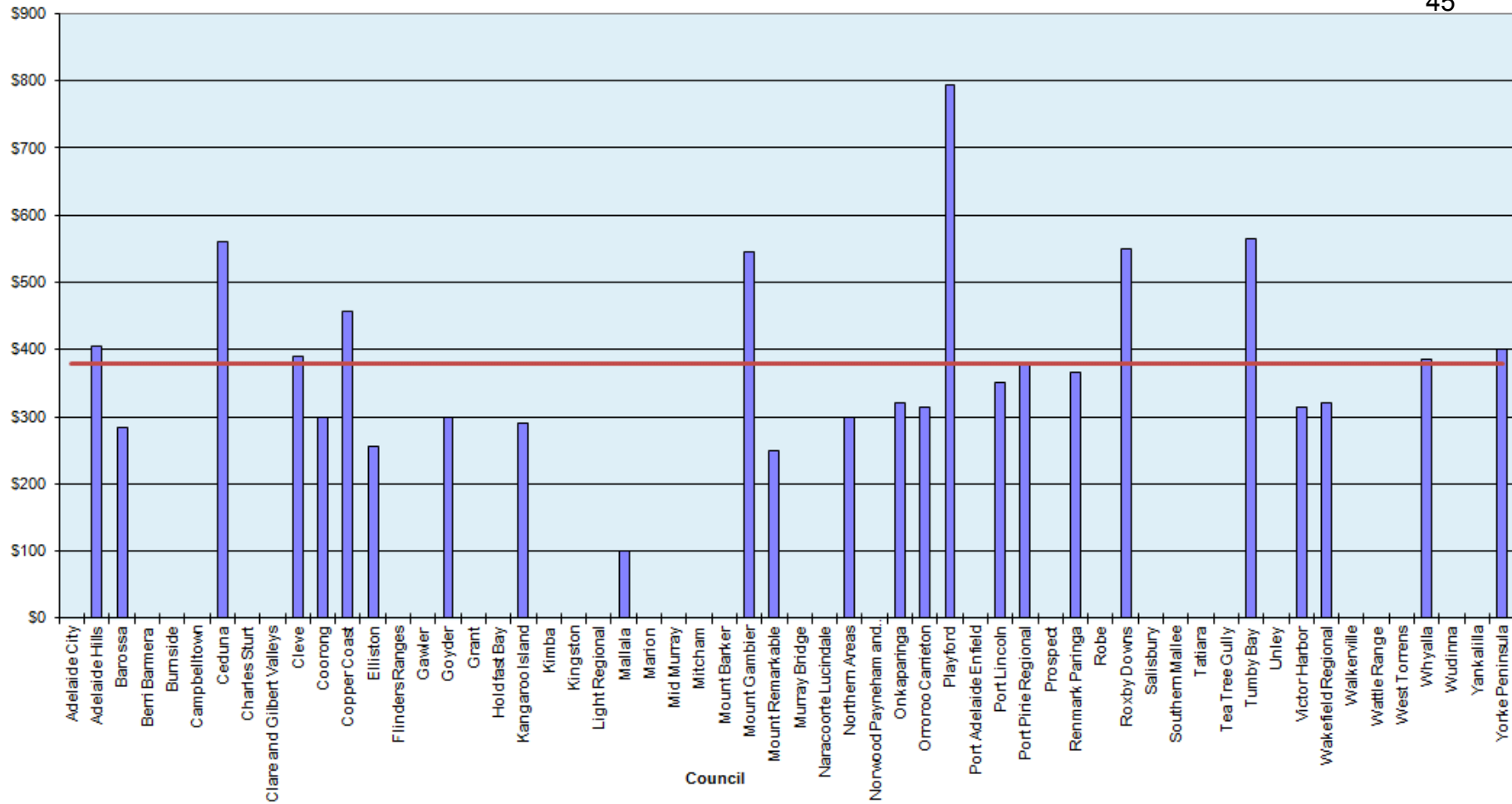
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# Fixed Charge 2013-14

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**RATES DETERMINATION STATEMENT /  
VALUATION AND RATING COMPARISON**

<b><u>RATING COMPONENT</u></b>	<b><u>2011/2012</u></b>	<b><u>2012/2013</u></b>	<b><u>2013/2014</u></b>
1. <b><u>Fixed charge</u></b>	\$480.00	\$516.40	\$544.80
Amount Total Collection	\$6,408,960	\$6,950,744	\$7,378,226
%of Total Rates	45%	45%	45%
2. <b><u>Differential Rates</u></b>			
1. Residential	.1920	.19945	.21167
2. Commercial - Shop	.5184 (+ 170%)	.5385 (+ 170%)	.57151(+ 170%)
3. Commercial - Office	.5184 (+ 170%)	.5385 (+ 170%)	.57151(+ 170%)
4. Commercial - Other	.5184 (+ 170%)	.5385 (+ 170%)	.57151(+ 170%)
5. Industry - Light	.5184 (+ 170%)	.5385 (+ 170%)	.57151(+ 170%)
6. Industry - Other	.5184 (+ 170%)	.5385 (+ 170%)	.57151(+ 170%)
7. Primary Production	.1920	.19945	.21167
8. Vacant Land	.5184 (+ 170%)	.5385 (+ 170%)	.57151(+ 170%)
9. Other	.1920	.19945	.21167
3. <b><u>Valuation</u></b>			
Rateable Land	\$3,207,941,567	\$3,139,059,180	\$3,167,914,030
Non Rateable Land	\$ 186,932,373	\$ 177,104,360	\$ 199,262,010
All Land	\$3,394,873,940	\$3,316,162,540	\$3,367,176,040
4. <b><u>Rate Revenue</u></b>			
Gross General Rates	\$14,453,000	\$15,450,000	\$16,396,000
% Increase on Previous Year	6.9%	6.9%	6.1%
5. <b><u>Separate Rate</u></b>			
NRM Board Contribution	\$513,444	\$533,000	\$544,445
NRM Levy	\$38.60	\$39.80	\$40.60
6. <b><u>Average Residential Rates Calculations (Growth Excluded)</u></b>		<b><u>2012/13</u></b>	<b><u>2013/14</u></b>
Average Residential Rates		\$927	\$984
Average Dollar Increase		\$23	\$57
Average Percentage Increase		2.5%	6.1%
7. <b><u>Value of Rate Income Attributable to 'Growth'</u></b>			
<p>'Growth' is predominantly the result of new housing and property improvements as reported by the Valuer General.</p>			
Number of 'Growth' Assessments (Net)		46	
Capital Value of 'Growth' Assessments		\$12,592,000	
Estimate of Rate Value of 'Growth' Assessments		\$89,287	
Estimated Total Gross Rate Income (6.1%)		\$16,396,000	
Estimated 'Growth' percentage		0.54%	



*City of Mount Gambier*

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8. Valuation Comparison

	Land Use Category	2011/2012		2012/2013		2013/2014		% Increase
		Properties	Assessed Value \$	Properties	Assessed Value \$	Properties	Assessed Value \$	
1	Residential	11,557	2,562,600,455	11,693	2,410,824,455	11,782	2,456,321,080	1.88%
2	Commercial	984	395,377,484	986	488,945,087	1,026	471,547,185	-3.55%
5	Industry	220	113,910,322	223	115,988,142	222	115,131,058	-.73%
7	Primary Production	58	23,987,500	56	23,140,500	66	24,451,511	5.66%
8	Vacant Land	518	70,437,996	482	55,776,896	430	55,937,396	.38%
9	Other	58	41,627,840	59	44,383,100	58	44,525,800	.32%
	TOTALS	13,395	3,207,941,567	13,499	3,139,058,180	13,584	3,167,914,030	.92%



## City of Mount Gambier

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### 9. Rating Comparison

Land Use Category		2011/2012			2012/2013				2013/2014			
		Fixed Charge	Capping Rates	Total Rates	Fixed Charge	Capping Rates	Total Rates	% Increase	Fixed Charge	Differential Levy	Total Rates	% Increase
1	Residential	5,526,720	4,335	10,442,579	6,035,167	1,030	10,842,537	3.8%	6,396,496	5,199,123	11,595,619	6.9%
2	Commercial	472,320		2,521,957	498,326		3,131,296	24.1%	558,965	2,694,939	3,253,904	3.9%
5	Industry	105,600		696,111	113,092		737,689	6%	120,946	657,986	778,932	5.5%
7	Primary Production	27,840		73,896	26,853		73,007	-1.2%	35,957	51,757	87,714	20.1%
8	Vacant Land	248,640		613,791	246,839		547,199	-10.8%	234,264	319,688	553,952	1.2%
9	Other	27,840		107,765	30,467		118,989	10.4%	31,598	94,248	125,846	5.8%
	TOTALS	6,408,960	4,335	14,456,099	6,950,744		15,450,717	6.9%	7,378,226	9,017,741	16,395,967	6.1%

10. This is to certify that 13,584 assessments with a combined capital value of \$3,367,176,040 as at 2<sup>nd</sup> July 2013 are recorded and to the best of my knowledge comprise all rateable properties within the City of Mount Gambier.

**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

2<sup>nd</sup> July, 2013  
GH.MJT  
Ref. AF11/820 AF11/722

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 17/2014**

**SUBJECT: POLICY REVIEW - C305 CARETAKER POLICY & MEMBER - COMPLAINTS HANDLING**

**REF: AF11/1950**

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*Goal: Governance*

*Strategic Objective: Demonstrate innovative and responsive organisational governance.*

**C305 - CARETAKER POLICY**

Council's Policy C305 - Caretaker Policy was adopted in April 2010, and updated in October 2010 following changes to legislation and the LGA model Caretaker Policy (on which it is based) leading into the 2010 Local Government Elections.

With the 2014 Local Government Elections scheduled in the second half of the 2014 calendar year and with Council's Policy Review progressing, it is timely to review the Caretaker Policy.

As noted above, Council's Caretaker Policy is based upon the LGA model policy, which has not been updated since the 2010 Local Government Elections.

A review of the Caretaker Policy has resulted in only minor (mostly cosmetic) alterations being considered necessary to update the policy for the 2014 election period. In summary, the changes comprise:

- altered reference to the newly prescribed *Code of Conduct for Elected Members*
- simplified definition for (but no change to) day the 'election period' commences
- removal of references to 'newly' commenced legislative provisions
- Policy adapted to Council's standard policy template

A copy of the updated Caretaker Policy as recommended for adoption has been previously circulated to Members with tracked changes to identify the alterations made. A clean version of the updated Caretaker Policy is attached to this report (**refer Attachment A**).

Due to the minor nature of the alterations and in accordance with Clause 10 of the existing Caretaker Policy, public consultation on the proposed alterations/re-adoption of the Caretaker Policy is not considered necessary.

It is proposed that the Policy be scheduled for further review in March 2018, prior to the 2018 Local Government Elections.

**MEMBER – COMPLAINTS HANDLING (Policy)**

The prescribed Code of Conduct for Elected Members introduced in August 2013 contains a requirement at Part 2 'Behavioural Code' that each Council adopt a process for the handling of alleged breaches of Part 2.

Members will be aware that it revoked its own (superceded) Elected Member Code of Conduct and Complaint Handling Policy – M215 at its meeting on 18<sup>th</sup> February 2014.

The LGA has prepared a model complaints handling process that may be adopted by Councils.

With the added complexity and relationship with the mandatory reporting requirements introduced with the Independent Commissioner Against Corruption (ICAC) Act, it is recommended that the LGA model complaints handling process be adopted at this time.

The LGA model member complaint handling process has been adapted to Council's standard policy template and has been previously circulated to Members. A copy of the Member - Complaints Handling Policy as recommended for adoption is attached to this report (**refer Attachment B**).

The Member - Complaints Handling Policy will be due for review in November 2015 (i.e. within 12 months of a general Local Government election).

#### RECOMMENDATION

- (a) Corporate and Community Services Report No. 17/2014 be received;
- (b) Council hereby adopts minor alterations to Council Policy C305 Council and Committees - Caretaker Policy, as attached to Corporate and Community Services Report No. 17/2014.
- (c) Council hereby adopts the new Council Policy '*Member – Complaints Handling*', as attached to Corporate and Community Services Report No. 17/2014, to be numbered and incorporated into Council's Policy Index.



**Michael McCARTHY**  
GOVERNANCE OFFICER



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

26<sup>th</sup> February, 2014  
MMcC

(Refer Item            of Corporate and Community Services Minutes)

## 1. POLICY STATEMENT

It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

This Caretaker Policy affirms Council's commitment to fair and democratic elections, and adherence to this principle. This Policy includes a commitment to comply with the requirements of Section 91A of the *Local Government (Elections) Act 1999*.

## 2. APPLICATION OF POLICY

This Policy applies to:

- each periodic election of Members of the Council under the *Local Government (Elections) Act 1999*; and
- each general election<sup>1</sup> of Members of the Council held pursuant to a proclamation or notice under the *Local Government Act 1999*.

This Policy does not apply to:

- supplementary elections.

In this Policy:

- All references to 'Council Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer should be read as including an Acting Chief Executive Officer and his/her delegate.
- 

## 3. OUTLINE

This Policy applies during an '*election period*' of Council to cover:

- (a) designated decisions as defined in the *Local Government (Elections) Act 1999* that are made by Council; and
- (b) use of Council resources, including:
  - materials published by Council;
  - attendance and participation at functions and events;
  - access to Council information;
  - media services issues; and
  - responsibilities of Council employees;

This Policy applies to both the elected Council (Council Members) and to employees and captures all 'designated decisions' of Council, a committee of Council, or a delegate of the Council – refer to Clause 6.2.

<sup>1</sup> Section 91A (1) of the *Local Government (Elections) Act 1999* states that the caretaker policy applies during the 'election period' for a 'general election'. General elections are defined in the *Local Government Act 1999* to mean a periodic election held under section 5 of the *Local Government (Elections) Act 1999*, or an election pursuant to a proclamation or notice under the *Local Government Act 1999*. [In the case of an election pursuant to a notice under section 56 of the *Local Government Act 1999*, the specific provisions of section 57 will apply.]

The Policy does not apply to supplementary elections.

This Policy forms part of (and is to be read in conjunction with) the prescribed Code of Conduct for Council Members and Code of Conduct for Employees in accordance with section 91A(7) of the *Local Government (Elections) Act 1999*.

#### 4. 'ELECTION PERIOD'

During an 'election period', Council must assume a '*Caretaker mode*', which means that it:

- must avoid designated decisions which are prohibited by section 91A of the *Local Government (Elections) Act 1999* (refer clause 6.2);

An '*election period*':

- commences** on the day that nominations open for the election so that the Caretaker Policy applies to all Council Members whilst they consider nominating for re-election; and
- terminates** at the 'conclusion of the election' (as defined at Section 4(2) of the *Local Government Act 1999*) for the relevant periodic or general election being the time at which the last result of the election is certified by the returning officer.

#### 5. PURPOSE

During a Local Government 'election period', Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

The purpose of this Policy is to clearly set the parameters that Council will operate within during a Caretaker period. Caretaker provisions are required pursuant to section 91A of the *Local Government (Elections) Act 1999* and are generally regarded as necessary for the promotion of transparent and accountable government during an 'election period'.

#### 6. SIGNIFICANT DECISIONS

##### 6.1 Scope

This clause applies to decisions of Council, a committee of Council, or a delegate of Council, including the Chief Executive Officer.

##### 6.2 'Designated decisions' prohibited by the Local Government (Elections) Act 1999

The following table outlines those designated decisions which are expressly prohibited by section 91A of the *Local Government (Elections) Act 1999*.

<b>Designated Decisions</b>	
(a)	A decision relating to the employment or remuneration of the Chief Executive Officer, (other than a decision to appoint an acting Chief Executive Officer) other than a decision of a kind excluded from the definition of "designated decision" by Regulation.



(b)	A decision to terminate the appointment of the Chief Executive Officer
(c)	<p>A decision to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates in the preceding financial year, other than a decision of a kind excluded from the definition of "designated decision" by Regulation.</p> <p>A "<b>prescribed contract</b>" means a contract entered into by the Council for the purpose of undertaking road construction or road maintenance or drainage works.</p>
(d)	A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election), other than a decision of a kind excluded from the definition of "designated decision" by Regulation.

Council notes that the *Local Government (Elections) Act 1999* stipulates that any designated decision made by Council during the 'election period' without an exemption from the Minister is invalid. Furthermore, it also notes that Council is liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such an invalid designated decision.

Council, if faced with extraordinary circumstances, may apply in writing to the Minister for an exemption. Council further notes that if the Minister chooses to grant an exemption it may be subject to any conditions or limitations that the Minister considers appropriate.

### 6.3 Exemptions to 'Designated decisions' under the *Local Government (Elections) Regulations 2010*

The *Local Government (Elections) Regulations 2010* were gazetted and came into effect on 27 August 2010. Regulation 12 exempts a number of key decisions from the definition of a 'designated decision' which will assist Councils' on-going operations during the election 'caretaker' period. It provides that for the purposes of section 91A of the *Local Government (Elections) Act 1999*, the following types of decisions are excluded from the definition of 'designated decision', if the decision:

- relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*; or
- is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth Government or State Government or otherwise for the council to be eligible for funding from the Commonwealth Government or State Government; or
- relates to the employment of a particular Council employee (other than the chief executive officer); or
- is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been

made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to the election period; or

- relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by Council; or
- if the decision is for the suspension of the Chief Executive Officer for serious and wilful misconduct.

#### **6.4 Scheduling consideration of designated decisions**

The Chief Executive Officer must ensure that 'designated decisions' are not scheduled for consideration during the 'election period'.

#### **6.5 Decisions made prior to an 'election period'**

This Policy applies to actual decisions made during an 'election period', not the announcement of decisions made prior to the 'election period'.

#### **6.6 Other significant decisions which are prohibited by operation of this Policy**

<b>Prohibited Decision</b>	<b>Notes</b>
Any major policy or other decisions which will significantly affect the Council area or community or will inappropriately bind the incoming Council	This is an internal requirement of Council

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and, instead, ensure that such decisions:

- (a) are considered by Council prior to the 'election period'; or
- (b) are scheduled for determination by the incoming Council.

In the context of this Policy, a 'major policy' decision includes any decision:

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of Council land;
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the Chief Executive Officer,

that is not a 'designated decision'.

#### **6.7 Role of the Chief Executive Officer**

The determination as to whether any Policy decision is major or any other decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor.

#### **6.8 Considerations for urgent decisions**

Where the Chief Executive Officer has determined that a decision is a major policy decision or is otherwise significant and therefore is covered by 6.6 above, and

circumstances arise that require the decision to be made during the election period, Council will consider the matter and determine whether to make the decision.

The report to Council will address the following issues, where relevant:

- (a) Why the matter is considered 'significant';
- (b) Why the matter is considered urgent;
- (c) What are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- (d) Whether deciding the matter will significantly limit the policy choices of the incoming Council;
- (e) Whether the matter requires the expenditure of unbudgeted funds;
- (f) Whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- (g) Whether the matter requires community engagement;
- (h) Any relevant statutory obligations or timeframes; and
- (i) Whether dealing with the matter in the 'election period' is in the best interests of the Council area and community.

The aim of the report is to assist Council Members assess whether the decision should be deferred as a decision for the incoming Council.

## **7. USE OF COUNCIL RESOURCES**

Council notes that Section 91A(8)(d) of the *Local Government (Elections) Act 1999* requires Council to prohibit the use of Council resources for the advantage of a particular candidate or group of candidates. This includes a candidate or candidates who are currently elected Members of Council.

Council resources cover a wide range of personnel, goods, services, information and opportunities and may include:

- materials published by Council;
- attendance and participation at functions and events;
- access to Council information; and
- media services issues.

Council Members and employees will ensure that due propriety is observed in the use of Council resources and must exercise appropriate judgement in this regard.

Council resources, including employees, support employees, hospitality services, equipment and stationery must be used exclusively for normal Council business during an 'election period' and, must not be used in connection with an election other than uses strictly relating to the election process.

### **7.1 Council Publications During an 'Election Period'**

#### **7.1.1 Prohibition on publishing certain materials during an 'election period'**

Subject to the operation of Section 12(b) of the *Local Government (Elections) Act 1999* Council must not:

- (a) print, publish or distribute; or
- (b) cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice that contains 'electoral material' during an 'election period'.

For the purposes of this Policy 'electoral material' means material which is calculated (i.e. intended or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the returning officer for the purposes of conducting an election.

This Policy does not prevent publications by Council which merely announce the holding of an election or relate only to the election process itself for the purposes of Section 12(b) of the *Local Government (Elections) Act 1999* or otherwise. Council may provide information, education and publicity designed to promote public participation in the electoral processes for its area, and to inform potential voters about the candidates who are standing for election in its area. It will not publish material that refers to, or comments on, an issue submitted to or is otherwise before voters in connection with the election.

Council Members are, however, permitted to publish campaign material on their own behalf, but cannot assert for that material to be originating from, or authorised by, Council (e.g. by the use of Council logos).

*NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio etc.*

### **7.1.2 Council website**

During an 'election period', new material which is prohibited by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Council's website will include an express link or reference to the Local Government Association publication of candidate profiles and electoral statements for the purposes of section 19A of the *Local Government (Elections) Act 1999*.

### **7.1.3 Other Council publications**

Insofar as any Council publications, such as the Annual Report, are required to be published during an 'election period', the content contained within them regarding Council Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

Council publications produced before an 'election period' containing material which might be construed as electoral material will not be circulated or displayed during

the 'election period'. However, they may be made available to members of the public on request.

## **7.2 Attendance at Events and Functions during an 'Election Period'**

In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

### **7.2.1 Events staged by external bodies**

Council Members may continue to attend events and functions staged by external bodies during an 'election period'. This includes but is not limited to LGA and regional LGA meetings, including the LGA Annual General Meeting held in October.

### **7.2.2 Council events and functions**

Council organised events and functions held during the 'election period' will be reduced to only those essential to the operation of Council.

### **7.2.3 Addresses by Council Members**

Council Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an 'election period'.

Council Members may, however, make short welcome speeches at Council organised or sponsored events and functions during an 'election period'.

### **7.2.4 Publication of promotional material**

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the 'election period', such preparation will be consistent with Clause 7.1 of this policy.

## **7.3 Access to Council Information**

Council Members continue during an 'election period' to have a statutory right to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with caution and limited to matters that Council is dealing with within the objectives and intent of this Policy.

Any Council information so accessed that is not publicly available must not be used for election purposes.

All candidates (including those that are Council Members) have equal rights of access to public information relevant to their election campaigns from the Council administration. Neither Council Members nor candidates will be provided with information or advice from Council employees that might be perceived to support an election campaign, and there shall be transparency in the provision of all information and advice during an 'election period'.

### **7.3.1 Information and briefing material**

Information and briefing material prepared or secured by employees for a Council Member during an 'election period' must be necessary to the carrying out of the Council Member's role and, where appropriate, provided to any candidate seeking

the same information. Queries by employees regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

#### **7.4 Media Service**

Council's media and communication services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an 'election period'.

##### **7.4.1 Media advice**

Any request for media and communication advice or assistance from Council Members during an 'election period' will be referred to the Chief Executive Officer. No media or communication advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.

##### **7.4.2 Media releases / spokespersons**

Media releases will not refer to specific Council Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will generally be the appropriate person.

##### **7.4.3 Publicity campaigns**

During the 'election period', publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the *Local Government (Elections) Act 1999*, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

In any event, Council publicity during an 'election period' will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

##### **7.4.4 Council Members**

Council Members will not use their position as an elected representative or their access to Council employees and other Council resources to gain media attention in support of an election campaign.

##### **7.4.5 Council employees**

During an 'election period', no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

#### **7.5 Council Employees Responsibilities During and Election Period**

Prior to any election period, the Chief Executive Officer will ensure that all employees of Council are advised in relation to the application of this Caretaker Policy.

##### **7.5.1 Correspondence**

All correspondence addressed to Council Members will be answered by the Chief Executive Officer during the election period.

### **7.5.2 Activities that may affect voting**

- (a) Council employees must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;
- (b) Council employees must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer; and
- (c) Council employees must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

## **7.6 Equity in Assistance to Candidates**

Council confirms that all candidates for the Council election will be treated equally.

### **7.6.1 Candidate assistance and advice**

Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

### **7.6.2 Election process enquiries**

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer (or nominee).

### **7.6.3 Expenses incurred by Council Members**

Payment or reimbursement of costs relating to Council Members out-of-pocket expenses incurred during an 'election period' will only apply to necessary costs that have been incurred in the performance of normal Council duties. No reimbursements will be provided for campaigning, or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

### **7.6.4 Council branding and stationery**

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

### **7.6.5 Support employees to Council Members**

Council employees who provide support to Council Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Council Member.

### **7.6.6 Equipment and facilities**

Equipment and facilities provided to Council Members for the purpose of conducting normal Council business must not be used for campaigning purposes.

## **7.7 Public Consultation during an ‘Election Period’**

### **7.7.1 Prohibition**

It is prohibited under this Policy for discretionary public consultation to be undertaken during the 'election period' on an issue which is contentious unless Council specifically resolves otherwise.

For the purpose of this provision, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

### **7.7.2 Approval for public consultation**

Where public consultation is approved to occur during an 'election period', the results of that consultation will not be reported to Council until after the 'election period', except where it is necessary for the performance of functions as set out at clause 7.7.1 above.

### **7.7.3 Community meetings**

Community meetings will not be held during an 'election period'.

## **8. HANDLING CODE OF CONDUCT COMPLAINTS DURING AN ELECTION PERIOD**

Any complaint against a Council Member who is also a candidate for re-election made under the Code of Conduct for Council Members during an 'election period' will not be heard or determined by the Council during that period.

The Chief Executive Officer, upon receiving a complaint against a Council Member, who is also a candidate for re-election about conduct specifically in relation to this Policy (considered part of the Code of Conduct for Council Members), will refer the complaint to the independent Local Government Governance Panel established by the Local Government Association for assessment and investigation.

If the complaint is, in the opinion of the Chairperson of the Governance Panel, not so serious as to warrant urgent determination, consideration of the complaint must be deferred until after the 'election period'.

If the Council Member against whom the complaint is made is not returned to office after the election, the complaint will lapse.

An example of a serious complaint which would warrant urgent determination is where a complaint of a deliberate and wilful breach of this Policy is made, and is supported by sufficient evidence for the Chairperson of the Governance Panel to be satisfied that the conduct of the Council Member was not an honest or innocent mistake.



Where a complaint is made against a Council Member for a breach of this Policy and is deferred until after the 'election period', the Chief Executive Officer will remind the Council Member of the content of this Policy and will provide them with a copy of it.

Council recognises that the Electoral Commissioner has the role of investigating any alleged breach of the *Local Government (Election) Act 1999*, including alleged illegal practices.

#### **9. COUNCIL ENDORSEMENT**

This Policy was first adopted by resolution of the Council on Tuesday 20<sup>th</sup> April, 2010.

#### **10. REVIEW & EVALUATION**

This Policy is scheduled for review by Council in March 2014.

Any future review, amendment or alteration (other than minor) to this Policy or a substitution of a new Policy will be subject to public consultation in accordance with Councils Public Consultation Policy.

#### **11. AVAILABILITY OF POLICY**

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

(Version 3.0 minor alterations 18<sup>th</sup> March, 2014).

File Reference:	AF11/1740
Applicable Legislation:	Local Government (Elections) Act 1999 Local Government (Elections) Regulations 2010 Local Government Act 1999 <ul style="list-style-type: none"> <li>• Code of Conduct for Council Members</li> <li>• Code of Conduct for Council Employees</li> </ul>
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	E105 Elections – Supplementary Elections M130 Media – Statements on behalf of Council C### Members – Complaint Handling
Related Procedures:	
Related Documents:	

## DOCUMENT DETAILS

Responsibility:	GOVERNANCE OFFICER
Version:	3.0
Last revised date:	March, 2014
Effective date:	<sup>th</sup> March, 2014
Minute reference:	<sup>th</sup> March, 2014 Corporate & Community Services, Item
Next review date:	March, 2018
<u>Document History</u>	
First Adopted By Council:	20 <sup>th</sup> April, 2010
Minute reference:	Corporate & Community Services report 17/2010 p.33
Reviewed/Amended:	19 <sup>th</sup> October, 2010
Minute reference	Corporate & Community Services report 51/2010 p.30

## 1. Introduction

On 1 September 2013, a new Code of Conduct for Council Members was made by Regulation. The Code of Conduct applies to all Council Members across the Local Government sector and may be the subject of a Council investigation or an Ombudsman investigation, depending on the nature of the issue. The Code of Conduct also contains sanctions which may be imposed by Council on a Council Member where a breach of the Code is found to be sustained.

## 2. Purpose and Scope

This procedure applies when the Council receives a complaint against a Council Member under the Code of Conduct for Council Members as gazetted on 29 August 2013.

## 3 Breaches the Code of Conduct

Breaches of the Code of Conduct may relate to behaviour (in Part 2 of the Code) or misconduct (in Part 3 of the Code). Criminal or corruption matters, which are subject to separate legislation, do not form part of the Code of Conduct for Council Members but are referred to in the appendix. This procedure covers referral of these types of complaints to other agencies.

### 4.1 Alleged breach

**4.1.1** Where an alleged breach occurs the complainant should report the allegation, in writing, to the Council, addressed to the CEO. The allegation should:

- be specific
- provide as much supporting evidence as possible to assist an investigation
- provide the name of the Member who has allegedly breached the Code.

Complainants can, at any time, take the alternative option of lodging the complaint with the Office of Public Integrity (OPI), which will direct the complaint in accordance with the ICAC Act.

**4.1.2** The CEO will be responsible for receiving and managing the referral of a complaint and will advise the Principal Member (or if it relates to the Principal Member, his/her deputy) of receipt of a complaint. The Principal Member (or deputy) will determine whether the complaint relates to:

- behavior which falls under Part 2 of the Code
- misconduct which triggers action under Part 3 of the Code or
- criminal or corrupt behaviour

Complaints relating to misconduct or criminal behaviour must be referred to the appropriate authorities immediately. (See below at clauses 6 and 7)

Council maintains jurisdiction where the complaint deals with conduct that falls into Part 2 of the Code. Part 2 deals with conduct that reflects reasonable community expectations of how Council Members should conduct themselves. Robust debate

within Council which is conducted in a respectful manner is not a breach of this Part.

Having regard to the seriousness of the allegation and information provided, the Principal Member may:

- a) seek to resolve the matter internally
- b) refer the complaint to the Local Government Governance Panel
- c) dismiss the allegation.

**4.1.3** Within three days of receipt of an allegation, the Member who is the subject of the complaint will be advised by the Principal Member of the complaint and its substance. The Member will also be advised of the manner in which the Principal Member intends to deal with the complaint.

## **5.1 Alleged Breach of Part 2-Internal response**

**5.1.1** Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties. The Principal Member may hold meetings with the complainant and the Council Member and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties. This may be appropriate, for example, where the complainant is also a Council Member.

**5.1.2** The Principal Member must ensure that the principles of natural justice and procedural fairness are observed.

**5.1.3** Where the matter is resolved by the Principal Member to the satisfaction of all the parties, the matter will be closed and no further action will be taken. The Principal Member will send written confirmation to all the parties confirming that the matter has been resolved and provide a report to a public meeting of the Council.

**5.1.4** Where the matter cannot be resolved, the Principal Member will refer the original complaint to the Local Government Governance Panel. Neither the Principal Member nor the CEO will investigate a complaint.

## **5.2 Part 2 – Referral to the Local Government Governance Panel**

Where there has been an allegation that a Council Member has breached Part 2 of the Code the complaint may be referred to the independent Local Government Governance Panel by the Principal Member under this procedure, without further reference to Council.

Complaints referred to the Governance Panel will specify the ground/s of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint. A copy of the Governance Panel's procedures is available on the Governance Panel webpage on the LGA's website under *Rules of Engagement*. [[www.lga.sa.gov.au](http://www.lga.sa.gov.au)]

The matter will be assessed initially by the Panel Chairperson who will determine the process to be followed and the person who will deal with the matter. The matter may be dismissed if it is frivolous, vexatious, misconceived or lacking in substance. Where a

complaint progresses to an investigation, a report will be prepared by the Panel and will be provided to the Council. The report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct (see below).

**5.2.1** A breach of Part 2 of the Code must be the subject of a report to a public meeting of the Council.

If, following investigation by the Governance Panel, a breach of the Part 2 of the Code is found, the breach must be the subject of a report to the Council (clause 2.24 of the Code). The Council may, by resolution, take any of the following actions:

- Take no action;
- Pass a censure motion in respect of the Council Member;
- Request a public apology, whether written or verbal;
- Request the Council Member to attend training on the specific topic found to have been breached;
- Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
- Request the member to repay monies to the Council.

### **5.3 Appeals**

Council will not enter into any process of appeal in relation to Part 2 of the Code.

## **6 Part 3-Mandatory Code (Misconduct)**

- 6.1** Any person may report an alleged breach of Part 3 of the Code to the Council, the Ombudsman or the Office for Public Integrity. Alleged breaches of this Part made to Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation.
- 6.2** Under the Code of Conduct, a Council Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 6.3** A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.
- 6.4** A failure of a Council Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.
- 6.5** A failure of a Council Member to comply with a finding of an investigation under Part 2 of the Code, adopted by the Council, may be referred for investigation under Part 3.
- 6.6** Repeated or sustained breaches of Part 2 of the Code by the same Council Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.

- 6.7** A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.

The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

## **7 Criminal Matters – Appendix to the Code of Conduct**

- 7.1** The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty attaches. These matters must be reported to the OPI. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act* must also be reported to the OPI. (See Council's *Fraud and Corruption Prevention Policy* for further information on reporting requirements or the *Directions and Guidelines* issued by the Independent Commissioner Against Corruption).
- 7.2** In compliance with the Independent Commissioner against Corruption Act 2012, referral of such complaints to the OPI will remain confidential.

## **8. Further information**

This procedure will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

*Principal Office, Civic Centre, 10 Watson Terrace, Mount Gambier SA 5290*

Copies will be provided to interested parties upon request. Email [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999, s59-63 Local Government (General) Variation Regulations 2013 Independent Commissioner Against Corruption Act 2012
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	C305 Council & Committee - Caretaker Policy F225 Fraud & Corruption Prevention Policy W150 Whistleblower's Protection Policy
Related Procedures:	
Related Documents:	Code of Conduct for Council Members, as published in the SA Government Gazette 29 August 2013 ICAC <i>Directions and Guidelines</i>

## DOCUMENT DETAILS

Responsibility:	GOVERNANCE OFFICER
Version:	1.0
Last revised date:	March, 2014
Effective date (this version):	<sup>th</sup> March, 2014
Minute reference (this version):	<sup>th</sup> March, 2014 Corporate & Community Services, Item
Next review date:	November, 2015 (within 12 months of a general election)
<u>Document History</u> Adopted By Council: Minute reference:  Reviewed/Amended: Minute reference	

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 18/2014**

**SUBJECT: DELEGATION OF POWERS OF COUNCIL**

**REF: AF11/1020**

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*Goal: Governance*  
*Strategy: Demonstrate innovative and responsive organisational governance*

At its meeting on 17<sup>th</sup> December 2013 Council reviewed delegations to the Chief Executive Officer as required each financial year in accordance with Section 44(6) of the Local Government Act 1999.

On 20<sup>th</sup> February 2014 the Local Government Association released an updated standard delegation template and schedule (Appendix 5 - attached) reflecting legislative amendments to the Expiation of Offences Act and Regulations that took effect on 3 February 2014.

Updated templates have been released for the Community Titles Act 1996, Strata Titles Act 1988, Liquor Licensing Act 1997 and the Heavy Vehicle National Law (South Australia) Act 2013 to correct some typographical errors and omissions in the previous templates.

New delegation templates have also been released for the Burial and Cremation Act and Regulations.

Relevant provisions of these Acts warrant delegation to the Chief Executive Officer, and in some instances sub-delegation to Senior and Authorised Officers.

Existing delegations under these Acts are now recommended to be revoked and new delegations made by Council. Council's Delegations and Authorisations Register will be updated accordingly.

**RECOMMENDATION**

- (a) Corporate and Community Services Report No. 18/2014 be received;
- (b) Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the:
  - Community Titles Act 1996
  - Expiation of Offences Act 1996
  - Liquor Licensing Act 1997
  - Heavy Vehicle National Law (South Australia) Act 2013
  - Strata Titles Act 1988
- (c) (i) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Act and specified in the proposed Instruments of Delegation contained in Appendices 1, 5, 12, 15, 29, & 31 (attached and individually identified below) are hereby delegated this 18th of March 2014 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 the proposed Instrument of Delegation.
  - Community Titles Act 1996 (Appendix 1)



- Expiation of Offences Act 1996 (Appendix 5)
  - Liquor Licensing Act 1997 (Appendix 12)
  - Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 15)
  - Strata Titles Act 1988 (Appendix 29)
  - Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 31)
- (ii) 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 the proposed Instrument of Delegation.
- (iii) 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.
- (iv) For the purposes of these delegations all delegations made by the Chief Executive Officer extends to any person who is appointed to act in the position of the sub-delegate.



**Michael McCARTHY**  
GOVERNANCE OFFICER

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

27<sup>th</sup> February, 2014  
MMcC

(Refer Item            of Corporate and Community Services Minutes)

## **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**

<b>1. Interpretation</b>
1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 (“the Act”) where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:
1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or
1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),
to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.
<b>2. Application</b>
2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:
2.1.1 land comprising an allotment or allotments;
2.1.2 land comprising a primary lot or a secondary lot,
to apply to the Registrar-General for the division of the land by a plan of community division.

<b>3. Application May Deal With Statutory Encumbrances</b>
3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate 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.
<b>4. Consents to Application</b>
4.1 The power pursuant to Section 16(1)(a) of the Act,
4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or
4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or
4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council
to consent to the application.
<b>5. Application to Amend Schedule of Lot Entitlements</b>
5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is
5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or
5.1.2 a prospective owner at the relevant time of a community lot; or
5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or
5.1.4 where the Council is a person referred to in Section 21(5) of the Act,
to consent to the proposed amendment.
5.2 The power pursuant to Section 21(5) of the Act:

5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:
5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or
5.2.1.2 a prospective owner at the relevant time of a secondary lot; or
5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or
5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:
5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or
5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or
5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot,
to grant consent.
<b>6. Encroachments</b>
6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.
<b>7. Scheme Description</b>
7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:

7.1.1	add any information that is necessary or desirable; or
7.1.2	clarify any part of the description; or
7.1.3	remove any unnecessary detail.
<b>8.</b>	<b>Amendment of Scheme Description</b>
8.1	The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.
<b>9.</b>	<b>Persons Whose Consents are Required</b>
9.1	The power pursuant to Section 32(1) of the Act, where the Council is:
9.1.1	a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or
9.1.2	the prospective owner at the relevant time of a community lot;
9.1.3	the owner or prospective owner at the relevant time of a development lot;
9.1.4	a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or
9.1.5	the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or
9.1.6	a person referred to Section 32(2) of the Act,
	to grant consent.
9.2	The power pursuant to Section 32(2) of the Act:
9.2.1	where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:
9.2.1.1	a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of

	voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or
9.2.1.2	the prospective owner at the relevant time of a secondary lot; or
9.2.1.3	a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or
9.2.2	where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:
9.2.2.1	a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or
9.2.2.2	the prospective owner at the relevant time of a tertiary lot; or
9.2.2.3	a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot,
	to grant consent.
<b>9A. By-laws</b>	
9A.1	The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.
9A.2	The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.
<b>9B. By-law as to the Exclusive Use of Part of the Common Property</b>	
9B.1	The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.

<b>9C. Enforcement of Development Contract</b>	
9C.1	The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:
9C.1.1	the developer; and
9C.1.2	if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot,
	even though no obligations attach to the corporation, owner and occupier under the contract.
9C.2	The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.
9C.3	The power pursuant to Section 49(2b) of the Act to make application to a court to:
9C.3.1	transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or
9C.3.2	state a question of law for the opinion of the Supreme Court.
<b>10. Application for Amendment</b>	
10.1	The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.
10.2	The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:
10.2.1	the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or
10.2.2	a person who holds a registered encumbrance over the lot,

consent to the amendment.
10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.
<b>11. Status of Application for Amendment of Plan</b>
11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.
11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the <i>Real Property Act 1886</i> or with a requirement of the Registrar-General under the Act or the <i>Real Property Act 1886</i> .
<b>12. Application May Deal With Statutory Encumbrances</b>
12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate 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.
<b>13. Alteration of Boundaries of Primary Community Parcel</b>
13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.
<b>14. Amendment of Plan Pursuant to Development Contract</b>
14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.
<b>15. Amendment by Order of ERD Court</b>
15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.



15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	
<b>16. Persons Whose Consents are Required</b>	
16.1 The power pursuant to Section 61(1) of the Act, where the Council is:	
16.1.1	a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or
16.1.2	the prospective owner at the relevant time of a community lot; or
16.1.3	the owner or prospective owner at the relevant time of a development lot; or
16.1.4	a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or
16.1.5	a person referred to in Section 61(2) of the Act,
to consent to the amalgamation.	
16.2 The power pursuant to Section 61(2) of the Act,	
16.2.1	where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:
16.2.1.1	a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or
16.2.1.2	the prospective owner at the relevant time of a secondary lot; or
16.2.1.3	the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or
16.2.1.4	a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot

or development lot; or	
16.2.2	where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:
16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or	
16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or	
16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or	
16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,	
to consent.	
<b>17. Deposit of Amalgamated Plan</b>	
17.1 The power pursuant to Section 62(3) of the Act, where the Council is:	
17.1.1	the owner of the servient land; or
17.1.2	a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected)
to endorse an application for amalgamation with the Council's consent.	
<b>18. Persons Whose Consent is Required</b>	
18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:	
18.1.1	an owner at the relevant time of a community lot and a development lot (if any); or
18.1.2	the prospective owner at the relevant time of a community lot or a development lot; or

18.1.3	a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot,
	to give consent to the application.
<b>18A. Application to ERD Court</b>	
18A.1	The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan.
18A.2	The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.
<b>19. Cancellation</b>	
19.1	The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).
19.2	The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.
<b>20. Division of Primary Parcel Under Part 19AB</b>	
20.1	The power pursuant to Section 70(2) of the Act, where the Council is:
20.1.1	an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;
20.1.2	if a primary lot is divided by a secondary plan – an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or
20.1.3	if a secondary lot is divided by a tertiary plan – an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel,
	to endorse a plan of division lodged with the application with the Council's consent.
<b>21. Voting at General Meetings</b>	
21.1	The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on

	the Council's behalf.
21.2	The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.
<b>22.</b>	<b>Administrator of Community Corporation's Affairs</b>
22.1	The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed.
<b>23.</b>	<b>Power to Enforce Duties of Maintenance and Repair etc</b>
23.1	The power pursuant to Section 101(6) of the Act, where:
23.1.1	-
23.1.1.1	the Council incurs costs in complying with a notice under Section 101(1) of the Act; or
23.1.1.2	the corporation recovers costs from the Council under Section 101(5) of the Act; and
23.1.2	the circumstances out of which the work was required are attributable to the act or default of another person,
	to recover those costs from that other person as a debt.
<b>24.</b>	<b>Right to Inspect Policies of Insurance</b>
24.1	The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation.
24.2	The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation.
24.3	The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.
<b>25.</b>	<b>Information to be Provided by Corporation</b>

25.1	The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:	
25.1.1	provide a statement setting out:	
25.1.1.1	particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and	
25.1.1.2	particulars of the assets and liabilities of the corporation; and	
25.1.1.3	particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and	
25.1.1.4	particulars in relation to any other matter prescribed by regulations; and	
25.1.2	provide copies of:	
25.1.2.1	the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and	
25.1.2.2	the statement of accounts of the corporation last prepared by the corporation; and	
25.1.2.3	current policies of insurance taken out by the corporation; and	
25.1.3	make available for inspection such information as is required to establish the current financial position of the corporation including:	
25.1.3.1	a copy of the accounting records of the corporation; and	
25.1.3.2	the minute books of the corporation; and	
25.1.3.3	any other documentary material prescribed by regulation; and	
25.1.4	if the community corporation is a party to a contract with a	

	body corporate manager – make available for inspection a copy of the contract; and
25.1.5	make available for inspection the register maintained under Section 135 of the Act.
25.2	The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.
<b>26.</b>	<b>Information as to Higher Tier of Community Scheme</b>
26.1	The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.
26.2	The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act.
<b>27.</b>	<b>Persons Who May Apply for Relief</b>
27.1	The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.
<b>28.</b>	<b>Resolution of Disputes, etc</b>
28.1	The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.
28.2	The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.
28.3	The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court.
28.4	The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.
28.5	The power pursuant to Section 142(6) of the Act to make an application to a court to:
28.5.1	transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or

28.5.2	state a question of law for the opinion of the Supreme Court.
<b>29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold</b>	
29.1	The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.
29.2	The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:
29.2.1	within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or
29.2.2	if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract,
	to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.
<b>30. Entry onto Lot or Common Property</b>	
30.1	The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to:
30.1.1	give notice to the owner of the lot to be entered; or
30.1.2	where it is necessary to enter the common property, to give notice to the corporation.
30.2	The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.
30.3	The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.







## **NOTES**

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## **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Certain Offences may be Expiated</b>
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.
<b>2. Expiation Notices</b>
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.
<b>3. Review of Notices on Ground that Offence is Trifling</b>
3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1 to provide further information; and
3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.

<b>3A. Arrangements as to Manner and Time of Payment</b>
<p>3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.</p>
<p>3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).</p>
<b>4. Expiation Reminder Notices</b>
<p>4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.</p>
<b>5. Expiation Enforcement Warning Notices</b>
<p>5.1 The duty pursuant to Section 11A of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.</p>
<b>6. Late Payment</b>
<p>6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.</p>

<b>7. Enforcement Determinations</b>
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
7.1.1.1 the alleged offender; and
7.1.1.2 the offence or offences that remain unexpiated; and
7.1.1.3 the amount due under the notice; and
7.1.1.4 compliance by the Council as the authority with the requirements of the Act and any other Act;
7.1.2 the prescribed fee.
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
<b>8. Withdrawal of Expiation Notices</b>
8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3 the notice is defective; or
8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.

8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
<b>9. Provision of Information</b>	
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and
9.1.2	the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.

**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	

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## **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>0.</b>	<b>Application for Review of Commissioner’s Decision</b>
	The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner’s decision.
<b>1.</b>	<b>Extension of Trading Area</b>
1.1	The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.
<b>2.</b>	<b>Rights of Intervention</b>
2.1	The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.
<b>3.</b>	<b>Noise</b>
3.1	The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).
3.2	The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.

<p>3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).</p>
<p><b>4. Disciplinary Action Before the Court</b></p>
<p>4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.</p>
<p><b>5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action</b></p>
<p>5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.</p>



**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	

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**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1.</b>	<b>Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground</b>
1.1	The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 ( <b>the Act</b> ) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.
<b>2.</b>	<b>Opening of Interment Sites, Exhumation and Re-interment</b>
2.1	The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.
<b>3.</b>	<b>Disposal of Unclaimed Cremated Human Remains</b>
3.1	The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium.
<b>4.</b>	<b>Establishment of Cemeteries, Natural Burial Grounds and Crematoria</b>
4.1	Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.
<b>5.</b>	<b>Power of Councils to Establish and Manage Public Mortuaries</b>
5.1	The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.
<b>6.</b>	<b>Establishment of Mausolea Within Cemeteries</b>
6.1	The power pursuant to Section 21 of the Act, to, on the delegate's own

	initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority.
<b>7.</b>	<b>Designation of Natural Burial Grounds Within Cemeteries</b>
7.1	The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.
<b>8.</b>	<b>Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions</b>
8.1	The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.
<b>9.</b>	<b>Closure of Cemeteries and Natural Burial Grounds</b>
9.1	Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:
9.1.1	the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or
9.1.2	50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.
9.2	The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:
9.2.1	discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or
9.2.2	discharge the interment right and issue to the former holder, free of charge:
9.2.2.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or
9.2.2.2	if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation

	to another part of the cemetery or natural burial ground.
9.3	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:
9.3.1	discharge the interment right and issue to the former holder, free of charge:
9.3.1.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or
9.3.1.2	if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and
9.3.2	remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and
9.3.3	remove any memorial erected at the original interment site and re-position the memorial at the new interment site.
9.4	The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.
9.5	The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.
<b>10.</b>	<b>Dedication of Closed Council Cemeteries as Park Lands</b>
10.1	Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:
10.1.1	remove memorials to deceased persons;
10.1.2	relocate memorials to deceased persons in the park lands;

10.1.3	replace memorials to deceased persons with some other form of memorial in the park lands.
<b>11.</b>	<b>Conversion of Closed Cemeteries into Public Parks or Gardens</b>
11.1	The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.
11.2	Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to:
11.1.1	remove memorials to deceased persons;
11.1.2	relocate memorials to deceased persons in the park or garden;
11.1.3	replace memorials to deceased persons with some other form of memorial in the park or garden.
<b>12.</b>	<b>Powers of Relevant Authorities in Relation to Closed Cemeteries</b>
12.1	The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:
12.1.1	construct roads and pathways on the land; and
12.1.2	erect or construct buildings or structures on the land; and
12.1.3	construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and
12.1.4	erect lighting, seating and any other infrastructure or public amenity; and
12.1.5	take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.
<b>13.</b>	<b>Issue of Interment Rights</b>
13.1	Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:
13.1.1	identifies the person to whom the interment right is issued; and

13.1.2	identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and
13.1.3	identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and
13.1.4	specifies the period for which the interment right is granted; and
13.1.5	sets out the rights to renewal of the interment right; and
13.1.6	specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.
13.2	The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.
13.3	Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.
13.4	The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.
<b>14.</b>	<b>Duration of Interment Rights</b>
14.1	The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:
14.1.1	for the period specified in the interment right; or
14.1.2	in perpetuity.
<b>15.</b>	<b>Renewal of Interment Rights</b>
15.1	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.

15.2	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.
<b>16.</b>	<b>Transfer of Interment Rights</b>
16.1	The power pursuant to Section 33(1) of the Act to transfer an interment right.
<b>17.</b>	<b>Re-use of Internment Sites</b>
17.1	Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority:
17.1.1	re-use the internment site to which the interment right related; and
17.1.2	remove any memorial to a deceased person erected on or at the site.
<b>18.</b>	<b>Ownership of Memorial</b>
18.1	The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.
<b>19.</b>	<b>Duty to Maintain Memorial</b>
19.1	The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.
<b>20.</b>	<b>Power to Require Repair, Removal or Reinstatement of Memorial</b>
20.1	The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice
20.2	The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.
20.3	The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:

20.3.1	a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and
20.3.2	urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,
	to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.
<b>21. Power of Relevant Authority to Dispose of Unclaimed Memorial</b>	
21.1	The power pursuant to Section 42(1) of the Act, if:
21.1.1	2 years or more have elapsed:
	21.1.1.1 since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or
	21.1.1.2 since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and
21.1.2	a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and
21.1.3	the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial:
	21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and
	21.1.3.2 by written notice affixed to the memorial; and
21.1.4	the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and
21.1.5	6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,
	to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.



<b>22. General Powers of Relevant Authority</b>
22.1 The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:
22.1.1 enlarge the cemetery, natural burial ground or crematorium; and
22.1.2 improve or embellish the cemetery, natural burial ground or crematorium; and
22.1.3 restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and
22.1.4 take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.
<b>23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground</b>
23.1 The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.
<b>24. Neglected Cemeteries and Natural Burial Grounds</b>
24.1 The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:
24.1.1 the delegate is of the opinion that a cemetery or natural burial ground within its area:
24.1.1.1 is in a neglected condition; or
24.1.1.2 fails in any manner to comply with the requirements of this Act;
to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.
24.2 The power pursuant to Section 46(3) of the Act, if:
24.2.1 the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and
24.2.2 no application for review of the decision to give the notice is made

	within 14 days after the notice is given,
	to have the work carried out.
24.3	The power pursuant to Section 46(4) of the Act, if:
24.3.1	the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and
24.3.2	an application for review of the decision to give the notice is determined in favour of the Council
	to, within 14 days after the determination of the review, have the work carried out.
24.4	The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.
<b>25.</b>	<b>Right of Review</b>
25.1	The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority.
<b>26.</b>	<b>Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees</b>
26.1	The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground.
<b>27.</b>	<b>Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds</b>
27.1	Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:
27.1.1	there is no existing relevant authority for the cemetery or natural burial ground; or
27.1.2	the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or
27.1.3	the relevant authority for the cemetery or natural burial ground

agrees to transfer it to the Council.	
<b>28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria</b>	
28.1	The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.
<b>29. Disposal of Surplus Cemetery Land, etc</b>	
29.1	Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.
<b>30. Disposal of Land After Closure of Cemetery Etc</b>	
30.1	The power pursuant to Section 52(1) of the Act, if:
30.1.1	a cemetery or natural burial ground has been closed in accordance with this Act; and
30.1.2	all human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,
	to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.
<b>31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc</b>	
31.1	The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:
31.1.1	the holder of an interment right in relation to the cemetery or natural burial ground; or
31.1.2	the owner of a memorial erected in a cemetery or natural burial ground,
	fail, to request the Public Trustee act on behalf of the holder or owner.
<b>32. Authorised Officers</b>	

32.1	The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.
32.2	The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.
32.3	The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.

### **BURIAL AND CREMATION REGULATIONS 2014**

<b>33. Filling of Sunken Interment Sites</b>
33.1 The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 ( <b>the Regulations</b> ), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.
<b>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</b>
34.1 The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:
34.1.1 a mausoleum or vault in the cemetery does not comply with the Regulations; or
34.1.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,
open the mausoleum or vault and inspect it.
34.2 The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:
34.2.1 the mausoleum or vault does not comply with the Regulations; or
34.2.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,

	to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.
34.3	The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.
<b>35.</b>	<b>Removal and Disposal of Name Plate etc from Coffin Before Cremation</b>
35.1	The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:
35.1.1	a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or
35.1.2	any other thing that comes into the possession of the Council as a result of a cremation.
<b>36.</b>	<b>Power of Relevant Authority in Relation to Things on Interment Sites</b>
36.1	The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:
36.1.1	cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and
36.1.2	cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.
<b>37.</b>	<b>Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.</b>
37.1	The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.

**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	Nil

**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**

<b>1. Application for Amendment</b>	
1.1	The power pursuant to Section 12(2)(b) of the <i>Strata Titles Act 1988 (the Act)</i> , where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.
1.2	The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.
1.3	The power pursuant to Section 12(3a) of the Act, where:
1.3.1	the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and
1.3.2	the application for amendment relates (wholly or in part) to the erection or alteration of that building,
	to consent to the encroachment.
1.4	The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the <i>Real Property Act 1886</i> is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.
<b>2. Application May Deal with Statutory Encumbrances</b>	
2.1	The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate 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.

<b>2A. Amendment by Order of ERD Court</b>
2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.
2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.
<b>3. Amalgamation of Adjacent Sites</b>
3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.
3.2 The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units.
<b>4. Cancellation</b>
4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.
4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.
4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.
4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.
<b>5. Application for Division</b>
5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.
5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886.
<b>6. Articles of Strata Corporation</b>
6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after



	service of the notice, apply to the Magistrates Court for revocation of the notice.
<b>7.</b>	<b>Certain Articles May be Struck Out by Court</b>
7.1	The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.
<b>8.</b>	<b>Offences</b>
8.1	The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.
8.2	The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to:
8.2.1	make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and
8.2.2	provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.
<b>9.</b>	<b>Power to Enforce Duties of Maintenance and Repair</b>
9.1	The power pursuant to Section 28(5) of the Act, where:
9.1.1	the strata corporation recovers costs from the Council under Section 28(4) of the Act; and
9.1.2	the circumstances out of which the work was required are attributable to the act or default of another person,
	to recover those costs from that other person as a debt.
<b>10.</b>	<b>Right of Unit Holders etc to Satisfy Themselves as to Insurance</b>
10.1	The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.
<b>11.</b>	<b>Holding of General Meetings</b>
11.1	The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.
11.2	The power pursuant to Section 33(2)(e) of the Act to apply to the

Magistrates Court for a meeting to be convened.	
<b>12. Voting at General Meetings</b>	
12.1	The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.
12.2	The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.
<b>13. Administrator of Strata Corporation's Affairs</b>	
13.1	The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.
<b>14. Information to be Furnished</b>	
14.1	The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:
14.1.1	furnish:
14.1.1.1	particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);
14.1.1.2	particulars of the assets and liabilities of the corporation;
14.1.1.3	particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;
14.1.1.4	particulars in relation to any prescribed matter;
14.1.2	provide copies of:
14.1.2.1	the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;
14.1.2.2	the statement of accounts of the corporation last prepared by the corporation;
14.1.2.3	the articles for the time being in force;
14.1.2.4	current policies of insurance taken out by the

	corporation;
14.1.3	make available for inspection:
14.1.3.1	a copy of the accounting records of the corporation;
14.1.3.2	the minute books of the corporation;
14.1.3.3	any other prescribed documentary material;
14.1.4	if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;
14.1.5	make available for inspection the register maintained under Section 39A of the Act.
14.2	The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.
<b>15.</b>	<b>Persons Who May Apply for Relief</b>
15.1	The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.
<b>16.</b>	<b>Resolution of Disputes, etc</b>
16.1	The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.
1.	16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.
16.3	The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.
16.4	The power pursuant to Section 41A(6) of the Act to make an application to a court to:
16.4.1	transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or
16.4.2	state a question of law for the opinion of the Supreme Court.
16.5	The power pursuant to Section 41A(10)(b) of the Act to make submissions

to the court in relation to the matter.	
<b>17. Unit Holder's Power of Entry</b>	
17.1	Where the Council is the unit holder of a unit (Unit A) and:
17.1.1	-
17.1.1.1	the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or
17.1.1.2	the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and
17.1.2	some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,
the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	
17.2	Where the Council is the unit holder of a unit (Unit A) and
17.2.1	-
17.2.1.1	the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or
17.2.1.2	the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and
17.2.2	some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,
the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	
<b>18. Dealing with Part of Unit</b>	
18.1	The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:
18.1.1	if all of the units comprised in the strata scheme consist of non-residential premises; or
18.1.2	where Section 44(2)(a) does not apply:
18.1.2.1	if the lease or licence is granted to another unit holder;

or	
18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.	
<b>19. Body Corporate May Act as Officer, etc</b>	
19.1	The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment.
<b>20. Relief Where Unanimous Resolution Required</b>	
20.1	The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.

**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	Nil

## **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**

<b>1. Deciding Request for Consent Generally</b>	
1.1	The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i> , to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:
1.1.1	within:
1.1.1.1	28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or
1.1.1.2	if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or
1.1.2	within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.
1.2	The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:
1.2.1	consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or

1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or
1.2.3	the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.
1.3	The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.
1.4	The power pursuant to Section 156(3) of the Act to decide not to give the consent only if the delegate is satisfied:
1.4.1	the mass or dimension authority will, or is likely to:
1.4.1.1	cause damage to road infrastructure; or
1.4.1.2	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
1.4.1.3	pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and
1.4.2	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:



	1.4.2.1	the damage or likely damage; or
	1.4.2.2	the adverse effects or likely adverse effects; or
	1.4.2.3	the significant risks or likely significant risks.
1.5		The power pursuant to Section 156(4) of the Act, in deciding whether or not to give the consent, to have regard to:
	1.5.1	for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or
	1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.
1.6		The power pursuant to Section 156(6) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate’s decision and complies with Section 172 of the Act.
<b>2.</b>		<b>Action Pending Consultation with Third Party</b>
2.1		The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).
2.2		The power pursuant to Section 158(4) of the Act, if:
	2.2.1	the consultation with the other entity is completed and the other entity’s approval is required; and
	2.2.2	the delegate has not yet decided to give or not to give the consent,
		To -
	2.2.3	decide not to give the consent, on the ground that the consent would be inoperative; or

2.2.4	decide to give the consent.
<b>3.</b>	<b>Deciding Request for Consent if Route Assessment Required</b>
3.1	The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:
3.1.1	that a route assessment is required for deciding whether to give or not to give the consent;
3.1.2	the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.
3.2	The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.
<b>4.</b>	<b>Imposition of Road Conditions</b>
4.1	The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:
4.1.1	except in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition is imposed on the authority; or
4.1.2	in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.
4.2	The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.
<b>5.</b>	<b>Imposition of Travel Conditions</b>

5.1	The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.
5.2	The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.
<b>6.</b>	<b>Imposition of Vehicle Conditions</b>
6.1	The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.
<b>7.</b>	<b>Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority</b>
7.1	The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:
7.1.1	14 days after the request for consent is made; or
7.1.2	28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.
<b>8.</b>	<b>Granting Limited Consent for Trial Purposes</b>
8.1	The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.
<b>9.</b>	<b>Renewal of Limited Consent for Trial Purposes</b>
9.1	The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.

<b>10. Amendment or Cancellation on Regulator's Initiative</b>
10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.
<b>11. Amendment or Cancellation on Request by Relevant Road Manager</b>
11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:
11.1.1 has caused, or is likely to cause, damage to road infrastructure; or
11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.
11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:
11.2.1 amend the mass or dimension authority by:
11.2.1.1 amending the areas or routes to which the authority applies; or
11.2.1.2 amending the days or hours to which the authority applies; or
11.2.1.3 imposing or amending road conditions or travel conditions; or
11.2.2 cancel the authority.
<b>12. Amendment or Cancellation on Application by Permit Holder</b>
12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the

amendment of a mass or dimension authority.	
<b>13. Amendment or Cancellation on Request by Relevant Road Manager</b>	
13.1	The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:
13.1.1	has caused, or is likely to cause, damage to road infrastructure; or
13.1.2	has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
13.1.3	has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.
13.2	The power pursuant to Section 178(2) of the Act to ask the Regulator to:
13.2.1	amend the mass or dimension authority, including, for example, by:
13.2.1.1	amending the areas or routes to which the authority applies; or
13.2.1.2	amending the days or hours to which the authority applies; or
13.2.1.3	imposing or amending road conditions or travel conditions on the authority; or
13.2.2	cancel the authority.

**SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations
	Nil

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 19/2014**

**SUBJECT: MOUNT GAMBIER MEN'S SHED**

**REF: AF11/1700**

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- Goal:*
- (i) *Building Communities*
  - (ii) *Community Well-Being*
- Strategy:*
- (i) *Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community.*
  - (ii) *Increase the local awareness and understanding of the range of health issues and needs of the community.*

Member's attention is brought to Corporate and Community Services Report No. 05/2014 relating to the proposed development of a Men's Shed in portion of an existing shed at Council's Commercial Street West Depot and a meeting with Councillors, Council Officers and Men's Shed representatives on 20<sup>th</sup> February 2014 to further discuss the proposal.

**Background**

Council has supported the establishment of the Mount Gambier Men's Shed since 2010 and has considered several potential locations for a more permanent Men's Shed.

To-date, Members consideration to a Men's Shed location has comprised:

- Elected Member Workshops held on 30<sup>th</sup> July 2013 and 29<sup>th</sup> October 2013
- Meetings with Men's Shed representatives on 7<sup>th</sup> November 2013 and 10 February 2014
- Men's Shed Business Plan and Corporate & Community Services Report 05/2014 presented in January 2014.

At its January 2014 meeting Council resolved:

- (a) *Corporate and Community Services Report No. 5/2014 be received.*
- (b) *Men's Shed be thanked for the provision of a Business Plan in support of their proposal.*
- (c) *The depot site (portion of the existing shed and land at the corner of Commercial Street West and MacDonnell Drive) be endorsed as the potential location for the Men's Shed.*
- (d) *Further work be carried out to prepare detailed plans and determine the full extent of work/budget required to convert the depot site for occupation by the Men's Shed.*
- (e) *Staff and interested Councillors work with the Men's Shed in an attempt to further develop a robust financial plan with detailed expenditure estimates for re-presentation of an amended Business Plan to Council.*

The 10<sup>th</sup> February 2014 meeting with Men's Shed representatives was intended to but fell short of addressing resolution (e) of January 2014. Accordingly, a 'robust financial plan' and amended Business Plan will not be developed and re-presented to Council.

The meeting did result in a proposed action: to convene a focused Project Group to progress the finer detail of the Men's Shed proposal - toward handover of a site in the second half of 2014.

### Men's Shed Development Site

Based upon the discussion to-date it is proposed that Council endorse the development of a Men's Shed within portion of an existing shed located adjacent McDonnell Drive at the Council's Commercial Street West Depot, being portion of the land and building situated upon Lot 71 in Deposited Plan 51622 contained in Certificate of Title Volume 5727 Folio 721.

### Men's Shed Project Group

To enable the design, budget, works program and governance arrangements and responsibilities to be finalised a small Project Group is proposed comprising 2 Councillors, 2 representatives of the Council Administration, and 2 Men's Shed representatives.

It is proposed that the Council Administration representatives be the Director Operational Services and Governance Officer in order to address the necessary design & works, service connections, budget and governance (leasing) matters associated with the Men's Shed.

### Plans/Design & Pre-Handover Works

Council's initial concept for the Men's Shed being located within portion of the existing Depot Shed was based upon the Men's Shed requirements to store and operate large tools, machinery and equipment and to accommodate modest lounge/kitchen facilities. Planned work included the construction of basic wet areas (toilets/kitchen) to building code standard utilising the Men's Shed capital funds and managed by the Men's Shed.

At the meeting on 10<sup>th</sup> February 2014 the Men's Shed internal fit-out plans indicated a considerable change from Council's concept plans, with a reduction in the workshop area and a proposed 18 x 6 metre sound and dust proof lounge with overhead/mezzanine storage area.

With the changing scope of works the Men's Shed own funds and in-kind/donated resources are unlikely to be sufficient and available in a timely fashion to enable completion of internal works within budget and a reasonable time to enable handover of the site by the end of 2014.

It is proposed that Council's pre-handover works now be limited to items and within allocated budget as follows:

#### **Council (pre-handover) Works:**

- Site access from McDonnell Drive including inverts and sealed car park.
- Secure internal fencing to separate Council Depot and Men's Shed areas (including gates on Council's key system to enable controlled access)
- 1x roller door and 1x personal access door for Men's Shed access to building.
- Fixed internal wall to separate Men's Shed from Council portion of building.
- Water, Sewer and Electricity connections including tenancy meters to building to agreed specification .
- Separation of (existing) internal lighting from Council portion of building.
- Basic existing internal electrical layout plus installation of new meter board.
- Activities and works associated in connection with achieving the above works.

Additional (internal or external) works that may be sought by the Men's Shed are to be undertaken at the Men's Shed own cost and arrangement following formal handover of the site.

It is proposed that the Project Group finalise the detailed plans including pre and post-handover works and responsibilities and the building/land area required to accommodate the Men's Shed.



### Service Connections

It is proposed that Council will provide basic water, sewer and electricity connections to the building perimeter for the Men's Shed use. The entry point of these services to the building will be determined mainly by the location of existing site services and installation costs.

Critical to be addressed is the Men's Shed requirement for 3 Phase Power. 3 Phase was previously sought but has been indicated as no longer required in recent discussions. Detailed information on the Men's Shed electrical equipment and use is also required in order to establish electrical load requirements and final design/costings for electrical connection.

It will be for the Men's Shed representatives on the Project Group to provide such information, and in the absence of such detail basic service provisions will be made and the Men's Shed will be responsible for any further upgrade at their own cost and arrangement.

### Timeframes & Access

Members will be aware that an auction is being arranged in March 2014 to dispose of surplus items currently stored in the Men's Shed portion of the depot shed. Pre-handover works will be unable to commence on the Men's Shed until all items have been removed following the .

Further, the significant budget for proposed pre-handover works is yet to be approved and incorporated into Council's Budget. It is proposed that budget allocation be made in the 2014/15 Budget. Accordingly, pre-handover works that are expected to take 2 months may not substantially commence until 1 July 2014.

It is proposed that the period from March to June 2014 be used by the Project Group to finalise detailed plans and arrangements for pre-handover works to be undertaken, and the negotiation and execution of lease documentation toward a tentative handover date of 1 September 2014.

The lease area is currently part of Council's operating works depot and will remain a worksite until pre-handover works are completed, and for work, health and safety reasons access to the site will be restricted to persons with appropriate worksite induction, training and supervision.

### Budget

Preliminary estimates to undertake the abovementioned Pre-Handover works are in the vicinity of \$80,000.

Accordingly, it is proposed that Council's 2014/15 Budget allocation for the purpose of Men's Shed pre-handover works be limited to \$80,000.

### Post-Handover Works

As noted above, it will be for the Men's Shed to fund and arrange any additional works to those pre-handover works funded/undertaken by Council. For the purpose of clarity, such works to be undertaken by the Men's Shed would include, but not be limited to:

#### **Men's Shed (Post-Handover) Works**

- Internal fit-out including any internal walls, ceilings, storage.
- Internal wet area fit-out (i.e. toilets/kitchen), to relevant building standards (if/as required) including, but not limited to:
  - i. Internal walls/ceilings and any sound/dust/water proofing/treatments

- ii. Plumbing and other services to service connections at building perimeter
- iii. Cabinets, sinks, toilets, etc
- iv. Exhaust fans, lighting etc
- v. Disabled/ambulant facilities
- Any additional Internal/external electrical layout including any external lighting
- Any other service connections/layout (e.g. security, telephone, internet, gas)
- Provision of detailed plans prior to commencing any internal works, and provision of as-built/as-constructed plans of any works once completed.
- Lodgement of any required application and supporting documentation for planning and/or building rules consent for proposed works.
- Engagement of qualified engineer/builder to confirm adequacy of any works and structural components of building prior to commencing any relevant works.
- Signage and security.

Members and the Men's Shed should note (and it will be included in lease documentation) that the existing building improvements have limited structural capacity and that the floor/footings may not accommodate the Men's Shed ultimate fit-out and storage proposal including load bearing walls/pillars without significant re-engineering and modification.

Any such design and modification would be at the Men's Shed own cost and arrangement including any engineering design and planning/building consents and requirements. Landowner consents would also be required and may be withheld/conditioned, particularly where the engineering design or works will impact on parts of the building or land outside the leased area.

### Lease

The subject land (Lot 71 in Deposited Plan 51622) has previously been excluded from classification as community land, such that the community land management plan, public consultation and maximum lease term provisions of the Local Government Act do not apply.

It is proposed that the Men's Shed be offered a 'community lease' similar to other community groups that occupy Council land and buildings, with an annual rental calculated in accordance with Council Policy *R210 – Lease Term and Lease Fee (Declared Figure)*. For 2013/14 the declared figure is \$385+gst, and will be varied in mid-2014 by the overall percentage rate increase that Council adopts for the 2014/15 year.

In addition to rental, the Men's Shed will be responsible for the payment of rates, taxes, outgoing, and utilities/services consumed, assessed or charged against the leased premises during the lease term. These will be formally set out in a lease disclosure statement.

It will be necessary to provide water, sewer and electricity connections from Council's own services on a sub-metering arrangement. The Men's Shed will be responsible to reimburse Council for all metered usage, and proportionately for any unmetered services (e.g. sewer). The Men's Shed will also be responsible for any other retail service/utility accounts that it may connect at its own cost and arrangement (e.g. gas, telephone, internet etc)

A commencing lease term of 2 years is proposed, with 1 x (3 year) renewal (a total of 5 years) subject to the Men's Shed not breaching the essential conditions of their lease.

The essential conditions of the lease (the breach of which will be grounds for termination or non-renewal) are proposed to include the Men's Shed being responsible during the term of the lease to:

- maintain status as an incorporated body
- Fulfill any financial obligations

- Maintain registration/membership of the Australian/South Australian Men's Shed Association
- Maintain required Insurances
- Not enter the Council Depot site
- Comply with any other agreed special conditions/responsibilities as annexed to the Lease from time to time.

A draft lease will be prepared for review by the Project Group and referred to the Chief Executive Officer and Mayor and Men's Shed Executive for signing upon reaching agreement on terms.

### **RECOMMENDATION**

- (a) Corporate and Community Services Report No. 19/2014 be received.
- (b) The Council Depot site (portion of existing shed and land at the corner of Commercial Street West and McDonnell Drive on Lot 71 in Deposited Plan 51622 contained in Certificate of Title Volume 5727 Folio 721) be endorsed as the location for development of a Men's Shed.
- (c) A Project Group comprising 2 representatives of Councillors, Council Administration and the Mount Gambier Men's Shed be convened to finalise the design, scope of works and responsibilities and leasing arrangements for a Men's Shed at the location in resolution (b).
- (d) A capital budget of \$80,000 be incorporated into the 2014/15 Budget for the cost of pre-lease works to prepare the Men's Shed site for occupation.
- (e) Pre-Handover works be undertaken by Council within its allocated budget specified at resolution (d) to comprise:
  - Site access from McDonnell Drive including inverts and sealed car park.
  - Secure internal fencing to separate Council Depot and Men's Shed areas (including gates on Council's key system to enable controlled access)
  - 1x roller door and 1x personal access door for Men's Shed access to building.
  - Fixed internal wall to separate Men's Shed from Council portion of building.
  - Water, Sewer and Electricity connections including tenancy meters to building to agreed specification.
  - Separation of (existing) internal lighting from Council portion of building.
  - Basic existing internal electrical layout plus installation of new meter board.
  - Activities and works associated in connection with achieving the above works.
- (f) Post-Handover works to be undertaken by the Men's Shed at their own cost and arrangement:
  - Internal fit-out including any internal walls, ceilings, storage.
  - Internal wet area fit-out (i.e. toilets/kitchen), to relevant building standards (if/as required) including, but not limited to:
    - i. Internal walls/ceilings and any sound/dust/water proofing/treatments
    - ii. Plumbing and other services to service connections at building perimeter
    - iii. Cabinets, sinks, toilets, etc
    - iv. Exhaust fans, lighting etc
    - v. Disabled/ambulant facilities

- Any additional Internal/external electrical layout including any external lighting
  - Any other service connections/layout (e.g. security, telephone, internet, gas)
  - Provision of detailed plans prior to commencing any internal works, and provision of as-built/as-constructed plans of any works once completed.
  - Lodgement of any required application and supporting documentation for planning and/or building rules consent for proposed works.
  - Engagement of qualified engineer/builder to confirm adequacy of any works and structural components of building prior to commencing any relevant works.
- (g) Interested Councillors to nominate as representatives to work with Council Administration and Men's Shed representatives on the Project Group for the design, leasing and works.
- (h) The Chief Executive Officer and Mayor be authorised to negotiate the final terms and conditions and to execute any documentation necessary to give effect to a lease over portion of Lot 71 in Deposited Plan 51622 contained within Certificate of Title Volume 5727 Folio 721 to the Men's Shed for an initial term of 2 years with 1 (3 year) renewal.



**Michael McCARTHY**  
GOVERNANCE OFFICER

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

4<sup>th</sup> March, 2014  
MMcC

(Refer Item            of Corporate and Community Services Minutes)

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 20/2014****SUBJECT: HANDS OFF AUSSIE POST****REF: AF11/234**

*Goal: Building Communities*  
*Strategy: Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met.*

Member's attention is brought to the attached letter received from the Communication Workers Union promoting their "Hands off Aussie Post" campaign intended to demonstrate broad community support to the Federal Government for keeping Australia Post in public ownership and protecting the services it provides to all Australians.

This campaign follows increasing debate and support calling for (and opposing) the Federal Government to consider privatisation of Australia Post and other government businesses.

The Hands off Aussie Post campaign refers to recent reductions in regional mail services across Victoria and New South Wales, and the most recent centralisation of Victorian sorting facilities to Melbourne and next day deliveries in regional Victoria stopping from Monday 3 March 2014.

More information about the campaign is available at the campaign website [www.handsoffaussiepost.org.au](http://www.handsoffaussiepost.org.au).

**RECOMMENDATION**

- (a) Corporate and Community Services Report No. 20/2014 be received;
- (b) Council write to the Member for Barker, Mr Tony Pasin MP seeking information regarding the Federal Governments plans for Australia Post and seeking assurance that regional and rural postal services will not be reduced.



**Michael McCARTHY**  
GOVERNANCE OFFICER

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

5<sup>th</sup> March, 2014  
MMcC

(Refer Item of Corporate and Community Services Minutes)

18 February 2014

Dear Mayor and Councillors,

We are writing to seek your support for the community campaign – **Hands off Aussie Post**.

In recent months we have seen mail services reduced in regional Victoria and New South Wales and continued media speculation that Australia Post will be privatised.

The Hands off Aussie Post campaign will demonstrate to the federal government that there is broad community support for keeping Australia Post in public ownership and protecting the services it provides to all Australians.

To be successful, it must show the federal government that opposition to service cuts and privatisation is not confined to any one section of the population or any one political party.

That is why we are asking both individuals and organisations, whether large or small, to endorse the campaign and its aims.

To find out more about the campaign and how your organisation can show its support visit our website [www.handsoffaussiepost.org.au](http://www.handsoffaussiepost.org.au) or call Martin O’Nea on 03 9001 9920.

We are available to address you on this issue and to answer any questions. Any suggestions on how the campaign may be more affective will be warmly welcomed.

Statements of support can be forwarded to [support@handsoffaussiepost.org.au](mailto:support@handsoffaussiepost.org.au) or preferably send via the traditional mail service to HOAP, Level 9, 365 Queen St, Melbourne 3000

Thank you for your support.



Dan Dwyer

Level 9  
 365 Queen Street  
 Melbourne  
 Victoria 3000  
 Australia

**[cwu.org.au](http://cwu.org.au)**  
**P** [03] 9001 9920  
**F** [03] 9642 0333  
**E** [cwu@cwu.org.au](mailto:cwu@cwu.org.au)

**Len Cooper**  
 Divisional President

**Dan Dwyer**  
 Divisional Secretary

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 21/2014**

**SUBJECT: ECONOMIC DEVELOPMENT - JOINT VENTURES - PARTNERING CITIES**

**REF: AF13/306**

*Goal: Securing Economic Prosperity*  
*Strategic Objective: Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region.*

The Corporate and Community Services Committee considered a resolution on this matter on the 10<sup>th</sup> September, 2013 with the following resolution:

- “(a) the report be received;*
- (b) Council commends the initiative of Cr Lee;*
- (c) Council undertake further investigation on the opportunity of building a relationship between Fuyang City, Anhui Province, China and the City of Mount Gambier, focusing on:*
- Developing a shared understanding of appropriate protocols associated with such an invitation;*
  - Developing a shared understanding of potential outcomes;*
  - The possible sharing of any opportunity with other neighboring Councils.”*

At the Council Meeting of 17<sup>th</sup> September, 2013 Council resolved that the item be left lie on the table pending a Member's Workshop. Since this resolution the following action has occurred:

- Councillor Workshop on 21<sup>st</sup> October, 2013
- Prior to the Workshop, several documents were provided:
  - Local Government Association China Engagement paper. A future directions paper for the LGA and Local Government – December 2012.
  - South Australia – China Engagement Strategy – December 2012.
  - Reports from the City of Onkaparinga regarding establishing a Sister City relationship with China.
- Report to CCS and Council on 19<sup>th</sup> November, 2013 that resolved:

*“(a) Corporate and Community Services Report No. 69/2013 be received;*

*(b) administration continue to engage with State Government agencies and stakeholders on this matter and provide information to Councillors that includes further workshop sessions and presentations.”*

- Presentation – “Engaging with China” 5<sup>th</sup> December, 2013 to SELGA by Sean Keenihan, Chair of the Australia China Business Council SA and State Government Strategic Advisor on China. Extensive presentation notes provided.
- City of Mount Gambier Councillor Workshop 6<sup>th</sup> December, 2013 on China Sister City relationships, presented by Sean Keenihan.

- Councillor workshop 19<sup>th</sup> February, 2014 and consideration of a discussion paper.

Numerous key points can be distilled from Sean Keenihan's presentations and the strategy documents noted above.

- The core foundation of any relationship with China (including partnering) is Government to Government due to the strong interlinked nature of government and business in China and the fundamental role of government in establishing frameworks for business engagement with China. Initial trust, respect and partnering must occur at this level. China understands and respects the role of local government.

It is for this reason (and others) that partnering a China city is more preferable than one from another Country.

- Local government (Councils) do have a role in supporting business engagement with China.
- Potential to "piggy back" onto the State Government's relationship (Sister State) with Shandong Province (population 96 million) and City of Adelaide's newly formed Sister City relationship with Shandong's capital, Qingdao (population 9 million). These established relationships may make it easier for Council to establish a relationship with a 2<sup>nd</sup> or 3<sup>rd</sup> tier City in Shandong Province.
- Statistics indicate a huge increase in Chinese middle class and increases and changes in consumption patterns, with one area being food, particularly high quality and safe products ("green and clean"). Education, direct investment and joint ventures provide further opportunities.
- Entering the Chinese market is complex including issues of language, business culture, regulatory environment and potential scale of demand.
- While the Council may move the concept forward it should do so noting the role and importance of other key stakeholders including SELGA RDA, industry groups, State Government Departments and the primary production sector.
- If Council does wish to further develop a partnering arrangement with a Chinese City, appropriate resources and strategies must be developed.
- Council must take the lead or forego the opportunity. The effort must equate to the potential benefits.
- Council (and the community) need to recognise that material benefits from partnering take a number of years particularly to develop strong relationships with a Chinese counterpart.

Now the intent of the previous Council resolution on this matter has progressed, it is opportune for Council to further consider the direction, if any, on continuing to explore the opportunity of establishing a partnering relationship with a Chinese City. The presentations by Sean Keenihan along with significant documentation and discussion have provided a basis on which to make a decision on this matter.

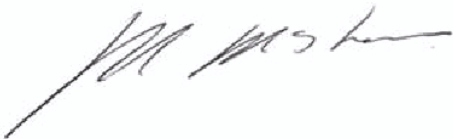
Should Council wish to continue to advance the possibility it will be necessary to engage a person such as Sean Keenihan to assist with initial strategy formation and provide the necessary expertise and professional advice to Council to assist in its deliberation on this matter. Council does not have the in-house expertise to further progress this matter.



It is anticipated that an allocation of between \$3,000 to \$5,000 should be adequate to move the process to strategy stage, upon which the Council can then consider if they wish to progress to the next stage and seek a partnership with a Chinese City. The current 13/14 budget allocation for "Professional Expenses" is adequate to cover this allocation.

**RECOMMENDATION**

- (a) Report by the Chief Executive Officer on Economic Development – Joint Ventures – Partnering Cities be received;
- (b) That the matter be progressed to the next stage that includes engaging with Mr Sean Keenihan to provide expertise and advice in developing a strategy. A budget to a maximum of \$5,000 be allocated from the 2013-2014 budget.
- (c) Consultants and senior staff participate in the strategy development with Mr Sean Keenihan leading to a further report to Council.



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

5<sup>th</sup> March, 2014  
TLG

(Refer Item                      of Corporate and Community Services Minutes)

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 22/2014****SUBJECT: MAJOR EVENTS – 2014 TOUR OF THE GREAT SOUTH COAST****REF: AF13/154**

*Goal: Securing Economic Prosperity*  
*Strategic Objective: Support the development of our local economy, our unique local experiences and our capacity to grow visitation to our City*

Council has received a request from Cycling Victoria for the 2014 Tour of the Great South Coast, an element of the 2014 National Road Services Calendar of cycling events.

The event held in 2013 was very successful and well received by the community.

Cycling Victoria, under guidance of John Craven, are committed to the same philosophy of supporting the local economy and will again conduct a Schools Promotion Campaign as part of the 2014 event.

The 2014 event is scheduled to be a 5 day event with the first three days taking place in Mount Gambier.

The proposed itinerary for Mount Gambier includes:

13 – 17 August 2014

12 <sup>th</sup> August, 2014	Teams gather in Mount Gambier
13 <sup>th</sup> August, 2014	Stage 1 Criterium (Wehl Street) Stage 2 Road Race (Blue Lake loop from O'Halloran Terrace)
14 <sup>th</sup> August, 2014	Stage 3 Road Race (Mount Gambier – Coonawarra return)
15 <sup>th</sup> August, 2014	Race moves to Victoria

Media exposure for the event has significantly increased for 2014 and includes the following:

- 30 minute highlights package on SBS (which can include Mount Gambier vignette);
- Daily online video highlights on CV (50,000 views per month) and SBS websites;
- Twitter coverage to over 10,000 Cycling Victoria and Cycling Australia followers;
- Facebook coverage to over 10,000 Cycling Victoria and Cycling Australia followers;
- Coverage throughout Cycling Victoria and Cycling Australia Membership of 24,000+;
- Coverage in Local and National Media Outlets;
- Subaru National Road Series and CV websites (100,000 hits per month).

The request is seeking an amount of \$20,000 for sponsorship which would need to be an additional consideration for the 2014-15 budget allocations against the Major Events Sponsorship account.

Further discussion regarding logistics and in kind support for the event are pending Council's decision.

A copy of the request for funding has been attached for information along with a copy of last years evaluation form.

**RECOMMENDATION**

(a) Corporate and Community Services Report No. 22/2014 be received;

- (b) Council approve the allocation of \$20,000 sponsorship for the 2014 Tour of the Great South Coast cycling event conditional upon the proponents obtaining all necessary approvals from relevant authorities;
- (c) Funding be sourced from reduced expenditure in 2013/14 budget and allocated to Major Events Sponsorship account number 6350.0805.



**Barbara CERNOVSKIS**  
MANAGER - COMMUNITY SERVICES AND DEVELOPMENT



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

5<sup>th</sup> March, 2014  
TLG

(Refer Item                      of Corporate and Community Services Minutes)

# Cycling Victoria Partnership Proposal



## Welcome

In 2013 the National Road Series arrived in Mt. Gambier for one of the largest events on the National Road Series calendar. Some of the top domestic and international riders started their journey through the National Road Series. The journey is now set to continue in 2014 with the continued growth and excitement around cycling.

In the previous editions the event has attracted significant local, national and international exposure for the region and 2014 is set to be the same.

The event is expected to attract over 400 total participants over 3 days of activities in the Mt. Gambier Region. This direct economic impact coupled with increased media coverage for the event the return for the region is expected to once again increase.

I look forward to speaking with you about this opportunity in greater depth.



Kipp Kaufmann  
General Manager

## Victorian Cycling, overtaking the competition...



Founded in 1972, Cycling Victoria is the peak governing body for both organised competitive and recreational cycling within Victoria, Australia. Our mission statement defines us, as we are committed to providing cycling opportunities for all ages, abilities and interests. Simply put, “we are cycling...start to finish”.

As a state sporting association we provide an opportunity for new and existing cyclists to participate in well organized, safe and inclusive events, development activities and programs.

Cycling Victoria is regarded as the preeminent state cycling association with strong associations with the International Cycling Union (UCI), Cycling Australia (CA), VicHealth, Sport and Recreation Victoria (SRV).

As an affiliated state of CA we are responsible for developing and delivering a numerous successful development programs, overseeing and promoting more than 5,000 annually organised competitive and recreational cycling events. CV also presides over 55 affiliated clubs and over 8.000 members throughout the state.

We have a proven track record of delivering some of the largest cycling events in Australia:

- National Masters Road Championships
- National Track Championships (Junior and Masters)
- Tour of the Goldfields (NRS)
- Austral Wheelrace
- National Cyclo-Cross Championships
- ...and many more

The ability of our team to work closely with multiple and varied stakeholders is key to our success. Couple with our ability to understand the needs of our partners and deliver great return of investment.

## Event Format and Locations

The event is scheduled to be a 5-day event with the first three days taking place in Mt. Gambier. This extension of year one will see a further increase in economic impact for the region.

The Event Dates: August 13-17 2014

**Event Route:** Tuesday 12<sup>th</sup> August Teams gather in Mt Gambier. Evening – team managers meeting.

**Teams overnight in Mt Gambier.**

Wednesday 13<sup>th</sup> August AM - Stage 1 Criterium – Mt Gambier (Wehl St). PM – Stage 2 – Road Race (Blue Lake Loop from O’Halloran Terrace).

**Teams Overnight in Mt Gambier**

Thursday 14<sup>th</sup> August PM – Stage 3 Road Race – Starting in Mt. Gambier and including the District Council of Grant and Wattle Ranges Council.

**Teams Overnight in Mt Gambier**

Total overnight stays = 3

*Racing moves to Victoria on Friday 15<sup>th</sup> August.*

Economic Impact: Subaru Cycling Australia National Road Series Events deliver economic impact to Murray Councils by way of the following approximate numbers. - Event Participants: 160 riders. - Team support Personnel: 100 persons. - Event Team: 20 persons - Event Officials: 25 persons - Event Volunteers: 35 persons - Accredited media personnel: 10 persons – Travelling Spectators (linked to teams and riders): 50 persons

Total Travelling Group = 400 persons (conservative estimate of people requiring accommodation, meals and ongoing supplies)

## Media Exposure

The event exposure has increased tremendously in 2013 with the partnership with Cycling Australia. It is expected that this will increase again in 2014 with the Cycling Victoria partnership.

The exposure will include:

- 30 minute highlights package on SBS (which can include Mt. Gambier vignette);
- Daily online video highlights on CV (50,000 views per month) and SBS websites
- Twitter coverage to over 10,000 Cycling Victoria and Cycling Australia followers;
- Facebook coverage to over 10,000 Cycling Victoria and Cycling Australia followers;
- Coverage throughout Cycling Victoria and Cycling Australia Membership of 24,000+;
- Coverage in Local and National Media Outlets
- Subaru National Road Series and CV websites (100,000 hits per month)

Funding Request:

CV are seeking a funding request in line with the upgrades to the event and potential positive impact on the City of Mt. Gambier

- \$20,000 + GST
- Implementation of Traffic Management at Blue Lake Stage & Criterium (as per 2013)



Please complete the relevant sections and return to the **CITY OF MOUNT GAMBIER, EVENTS SUPPORT DIVISION** no later than 60 days after the conclusion of the event.

#### DATA SUPPLIED BY EVENT ORGANISER

BASIC DATA	
ORGANISATION	<b>Caribou Publications</b>
EVENT NAME	<b>Tour of the Great South Coast</b>
DATE OF EVENT	<b>14/08/2013</b>
REPORT PREPARED BY:	<b>Kate Butler, Event Co-ordinator</b>

#### EVENT SPECIFIC DATA

	THIS YEAR	LAST YEAR	PREVIOUS YEAR	Financial ie registration fee, entrance fees
Number of participants	<b>144</b>	<b>152</b>	<b>n/a</b>	<b>\$185 individual entry</b>
Number of accompanying attendees (estimate)	<b>300</b>	<b>350</b>	<b>n/a</b>	<b>Free entry</b>
Number of spectators (estimate)	<b>800+ for Mount Gambier stages</b>	<b>n/a</b>	<b>n/a</b>	<b>Free entry</b>
Where are the participants visiting from? (estimated %)	Local 2%	SA 15.3%	NSW 13.2%	VIC 45.1%
	WA .7%	TAS 5.6%	NT -	International 7.7%

**MARKETING DETAILS**

<p>Details of promotional campaign, media and activities (please attach any media copies available)</p>	<p>Please tick which promotional materials were used:</p> <table style="width: 100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> Newspaper</td> <td><input checked="" type="checkbox"/> Radio</td> </tr> <tr> <td><input checked="" type="checkbox"/> Television</td> <td><input checked="" type="checkbox"/> Website</td> </tr> <tr> <td><input type="checkbox"/> Magazine</td> <td><input type="checkbox"/> Outdoor advertising</td> </tr> <tr> <td><input type="checkbox"/> Newsletter</td> <td><input checked="" type="checkbox"/> Flyers</td> </tr> <tr> <td><input checked="" type="checkbox"/> Posters</td> <td><input checked="" type="checkbox"/> Branded Material</td> </tr> <tr> <td><input type="checkbox"/> Other:</td> <td></td> </tr> </table> <p>If other please list:</p>	<input checked="" type="checkbox"/> Newspaper	<input checked="" type="checkbox"/> Radio	<input checked="" type="checkbox"/> Television	<input checked="" type="checkbox"/> Website	<input type="checkbox"/> Magazine	<input type="checkbox"/> Outdoor advertising	<input type="checkbox"/> Newsletter	<input checked="" type="checkbox"/> Flyers	<input checked="" type="checkbox"/> Posters	<input checked="" type="checkbox"/> Branded Material	<input type="checkbox"/> Other:	
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<input type="checkbox"/> Newsletter	<input checked="" type="checkbox"/> Flyers												
<input checked="" type="checkbox"/> Posters	<input checked="" type="checkbox"/> Branded Material												
<input type="checkbox"/> Other:													

Who was your target market for this event?

**The Tour of the Great South Coast aims to engage the local communities it visits and targets a wide audience – from grandparents to school children to sporting enthusiasts. Caribou believes the tour was able to have a significant positive impact on the Mount Gambier community, which was evident through the large crowd that was scattered over the Blue Lake road race course to witness the race.**

**EVENT BUDGET**

<p>Was the event delivered within budget (as submitted)?  <b>Please attach a Final copy of the event budget</b></p>	<p><input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No</p>
<p>Were there any major budget variations?  <b>Please Comment</b></p>	<p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>
<p><b>Unfortunately Caribou Publications was unsuccessful in its application for a Tourism Victoria grant, however this funding was almost covered through sponsors in the commercial sector.</b></p>	

**FEEDBACK**

**EVENT RATING (Please select)**

	BETTER THAN EXPECTED	AS EXPECTED	LESS THAN EXPECTED	UNSATISFACTORY
Overall Rating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Accommodation Please select	Caravan Park	Motels	B & B's	Apartments	Hotels
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	BETTER THAN EXPECTED	AS EXPECTED	LESS THAN EXPECTED	UNSATISFACTORY
Accommodation Feedback rating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Venue</b> Please name venue used for event	Vansittart Park and Blue Lake			
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	BETTER THAN EXPECTED	AS EXPECTED	LESS THAN EXPECTED	UNSATISFACTORY
Venue Feedback rating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tours & Activities available

Dining options Please select	Restaurants	Cafes	Fast Food	Onsite Vendors
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	BETTER THAN EXPECTED	AS EXPECTED	LESS THAN EXPECTED	UNSATISFACTORY
Dining options Please rate your experience	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Did you use a Service Club?  
eg. Rotary Clubs, Lions etc.

n/a

Comments
<p><b>The tour entourage dined at the Mount Gambier Community RSL on race eve, with the venue also allowing us to use its facilities to hold our official briefing and team registration. The RSL was a suitable venue, offering tasty, affordable meals. Numerous officials returned to the RSL the following night for dinner, while other officials ventured to other eateries, including Caffè Belgiorno and Metro Dessert Bar, which were both popular.</b></p> <p><b>Majority of the tour stayed at the Grand Central Motel, which offered cheap, clean &amp; central accommodation. Jenny Medhurst was a wonderful host, contributing to the warm hospitality the entourage received while in Mount Gambier for two nights.</b></p>

**COMMUNITY ENGAGEMENT / DEVELOPMENT**

What opportunities were made available to the local community and club/organisation to increase capacity?

ie Special Guests/Speakers, Sponsorship, workshops, mentoring, Membership?

**Caribou conducted its Schools' Promotion Campaign, where the Search2Retain cycling team visited three schools the day before the tour. The schools that expressed their interest in the campaign were Reidy Park Primary School, Mulga Street Primary School and Melaleuca Park Primary School.**

**The riders delivered talks to the students on health, nutrition, bike safety, the importance of setting goals etc. The students were then invited to watch the race the following day.**

**Reidy Park Primary School took advantage of the opportunity, bringing out its entire school to witness the Blue Lake Road Race. The youngsters created a lively atmosphere, and the riders got a real thrill out of racing in front of such of a large crowd.**

**The City of Mount Gambier was also provided with an opportunity to assist with presentations. Mayor Steve Perryman assisted with presentations after the criterium, while he also started the morning race. In the afternoon stage, chief executive officer Mark McShane helped with presentations.**

What worked well?

**Holding the opening day of the tour in Mount Gambier worked exceptionally well, particularly for the riders, who were challenged by the Blue Lake road race course.**

**The Schools' Promotion Campaign was also a hit, and Caribou believes there would have been a greater crowd – including school children – at the morning criterium if the weather had been kinder.**

**Both courses were fantastic, as they were central and also presented the SBS documentary makers with an opportunity to promote the city as a worthy tourism destination.**

Would you consider holding another event in the City of Mount Gambier? (If not, why not?)

**Yes, Caribou Publications would definitely consider holding another event in Mount Gambier, mainly due to the council's co-operation and enthusiasm.**

**The City of Mount Gambier was wonderful to work with, showing a genuine interest in ensuring the tour was successful and showed great pride in bringing a major sporting event to the region.**

## BENEFITS

What are the benefits this event brings to the City of Mount Gambier?

### **Social:**

The Tour of the Great South Coast offered numerous social benefits, with cycling an activity that assists in the promotion of a healthy lifestyle.

The tour provided an avenue for people – whether it was spectators, officials or riders – to make new friendships and build a strong sense of community.

### **Economic:**

The City of Mount Gambier experienced an economic boom in an off-peak tourism period. The management team – which consisted of 60 people – stayed in the city for two nights, on Tuesday, August 13 and Wednesday, August 14.

Numerous teams also stayed in the city for at least one night, which was evident through their attendance at registration at the RSL on the Tuesday night.

It is estimated that approximately 450 people – mainly visitors - injected money into the local economy, whether it was through accommodation, food, fuel etc.

It is hoped that the tour will also result in repeat visitation for the City of Mount Gambier.

How could Council help you achieve a better result for your next event?

Apart from some testing weather on Wednesday morning, the opening day of the tour was hugely successful. The City of Mount Gambier was exceptional, responding to all of our requests and providing everything it possibly could (such as equipment, venues, promotional material) to assist in ensuring the event ran smoothly.

The work by the depot was also exceptional, providing a slick traffic management operation which meant the courses were safe for cyclists, spectators, motorists and officials.

## **Community & Events**

### **City of Mount Gambier**

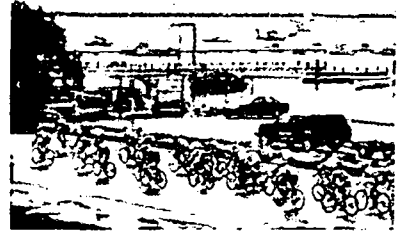
35 Jubilee Highway East (PO BOX 56), MOUNT GAMBIER SA 5290

P: (08) 8723 1025 or mobile 0419 871 436

E: drichardson@mountgambier.sa.gov.au

[www.mountgambiertourism.com.au](http://www.mountgambiertourism.com.au)

# 2013 TOUR OF THE GREAT SOUTH COAST Budget



(As at October 3, 2013)

## **BUDGET REVENUE**

### **Municipal sponsors:**

City of Mount Gambier, Glenelg Shire, Moyne Shire,

Corangamite Shire

\$60,000

### **Major sponsorship:**

Campolina Racing & Fulton Hogan

\$30,000

### **Commercial sponsors**

Subaru, CFMEU, Shimano, Independent Cranes, SCODY,

MGA Insurance, Commercial Hotel Koroit, The Star of the

West Hotel, The Gordon Hotel, Midfield Meats

\$63,000

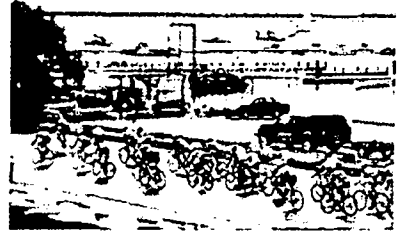
Cycling Victoria (re-imburement)

\$17,000

**Total:**

**\$170,000**

# 2013 TOUR OF THE GREAT SOUTH COAST Budget



## **BUDGET EXPENDITURE**

Accommodation (officials)	\$15,000
Administration	\$3000
Advertising/printing	\$5000
Bank charges & government fees	\$900
Course surveys/meetings	\$4000
Equipment hire & costs	\$17,000
Fuel – vehicle maintenance – travel	\$10,000
Management fees: staff wages	\$25,000
Media & promotion	\$14,000
Officials' expenses	\$20,000
Patronage fees (Cycling Australia, Cycling Victoria)	\$1500
Police fees	\$25,000
Prizemoney & trophies	\$22,000
Riders' jerseys	\$6000
Schools' promotion campaign	\$500
Sponsor meetings/subscriptions	\$4000
<b>Total:</b>	<b>\$172,900</b>

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 23/2014****SUBJECT: FAMILY FUN DAY****REF: AF13/471***Goal: Building Communities**Strategic Objective: Develop an improved means of communication and engagement between Council and the community (including vulnerable communities) in the building of community capacity**Goal: Diversity**Strategic Objective: Understand our community profile**Consider the needs of all community groups in developing projects, services and infrastructure (public or privately owned)**Goal: Community Well-being**Strategic Objective: Ensure through research and engagement that the current and future health (services and infrastructure) needs are identified***CONTEXT**

The Family Fun Day was originally established in 2003 by Mayoress Jaime Perryman, City of Mount Gambier Chief Executive Officer and two women's service organisations - Soroptimist International Mount Gambier and Lioness Club of Mount Gambier with a clear objective - the event be held as a free service to the community.

In 2013 the organising committee changed to an Advisory Group, the event became the Family Fun Day and at that point the Lioness Club of Mount Gambier and the Mount Gambier Lions Club withdrew their formal support. Council maintained responsibility for the Infrastructure, Volunteer Management and Risk Management for the event and continues to provide an increased level of in-kind and financial support.

**ISSUES****Volunteer Management**

- inadequate number of volunteers to service the needs of the day
- Minimum 104 volunteer hours required on the day alone
- Evaluation recommendation - Strategies need to be established in order to cope with less volunteers

**Risk Management**

- Several minor & moderate injuries
- Increasing number of unsupervised children

**Organisational Issues**

- Organisational capacity
- Increasing costs
- Community expectation

Costs exceeded \$46,000 with a total of \$11,500 sponsorship received.



After evaluation of the 2013 event a letter was sent to all Service Clubs and community groups involved seeking their feedback on the current structure and if they would support a new format. The majority of clubs indicated that they would be happy to be involved with a new format that would be more conducive to both the financial and volunteer capacity of their respective organisations.

The concerns raised from the 2013 event have prompted Council to review the purpose, format and cost of the Family Fun Day and consider the development of a new format for the event that aligns with the Beyond 2015 Strategic Plan and the work of the Lifelong Learning and the Community Engagement & Social Inclusion subcommittees that could be more frequent and effective.

### PROPOSAL

The Lifelong Learning and Community Engagement & Social Inclusion Sub Committee have identified a series of community days that align with the Beyond 2015 Strategic Plan with a major focus on a child friendly concepts promoting intergenerational engagement and social inclusion as the preferred option. This concept would see a number of smaller community events spread throughout the City.

### RECOMMENDATION

- (a) Corporate and Community Services Report No. 23/2014 be received;
- (b) Alternate format/s for the Family Fun Day be developed by the Lifelong Learning and Community Engagement & Social Inclusion Sub Committees;
- (c) An alternate event be held by August 2014.



**Barbara CERNOVSKIS**  
MANAGER - COMMUNITY SERVICES AND DEVELOPMENT

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

6<sup>th</sup> March 2014

(Refer item                      of Corporate and Community Services Minutes)