



Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

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

Date: Tuesday, 14 December 2021
Time: 6.00 pm
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 14 December 2021

A handwritten signature in black ink, appearing to read 'Sarah Philpott', is written over a faint, illegible background.

Sarah Philpott
Chief Executive Officer
10 December 2021

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Cr Ben Hood

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 16 November 2021](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 16 November 2021 be confirmed as an accurate record of the proceedings of the meeting.



5 MAYORAL REPORT

5.1 MAYORAL REPORT - DECEMBER 2021 – REPORT NO. AR21/42651

- Personal Learning Plan – Round Table Panel – Mount Gambier High School
- Celebration Mass – 100 Year Anniversary St Vincent de Paul
- Radio Interview with 5GTR-FM
- Elected Members Workshop – Sport and Recreation Open Spaces
- Visit to Boandik Lodge
- Meeting with CEO – RDALC Roadshow Agency Representatives
- With CEO – RDALC Roadshow
- Introductory Meeting (virtual) with CEO and David Coltman (TAFE SA)
- With GM City Growth, meeting with Member for Mount Gambier and Seb Packer
- Citizenship Ceremony
- Limestone Coast Family Violence Action Group ‘Say “NO” to Violence Breakfast
- Senior School Awards Ceremony – Tension Woods College
- Virtual LCLGA Mayor’s Meeting
- Presentation of Sashes – Mount Gambier Gift Carnival
- Reading a Lesson at the Festival of Carols Service – Christ Church
- LCLHN Governing Board – Annual Public Meeting
- Confidential Elected Member Briefing – re Mental Health Services
- Elected Members Workshop – Communication
- Independent Learning Centre Graduation Ceremony
- Australia Day Nominations Meeting
- Virtual LGA COVID-19 Sector Briefing with SA Health and SAPOL
- Chamber of Commerce Christmas Mix and Mingle
- Limestone Coast Inclusion Reference Group – International Day of People with Disabilities
- Virtual LCLGA Mayor’s Meeting
- Confidential Elected Member Workshop – Regional Suicide Prevention Plan
- Middle School Awards Ceremony – Tension Woods College
- Men’s Shed – Christmas Appeal Promotion
- Library Volunteers Christmas Lunch
- Confidential Elected Members Workshop – SA Ambulance
- LCLGA Board Meeting and Christmas Lunch – District Council of Robe
- Riddoch Arts and Cultural Centre – 10th Birthday Celebration
- 2 x Citizenship Ceremonies
- Confidential Elected Members Briefing with Minister for Health and Wellbeing Hon Stephen Wade MLC – Drug and Alcohol Services



6 REPORTS FROM COUNCILLORS



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - USE OF WULANDA RECREATION AND CONVENTION CENTRE

Meeting: Council
CM9 Reference: AF20/446
Member: Paul Jenner, Councillor

The following question on notice was received from Councillor Paul Jenner.

Question

What signed guarantee is there between the City of Mount Gambier and Basketball Mount Gambier, any other Associations in Mount Gambier, The Pioneers or The State Basketball Association to use the Wulanda Recreation & Convention Centre and if so how much it will cost to run?

Also, what will it cost for an adult, child family or concession to enter the building and a yearly fee?

How many people will be entering Wulanda weekly?

Response

To be provided at the meeting

REPORT RECOMMENDATION

That the response to the question regarding use and entry to Wulanda Recreation and Convention Centre raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



8 QUESTIONS WITHOUT NOTICE

9 PETITIONS

Nil

10 DEPUTATIONS

Nil



11 NOTICE OF MOTION TO RESCIND OR AMEND

11.1 NOTICE OF AMENDMENT - SPORT AND RECREATION CAPITAL WORKS PROGRAM 2021/2022

Meeting: Council
CM9 Reference: AF20/446
Member: Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 14 December 2021, I intend to move the following motion to amend:

MOTION

1. That Council Report No. AR21/76497 titled 'Notice of Amendment - Sport and Recreation Capital Works Program 2021/2022' as presented on 14 December 2021 be noted.
2. That part 2 of resolution 2021/365 titled Sport and Recreation Capital Works Program 2021/2022 - Applications that was passed on 16 November of meeting be amended from:
 2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 100,000.00

To:

2. That \$113,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 13,000.00
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00



Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 113,000.00

That the additional \$13,000 be reconciled in budget review two

RATIONALE

It should be noted that if this amendment is carried, Council would be approving additional budget, which will in turn have an impact on Council’s overall budget. This will be accounted for and reflected in Council’s Forward Budget Reviews in the following quarter.

ATTACHMENTS

Nil



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOP FROM 15/11/2021 TO 14/12/2021 – REPORT NO. AR21/1616

Meeting: Council
CM9 Reference: AF20/446
Author: Melissa Telford, Administration Officer - Executive Support
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR21/1616 titled 'Elected Member Workshop from 15/11/2021 to 14/12/2021' as presented on 14 December 2021 be noted.



ATTACHMENTS

1. Information / Briefing Session - Elected Members - Record of Proceedings - 22/11/2021 - Sport and Recreation Open Spaces - Engagement [↓](#)
2. Information / Briefing Session - Elected Members - Record of Proceedings - 30/11/2021 - Presentation from Mount Gambier and Districts Health Service regarding Mental Health Services [↓](#)
3. Information / Briefing Session - Elected Members - Record of Proceedings - 30/11/2021 - Communication [↓](#)
4. Information / Briefing Session - Elected Members - Record of Proceedings - 06/12/2021 - Discussion on Regional Suicide Prevention Plan [↓](#)
5. Information / Briefing Session - Elected Members - Record of Proceedings - 07/12/2021 - SA Ambulance - Limestone Coast Service Provision [↓](#)



**DESIGNATED INFORMAL GATHERING
SPORT AND RECREATION OPEN SPACES - ENGAGEMENT
5:30 PM MONDAY 22 NOVEMBER 2021**

RECORD OF PROCEEDINGS
5:30 pm, Monday 22 November 2021
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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

MEMBERS PRESENT:-

Mayor Martin
Cr Bruins
Cr Greco
Cr Jenner
Cr Mezinac
Cr Morello
Cr Perryman

STAFF PRESENT:-

Chief Executive Officer
General Manager City Growth
General Manager City Infrastructure
General Manager Shared Services
Strategy, Development and Research Coordinator
Strategic Development and Engagement Coordinators

MEMBERS APOLOGIES:-

Cr Amoroso

LEAVE OF ABSENCE:-

Cr Hood

DISCUSSION:

- Presentation on Sport and Recreation Open Spaces - Engagement

Discussion closed at 7:20 pm



**INFORMATION OR BRIEFING SESSION
PRESENTATION FROM MOUNT GAMBIER AND DISTRICTS HEALTH SERVICE
REGARDING MENTAL HEALTH SERVICES
5.45 P.M. TUESDAY 30 NOVEMBER 2021**

RECORD OF PROCEEDINGS
5.45 P.M. TUESDAY 30 NOVEMBER 2021
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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

The session will not be held at a place open to the public as the matter to be discussed is:

- of a confidential nature within the ambit of section 90(3) (g) and (j) of the Local Government Act 1999 being:
 - information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
 - information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

GUESTS:-

Ngaire Buchanan, Chief Executive Officer, Limestone Coast Local Health Network
Pauline Beach, Director Mental Health, Mount Gambier and Districts Health Service

MEMBERS PRESENT:-

Mayor Martin
Cr Meziniec
Cr Bruins
Cr Jenner
Cr Amoroso

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager City Growth
Acting General Manager Community Wellbeing

MEMBERS APOLOGIES:-

Cr Greco
Cr Perryman
Cr Morello

LEAVE OF ABSENCE:-

Cr Hood



DISCUSSION:

- Mental health services provided by Limestone Coast Local Health Network.
- Other services in Limestone Coast.
- Future planning for services.

Discussion closed at 6:46 p.m.



**INFORMATION OR BRIEFING SESSION
COMMUNICATION
6:50 P.M. TUESDAY 30 NOVEMBER 2021**

RECORD OF PROCEEDINGS
6:50 P.M. TUESDAY 30 NOVEMBER, 2021
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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

GUESTS:-

Nil

MEMBERS PRESENT:-

Mayor Martin
Cr Mezinac
Cr Bruins
Cr Amoroso
Cr Jenner
Cr Morello
Cr Perryman

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager City Growth
Acting General Manager Community Wellbeing

MEMBERS APOLOGIES:-

Cr Greco

LEAVE OF ABSENCE:-

Cr Hood

DISCUSSION:

- Priorities for communication, media.
- Opportunities for future.
- Gathering information for consideration of strategy.

Discussion closed at 8:09 p.m.



**INFORMATION / BRIEFING SESSION
DISCUSSION REGARDING REGIONAL SUICIDE PREVENTION PLAN
5.30 P.M. MONDAY 6 DECEMBER 2021**

RECORD OF PROCEEDINGS
5.30 P.M. MONDAY 6 DECEMBER 2021
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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

The session will not be held at a place open to the public as the matter to be discussed is:

- of a confidential nature within the ambit of section 90(3) (g) and (j) of the Local Government Act 1999 being:
 - information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
 - information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

GUESTS:-

Dr John Brayley, Chief Psychiatrist for South Australia
Mr Brendan Kelly, Associate Director, Suicide Prevention & Capacity Building, Wellbeing SA
Mr John Mannion, Lead Mental Health Commissioner

MEMBERS PRESENT:-

Mayor Martin
Cr Bruins
Cr Jenner
Cr Morello

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager Shared Services
General Manager City Growth
Acting General Manager Community Wellbeing

MEMBERS APOLOGIES:-

Cr Greco
Cr Amoroso
Cr Mezinac

LEAVE OF ABSENCE:-

Cr Hood



DISCUSSION:

- New Suicide Prevention Bill.
- Consultation and updating of State Suicide Prevention Strategy.
- Role of local Suicide Prevention networks and locally based action plans.

Discussion closed at 6:26 pm.



**INFORMATION / BRIEFING SESSION
SA AMBULANCE - LIMESTONE COAST SERVICE PROVISION
5.30 P.M. TUESDAY 7 DECEMBER 2021**

RECORD OF PROCEEDINGS
5.30 P.M. TUESDAY 7 DECEMBER 2021
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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

The session will not be held at a place open to the public as the matter to be discussed is:

- of a confidential nature within the ambit of section 90(3) (g) and (j) of the Local Government Act 1999 being:
 - information concerning matters that must be considered in confidence in order to ensure that the Council does not:
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 - breach any duty of confidence, or
 - breach any other legal obligation or duty
 - information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

GUESTS:-

Mr Robert Tolson, SA Ambulance Acting Executive Director Operations (Country) & Rescue Retrieval & Aviation Services

Mr Daniel Forrest, SA Ambulance Limestone Coast Relieving Operations Manager

MEMBERS PRESENT:-

Mayor Martin
Cr Bruins
Cr Jenner
Cr Morello

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager Shared Services
General Manager City Growth
Acting General Manager Community Wellbeing

MEMBERS APOLOGIES:-

Cr Perryman
Cr Amoroso
Cr Meziniec
Cr Greco

LEAVE OF ABSENCE:-

Cr Hood



DISCUSSION:

- Outline of SA Ambulance Service role in emergency ambulance provision.
- Service provision for Mount Gambier.
- Staff and volunteer roles.
- Challenges and opportunities.

Discussion closed at 6:41 pm.



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/11/2021 – REPORT NO. AR21/1599

Meeting: Council
CM9 Reference: AF20/446
Author: Sally Wilson, Executive Administrator City Infrastructure
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR21/1599 titled 'Council Action Items - 16/11/2021' as presented on 14 December 2021 be noted.



ATTACHMENTS

1. Council Action Items - 16/11/2021 [↓](#)



Division: Council	Date From: 16/11/2021
Meeting: Council	Date To: 16/11/2021
Officer:	Printed: 10 December 2021 11:49 AM

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Wilson, Sally Cemovskis, Barbara	Elected Members Workshops	Elected Member Workshops from 15/10/2021 to 11/11/2021
RESOLUTION 2021/332			
Moved: Cr Max Bruins			
Seconded: Cr Paul Jenner			
That the Record of Proceedings for the listed Workshops be received and noted.			
CARRIED			
07 Dec 2021 1:30pm Wilson, Sally - Completion			
Action completed by Wilson, Sally			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Economic and Environment Committee Minutes and Rec	Minutes of the Economic and Environment Committee held on 1 November 2021
RESOLUTION 2021/334			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
That the Minutes of the Economic and Environment Committee meeting held on 1 November 2021 as attached be noted.			
CARRIED			
24 Nov 2021 11:19am Telford, Melissa - Completion			
Action completed by Telford, Melissa			



Division: Meeting: Council Officer: Action Sheets Report	Date From: 16/11/2021 Date To: 16/11/2021 Printed: 10 December 2021 11:49 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Izzard, Aaron Cernovskis, Barbara	Reports	Strategic Sustainability Report
<p>RESOLUTION 2021/335</p> <p>Moved: Cr Paul Jenner Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> That Economic and Environment Committee Report No. AR21/62236 titled 'Strategic Sustainability Report' as presented on 01 November 2021 be noted. That a Strategic Sustainability briefing be scheduled for Council to discuss opportunities and prioritise key result areas. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Reports	Rail Corridor Licence
<p>RESOLUTION 2021/336</p> <p>Moved: Cr Paul Jenner Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> That Economic and Environment Committee Report No. AR21/67626 titled 'Rail Corridor Licence' as presented on 01 November 2021 be noted. That the Chief Executive Officer (or representative) finalise documentation with the Department for Infrastructure and Transport as is necessary to secure tenure of the railway corridor lands listed in Attachment 1 for shared use path purposes, and the Mayor and Chief Executive Officer be authorised to affix the Common Seal to such documentation. That, in accordance with section 193(4) of the Local Government Act 1999 the railway corridor lands listed in Attachment 1 to Report No. AR21/67626 be excluded from classification as community land. <p style="text-align: right;">CARRIED</p>			



Division: Meeting: Council Officer: Action Sheets Report	Date From: 16/11/2021 Date To: 16/11/2021 Printed: 10 December 2021 11:49 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Tzioutziouklaris, Tracy Coote, Tim	Reports	Joint Planning Board
RESOLUTION 2021/337			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
1. That Economic and Environment Committee Report No. AR21/68151 titled 'Joint Planning Board' as presented on 01 November 2021 be noted.			
CARRIED			
30 Nov 2021 12:56pm Tzioutziouklaris, Tracy - Completion			
Action completed by Tzioutziouklaris, Tracy			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Chant, Tahlee Coote, Tim	Council Assessment Panel Minutes	Minutes of the Council Assessment Panel held on 21 October 2021
RESOLUTION 2021/338			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
That the Minutes of the Council Assessment Panel meeting held on 21 October 2021 as previously circulated be noted.			
CARRIED			
03 Dec 2021 9:40am Chant, Tahlee - Completion			
Action completed by Chant, Tahlee			



<p>Division: Meeting: Council Officer:</p> <p>Action Sheets Report</p>	<p>Date From: 16/11/2021 Date To: 16/11/2021</p> <p>Printed: 10 December 2021 11:49 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Junior Sports Assistance (Section 41) Committee M1	Minutes of the Junior Sports Assistance Fund held on 27 October 2021
<p>RESOLUTION 2021/339</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins</p> <p>That the Minutes of the Junior Sports Assistance Fund meeting held on 27 October 2021 as attached be noted.</p> <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:19am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Payment to Member Organisations
<p>RESOLUTION 2021/340</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> 1. That Junior Sports Assistance Fund Report No. AR21/48591 titled 'Payments to Member Organisations ' as presented on 27 October 2021 be noted. 2. That the allocation be calculated based on 10% of the total cost of the principle event and capped at \$200 minimum and \$500 maximum. 3. That in the event of extenuating circumstances the determination will be at the discretion of the Committee. <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:20am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			



Division: Meeting: Council Officer:	Date From: 16/11/2021 Date To: 16/11/2021 Printed: 10 December 2021 11:49 AM
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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Statement of Revenue and Expenditure - Year Ended 30/06/2021
<p>RESOLUTION 2021/341</p> <p>Moved: Cr Paul Jenner Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR21/48595 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2021' as presented on 27 October 2021 be noted. The Statement of Income and Expenditure for period ended 30 June, 2021 detailing payments to or payments from the Fund with a 30 June 2021 cash balance of \$112,036.64 be received. <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:20am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Member Organisation Contributions 2021/2022
<p>RESOLUTION 2021/342</p> <p>Moved: Cr Paul Jenner Seconded: Cr Sonya Mezinac</p> <ol style="list-style-type: none"> That Junior Sports Assistance Fund Report No. AR21/48602 titled 'Member Organisation Contributions 2021/2022' as presented on 27 October 2021 be noted. Members Organisations be advised that to continue assist its members during the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2021/2022 financial year be waived. <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:20am Telford, Melissa - Completion Action completed by Telford, Melissa - Letters sent to Member Organisations</p>			



Division: Meeting: Council Officer: Action Sheets Report	Date From: 16/11/2021 Date To: 16/11/2021 Printed: 10 December 2021 11:49 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	General Developments of the Fund Since the Thirty-Fifth Annual General Meeting
<p>RESOLUTION 2021/343</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins</p> <p>1. That Junior Sports Assistance Fund Report No. AR21/48596 titled 'General Developments of the Fund Since the Thirty-Fifth Annual General Meeting' as presented on 27 October 2021 be noted.</p> <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:20am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Committee Appointments
<p>RESOLUTION 2021/344</p> <p>Moved: Cr Frank Morello Seconded: Cr Sonya Meziniec</p> <p>1. That Junior Sports Assistance Fund Report No. AR21/48607 titled 'Committee Appointments' as presented on 27 October 2021 be noted.</p> <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:21am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			



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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Junior Sports Assistance (Section 41) Committee M	Minutes of the Junior Sports Assistance Fund held on 27 October 2021
<p>RESOLUTION 2021/345</p> <p>Moved: Cr Max Bruins Seconded: Cr Sonya Meziniec</p> <p>That the Minutes of the Junior Sports Assistance Fund meeting held on 27 October 2021 as attached be noted.</p> <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:21am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Correspondence Received
<p>RESOLUTION 2021/346</p> <p>Moved: Cr Frank Morello Seconded: Cr Paul Jenner</p> <p>1. That Junior Sports Assistance Fund Report No. AR21/63251 titled 'Correspondence Received' as presented on 27 October 2021 be noted.</p> <p style="text-align: right;">CARRIED</p> <p>24 Nov 2021 11:21am Telford, Melissa - Completion Action completed by Telford, Melissa</p>			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Statement of Revenue and Expenses - 01/05/2021 - 30/09/2021
RESOLUTION 2021/347			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
1. That Junior Sports Assistance Fund Report No. AR21/63255 titled 'Statement of Revenue and Expenses - 01/05/2021 - 30/09/2021' as presented on 27 October 2021 be noted.			
2. The financial statement of the Fund as 30 September 2021 be received, noting a cash balance of \$126,036.64.			
CARRIED			
24 Nov 2021 11:21am Telford, Melissa - Completion			
Action completed by Telford, Melissa			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Lavia, Ashlee Davison, Georgina	Audit and Risk Committee Minutes and Recommendation	Minutes of the Audit Committee held on 8 November 2021
RESOLUTION 2021/350			
Moved: Cr Sonya Meziniec			
Seconded: Cr Frank Morello			
That the Minutes of the Audit Committee meeting held on 8 November 2021 as attached be noted.			
CARRIED			
23 Nov 2021 8:51am Lavia, Ashlee - Completion			
Action completed by Lavia, Ashlee			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Lavia, Ashlee Davison, Georgina	Reports	Correspondence Received
RESOLUTION 2021/351			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
1. That Audit Committee Report No. AR21/71204 titled 'Correspondence Received' as presented on 08 November 2021 be noted.			
CARRIED			
23 Nov 2021 8:51am Lavia, Ashlee - Completion			
Action completed by Lavia, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Reports	Self-assessment of Performance Audit Committee
RESOLUTION 2021/352			
Moved: Cr Sonya Meziniec			
Seconded: Cr Frank Morello			
1. That Audit Committee Report No. AR21/62432 titled 'Self-assessment of Performance Audit Committee' as presented on 08 November 2021 be noted.			
2. That the Audit Committee:			
(a) Authorise the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the attached draft Audit Committee Self-Assessment Annual Report 2020/2021 that the Committee identifies and to then finalise the document; and			
(b) Recommend to Council that the Audit Committee's Self-Assessment Report for 2020/21 be adopted.			
CARRIED			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Reports	Policy Review - B300 Budget Framework

RESOLUTION 2021/353
Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/62434 titled 'Policy Review - B300 Budget Framework' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Determine if it wishes to make any adjustments to the draft revised policy.
 - (b) Recommend to Council that Council adopts the proposed revised B300 Budget Framework Policy.
3. That Council Policy B300 - Budget Framework be adopted as attached to Report No. AR21/62434 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED



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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Reports	Policy Review - T150 - Treasury Management
<p>RESOLUTION 2021/354</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> 1. That Audit Committee Report No. AR21/62435 titled 'Policy Review - T150 - Treasury Management' as presented on 08 November 2021 be noted. 2. That the Audit Committee: <ol style="list-style-type: none"> (a) Determine if it wishes to make any adjustments to Council with regard to the updated policy. (b) Recommend to Council that Council adopts the updated Treasury Management Policy as presented. 3. That Council Policy T150 - Treasury Management be adopted as attached to Report No. AR21/62435 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Reports	Council Investments & Borrowings
<p>RESOLUTION 2021/355</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> 1. That Audit Committee Report No. AR21/71874 titled 'Council Investments & Borrowings' as presented on 08 November 2021 be noted. <p style="text-align: right;">CARRIED</p>			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Reports	Review of Draft Audit and Risk Committee Terms of Reference
<p>RESOLUTION 2021/356</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> 1. That Audit Committee Report No. AR21/67856 titled 'Review of Draft Audit and Risk Committee Terms of Reference' as presented on 08 November 2021 be noted. 2. That the Audit Committee: <ol style="list-style-type: none"> (a) Authorises the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the draft Audit and Risk Committee Terms of Reference that the Committee identifies and to then finalise the document; and (b) Recommend to Council that the draft Audit and Risk Committee Terms of Reference be adopted. 3. That the Audit and Risk Committee Terms of Reference be adopted as attached to Report No. AR21/67856 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Lavia, Ashlee Davison, Georgina	Chief Executive Officer Performance Review Committ	Minutes of the Chief Executive Officer Performance Review Committee held on 9 November 2021
<p>RESOLUTION 2021/357</p> <p>Moved: Mayor Lynette Martin Seconded: Cr Sonya Meziniec</p> <p>That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 9 November 2021 as attached be noted.</p> <p style="text-align: right;">CARRIED</p> <p>23 Nov 2021 8:51am Lavia, Ashlee - Completion Action completed by Lavia, Ashlee</p>			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Council Reports	2022/23 Annual Business Plan Process
RESOLUTION 2021/358			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR21/62437 titled '2022/23 Annual Business Plan Process' as presented on 16 November 2021 be noted. 2. That Council: <ol style="list-style-type: none"> (a) Note the 2022/23 Annual Business Plan process as outlined in this report. (b) Note the budget information to be provided to Council Members illustrated in this report. (c) Note the key milestones and meeting dates included in this report. 			
			CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Watson, Ashlea Cemovskis, Barbara	Council Reports	2020/2021 City of Mount Gambier Annual Report
RESOLUTION 2021/359			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR21/64554 titled '2020/2021 City of Mount Gambier Annual Report' as presented on 16 November 2021 be noted. 2. That the City of Mount Gambier 2020/2021 Annual Report as tabled be adopted. 3. That the Chief Executive Officer be authorised to make any non-material changes as considered necessary prior to publication. 4. That copies of the City of Mount Gambier be distributed to the bodies/persons referred to in Section 131 of the <i>Local Government Act 1999</i>. 			
			CARRIED



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Council Reports	Review of Committee / Decision Making Structure
RESOLUTION 2021/360			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR21/70507 titled 'Review of Committee / Decision Making Structure' as presented on 16 November 2021 be noted. 2. That Council adopt a committee / decision-making structure comprising the following components: <ol style="list-style-type: none"> (a) Monthly Council meetings on 3rd Tuesday of the month commencing at 6:00 pm. (b) The following statutory committees: <ol style="list-style-type: none"> (i) Audit (and Risk) Committee (ii) Council Assessment Panel (until replaced by a Regional Assessment Panel) (iii) Building Fire Safety Committee (c) The following special purpose committees: <ol style="list-style-type: none"> (i) Chief Executive Officer Performance Review Committee (ii) Junior Sports Assistance Fund (d) Information and briefing sessions to be held wherever possible on other Tuesday evenings (<i>or other evening as determined by Council</i>) commencing at 5:30 pm, held in accordance with section 90A (except where section 90A does not apply). 3. That Terms of Reference, membership and meeting dates and times for the committees referenced in resolution (2) remain unchanged until reviewed/amended by Council. 4. That the committee / decision -making structure in resolution (2) take effect as follows: <ol style="list-style-type: none"> (a) New committees commence from a first meeting date in the first quarter 2022. (b) Any demised committees (i.e. not referenced in resolution 2) be placed into recess forthwith. (c) Council meetings commence at 6:00 pm from the January 2022 Ordinary meeting. (d) The Economic and Environment and People and Place Committees no longer be considered prescribed committees. 5. That amendments to Presiding Member allowances and/or sitting fees arising from committee / decision-making structure changes be noted. 6. That the Presiding Members and Members of demised committees be thanked for their contributions over the course of the committees operation. 			
CARRIED			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Council Reports	Council and Committee Meeting Arrangements for December 2021 / January 2022
<p>RESOLUTION 2021/361</p> <p>Moved: Cr Frank Morello Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> That Council Report No. AR21/44964 titled 'Council and Committee Meeting Arrangements for December 2021 / January 2022' as presented on 16 November 2021 be noted. That the December 2021 Ordinary Council meeting be held on Tuesday 14 December 2021 commencing at 6:00 pm rather than on the 3rd Tuesday of the month. The Council meeting calendar be updated / prepared reflecting the changes in resolution 2, and appropriate notification be given of meeting dates. <p style="text-align: right;">CARRIED</p> <p>02 Dec 2021 11:54am McCarthy, Michael - Completion Action completed by McCarthy, Michael</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Council Reports	Local Government Reform - Mobile Food Vendors
<p>RESOLUTION 2021/362</p> <p>Moved: Cr Max Bruins Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> That Council Report No. AR21/69573 titled 'Local Government Reform - Mobile Food Vendors' as presented on 16 November 2021 be noted. That, notwithstanding the repeal of the legislative provisions relating to mobile food vending business and location rules, that location rules for mobile food vendors endorsed in 2018 and published on the Council website be updated to reflect legislative amendments (repeal) and be retained for the purpose of permit terms and conditions. <p style="text-align: right;">CARRIED</p>			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Council Reports	Local Government Reform - Round 2 Regulations - Feedback
<p>RESOLUTION 2021/363</p> <p>Moved: Cr Paul Jenner Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> That Council Report No. AR21/64930 titled 'Local Government Reform - Round 2 Regulations - Feedback' as presented on 16 November 2021 be noted. That Council supports the position of the Local Government Association on the round 2 local government reform draft regulations as set out in the Discussion Paper referenced in Report No. AR21/64930. That the City of Mount Gambier support an amendment to Regulation 4 of the Local Government (General) (Annual Report) Variation Regulations 2021 to include in the definition of 'prescribed interstate travel' an exemption for a council with a boundary that is 'proximate in distance' to a State Border, noting that the City of Mount Gambier boundary is located only some 20 kilometres from the Victorian State border. The decision of Council (resolution 3) be conveyed to Member for Mount Gambier Troy Bell MP. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Council Reports	Local Government Reform - Round 2 Commencement
<p>RESOLUTION 2021/364</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> That Council Report No. AR21/69834 titled 'Local Government Reform - Round 2 Commencement' as presented on 16 November 2021 be noted. <p style="text-align: right;">CARRIED</p>			



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Meeting	Officer/Authoriser	Section	Subject																																												
Council 16/11/2021	Wilson, Sally Cernovskis, Barbara	Council Reports	Sport and Recreation Capital Works Program 2021/2022 - Applications																																												
RESOLUTION 2021/365																																															
Moved: Cr Max Bruins																																															
Seconded: Cr Sonya Meziniec																																															
1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 – Applications' as presented on 16 November 2021 be noted.																																															
2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:																																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Applicant</th> <th style="text-align: center;">Priority (Score)</th> <th style="text-align: right;">Requested</th> <th style="text-align: right;">Approved</th> </tr> </thead> <tbody> <tr> <td>Blue Lake Golf Club Incorporated</td> <td style="text-align: center;">12</td> <td style="text-align: right;">\$ 21,993.00</td> <td style="text-align: right;">\$ 0</td> </tr> <tr> <td>East Gambier Cricket Club</td> <td style="text-align: center;">14</td> <td style="text-align: right;">\$ 5,307.00</td> <td style="text-align: right;">\$ 5,000.00</td> </tr> <tr> <td>Mount Gambier Bowls Inc</td> <td style="text-align: center;">15</td> <td style="text-align: right;">\$ 14,000.00</td> <td style="text-align: right;">\$ 14,000.00</td> </tr> <tr> <td>Mount Gambier Gun Club</td> <td style="text-align: center;">15</td> <td style="text-align: right;">\$ 17,915.00</td> <td style="text-align: right;">\$ 14,000.00</td> </tr> <tr> <td>Mount Gambier RSL & District Bowling Club</td> <td style="text-align: center;">11</td> <td style="text-align: right;">\$ 3,950.00</td> <td style="text-align: right;">\$ 2,000.00</td> </tr> <tr> <td>North Gambier Football / Netball Club</td> <td style="text-align: center;">11</td> <td style="text-align: right;">\$ 35,000.00</td> <td style="text-align: right;">\$ 25,000.00</td> </tr> <tr> <td>South Gambier Football Club Inc</td> <td style="text-align: center;">14</td> <td style="text-align: right;">\$ 25,000.00</td> <td style="text-align: right;">\$ 18,000.00</td> </tr> <tr> <td>South Gambier Netball Club Incorporated</td> <td style="text-align: center;">14</td> <td style="text-align: right;">\$ 9,431.00</td> <td style="text-align: right;">\$ 9,000.00</td> </tr> <tr> <td>West Gambier Football Club Incorporated</td> <td style="text-align: center;">9</td> <td style="text-align: right;">\$ 13,150.00</td> <td style="text-align: right;">\$ 13,000.00</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">\$ 145,747.00</td> <td style="text-align: right;">\$ 100,000.00</td> </tr> </tbody> </table>				Applicant	Priority (Score)	Requested	Approved	Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0	East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00	Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00	Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00	Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00	North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00	South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00	South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00	West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00			\$ 145,747.00	\$ 100,000.00
Applicant	Priority (Score)	Requested	Approved																																												
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0																																												
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00																																												
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Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00																																												
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North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00																																												
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West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00																																												
		\$ 145,747.00	\$ 100,000.00																																												
3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:																																															
<ul style="list-style-type: none"> • all necessary land holder and development approvals being obtained; and • all works being completed in accordance with all relevant legislative and compliance standards. 																																															
CARRIED																																															
07 Dec 2021 1:32pm Wilson, Sally - Completion																																															
Action completed by Wilson, Sally																																															



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Philpott, Sarah Philpott, Sarah	Council Reports	Acting arrangements in absence of CEO
RESOLUTION 2021/367			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR21/70686 titled 'Acting arrangements in absence of CEO' as presented on 16 November 2021 be noted. 2. That, having consulted with the Council in accordance with Section 102(b) of the <i>Local Government Act, 1999</i>, it is noted that, in the instance of unplanned or unanticipated urgent leave, the Chief Executive Officer (CEO) appoints Ms Barbara Cernovskis (General Manager City Infrastructure), to act in the position of Chief Executive Officer. 3. That, should the acting arrangements for unplanned or unanticipated urgent leave of the CEO, as set out in resolution 2, be unsuitable due to the absence or unavailability of Ms Barbara Cernovskis, that Mr Darren Barber (General Manager Shared Services), will be appointed to act in the position of Chief Executive Officer, and failing his availability, then Mr Tim Coote (General Manager City Growth) will be appointed to act in the position of Chief Executive Officer. 4. That it is noted that, in the instance of planned or anticipated leave by the Chief Executive Officer, the Chief Executive Officer will make an appointment from amongst the three General Manager positions, namely, the General Manager City Infrastructure, the General Manager Shared Services or the General Manager City Growth. 5. That it is intended that these arrangements remain in place, including should incumbents in the General Manager roles change (excepting short-term acting arrangements of other officers not named in resolution 3), or the executive position titles change in subsequent organisational structures, until such time as Council has been further consulted and notified of any alternative appointments. 			
			CARRIED



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Council Reports	Budget Review 1 2021/22
<p>RESOLUTION 2021/368</p> <p>Moved: Cr Paul Jenner Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> That Council Report No. AR21/70386 titled 'Budget Review 1 2021/22' as presented on 16 November 2021 be noted. That Council adopts the attached revised budget for the year ending 30 June 2022 as at 30 September 2021 (Budget Review 1). <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Council Reports	Draft Long Term Financial Plan
<p>RESOLUTION 2021/369</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> That Council note the presentation as provided by the Manager Finance, Julie Scoggins. That Council adopt the Draft Long Term Financial Plan 2022-2032 (attached) for community consultation. Authorises the Chief Executive Officer to make any necessary changes to the draft Long Term Financial Plan 2022-32 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design. <p style="text-align: right;">CARRIED</p>			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Solly, Elisa Barber, Darren	Council Reports	Caroline Landfill - Community Land Management Plan
<p>RESOLUTION 2021/370</p> <p>Moved: Cr Paul Jenner Seconded: Cr Max Bruins</p> <p>1. That Council Report No. AR21/71347 titled 'Caroline Landfill - Community Land Management Plan' as presented on 16 November 2021 be noted.</p> <p>2. That, having conducted the necessary consultation in accordance with section 197 of the Local Government Act 1999, Council adopt the (amended) Community Land Management Plan for Caroline Landfill presented with Report AR21/71347 as Attachment 1.</p> <p style="text-align: right;">CARRIED</p> <p>22 Nov 2021 5:03pm Solly, Elisa - Completion Action completed by Solly, Elisa</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	McCarthy, Michael Barber, Darren	Council Reports	November 2022 Local Government Elections
<p>RESOLUTION 2021/371</p> <p>Moved: Cr Max Bruins Seconded: Cr Frank Morello</p> <p>1. That Council Report No. AR21/71567 titled 'November 2022 Local Government Elections' as presented on 16 November 2021 be noted.</p> <p style="text-align: right;">CARRIED</p> <p>02 Dec 2021 11:54am McCarthy, Michael - Completion Action completed by McCarthy, Michael</p>			



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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Coofe, Tim Philpott, Sarah	Council Reports	Partnership Priorities and Advocacy
RESOLUTION 2021/372			
Moved: Cr Sonya Meziniec Seconded: Cr Frank Morello			
<ol style="list-style-type: none"> 1. That Council Report No. AR21/72290 titled 'Partnership Priorities and Advocacy' as presented on 16 November 2021 be noted. 2. That Council note the status of the City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document. 3. That the final City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document be presented back to December Meeting of Council following further consultation with Councillors. 			
			Carried

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Scoggins, Julie Barber, Darren	Council Reports	Updated Self-assessment of Performance Audit Committee
RESOLUTION 2021/373			
Moved: Cr Sonya Meziniec Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Council Report No. AR21/73100 titled 'Updated Self-assessment of Performance Audit Committee' as presented on 16 November 2021 be noted. 2. That Council Authorise the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the Audit Committee Self-Assessment Annual Report 2020/2021 that the Committee identifies and to then finalise the document; and 3. That Council adopt the Audit Committee's Self-Assessment Report for 2020/21. 4. That Tim Muhlhausler and Galpins be thanked for their many years of service as Council's external auditors. 			
			CARRIED



Division: Meeting: Council Officer:	Date From: 16/11/2021 Date To: 16/11/2021 Printed: 10 December 2021 11:49 AM
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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Philpott, Sarah Philpott, Sarah	Motions with Notice	Notice of Motion - Mount Gambier Developers Meeting
<p>RESOLUTION 2021/374</p> <p>Moved: Cr Frank Morello Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> That Council Report No. AR21/72659 titled 'Notice of Motion - Mount Gambier Developers Meeting' as presented on 16 November 2021 be noted. Council invites Mount Gambier developers and planning consultants to a briefing session to discuss planning and development matters. Council prepares an agenda and circulates to attendees in advance of the meeting. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Lavia, Ashlee Davison, Georgina	ADMIN ONLY - New Item	Disadvantaged Junior Program 2021
<p>RESOLUTION 2021/349</p> <p>Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> The Program for 2021 be amended allowing Member Organisations to submit more than two applications to be accepted at the discretion of the Committee. <p style="text-align: right;">CARRIED</p> <p>23 Nov 2021 8:50am Lavia, Ashlee - Completion Action completed by Lavia, Ashlee</p>			



<p>Division: Meeting: Council Officer:</p> <p>Action Sheets Report</p>	<p>Date From: 16/11/2021 Date To: 16/11/2021</p> <p>Printed: 10 December 2021 11:49 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Wilson, Sally Cernovskis, Barbara	Council Action Items	Council Action Items - 19/10/2021
<p>RESOLUTION 2021/333</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Frank Morello</p> <p>1. That Council Report No. AR21/42564 titled 'Council Action Items - 19/10/2021' as presented on 16 November 2021 be noted.</p> <p style="text-align: right;">CARRIED</p> <p>07 Dec 2021 1:30pm Wilson, Sally - Completion Action completed by Wilson, Sally</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Dowling, Lynne Philpott, Sarah	Mayoral Report	Mayoral Report - November 2021
<p>RESOLUTION 2021/330</p> <p>Moved: Mayor Lynette Martin Seconded: Cr Sonya Meziniec</p> <p>That the Mayoral report made on 16 November 2021 be received.</p> <p style="text-align: right;">CARRIED</p>			



Action Sheets Report	Division: Meeting: Council Officer:	Date From: 16/11/2021 Date To: 16/11/2021 Printed: 10 December 2021 11:49 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/11/2021	Telford, Melissa Philpott, Sarah	Reports	Applications for Financial Assistance for Juniors and Payments from the Fund - 01/05/2021 to 30/09/2021
RESOLUTION 2021/348			
Moved: Cr Max Bruins			
Seconded: Cr Frank Morello			
1. That Junior Sports Assistance Fund Report No. AR21/66259 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund - 01/05/2021 to 30/09/2021' as presented on 27 October 2021 be noted.			
CARRIED			
24 Nov 2021 11:21am Telford, Melissa - Completion			
Action completed by Telford, Melissa			



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

In Recess

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

In Recess

17 COUNCIL ASSESSMENT PANEL MINUTES

Nil

18 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

19 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



22 COUNCIL REPORTS

22.1 REGISTRATION OF RIDDOCH ARTS AND CULTURAL TRUST – REPORT NO. AR21/75885

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/75885
CM9 Reference:	AF20/446
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Georgina Davison, Acting General Manager Community Wellbeing
Summary:	This report presents an update on the establishment of the Riddoch Arts and Cultural Trust as an incorporated association.
Strategic Plan Reference:	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/75885 titled 'Registration of Riddoch Arts and Cultural Trust' as presented on 14 December 2021 be noted.
2. That, in accordance with The Riddoch Arts and Cultural Trust Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:
 - *Tim Coote*
 - *Georgina Davison*
 - *Michael McCarthy*The Riddoch Arts and Cultural Trust Board be notified of the Board Observer appointments at their next available Board meeting.
3. That Council continue to support the establishment of The Riddoch Arts and Cultural Trust and that further reports be presented to update Council on progress of the establishment of the Trust and Board in accordance with previous resolutions.



TYPE OF REPORT

Corporate

BACKGROUND

In August 2020 in consideration of People and Place Committee Report AR20/42200 titled 'The Riddoch Arts and Cultural Trust Incorporated' Council resolved, amongst other things:

4. *That Council hereby forms The Riddoch Arts and Cultural Trust Incorporated which is to operate under the Constitution endorsed in resolution 3 for educational, charitable and recreational purposes and for the purpose of promoting art, with the defined objects and purpose of the operation of the Riddoch Art Gallery in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit of the public.*
5. *That application be made to the Corporate Affairs Commission under the Associations Incorporations Act 1985 for registration of The Riddoch Arts and Cultural Trust Incorporated with Council as the sole member to operate in accordance with the Constitution endorsed in resolution 3.*
8. *That, in accordance with the Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:*
 - *Ms Barbara Cernovskis*
 - *Dr Judy Nagy*
 - *Mr Michael McCarthy*
9. *That, subject to registration of The Riddoch Arts and Cultural Trust Incorporated as an association and the issuance of a certificate of incorporation and any other requisite activities of the association;*
 - *All applications necessary (including for Deductible Gift Recipient status) be made to any relevant regulatory body (including the Australian Taxation Office and/or Australian Charities and Not-for-Profit Commission); and,*
 - *Eligibility, application and appointment procedures be prepared for non-voting associates including Friends of the Riddoch, Riddoch Ambassadors and Patrons; and,*
 - *Administration documentation be prepared for the holding of Ordinary and Special Board Meetings, Committee Meetings and Special and Annual General Meetings; and,*
 - *Such other activities as are necessary to ensure the proper administration of the association including but not limited to financial and insurance arrangements.*
10. *That the costs and expenses associated with the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated and in its first two years of operation, or until the earlier arrangement of alternate arrangements, be borne by Council from within the existing Riddoch Art Gallery operational budget.*
12. *That further reports be presented to Council on:*
 - *The progress of the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated; and,*
 - *Incurred expenses (and revenues received – if applicable) that are solely attributable to The Riddoch Arts and Cultural Trust Incorporated in the first two years of operation; and*
 - *Proposed arrangements for the transition of the Riddoch Art Gallery, Main Corner and associated business unit activities into The Riddoch Arts and Cultural Trust Incorporated Board's Annual Plan.*

This report provides an update on the establishment of the Riddoch Arts and Cultural Trust.



PROPOSAL

On 19 August 2021, after some delay, the Corporate Affairs Commission confirmed the certification of The Riddoch Arts and Cultural Trust Incorporated as an Association.

Accordingly, the necessary steps to establish the operations of The Riddoch Arts and Cultural Trust may now be progressed, which will include the convening of an inaugural meeting of The Riddoch Arts and Cultural Trust Board.

Board Observers

Members will note that Council previously appointed the following Officers as Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:

- Ms Barbara Cernovskis
- Dr Judy Nagy
- Mr Michael McCarthy

Dr Judy Nagy ceased employment as a Council Officer in late 2020 and in accordance with clause 11.6 of The Riddoch Arts and Cultural Trust Constitution her term of office as a Board Observer ceased. It is therefore proposed that Council appoint a replacement Board Observer. This report recommends that Council's General Manager City Growth, Tim Coote be appointed to provide oversight.

Also, since the above appointments were made, Georgina Davison is currently acting in the role of General Manager Community Wellbeing that includes the Council business unit comprising the Riddoch Arts and Cultural Centre. Noting the current vacancy in the position of Gallery Director Council might consider appointing Georgina Davison to replace Barbara Cernovskis as a Board Observer.

It is proposed that Michael McCarthy remain as a Board Observer during the initial establishment period in his position as Manager Governance and Property.

Administration and associated activities

In accordance with parts 9 and 10 of the August 2020 resolution and in Council's capacity as the sole Member of the Riddoch Arts and Cultural Trust the administration will now proceed with providing administrative support:

- to ensure the proper administration of the association including but not limited to financial and insurance arrangements and administration documentation for the holding of Ordinary and Special Board Meetings, Committee Meetings and Special and Annual General Meetings; and
- to establish eligibility, application and appointment procedures for non-voting associates including Friends of the Riddoch, Riddoch Ambassadors and Patrons; and
- to make necessary applications (including for Deductible Gift Recipient status) to relevant regulatory body (including the Australian Taxation Office and/or Australian Charities and Not-for-Profit Commission).
- with the costs and expenses associated, including for application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated and in its first two years of operation or earlier arrangement of alternate arrangements, to be borne by Council from within the existing Riddoch Arts and Cultural Centre operational budget.



As noted in earlier reports presenting The Riddoch Arts and Cultural Trust model, Council support to the initial board operations including associated costs/expenses are to be on a fee for service basis, whereby an administrative service level agreement is to be established to clearly set out the scope and extent of services provided to the Trust through the Riddoch Arts and Cultural Centre business unit (and other Council business units – as appropriate) to assist both the Riddoch Arts and Cultural Centre (Council business unit) and The Riddoch Arts and Cultural Trust to begin developing their own co-dependent business plans and budgets into the future.

In the immediate period the focus for The Riddoch Arts and Cultural Trust is to be on establishing necessary governance and administrative requirements, including bank accounts and record keeping, deductible gift recipient (DGR) status, non-voting associate (Friends, Ambassadors and Patron) membership arrangements, and any inaugural collection policy, promotional and commercial arrangements as may be necessary or opportune to set a foundation for future success.

Future arrangements between Council and The Riddoch Arts and Cultural Trust, via Council's Riddoch Arts and Cultural Centre business unit, are anticipated to include art co-collection access and sharing agreements and other promotional arrangements to support the coordinated management of both entities toward the objects and purposes as set out in The Riddoch Arts and Cultural Trust Constitution.

LEGAL IMPLICATIONS

As an incorporated association and separate legal entity to Council (although inextricably linked to Council by the terms of the Constitution and Council as the sole founding member) it is imperative that the operation of The Riddoch Arts and Cultural Trust, its Board and its activities are in accordance with the Associations Incorporation Act 1985, and that Council support activities are also appropriately managed in accordance with the Local Government Act 1999 and relevant obligations.

To ensure the appropriateness of such arrangements is the reason for an initial board focus on governance and administrative matters to ensure The Riddoch Arts and Cultural Trust has a solid grounding for its future activities.

STRATEGIC PLAN

As the background and objectives that led to the establishment The Riddoch Arts and Cultural Trust identified, this newly created entity shares common arts and cultural objectives with Council, and the Constitution has been specifically drafted to align it's business planning and budgeting with Council's Riddoch Arts and Cultural Centre business unit planning and budget, so that each entity is working collaboratively toward these common objectives. It is anticipated that future business plans, budgets and activities of the Riddoch Arts and Cultural Centre and Trust will be developed in a co-operative manner.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A



SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

As previously reported and resolved the resourcing of initial Board operations for The Riddoch Arts and Cultural Trust will be borne from within the Riddoch Arts and Cultural Centre business unit operating budget, supplemented by in-kind support in the form of administrative resources for essential Board administration.

Future reporting will be necessary to meet the resolved position of Council in relation to

- The progress of the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated; and,
- Incurred expenses (and revenues received – if applicable) that are solely attributable to The Riddoch Arts and Cultural Trust Incorporated in the first two years of operation; and
- Proposed arrangements for the transition of the Riddoch Art Gallery, Main Corner and associated business unit activities into The Riddoch Arts and Cultural Trust Incorporated Board's Annual Plan.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

As referenced under the heading of 'Legal Implications', as a new entity it is necessary to ensure the establishment of appropriate practices and mechanisms to ensure the activities of both Council and The Riddoch Arts and Cultural Trust are compliant with their respective legislative requirements.

Legal support has been engaged in the drafting and registration of The Riddoch Arts and Cultural Trust Constitution, and to guide the initial Board operations.

The initial Board meeting agenda will include risk related items to ensure a risk management focus of the Trust activities.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

As a separate legal entity, The Riddoch Arts and Cultural Trust will commence its own engagement and communication with its stakeholders independent of Council, albeit with in-kind administrative support from Council in the initial stages and consistent with the Riddoch Arts and Cultural Centre business unit plan.



By way of example, the establishment of non-voting associates in the form of Friends of the Riddoch, Patrons and Ambassadors are Board activities intended to support Council's Riddoch Arts and Cultural Centre business unit and the Trust through the engagement of interested community participants. Such activities would be Board/Trust led with the administrative support of the Council administration.

IMPLEMENTATION STRATEGY

The Riddoch Arts and Cultural Trust and Board activities will be supported by Council resources in a manner that aligns with the Riddoch Arts and Cultural Centre business unit plan. As mentioned elsewhere in this report, the immediate focus being on establishing necessary governance and administrative requirements, including bank accounts and record keeping, deductible gift recipient (DGR) status, non-voting associate (Friends, Ambassadors and Patron) membership arrangements, and other arrangements as may be necessary or opportunistic to set a foundation for future success.

CONCLUSION AND RECOMMENDATION

Having provided an update on the registration of The Riddoch Arts and Cultural Trust, this report recommends the appointment of replacement Board Observers to oversight initial Board meetings on behalf of Council and that Council continue to support the establishment of The Riddoch Arts and Cultural Trust in accordance with previous resolutions.

ATTACHMENTS

Nil



22.2 QUEEN ELIZABETH PARK TRUST (QEPT) CONSTITUTION – REPORT NO. AR21/75886

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/75886
CM9 Reference:	AF20/446
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Darren Barber, General Manager Shared Services
Summary:	This report presents a proposal to amend the Constitution of the Queen Elizabeth Park Trust to lessen the meeting frequency.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/75886 titled 'Queen Elizabeth Park Trust (QEPT) Constitution' as presented on 14 December 2021 be noted.
2. That Council endorse proposed changes to the Queen Elizabeth Park Trust Incorporated Constitution, to:

amend 10(a) to read:

“Ordinary meetings of the Trust shall be held at times and places appointed by the Chairperson. But there must be at least one ordinary meeting in each year.”

insert new 10(h):

“A meeting of the Trust may be held with one or more of the Trustees taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the meeting only whilst all attendees are able to hear the proceedings of the entire meeting and to be heard by all others attending the meeting.”



TYPE OF REPORT

Corporate

BACKGROUND

The purpose of this report is to present a request from the QEPT to approve minor alteration to their Constitution/Rules to lessen the frequency of formal Board/Trustee meetings.

PROPOSAL

The Constitution/Rules of the Queen Elizabeth Park Trust, an incorporated association under the Associations Incorporations Act 1985, were last reviewed in 2007 and currently require the Board/Trustee meetings to be held monthly. Whilst making some provision for making decisions outside formally constituted meetings, it does not have any provisions enabling meetings where all members are not physically present such as using telephone or video/web type facilities.

The Constitution/Rules provide that an amendment may be made by unanimous resolution so long as it has first been approved by both the Mount Gambier Chamber of Commerce and the City of Mount Gambier, being the two founding and sole members of the QEPT.

It is proposed that clause 10 of the Constitution/Rules be varied as follows:

Amend 10(a):

“Ordinary meetings of the Trust shall be held at times and places appointed by the ~~Trust~~ Chairperson. But there must be at least one ordinary meeting in each ~~month~~ year.”

Insert new 10(h):

“A meeting of the Trust may be held with one or more of the Trustees taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the meeting only whilst all attendees are able to hear the proceedings of the entire meeting and to be heard by all others attending the meeting.”

These changes will lessen the administrative burden of holding formal meetings on a monthly basis, and allow more flexibility in the holding of formal meetings.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A



RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

If endorsed by both the Council and the Mount Gambier Chamber of Commerce, and a unanimous decision of the Board/Trustees, then the QEPT would proceed to notify the Corporate Affairs Commission of its change to Constitution/Rules.

CONCLUSION AND RECOMMENDATION

Having considered the presented information, this report recommends that the proposed changes the Queen Elizabeth Park Trust Constitution/Rules be endorsed to alter the meeting provisions.

ATTACHMENTS

Nil



22.3 REVIEW OF COUNCIL DELEGATION UPDATES - DECEMBER 2021 – REPORT NO. AR21/63064

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/63064
CM9 Reference:	AF20/446
Author:	Elisa Solly, Property Support Officer
Authoriser:	Darren Barber, General Manager Shared Services
Summary:	This report provides for a review of Council Delegations including updates arising from the recent Local Government Reform.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/63064 titled 'Review of Council Delegation Updates - December 2021' as presented on 14 December 2021 be noted..
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables referenced in Council Report No. AR21/63064 (Attachment 1) to the identified delegate(s) pursuant to section 44 of the Local Government Act 1999, excepting that the functions and powers of the Council:
 - (a) as an administering agency under the Environment Protection Act 1993 are delegated pursuant to section 18C of the Environment Protection Act,
 - (b) set out in Division 8, Part 4 of the Fire and Emergency Services Act 2005 are delegated pursuant to section 93 of the Fire and Emergency Services Act.
3. The delegations granted pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer (CEO), in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act,
 - (b) the Fire and Emergency Services Act,may be further sub-delegated by the Chief Executive Officer or delegate, noting delegations under the Fire and Emergency Services Act are only permitted to a Fire Prevention Officer.

Note: no sub-delegation is permitted under the Environment Protection Act.
4. Planning, Development and Infrastructure Act Delegations
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 2 annexed to the Report No. AR21/63064 titled Instrument A) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.



- (b) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (Attachment 2 annexed to Report No. AR21/63064 and titled Instrument B) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- (c) Such powers and functions delegated in resolution 4 (a) and (b) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation;

5. Road Traffic Act Sub-Delegations and Authorisations

Pursuant to the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961 (Act), Council:

- (a) authorises the employees of the Council named in the tables attached to Council Report No. AR21/63064 (Attachment 3) to exercise the powers under sections 17 and 20 of the Road Traffic Act as conferred on or delegated to the Council by the Minister for Transport and Infrastructure, subject to:
 - (i) the conditions set out in the Instrument of General Approval and Delegation.
 - (ii) the making of a written instrument of authorisation approved by the Chief Executive Officer on behalf of Council.
- (b) is of the opinion that the following person(s) as referenced in the table attached to Council Report No. AR21/63064 (Attachment 3) is (or are) experienced traffic engineering practitioners and are hereby authorised for the purpose of preparing and endorsing a Traffic Impact Statement in accordance with Clause A.7 of the Instrument of General Approval and Delegation.
 - Abdullah Mahmud
- (c) is of the opinion that the following person(s) as referenced in the table attached to Council Report No. AR21/63064 (Attachment 3) has (or have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans for the purpose of Clause A.7 of the Instrument of General Approval and Delegation:
 - Abdullah Mahmud.
- (d) sub-delegates to any person occupying or acting in the position Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:
 - (i) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and
 - (ii) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the Australian Road Rules:
 - rule 221: using hazard warning lights;
 - rule 230: crossing a road – general;
 - rule 231 crossing a road at pedestrian lights;



- rule 232: crossing a road at traffic lights;
- rule 234: crossing a road on or near a crossing for pedestrians;
- rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h);
- rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
- rule 250: riding on a footpath or shared path;
- rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);
- rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h);
- rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);
- rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h)
- rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and
- rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).

- (i) The sub-delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval, including:
- *all conditions imposed on Council under Clause G in relation to the closure of a road or the grant of an exemption for an event; and,*
 - *not directing the closure of a road or granting an exemption for an event on a road that runs into, intersects, or is otherwise likely to affect traffic on a road that is under the care, control and management of another Council or the Commissioner for Highways; and,*
 - *no other person may be authorised to exercise the powers conferred on Council pursuant to Clause G; and,*
 - *the power delegated to Council pursuant to Clause G may not be further delegated to a person or position other than the Chief Executive Officer.*

6. General

The delegations granted in resolutions (2) to (5) above are subject to the following conditions and limitations:

- (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
- (b) the delegate must exercise a delegated function or power in accordance with and due regard to:
- (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council;
- (c) in regard to the following delegations under the Local Government Act:
- (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing



- or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
- (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the sub-delegation financial limitations set by the Chief Executive Officer;
 - (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
 - (iv) section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c).
- (d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
 - (e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
 - (f) These delegations will come into operation on Wednesday 15 December 2021 and remain in force until varied or revoked by resolution of the Council.
 - (g) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 15 December 2021.
7. The Chief Executive Officer and Administration be authorised to update Council endorsed policies to reflect current position titles and department names consistent with the Council organisational structure.



TYPE OF REPORT

Legislative

BACKGROUND

Delegations are the way in which Council enables other people/bodies (usually Council Officers) to undertake the many functions required for the day to day administrative activities of Council.

Section 44 of the Local Government Act 1999 provides that the Council may delegate a power or function vested or conferred under this or another Act to a Council committee, a subsidiary, an employee, an employee occupying a particular office or position, or an authorised person. Other Acts also contain specific powers of delegation.

Council conducted a comprehensive review of delegations in March 2021 based upon a new and expanded delegations framework prepared by the Local Government Association (LGA) to provide a simpler and more contemporary approach to managing delegations.

Current delegations (and sub-delegations made by the Chief Executive Officer) are accessible on the Council website <https://www.mountgambier.sa.gov.au/council/governance/registers>.

This report presents further updates based upon changes made to the LGA template delegations since the previous delegation update report presented in May 2021 and includes changes arising from the recent Local Government Reform.

The updates are summarised in the following table:

<u>Legislative Instrument</u>	<u>Amendments</u>
<u>(Attachment 1)</u>	
• Fire and Emergency Services Act 2005.....	1 changed provision 5 new provisions 12 changed provisions
• Independent Commissioner Against Corruption Act 2012.....	4 deleted provisions
• Ombudsman Act 1972.....	12 new provisions 7 new provisions 6 changed provisions 7 deleted provisions
• Local Government Act 1999.....	1 deleted provision
• Local Government (General) Regulations 2013.....	9 changed provisions
• Electricity (Principles of Vegetation Clearance) Regulations 2021...	1 changed provision
• Environment Protection Regulations 2009.....	9 changed provisions
• Water Industry Regulations 2012.....	1 changed provision
• South Australia Public Health (Legionella) Regulations 2013.....	3 new provisions 11 changed provisions
<u>(Attachment 2)</u>	
• Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity.....	3 changed provisions
• Instrument B – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning	



and Design Code and Practice Directions of Powers of a Council as a Relevant Authority.....

(Attachment 3)

- Instrument of authorisation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961..... 5 new provisions
- Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961..... 1 new provision

PROPOSAL

Updated delegations based on changes to LGA template delegations for the abovementioned legislation are provided in tables at Attachment 1 (refer separate agenda attachment file).

The templates under the Minister for Transport and Infrastructure Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961 have been simplified.

If the Council resolves to grant the delegations, then the updated delegations will come into operation on the day following the Council meeting together with updated sub-delegations by the Chief Executive Officer, and previous delegations for these legislation will be revoked.

The updated delegations will be published on the Council website [here](#).

It should also be noted that the current updates include deletion of some delegation provisions under the Independent Commission(er) Against Corruption and Local Government Acts and Regulations, due to these provisions being deleted or amended such that delegations are no longer relevant.

Further, noting organisational structure changes and associated position title/department name changes to be effective from 3 January 2022, it is proposed that the Administration be authorised to make necessary changes to position references contained within Council adopted policies.

No policy changes are proposed in what is considered to be an administrative housekeeping matter to ensure policy references remain consistent with the current organisational structure and council officers/departments responsible for administering and managing relevant Council policies.

LEGAL IMPLICATIONS

As the authority under which the Chief Executive Officer (and in turn other Council Officers) are empowered to make decisions on behalf of Council, it is imperative that valid delegations are made in accordance with relevant legislation.

Council uses the template delegations and processes as provided and updated by the Local Government Association, as amended to suit the specific circumstances applicable to the City of Mount Gambier, to ensure appropriate delegations are in place to support the activities of Council in a compliant manner.

STRATEGIC PLAN

Nil

COUNCIL POLICY

Council policies are to be reviewed to ensure current reference to position titles and department names consistent with the organisational structure.

ECONOMIC IMPLICATIONS

Nil



ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

The making of delegations (and sub-delegations) enables the Council to give effect to the strategic and policy objectives of Council through the many and diverse transactions and activities undertaken by the administration on a daily basis.

An absence of appropriate delegations would necessitate decisions being presented to a formal meeting of Council, which for routine administrative matters would be a resource intensive, inefficient and untimely decision making process.

VALUE FOR MONEY

The use of delegations (and sub-delegations) enables the Council, Chief Executive Officer and other Council Officers to direct decision making to an appropriate (sub)delegate to enable efficient and effective administration of the many and varied and routine functions of Council.

RISK IMPLICATIONS

It is imperative that delegations are validly made as the consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision may be liable to being overturned by a court
- the cost of a successful challenge to an unlawful decision will likely be borne by the Council
- where an unlawful decision causes loss or damage the Council may be liable.

Whilst the abovementioned risks are at the extreme, the most likely risk of ineffective or invalid delegations is on the capacity of the administration to perform the day to day functions of Council for the benefit of the community in an efficient and timely manner.

If decision making is limited to the Chief Executive Officer or the Council then the pace with which decisions can be made and implemented will reduce and administrative resources associated with the formalities of presenting matters to a higher authority for decision will increase.

A balance is appropriate whereby all decision makers understand the context within which decisions are made and the expectations with regard to exercising, or not exercising, delegated powers.

It is important to note that a delegation provides authority but not an obligation for a delegate to exercise the delegated power. Accordingly, some decisions may be escalated to a higher authority for consideration and determination where the delegate considers it appropriate.

It should also be noted that delegations (or sub-delegations) are revocable and in any event do not prevent the Council from acting in a matter that has not already been determined.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

There is no legislative requirement to actively engage the community on the making of delegations.

A person is however entitled to inspect the record of delegations and in support of this a full extract of the delegation register is published on the Council website. This is proposed to continue.



IMPLEMENTATION STRATEGY

The implementation of updated delegations (and sub-delegations) is proposed to follow the same existing process as for recent reviews and updates using a delegation software register.

Once delegations are made by Council, the Chief Executive Officer will re-make sub-delegations to other officers with all (sub)delegations recorded in the delegation (software) register, electronic records management system, published on the Council website, and notified to sub-delegates.

CONCLUSION AND RECOMMENDATION

This report recommends that Council endorse updated delegations to the Chief Executive Officer for the legislation listed in the report background in the form contained in the tables attached to Council Report No. AR21/63064 (refer separate agenda attachment file).

The recommendations contain conditions associated with the grant of delegations and include the revocation of pre-existing delegations and sub-delegations associated with the relevant instruments.

Authority is also sought to update position title/department names contained within Council adopted policies to remain consistent with the current organisational structure.

ATTACHMENTS

1. Attachment 1 - Delegable Powers and Functions - LG Reform [↓](#)
2. Attachment 2 - Planning, Development and Infrastructure Act 2016 - Instrument A & B [↓](#)
3. Attachment 3 - Instrument of General Approval & Delegation to Council Use of Traffic Control Devices, Road Closure & Granting of Exemptions for Events - Road Traffic Act 1961 [↓](#)





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
485333	Fire and Emergency Services Act 2005	section 81(13a)	Appoint a person to be an authorised officer to issue permits under section 81 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area
409707	Fire and Emergency Services 2005	section 4A(3)	Participate in consultation with the South Australian Fires and Emergency Services Commission (SAFES Commission) regarding designation of an area of urban bushfire risk within council area	council
409708	Fire and Emergency Services 2005	section 71C	Enter an arrangement with the State Bushfire Coordination Committee for the use of council staff, equipment or facilities	council
409709	Fire and Emergency Services 2005	section 72D	Enter an arrangement with a bushfire management committee for the use of council staff, equipment or facilities	council
409710	Fire and Emergency Services 2005	section 73A(7)(b)(iv)	Participate in consultation with a bushfire management committee regarding creation or amendment of a bushfire management area plan which includes the council area	council
485334	Fire and Emergency Services 2005	section 81(13b)	Apply to the Chief Officer of the South Australian Country Fire Service (SACFS Chief Officer) for an exemption from the requirement to appoint a person to be an authorised officer to issue permits under section 81 of the Fire and Emergency	rural council councils with a designated urban bushfire risk area





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			Services Act 2005	
409712	Fire and Emergency Services 2005	section 87(1)	Require a person to remove flammable debris on or in the vicinity of, a road as a result of work carried on by that person	rural council councils with a designated urban bushfire risk area
409713	Fire and Emergency Services 2005	section 87(2)(a)	Burn or remove flammable debris left on road in contravention of a requirement under section 87(1)	rural council councils with a designated urban bushfire risk area
409714	Fire and Emergency Services 2005	section 87(2)(b)	Recover costs of burning or removing flammable debris left on road in contravention of a requirement under section 87(1)	rural council councils with a designated urban bushfire risk area
409715	Fire and Emergency Services 2005	section 94(3)	Participate in consultation with the (SACFS Chief Officer) SACFS Chief Officer with respect to a proposed withdrawal of council functions and powers	rural council councils with a designated urban bushfire risk area
409716	Fire and Emergency Services 2005	section 94(4)(a)	Make a written submission to the Minister in relation to a recommendation of the SASES Chief Officer to withdraw council function and powers	rural council councils with a designated urban bushfire risk area





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409717	Fire and Emergency Services 2005	section 94(4)(b)	Request and undertake a delegation to the Minister to discuss a recommendation of the SASES Chief Officer to withdraw council function and powers	rural council councils with a designated urban bushfire risk area
409718	Fire and Emergency Services 2005	section 94(6)	Receive written reasons for a decision of the Minister to withdraw the powers and functions of the council	rural council councils with a designated urban bushfire risk area
409719	Fire and Emergency Services 2005	section 103(1)	Request the SASES Chief Officer to appoint a person as a fire control officer	council
409720	Fire and Emergency Services 2005	section 103(2)	Participate in consultation with the SASES Chief Officer regarding proposed appointment of a fire control officer for a designated area of the State which includes the council area	council
409721	Fire and Emergency Services 2005	section 105	Pay any fine recovered for a summary offence under Part 4A committed in the council area where the complaint has been laid by the council into the general revenue of the council	council
409722	Fire and Emergency Services 2005	section 105A	Appoint an authorised person for the purposed of Part 4A of the Fire and Emergency Services Act	council





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409723	Fire and Emergency Services 2005	section 105B(1)	Appoint a fire prevention officer by a rural council or a council with a designated urban bushfire risk area	council
409724	Fire and Emergency Services 2005	section 105B(4)	Apply to SASES Chief Officer for an exemption from requirement to appoint a fire prevention officer	council
409725	Fire and Emergency Services 2005	section 105D(1)(c)	Approve the delegation by a fire prevention officer of a power or function under the Act to another person or body	council
409726	Fire and Emergency Services 2005	section 105D(4)	Receive report from a fire prevention officer regarding delegation of a power or function under the Act to another person or body	council
409727	Fire and Emergency Services 2005	section 105E	Provide report regarding the exercise or discharge of the functions, power or responsibilities of a fire prevention officer for the council area to the SAFES Commission, the State Bushfire Coordination Committee or a bushfire management committee for the council area	council
409728	Fire and Emergency Services 2005	section 105F(5)	Issue notice to owner of land who has failed to take reasonable steps to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land to remedy the default or protect the land or property	authorised person





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409729	Fire and Emergency Services 2005	section 105F(9)(c)	Publish notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property on website or a newspaper and leaving a copy of notice on land	authorised person
409730	Fire and Emergency Services 2005	section 105F(10)	Vary or revoke a notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property	authorised person
409731	Fire and Emergency Services 2005	section 105G(1)	Take reasonable steps in regard to land under the care, control or management of the council which is situated in the country or in a designated urban bushfire risk area to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land	council
409732	Fire and Emergency Services 2005	section 105G(5)	Participate in consultation with the Minister regarding a referral from the SASES Chief Officer alleging a failure of the council to comply with section 105G(1)	council
409733	Fire and Emergency Services 2005	section 105G(6)	Receive notice of requirements from the Minister	council
409734	Fire and Emergency Services 2005	section 105G(7)	Comply with requirements of a notice issued to the council by the Minister under section 105G(6)	council





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409735	Fire and Emergency Services 2005	section 105J(1)(a)	Give notice of intended entry of land to the owner of land	authorised person
409736	Fire and Emergency Services 2005	section 105J(1)(b)	Use reasonable force to break into or open any part of, or anything on, the land with the authority of a warrant issued by a magistrate or if immediate action is required	authorised person
409737	Fire and Emergency Services 2005	section 105J(3)	Apply to a magistrate for a warrant to use reasonable force to break into or open any part of, or anything on, the land	authorised person
409738	Fire and Emergency Services 2005	section 105J(4)(a)	Give directions with respect to stopping, securing or movement of a vehicle, plant, equipment or other thing	authorised person
409739	Fire and Emergency Services 2005	section 105J(4)(b)	Take photographs, films, audio, video or other recordings	authorised person
409740	Fire and Emergency Services 2005	section 105J(4)(a)	Give directions reasonably required in connection with the exercise of a power under Part 4A	authorised person
409741	Fire and Emergency Services 2005	section 105J(5)	Select assistants to accompany authorised person in exercise of power under Part 4A	authorised person
409742	Fire and Emergency Services 2005	section	Carry out requirements of a notice under section 105F(5) if the	authorised person





Fire and Emergency Services Act 2005

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
		105J(6)	owner of land fails to comply	
409743	Fire and Emergency Services 2005	section 105J(7)	Carry out requirements of a notice under section 105F(5) on behalf of an authorised person if the owner of land fails to comply	council
409744	Fire and Emergency Services 2005	section 105J(8)	Recover the reasonable costs and expenses incurred in taking action under section 105J(6)	authorised person
409745	Fire and Emergency Services 2005	section 129	Erect a siren for the purpose of giving warning of the outbreak or threat of fire or an emergency	council





Independent Commission Against Corruption Act 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
573912	Independent Commission Against Corruption Act 2012	section 18E(3)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	public authority
409892	Independent Commission Against Corruption Act 2012	section 18B(4)(a)	Report to the Office for Public Integrity in accordance with the directions issued under section 18B of the Independent Commissioner Against Corruption Act	public authority
409893	Independent Commission Against Corruption Act 2012	section 18B(4)(b)	Report to the Office for Public Integrity any matter the council reasonably suspects involves corruption in public administration	public authority
409894	Independent Commission Against Corruption Act 2012	section 18E(3)(a)	Produce a specified document or document relating to specified matter	public authority
573913	Independent Commission Against Corruption Act 2012	section 18E(3)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	public authority
409895	Independent Commission Against Corruption Act 2012	section 18F(1)(b)	Act on a referral from the Office for Public Integrity	public authority





Independent Commission Against Corruption Act 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409896	Independent Commission Against Corruption Act 2012	section 28	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the person heading the investigation requires, verify the statement by statutory declaration	public authority
409897	Independent Commission Against Corruption Act 2012	section 34(1)	Undertake a joint investigation with the Independent Commission Against Corruption	public authority
409898	Independent Commission Against Corruption Act 2012	section 34(3)	Provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commission Against Corruption Act	public authority
409899	Independent Commission Against Corruption Act 2012	section 36(1)(b)	Act on a referral from the Independent Commission Against Corruption	public authority
409900	Independent Commission Against Corruption Act 2012	section 36(4)	Comply with direction or guidance given by the Independent Commission Against Corruption	public authority
573914	Independent Commission Against Corruption Act 2012	section 36(7)	Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption	public authority
409901	Independent Commission Against Corruption Act 2012	section 36(8)	Provide comments to the Independent Commission Against Corruption	public authority





Independent Commission Against Corruption Act 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
573915	Independent Commission Against Corruption Act 2012	section 39A	Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the council not to further investigate or deal with the matter	public authority
409905	Independent Commission Against Corruption Act 2012	section 40(2)	Assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the council	public authority
409906	Independent Commission Against Corruption Act 2012	section 41(1)	Comply with recommendations of the Independent Commission Against Corruption	public authority
409907	Independent Commission Against Corruption Act 2012	section 41(4)	Provide comments to the Independent Commission Against Corruption	public authority
409908	Independent Commission Against Corruption Act 2012	section 44(1)	Assist public officers of the council to comply with requirements and directions issued under the Independent Commission Against Corruption Act	public authority
573916	Independent Commission Against Corruption Act 2012	Clause 9(6), Schedule 4	Act on a referral of the inspector	public authority





Ombudsman Act 1972

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
574496	Ombudsman Act 1972	section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration	public authority
574497	Ombudsman Act 1972	section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration	public authority
574498	Ombudsman Act 1972	section 12H(1)(b)	Act on a referral from the Ombudsman	public authority
574499	Ombudsman Act 1972	section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	public authority
574500	Ombudsman Act 1972	section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	public authority
574501	Ombudsman Act 1972	section 18(4)	To comment on the subject matter of a report	public authority
410662	Ombudsman Act 1972	section 19A(1)	Comply with a notice of the Ombudsman	agency
410663	Ombudsman Act 1972	section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable	agency





Ombudsman Act 1972

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
574502	Ombudsman Act 1972	section 25(2)	Act in accordance with a recommendation of the Ombudsman	public authority
410664	Ombudsman Act 1972	section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	agency
574503	Ombudsman Act 1972	section 28AA(1)	Comply with directions of the Ombudsman	public authority
574504	Ombudsman Act 1972	section 28AA(2)	Comply with varied or further directions of the Ombudsman	public authority
574505	Ombudsman Act 1972	section 28AA(3)	Provide comments to the Ombudsman	public authority
574506	Ombudsman Act 1972	section 29(8)	Act on a referral of the inspector	public authority
574507	Ombudsman Act 1972	section 31(1)(b)	Receive and use evidence or information for the purposes of any disciplinary investigation or action	Agency





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410021	Local Government Act 1999	section 7(a)	Plan at the local and regional level for the development and future requirements of the council area	council
410022	Local Government Act 1999	section 7(b)	Provide services and facilities that benefit its area, its ratepayers and residents, and visitors to the council area	council
574148	Local Government Act 1999	section 7(ba)	Determine appropriate financial contribution to be made by ratepayers to resources of the council	council
410023	Local Government Act 1999	section 7(c)	Provide for the welfare, well-being and interests of individuals and groups within the council's community	council
410024	Local Government Act 1999	section 7(d)	Take measures to protect the council area from natural and other hazards and to mitigate the effects of such hazards	council
410025	Local Government Act 1999	section 7(e)	Manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity	council
410026	Local Government Act 1999	section 7(f)	Provide infrastructure for the council's community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area)	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410027	Local Government Act 1999	section 7(g)	Promote the council area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism	council
410028	Local Government Act 1999	section 7(h)	Establish or support organisations or programs that benefit people in the council area or local government generally	council
410029	Local Government Act 1999	section 7(i)	Manage and, if appropriate, develop, public areas vested in, or occupied by, the council	council
410030	Local Government Act 1999	section 7(j)	Manage, improve and develop resources available to the council	council
410031	Local Government Act 1999	section 7(k)	Undertake other functions and activities conferred by or under an Act	council
410032	Local Government Act 1999	section 12(1)	Publish a notice in the Gazette altering the composition of the council or dividing, or redividing, the area of the council into wards, altering the division of the area of the council into wards or abolishing the division of the area of the council into wards	council
410033	Local Government Act 1999	section 12(2)	Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or giving a name to, or altering the name of, a ward	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410034	Local Government Act 1999	section 12(3)	Undertake a review under section 12 of the Local Government Act	council
410035	Local Government Act 1999	section 12(4)	Undertake a review under section 12 of the Local Government Act at least once in each relevant period prescribed by the regulations	council
410036	Local Government Act 1999	section 12(5)	Initiate the preparation of a paper	council
410037	Local Government Act 1999	section 12(7)(a)	Inform the public by public notice of the preparation of the representation options paper and inviting written submissions within a period of not less than 6 weeks specified by the council	council
410038	Local Government Act 1999	section 12(7)(a)	Publish a copy of the public notice in a newspaper circulating in the council area	council
410039	Local Government Act 1999	section 12(8)	Make copies of the representation options paper available for inspection and purchase at the principal office of the council during the period for making written submissions	council
410040	Local Government Act 1999	section 12(8a)	Prepare a report addressing the prescribed matters	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410041	Local Government Act 1999	section 12(9)(a)	Make copies of the council report available for inspection at the principal office of the council	council
410042	Local Government Act 1999	section 12(9)(b)	Inform the public by public notice of the preparation of the report and its availability and invite written submissions	council
410043	Local Government Act 1999	section 12(9)(c)	Publish a copy of the public notice in a newspaper circulating in the council area	council
410044	Local Government Act 1999	section 12(10)	Provide an opportunity to any person who makes a written submission an opportunity to appear personally or by representative to be heard on the submission	council
410045	Local Government Act 1999	section 12(11)	Finalise the council report	council
410046	Local Government Act 1999	section 12(11b)(a)	Separate a proposal to alter the composition of the council so that the council will have a chairperson rather than a mayor or vice versa from any other proposal in the council's report	council
410047	Local Government Act 1999	section 12(11b)(b)	Determine to conduct a poll on the proposal to alter the composition of the council so that the council will have a chairperson rather than a mayor or vice versa either at the next general election or some other time	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410048	Local Government Act 1999	section 12(11c)(b)(i)	Prepare a summary of the issues surrounding a proposal to alter the composition of the council so that the council will have a chairperson rather than a mayor or vice versa to assist persons who may vote at the poll	council
410049	Local Government Act 1999	section 12(11c)(b)(ii)	Obtain a certificate from the Electoral Commissioner that he or she is satisfied that the council has taken reasonable steps to ensure that the summary presents the arguments for and against the proposal in a fair and comprehensive manner	council
410050	Local Government Act 1999	section 12(11c)(b)(iii)	Make copies of the summary available for public inspection at the principal office of the council and on a website determined by the chief executive officer, and publish or distribute copies of the summary as directed by the Electoral Commissioner	council
410051	Local Government Act 1999	section 12(12)	Refer report finalised under section 12(11) to the Electoral Commissioner	council
410052	Local Government Act 1999	section 12(15)(b)	Provide for the operation of any proposal recommended in the council's report by notice in the Gazette	council
410053	Local Government Act 1999	section 12(16)(a)	Take action on a report referred back to the council by the Electoral Commissioner	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410054	Local Government Act 1999	section 12(16)(b)	Refer report back to the Electoral Commissioner	council
410055	Local Government Act 1999	section 12(17)	Comply with requirements of sections 12(9) and 12(1) (unless alteration of report is of a minor nature only)	council
410056	Local Government Act 1999	section 12(24)	Undertake a review within period specified by the Electoral Commissioner	council
410057	Local Government Act 1999	section 13(1)	Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or altering the name of a ward	council
410058	Local Government Act 1999	section 13(2)(a)	Give public notice of the proposal to change the council from a municipal council to a district council or vice versa, alter the name of the council or the name of the area of the council, or alter the name of a ward	council
410059	Local Government Act 1999	section 13(2)(b)	Invite written submissions	council
410060	Local Government Act 1999	section 13(2)(ba)	Publish a copy of the public notice in a newspaper circulating within the council area	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410061	Local Government Act 1999	section 13(2)(c)	Give any person who makes a written submission in response to an invitation an opportunity to appear personally or by representative before the council or a council committee to be heard on the submission	council
410062	Local Government Act 1999	section 28(1)(c)	Refer a proposal for the making of a proclamation under Chapter 3 of the Local Government Act to the South Australian Local Government Grants Commission	council
410063	Local Government Act 1999	section 31(2)(b)	Participate in consultation with the South Australian Local Government Grants Commission on the appointment of an investigator	council
410064	Local Government Act 1999	section 31(10)(c)	Participate in consultation with the South Australian Local Government Grants Commission on a recommendation that a proposal referred to the Commission not proceed	council
410065	Local Government Act 1999	section 36(1)(a)	Exercise the legal capacity of a natural person, including entering into contracts or arrangements, suing and being sued and acting in conjunction with another council or authority or person	council
410066	Local Government Act 1999	section 36(1)(c)	Do anything necessary, expedient or incidental to performing or discharging the council's functions or duties or achieving the council's objectives	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410067	Local Government Act 1999	section 36(2)	Act outside the council area to the extent necessary or expedient to the performance of the council's functions or in order to provide services to an unincorporated area of the State	council
410068	Local Government Act 1999	section 37(b)	Authorise an officer, employee or agent to enter into a contract on behalf of the council	council
410069	Local Government Act 1999	section 41(1)	Establish a committee	council
410070	Local Government Act 1999	section 41(2)	Determine the role of the committee	council
410071	Local Government Act 1999	section 41(3)	Determine the membership of the committee	council
410072	Local Government Act 1999	section 41(4)	Appoint a presiding member or make provision for the appointment of a presiding member	council
410073	Local Government Act 1999	section 41(6)	Appoint the principal member as an ex officio member of the committee	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410074	Local Government Act 1999	section 41(8)	Determine the reporting and other accountability requirements applying to a committee	council
410075	Local Government Act 1999	section 42(3)	Obtain the approval of the Minister to the conferral of corporate status on a council subsidiary	council
410076	Local Government Act 1999	section 43(3)	Obtain the approval of the Minister to the conferral of corporate status on a regional subsidiary	council
410077	Local Government Act 1999	section 44(6)	Cause a separate record to be kept of all delegations under section 44 of the Local Government Act	council
410078	Local Government Act 1999	section 44(6a)	Review the delegation in force under section 44 of the Local Government Act	council
410079	Local Government Act 1999	section 44(7)	Enable a person to inspect the record of delegations at the principal office of the councils during ordinary office hours	council
410080	Local Government Act 1999	section 44(8)	Enable a person to purchase an extract from the record of delegations	council
410081	Local Government Act 1999	section 45(1)	Nominate a place as the council's principal office	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410082	Local Government Act 1999	section 45(2)	Determine the hours during which the principal office of the council will be open for the transaction of business	council
410083	Local Government Act 1999	section 45(3)	Consult with the local community regarding the manner, places and times at which the council's offices will be open to the public and any significant changes to these arrangements	council
410084	Local Government Act 1999	section 46(1)	Engage in a commercial enterprise or activity in the performance of the council's functions	council
410085	Local Government Act 1999	section 46(2)(a)	Establish a business in connection with a commercial project	council
410086	Local Government Act 1999	section 46(2)(b)	Participate in a joint venture, trust, partnership or other similar body in connection with a commercial project	council
410087	Local Government Act 1999	section 47(2)(b)	Participate in the formation of, or become a member of, a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest	council
410088	Local Government Act 1999	section 48(aa1)	Develop and maintain prudential management policies, practices and procedures for the assessment of projects	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410089	Local Government Act 1999	section 48(1)	Obtain a report addressing the prudential issues set out in section 48(2)	council
410090	Local Government Act 1999	section 48(5)	Make available for public inspection at the principal office of the council	council
410091	Local Government Act 1999	section 48(6)	Take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council)	council
410092	Local Government Act 1999	section 49(a1)	Maintain procurement policies, practices and procedures directed towards: (a) obtaining value in the expenditure of public money; (b) providing for ethical and fair treatment of participants; and (c) ensuring probity, accountability and transparency in procurement operations	council
410093	Local Government Act 1999	section 49(1)	Prepare and adopt policies on contracts and tenders, including policies on the following: (a) the contracting out of services; (b) competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; (c) the use of local goods and services; and	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			(d) the sale or disposal of land or other assets.	
410094	Local Government Act 1999	section 49(3)	Alter or substitute a policy under section 49 of the Local Government Act	council
410095	Local Government Act 1999	section 49(4)	Provide a copy of a policy of the council under section 49 of the Local Government Act for inspection at the principal office of the council	council
410096	Local Government Act 1999	section 49(5)	Provide for the purchase of a copy of a policy of the council under section 49 of the Local Government Act	council
410097	Local Government Act 1999	section 50(1)	Prepare and adopt a public consultation policy	council
410098	Local Government Act 1999	section 50(5)	Alter or substitute the public consultation policy	council
410099	Local Government Act 1999	section 50(6)(c)	Prepare a document setting out the council's proposal to adopt a public consultation policy or to alter or substitute a public consultation policy	council
410100	Local Government Act 1999	section 50(6)(d)	Publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410101	Local Government Act 1999	section 50(6)(d)	Consider submissions	council
410102	Local Government Act 1999	section 50(7)	Determine that the alteration of a public consultation policy is of minor significance that would attract little (or no) community interest	council
410103	Local Government Act 1999	section 50(8)	Provide a copy of a policy of the council under section 50 of the Local Government Act for inspection at the principal office of the council	council
410104	Local Government Act 1999	section 50(9)	Provide for the purchase of a copy of a policy of the council under section 50 of the Local Government Act	council
410105	Local Government Act 1999	section 54(1)(d)	Grant a leave of absence from council	council
410106	Local Government Act 1999	section 54(1)(d)	Remove from office on the ground that the member has been absent from three or more consecutive ordinary meetings of the council	council
410107	Local Government Act 1999	section 57(6)	Recover amount of a liability incurred in contravention of section 57 of the Local Government Act as a debt from the members of the councils at the time the contract was made or lease was entered	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410108	Local Government Act 1999	section 70(a1)	Publish prescribed details contained in the Register	council
410109	Local Government Act 1999	section 70(1))	Provide a copy of the Register for inspection at the principal office of the council	council
410110	Local Government Act 1999	section 70(2)	Provide for the purchase of a copy of the Register	council
410111	Local Government Act 1999	section 77(1)	Provide reimbursement of prescribed expenses of a member of council	council
410112	Local Government Act 1999	section 77(3)	Provide a copy of a policy for the purposes of section 77(1)(b) for inspection at the principal office of the council	council
410113	Local Government Act 1999	section 77(4)	Provide for the purchase of a copy of the Register	council
410114	Local Government Act 1999	section 79(3)	Provide access to the Register of Benefits and Allowances for inspection at the principal office of the council	council
410115	Local Government Act 1999	section 79(4)	Provide for the purchase of an extract of the Register of Benefits and Allowances	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410116	Local Government Act 1999	section 80	Take out a policy of insurance insuring every member of the council and a spouse or domestic partner or another person who may be accompanying a member of the councils against the risks associated with the performance or discharge of official functions or duties by members	council
410117	Local Government Act 1999	section 80A(1)	Prepare a training and development policy for members	council
410118	Local Government Act 1999	section 80A(3)	Alter or substitute a training and development policy for members	council
410119	Local Government Act 1999	section 80A(4)	Provide a copy of the policy under section 80A(1) for inspection at the principal office of the council	council
410120	Local Government Act 1999	section 80A(5)	Provide for the purchase of a copy of the policy under section 80A(1)	council
410121	Local Government Act 1999	section 84(3)	Provide for the purchase of a copy of the notice and agenda for a council committee meeting	council
410122	Local Government Act 1999	section 87(1)	Determine the times and places at which ordinary meetings of a council committee will be held	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410123	Local Government Act 1999	section 88(3)	Provide for the purchase of a copy of the notice and agenda for a council meeting	council
410124	Local Government Act 1999	section 89(1)(b)	Determine procedures to apply to a meeting of a council committee	council
410125	Local Government Act 1999	section 90(8a)(a)	Adopt a policy on the holding of informal gatherings	council
410126	Local Government Act 1999	section 90(8c)	Alter or substitute a new policy	council
410127	Local Government Act 1999	section 90(8d)	Provide for inspection at the principal office of the council a copy of the policy under section 90(8a)	council
410128	Local Government Act 1999	section 90(8e)	Provide for the purchase of a copy of the policy under section 90(8a)	council
574149	Local Government Act 1999	section 90A(1)	Hold or arrange for the holding of an information or briefing session to which more than 1 member of the council is invited to attend or be involved in for the purposes of providing information or a briefing	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
574150	Local Government Act 1999	section 90A(4)	Order that an information or briefing session be closed to the public	council
574151	Local Government Act 1999	section 90A(5)	If an order under section 90A(4) of the Local Government Act is made, to make a record of the matters specified in section 90A(5)	council
574152	Local Government Act 1999	section 90A(7)	Comply with the requirements of the regulations regarding the publication of prescribed information	council
410129	Local Government Act 1999	section 91(3)	Supply each member of the council with a copy of council or council committee minutes within 5 days of the meeting	council
410130	Local Government Act 1999	section 91(4)	Display a copy of the minutes of meeting of council in the principal office of council	council
410131	Local Government Act 1999	section 91(5)	Provide for inspection at the principal office of the council: (a) minutes kept under this 91 of the Local Government Act; (b) reports to the council or a council committee received at a meeting of the council or committee; (c) recommendations presented to the council in writing and adopted by resolution of the council; and (d) budgetary or other financial statements adopted by the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410132	Local Government Act 1999	section 91(6)	Provide for the purchase of a copy of the document subject to inspection under section 91(5) of the Local Government Act	council
410133	Local Government Act 1999	section 91(9)(c)	Revoke an order made under section 91(7) of the Local Government Act	council
410134	Local Government Act 1999	section 92(1)	Prepare a code of practice relating to the principles, policies, procedures and practices that the council will apply for the purposes of the operation of Parts 3 and 4 the Local Government Act	council
410135	Local Government Act 1999	section 92(2)	Review code of practice	council
410136	Local Government Act 1999	section 92(3)	Alter or substitute a new code of practice	council
410137	Local Government Act 1999	section 92(5)(a)	Make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the council's principal office and available for inspection on a website determined by the chief executive officer	council
410138	Local Government Act 1999	section 92(5)(b)	Apply relevant steps in the council's public consultation policy to the proposed adoption, alteration or substitution of a code of practice	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410139	Local Government Act 1999	section 92(6)	Provide for inspection of a copy of the code of practice at the principal office of the council	council
410140	Local Government Act 1999	section 92(7)	Provide for purchase of a copy of the code of practice at the principal office of the council	council
410141	Local Government Act 1999	section 93(1)	Convene a meeting of electors of the council area or part of the council area	council
410142	Local Government Act 1999	section 93(11)	Supply each member of the council with a copy of the minutes of proceedings within 5 days of a meeting of electors	council
410143	Local Government Act 1999	section 93(14)	Determine the procedure to be observed to make a nomination for the purposes of sections 93(3)(a)(ii) or 93(3)(b)(ii) of the Local Government Act	council
410144	Local Government Act 1999	section 94(6)	Make submissions to the Minister	council
410145	Local Government Act 1999	section 94(7)	Comply with a direction of the Minister under section 94(5) of the Local Government Act	council
410146	Local Government Act 1999	section 98(3)	Invite applications including by advertising in a newspaper circulating throughout the State	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410147	Local Government Act 1999	section 105(3)	Provide for inspection of a copy of the Register of Salaries at the principal office of the council	council
410148	Local Government Act 1999	section 105(4)	Provide for purchase of a copy of the Register of salaries at the principal office of the council	council
410149	Local Government Act 1999	section 106(2)	Pay contribution to another council	council
410150	Local Government Act 1999	section 106(3)	Recover a contribution from another council as a debt	council
410151	Local Government Act 1999	section 106(4)	Provide details of the service of an employees or former employee to another council	council
410152	Local Government Act 1999	section 106(5)	Hold and apply a contribution under section 106 of the Local Government Act as prescribed by regulation	council
410153	Local Government Act 1999	section 111(b)	Declare that an officer or an officer of a class is subject to Division 2, Part 4, Chapter 7 of the Local Government Act	council
410154	Local Government Act 1999	section 122(1)	Develop a strategic management plan	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410155	Local Government Act 1999	section 122(1a)(a)	Develop a long-term financial plan	council
410156	Local Government Act 1999	section 122(1a)(b)	Develop an infrastructure and asset management plan	council
410157	Local Government Act 1999	section 122(4)	Review strategic management plans	council
410158	Local Government Act 1999	section 122(6)	Adopt a process to ensure that members of the public are given reasonable opportunity to be involved in the development and review of the council's strategic management plans	council
410159	Local Government Act 1999	section 122(7)	Provide copies of the strategic management plans for inspection and purchase at the principal office of the council	council
410160	Local Government Act 1999	section 123(3)(a)	Prepare a draft annual business plan	council
410161	Local Government Act 1999	section 123(3)(b)	Follow relevant steps in the public consultation policy in regard to the draft annual business plan	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410162	Local Government Act 1999	section 123(5)	Ensure that copies of the draft annual business plan are available at the meeting under section 123(4)(a)(i) of the Local Government Act, and for inspection and purchase (at the principal office of the council and on the council's website	council
410163	Local Government Act 1999	section 123(5a)	Provide a facility for asking and answering questions and the receipt of submissions on the council's website	council
410164	Local Government Act 1999	section 123(9)(a)(i)	Prepare a summary of the annual business plan	council
410165	Local Government Act 1999	section 123(9)(a)(ii)	Provide a copy of the summary of the annual business plan to ratepayers	council
410166	Local Government Act 1999	section 123(9)(b)(i)	Provide copies of the annual business plan and budget for inspections or purchase at the principal offices of the council	council
410167	Local Government Act 1999	section 123(9)(b)(ii)	Provide copies of the annual business plan for collection at the principal offices of the council	council
410168	Local Government Act 1999	section 123(9)(c)	Provide copies of the annual business plan and budget on a website determined by the chief executive officer	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410169	Local Government Act 1999	section 124(1)(a)	Keep accounting records	council
410170	Local Government Act 1999	section 125	Implement and maintain appropriate policies, practices and procedures of internal control	council
410171	Local Government Act 1999	section 127(1)	Prepare financial statements, notes and other statement or documents as required by the regulations	council
410172	Local Government Act 1999	section 127(3)	Provide statements to auditor	council
410173	Local Government Act 1999	section 127(4)	Submit a copy of audited statements to persons or bodies prescribed by the regulations	council
410174	Local Government Act 1999	section 127(5)	Provide a copy of audited statements for inspection or purchase at the principal offices of the council	council
410175	Local Government Act 1999	section 127(5)	Provide a copy of audited statements for inspection or purchase at the principal offices of the council	council
410176	Local Government Act 1999	section 128(2)	Appoint an auditor on the recommendation of the council's audit committee	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410177	Local Government Act 1999	section 128(9)	Provide information prescribed in section 128(9) of the Local Government Act in the council's annual report	council
410178	Local Government Act 1999	section 130A(1)	Request auditor or other suitably qualified person to examine a report on any matter relating to financial management, or the efficient and economy with which the council manages or uses its resources to achieve its objectives	council
410179	Local Government Act 1999	section 131(1)	Prepare annual report	council
410180	Local Government Act 1999	section 131(4)	Provide a copy of the annual report to each council member	council
410181	Local Government Act 1999	section 131(5)	Submit a copy of the annual report to the persons or bodies prescribed by regulation	council
410182	Local Government Act 1999	section 131(7)	Provide an abridged or summary version of the annual report to electors in the council area.	council
410183	Local Government Act 1999	section 131(8)	Provide copies of the annual report for inspection or purchase at the principal offices of the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
574153	Local Government Act 1999	section 131A(1)	Provide to the Minister the material specified in Schedule 4 of the Local Government Act and any other information specified by the Minister	council
410184	Local Government Act 1999	section 132(1)	Provide copies of a document referred to in Schedule 5 of the Local Government Act for inspection or purchase at the principal offices of the council	council
410185	Local Government Act 1999	section 132(2)	Make copies of a document referred to in Schedule 5 of the Local Government Act available in electronic form	council
410186	Local Government Act 1999	section 132(3)	Make documents listed in section 132(3) of the Local Government Act available on the council's website	council
410187	Local Government Act 1999	section 132A	Implement and maintain appropriate policies, practices and procedures to ensure compliance with statutory requirements and achievement and maintenance of good public administration	council
410188	Local Government Act 1999	section 133	Obtain funds as permitted by the Local Government Act or other Act	council
410189	Local Government Act 1999	section 135(1)	Provide security	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410190	Local Government Act 1999	section 135(2)(a)	Assign a distinguishing classification to a debenture	council
410191	Local Government Act 1999	section 135(2)(b)	Appoint a trustee for the debenture holders	council
410192	Local Government Act 1999	section 137	Expend funds in the performance or discharge of the council's powers, functions or duties under the Local Government Act or other Acts	council
410193	Local Government Act 1999	section 139(1)	Invest money under the council's control	council
410194	Local Government Act 1999	section 139(5)	Obtain and consider independent and impartial advice regarding the investment of funds	council
410195	Local Government Act 1999	section 140	Review performance of investments at least annually	council
410196	Local Government Act 1999	section 141(1)	Accept a gift	council
410197	Local Government Act 1999	section 141(2)	Carry out the terms of a trust applying to a gift	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410198	Local Government Act 1999	section 141(3)	Apply to the Supreme court for an order varying the terms of a trust for which the council is the trustee	council
410199	Local Government Act 1999	section 141(4)	Give notice of an application to the Supreme Court by public notice and in such other manner as directed by the Supreme Court	council
410200	Local Government Act 1999	section 141(6)	Publish an order of the made by the Supreme Court under section 141(5) of the Local Government Act in the Gazette	council
410201	Local Government Act 1999	section 142(1)	Take out and maintain insurance to cover the council's civil liabilities at least to the extent prescribed by the regulations	council
410202	Local Government Act 1999	section 142(3)	Take out membership of the Local Government Association Mutual Liability Scheme	council
410203	Local Government Act 1999	section 143(1)	Write off bad debts	council
410204	Local Government Act 1999	section 144(1)	Recovery of fees, charges, expenses or other amounts as a debt by action in a court of competent jurisdiction	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410205	Local Government Act 1999	section 144(2)	Provide notice of a fee, charge, expense or other amount relating to something done in respect of a rateable property to the owner or occupier of the property	council
410206	Local Government Act 1999	section 144(2)	Recovery of a fee, charge, expense or other amount relating to something done in respect of a rateable property as if the fee, charge, expense or other amount was a rate on the property	council
410207	Local Government Act 1999	section 151(5)(d)	Prepare a report on a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land	council
410208	Local Government Act 1999	section 151(5)(e)	Follow the relevant steps in the public consultation policy with respect to a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land	council
410209	Local Government Act 1999	section 151(8)	Provide copies of the report required by section 151(5)(d) of the Local Government Act at the meeting held under section 151(7)(a)(i) of the Local Government Act	council
410210	Local Government Act 1999	section 156(10)	Extend the time period for lodging an objection	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410211	Local Government Act 1999	section 156(11)	Decide an objection to attribution of a particular use to land	council
410212	Local Government Act 1999	section 156(12)	Participate in a review of an attribution of a particular use to land by South Australian Civil and Administrative Tribunal	council
410213	Local Government Act 1999	section 156(14a)(a)	Prepare a report on a proposed change to the differentiating factor in relation to land	council
410214	Local Government Act 1999	section 156(14a)(b)	Follow the relevant steps in the public consultation policy with respect to a on a proposed change to the differentiating factor in relation to land	council
410215	Local Government Act 1999	section 156(14e)	Provide copies of the report required by section 156(14a)(a) of the Local Government Act at the meeting held under section 156(14d)(a)(i) of the Local Government Act	council
410216	Local Government Act 1999	section 159(1)	Determine the manner and form of an application for a rebate of rates	council
410217	Local Government Act 1999	section 159(3)	Grant a rebate of rates	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410218	Local Government Act 1999	section 159(4)	Increase a rebate of rates	council
410219	Local Government Act 1999	section 159(10)	Determine that proper cause for a rebate of rates no longer applies	council
410220	Local Government Act 1999	section 159(11)	Recover rates, or rates at an increased level, proportionate to the remaining part of the financial year if an entitlement to a rebate of rates no longer applies	council
410221	Local Government Act 1999	section 161(1)	Grant a rebate of rates greater than 75% on land used for service delivery or administration by a community service organisation	council
410222	Local Government Act 1999	section 165(1)	Grant a rebate of rates greater than 75% on land occupied by a school and being used for educational purposes	council
410223	Local Government Act 1999	section 165(2)	Grant a rebate of rates greater than 75% on land being used by a university or university college to provide accommodation and other forms of support on a not-for-profit basis	council
410224	Local Government Act 1999	section 166(1)	Grant a rebate of rates or service charges in prescribed circumstances	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410225	Local Government Act 1999	section 166(2)	Attach conditions to the granting of a rebate of rates or service charges under section 166(1) of the Local Government Act	council
410226	Local Government Act 1999	section 167(1)	Adopt valuations	council
410227	Local Government Act 1999	section 167(6)	Publish a notice of the adoption of valuations in the Gazette	council
410228	Local Government Act 1999	section 168(1)	Request the Valuer-General to value land in the council area	council
410229	Local Government Act 1999	section 168(2)	Furnish information to the Valuer-General requested information	council
410230	Local Government Act 1999	section 168(3)(b)	Enter valuation into the assessment record	council
410231	Local Government Act 1999	section 168(3)(c)	Provide notice to the principal ratepayer in respect of land of the valuation of that land	council
410232	Local Government Act 1999	section 169(3)(b)	Allow an extension of time in which to object to the valuation of land	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410233	Local Government Act 1999	section 169(5)	Refer an objection to the valuation of land to the valuer who made the valuation with a request to reconsider the valuation	council
410234	Local Government Act 1999	section 169(7)	Provide written notice to an objector of the outcome of the objection	council
410235	Local Government Act 1999	section 169(10)	Refer request for a review of the valuation of land to the Valuer-General	council
410236	Local Government Act 1999	section 169(11)	Make representations to the valuer in regard to the valuation of land which is the subject of the objection	council
410237	Local Government Act 1999	section 169(15)	Participate in a review of a valuation of land by South Australian Civil and Administrative Tribunal	council
410238	Local Government Act 1999	section 169(16)	Pay the prescribed fee to the Valuer-General	council
410239	Local Government Act 1999	section 170	Publish a notice of the declaration of a rate or service charge in the Gazette and a newspaper circulating in the council area	council
410240	Local Government Act 1999	section 173(5)	Determine a review of the outcome of a request to alter the assessment record	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410241	Local Government Act 1999	section 173(6)	Provide written notice of decision on review	council
410242	Local Government Act 1999	section 173(7)	Participate in a review of decision of council	council
410243	Local Government Act 1999	section 174(1)	Provide the assessment record for inspection at the principal offices of the council	council
410244	Local Government Act 1999	section 174(2)	Provide for the purchase of an entry in the assessment record	council
410245	Local Government Act 1999	section 178(3)	Recover rates as a debt	council
410246	Local Government Act 1999	section 178(4)	Provide written notice requiring a lessee or licensee of land to pay rent or other consideration to the council under the lease or licence in satisfaction of the liability for rates	council
410247	Local Government Act 1999	section 178(6)	Remit a charge payable under section 178(5) of the Local Government Act in whole or in part	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410248	Local Government Act 1999	section 179(2)	Adopt a valuation of land	council
410249	Local Government Act 1999	section 179(5)	Refund rates that have been paid to a principal ratepayer if land ceases to be rateable land	council
410250	Local Government Act 1999	section 180(1)	Provide a rates notice to the principal ratepayer	council
410251	Local Government Act 1999	section 181(2)	Determine the day on which an instalment of rates falls due	council
410252	Local Government Act 1999	section 181(3)	Adjust the months in which instalments of rates are payable	council
410253	Local Government Act 1999	section 181(4)(b)	Agree with a principal ratepayer the dates on which instalments of rates are payable	council
410254	Local Government Act 1999	section 181(5)	Provide rates notice to principal ratepayer	council
410255	Local Government Act 1999	section 181(7a)	Agree with a principal ratepayer to vary the period for the provision of a rates notice	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410256	Local Government Act 1999	section 181(9)	Remit the whole or any part of an amount payable under section 181(8) of the Local Government Act	council
410257	Local Government Act 1999	section 181(11)	Grant discounts or other incentives in relation to the payment of rates	council
410258	Local Government Act 1999	section 181(12)(b)	Impose a surcharge or administrative levy not exceeding 1 per cent of the rates payable in a particular financial year with respect to the payment of rates by instalments	council
410259	Local Government Act 1999	section 181(13)	Impose different requirements than those under section 181 of the Local Government Act in relation to the payment of separate rates or service rates	council
410260	Local Government Act 1999	section 181(15)	Determine that rates of a particular kind will be payable in more than four instalments in a particular financial year	council
410261	Local Government Act 1999	section 182(1)(a)	Postpone payment of rates	council
410262	Local Government Act 1999	section 182(1)(b)	Remit the whole or part payment of rates	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410263	Local Government Act 1999	section 182(2)(a)	Impose a condition that the ratepayer pay interest on postponed rates	council
410264	Local Government Act 1999	section 182(2)(b)	Impose other conditions on the postponement of rates	council
410265	Local Government Act 1999	section 182(2)(c)	Revoke a postponement of rates	council
410266	Local Government Act 1999	section 182(3)	Postpone the payment of rates	council
410267	Local Government Act 1999	section 182(4)	Grant a remission of rates	council
410268	Local Government Act 1999	section 182(5)	Require a ratepayer to verify an entitlement to the remission of rates	council
410269	Local Government Act 1999	section 182(6)	Revoke a determination under section 182(4) of the Local Government Act to remit rates	council
410270	Local Government Act 1999	section 182A(1)	Receive an application for a postponement of the payment of the prescribed proportion of rates for the current or a future financial year	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410271	Local Government Act 1999	section 182A(2)	Determine the manner and form of an application under section 182A(1) of the Local Government Act	council
410272	Local Government Act 1999	section 182A(3)(a)	Reject an application under section 182A(1) of the Local Government Act in accordance with the regulations	council
410273	Local Government Act 1999	section 182A(3)(b)	Impose conditions on the postponement of rates in accordance with the regulations	council
410274	Local Government Act 1999	section 183	Apply amount received in respect of rates in manner prescribed by section 183 of the Local Government Act	council
410275	Local Government Act 1999	section 184(1)	Sell land where an amount of rates in respect of the land has been in arrears for more than three years	council
410276	Local Government Act 1999	section 184(2)	Send a notice to the principal ratepayer	council
410277	Local Government Act 1999	section 184(3)	Send a copy of the notice sent to the principal ratepayer to any other owner of the land, any registered mortgagee, the holder of any caveat over the land and, if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410278	Local Government Act 1999	section 184(4)(a)	Place a copy of the notice sent to the principal ratepayer in a newspaper circulating throughout the State	council
410279	Local Government Act 1999	section 184(4)(b)	Leave a copy of the notice sent to the principal ratepayer at a conspicuous place on the land	council
410280	Local Government Act 1999	section 184(6)	Set a reserve price for the auction	council
410281	Local Government Act 1999	section 184(7)	Seek the consent of the Minister who is responsible for the administration of the Crown Lands Act 1929 to have the land sold by public auction	council
410282	Local Government Act 1999	section 184(8)	Advertise an auction to sell land under section 184 of the Local Government Act in a newspaper circulating throughout the State	council
410283	Local Government Act 1999	section 184(9)	Call off an auction	council
410284	Local Government Act 1999	section 184(10)	Sell land by private contract	council
410285	Local Government Act 1999	section 184(11)	Apply money receive in respect of the sale of land under section 184 of the Local Government Act as prescribed in section 184(11)	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410286	Local Government Act 1999	section 184(12)	Deal with money under the Unclaimed Money Act 1891	council
410287	Local Government Act 1999	section 185(1)	Apply to the Minister who is responsible for the administration of the Crown Lands Act 1929 for an order under section 185 of the Local Government Act	council
410288	Local Government Act 1999	section 186(2)(a)	Repay an amount of overpaid rates	council
410289	Local Government Act 1999	section 186(2)(a)	Credit an amount of overpaid rates against future liabilities for rates on the land subject to the overpaid rates	council
410290	Local Government Act 1999	section 186(2)(b)	Take action to recover an additional amount in arrears payable on account of an alteration of the valuation or decision	council
410291	Local Government Act 1999	section 186(2)(b)	Give notice to recover an additional amount in arrears payable on account of an alteration of the valuation or decision	council
410292	Local Government Act 1999	section 186(5)	Refund an amount to a person ceasing to be a ratepayer	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410293	Local Government Act 1999	section 187(1)	Issue a certificate stating the amount of any liability for rates or charges on the land and any amount received on account of rates or charges that is held in credit against future liabilities for rates or charges on the land	council
410294	Local Government Act 1999	section 187A(5)(b)	Receive a report from the Ombudsman	council
410295	Local Government Act 1999	section 187B(5)	Receive a report from the Ombudsman	council
410296	Local Government Act 1999	section 187B(6)	Provide a written response to the Ombudsman and complainant	council
410297	Local Government Act 1999	section 187B(7)	Grant a rebate or remission of any rate or service charge, or of any charge, fine or interest	council
410298	Local Government Act 1999	section 188(1)(a)	Impose fees and charges for the use of any property or facility owned, controlled, managed or maintained by the council	council
410299	Local Government Act 1999	section 188(1)(b)	Impose fees and charges for services supplied to a person at his or her request	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410300	Local Government Act 1999	section 188(1)(c)	Impose fees and charges for carrying out work at a person's request	council
410301	Local Government Act 1999	section 188(3)	Provide for: (a) specific fees and charges; (b) maximum fees and charges and minimum fees and charges; (c) annual fees and charges; (d) the imposition of fees or charges according to specified conditions or circumstances; (e) the variation of fees or charges according to specified factors; (f) the reduction, waiver or refund, in whole or in part, of fees or charges.	council
410302	Local Government Act 1999	section 188(5)(b)	Fix, vary or revoke fees and charges for the purposes of section 188(1)(a), 188(1)(b) and 188(1)(c) of the Local Government Act	council
410303	Local Government Act 1999	section 188(6)	Keep a list of fees and charges imposed under section 188 of the Local Government Act on public display at the principal offices of the council	council
410304	Local Government Act 1999	section 188(7)	Update the list of fees and charges and take reasonable steps to bring a variation of a fee or charge to the notice of a person who may be affected	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410305	Local Government Act 1999	section 190	Agree to acquire land	council
410306	Local Government Act 1999	section 191(1)	Seek the Minister's consent to acquire land compulsorily	council
410307	Local Government Act 1999	section 191(1)	Acquire land compulsorily	council
410308	Local Government Act 1999	section 191(2)	Acquire land compulsorily	council
410309	Local Government Act 1999	section 192(4)	Publish a copy of a resolution under section 192(1) of the Local Government Act in the Gazette	council
410310	Local Government Act 1999	section 193(2)	Follow steps on public consultation policy in respect of a proposal to exclude land from classification as community land	council
410311	Local Government Act 1999	section 193(3)	Obtain approval of owner of land to exclude land from classification as community land	council
410312	Local Government Act 1999	section 193(6)	Give notice in the Gazette of a resolution to exclude land from classification as community land or to classify land as community land	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410313	Local Government Act 1999	section 194(2)(a)	Prepare and make publicly available a report on a proposal to revoke the classification of community land	council
410314	Local Government Act 1999	section 194(2)(b)	Follow steps on public consultation policy in respect of a proposal to revoke the classification of land as community land	council
410315	Local Government Act 1999	section 194(3)(a)	Submit the proposal to revoke the classification of land as community land with a report on all submissions made in respect of the proposal to the Minister	council
410316	Local Government Act 1999	section 194(4)	Participate in consultation with the Minister	council
410317	Local Government Act 1999	section 195(2)	Give notice of the revocation of the classification of land as community land to the Registrar-General	council
410318	Local Government Act 1999	section 196(1)	Prepare and adopt a management plan for community land	council
410319	Local Government Act 1999	section 196(1a)	Prepare and adopt a management plan for the Adelaide Park Lands	Adelaide City Council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410320	Local Government Act 1999	section 196(4)	Consult with the owner of land at an appropriate stage in the preparation of a management plan	council
410321	Local Government Act 1999	section 197(1)(a)	Make copies of a proposed management plan available or inspection of purchase at the council's principal office	council
410322	Local Government Act 1999	section 197(1)(b)	Follow the relevant steps in the council's public consultation policy	council
410323	Local Government Act 1999	section 197(3)	Give public notice of the adoption of the management plan	council
410324	Local Government Act 1999	section 198(1)	Amend or revoke a management plan	council
410325	Local Government Act 1999	section 198(2)	Undertake public consultation of a proposal to amend or revoke a management plan	council
410326	Local Government Act 1999	section 198(4)	Give public notice of the adoption of a proposal to amend or revoke a management plan	council
410327	Local Government Act 1999	section 199	Manage community land in accordance with any relevant management plan	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410328	Local Government Act 1999	section 200(1)	Approve the use of community land for a business purpose	council
410329	Local Government Act 1999	section 200(3)	Impose conditions on an approval to use community land for a business purpose	council
410330	Local Government Act 1999	section 201(1)	Sell or otherwise dispose of an interest in land	council
410331	Local Government Act 1999	section 202(1)	Grant a lease or licence over community land	council
410332	Local Government Act 1999	section 202(2)	Follow the relevant steps in the councils public consultation policy in regard to granting a lease or licence relating to community land	council
410333	Local Government Act 1999	section 207(1)	Keep a register of community land in the council area	council
410334	Local Government Act 1999	section 207(2)(c)	Determine that the register of community land in the council area will consist of a computer record	council
410335	Local Government Act 1999	section 207(3)	Provide the register of community land in the council area for public inspection at the principal office of the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410336	Local Government Act 1999	section 207(4)	Provide for the purchase of an extract of the register of community land in the council area	council
410337	Local Government Act 1999	section 208(4)	Cause a copy of a resolution declaring a road or land to be a public road or preserving an easement to be published in the Gazette	council
410338	Local Government Act 1999	section 209(3)	Enter an agreement in regard to the ownership of fixture and equipment installed on a public road	council
410339	Local Government Act 1999	section 210(1)	Declare a private road to be a public road	council
410340	Local Government Act 1999	section 210(2)(a)	Give written notice to the owner of the private road of a proposed declaration	council
410341	Local Government Act 1999	section 210(2)(ab)	Give written notice to the holder of a registered interest over the private road of a proposed declaration	council
410342	Local Government Act 1999	section 210(2)(b)	Give public notice to the owner of the private road of a proposed declaration	council
410343	Local Government Act 1999	section 210(5)	Publish a declaration under section 210 of the Local Government Act in the Gazette	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410344	Local Government Act 1999	section 210(7)	Furnish a copy of a declaration under section 210 of the Local Government Act to the Registrar-General	council
410345	Local Government Act 1999	section 211(1)(a)	Enter an agreement with the Commissioner of Highways or other authority that has the care, control and management of a highway	council
410346	Local Government Act 1999	section 211(1)(b)	Act in accordance with a notice issued by the Commissioner of Highways	council
410347	Local Government Act 1999	section 212(1)	Carry out roadwork in the council area	council
410348	Local Government Act 1999	section 212(1)	Enter an agreement with another council to carry out roadwork in that other council's area	council
410349	Local Government Act 1999	section 212(2)	Do anything reasonably necessary for, or incidental to, roadwork	council
410350	Local Government Act 1999	section 212(3)(b)	Consult with the Commissioner of Highways	council
410351	Local Government Act 1999	section 212(3)(c)(i)	Obtain the agreement of the owner of a private road	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410352	Local Government Act 1999	section 212(3)(c)(ii)	Give notice to the owner of a private road and a reasonable opportunity to make representations on proposed roadwork	council
410353	Local Government Act 1999	section 212(3)(c)(ii)	Consider any representations by the owner of a private road on proposed roadwork	council
410354	Local Government Act 1999	section 212(3)(d)	Obtain the agreement of the owner of private land	council
410355	Local Government Act 1999	section 213(1)	Recover the whole cost or an agreed contribution to the cost of roadworks undertaken by agreement	council
410356	Local Government Act 1999	section 213(2)	Recover the cost of roadwork to repair damage to a road from the person who damaged a road or is the owner of infrastructure which damaged the road	council
410357	Local Government Act 1999	section 213(3)(a)	Recover the cost of roadwork on private land or a contribution to the cost of the work determined by the council as a debt from the owner of the private	council
410358	Local Government Act 1999	section 214(2)(a)	Agree the amount of contribution to roadwork with another council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410359	Local Government Act 1999	section 214(2)(b)	Seek a determination by a court as to the amount of contribution to roadwork to be paid by another council	council
410360	Local Government Act 1999	section 214(3)	Give notice to another council of proposed roadwork and provide reasonable opportunity to that other council to make representations	council
410361	Local Government Act 1999	section 215(2)	Carry out roadwork to allow water from a road to drain into adjoining property	council
410362	Local Government Act 1999	section 215(4)	Give notice to the owner of land in regard to the proposed action to drain water into the land	council
410363	Local Government Act 1999	section 216(1)	Issue an order requiring the owner of private land to carry out specified road work or improve the road	council
410364	Local Government Act 1999	section 217(1)	Issue an order requiring the owner of a structure or equipment installed in, on, across, under or over a road to carry out specified road work by way of maintenance or repair or move the structure or equipment to allow the council to carry out roadwork	council
410365	Local Government Act 1999	section 217(2)(a)	Take action under an order issued under section 217(1) of the Local Government Act if it is not complied with by the owner of the structure or equipment	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410366	Local Government Act 1999	section 217(2)(a)	Recover the cost of taking action under section 217(2)(a) of the Local Government Act as a debt from the owner of the structure or equipment	council
410367	Local Government Act 1999	section 218(1)	Issue an order requiring the owner of land adjoining a road to carry out specified work to construct, remove or repair a crossing place from the road to the land	council
410368	Local Government Act 1999	section 219(1)	Assign a name to a public or private road, or to a public place, or change the name of a public or private road, or a public place	council
410369	Local Government Act 1999	section 219(1a)	Assign a name to a public road created by land division	council
410370	Local Government Act 1999	section 219(2)(a)	Give notice to an adjoining council of a proposed road name change where the road runs into the adjoining council	council
410371	Local Government Act 1999	section 219(2)(b)	Consider any representations of an adjoining council in response to a notice under section 219(2)(a) of the Local Government Act	council
410372	Local Government Act 1999	section 219(3)(a)	Notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a road name or change of a road name	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410373	Local Government Act 1999	section 219(3)(b)	Provide information to the Registrar-General, the Surveyor-General and the Valuer-General about the name of roads and public places in the council area	council
410374	Local Government Act 1999	section 219(4)	Provide public notice on the assigning or changing of a road name	council
410375	Local Government Act 1999	section 219(5)	Prepare and adopt a policy on the assigning of road names	council
410376	Local Government Act 1999	section 219(6)	Alter or substitute a policy on the assigning of road names	council
410377	Local Government Act 1999	section 219(7)	Publish notice of adopting or altering a policy on the assigning of road name in the Gazette, in a newspaper circulating within the council area and on a website determined by the chief executive	council
410378	Local Government Act 1999	section 220(1)	Adopt a numbering system for buildings and allotments adjoining the road	council
410379	Local Government Act 1999	section 220(1a)	Assign a number to all buildings and allotments adjoining a public road	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410380	Local Government Act 1999	section 220(2)	Alter or substitute a new numbering system	council
410381	Local Government Act 1999	section 220(3)	Give public notice of the adoption, alteration or substitution of a numbering system for a particular road	council
410382	Local Government Act 1999	section 220(4)	Notify the Valuer-General of a decision to adopt, alter or substitute of a numbering system	council
410383	Local Government Act 1999	section 220(6)	Request the owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the council	council
410384	Local Government Act 1999	section 221(1)	Grant an authorisation to alter a public road	council
410385	Local Government Act 1999	section 222(1)	Grant a permit authorising the use of a public road for business purposes	council
410387	Local Government Act 1999	section 223(1)	Follow the relevant steps in the council's public consultation policy	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410388	Local Government Act 1999	section 223(2)	Give written notice of the proposal to agencies prescribe by regulation	council
410389	Local Government Act 1999	section 224(1)	Attach conditions to an authorisation or permit	council
574154	Local Government Act 1999	section 224(2)	Comply with any requirements prescribed by the regulations in relation to attaching conditions under section 224(1) of the Local Government Act	council
410391	Local Government Act 1999	section 225(1)	Cancel an authorisation or permit	council
410392	Local Government Act 1999	section 225(2)(a)	Give the holder of an authorisation or permit written notice of the proposed cancellation of the authorisation or permit	council
410393	Local Government Act 1999	section 225(2)(b)	Consider any representation by the holder of an authorisation or permit	council
410394	Local Government Act 1999	section 225(3)	Determine a shorter period than one month for a response from the holder of an authorisation or permit	council
410400	Local Government Act 1999	section 231(1)	Keep a register of public roads in the council area	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410401	Local Government Act 1999	section 231(3)	Provide the register of public roads for inspections and the principal office of the council	council
410402	Local Government Act 1999	section 231(4)	Provide for purchase an extract from the register of public roads	council
410403	Local Government Act 1999	section 232	Plant vegetation on a road	council
410404	Local Government Act 1999	section 232	Authorise the planting of vegetation on a road	council
410405	Local Government Act 1999	section 233(2)	Take action to recover damages from a person who without the council's permission intentionally or negligently damages a road or structure belonging to the councils associated with a road	council
410406	Local Government Act 1999	section 234(1)	Remove and dispose of any structure, object or substance from a road	council
410407	Local Government Act 1999	section 234(2)	Recover the cost of acting under section 234(1) from the person who erected, placed or deposited the structure, object or substance on the road	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410408	Local Government Act 1999	section 234(3)	Clear a road of wreckage, objects or material on the road as a result of a vehicle accident	council
410409	Local Government Act 1999	section 234(3)	Recover the cost of clearing the road from a driver of a vehicle involved in the accident	council
410410	Local Government Act 1999	section 234A(5)	Erect barricades or other traffic control devices as necessary to give effect to a resolution to exclude vehicles from a road or public place	council
410411	Local Government Act 1999	section 234A(6)	Give public notice of a resolution under section 234A(1) or 234A(2) of the Local Government Act	council
410412	Local Government Act 1999	section 236(2)	Apply to the court for an order that a person convicted of the offence under section 236(1) of the Local Government Act pay any costs incurred by the council in removing or disposing of the abandoned vehicle	council
410413	Local Government Act 1999	section 237(4)(a)	Notify the owner of a vehicle of the removal of the vehicle by written notice	council
410414	Local Government Act 1999	section 237(4)(b)	Notify the owner of a vehicle of the removal of the vehicle by public notice published in a newspaper circulating generally within the State	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410415	Local Government Act 1999	section 237(5)	Sell a vehicle by public auction or public tender	council
410416	Local Government Act 1999	section 237(6)	Dispose of a vehicle	council
410417	Local Government Act 1999	section 237(7)	Apply the proceeds of the sale of a vehicle as prescribed in section 237(7) of the Local Government Act	council
410418	Local Government Act 1999	section 238(3)	Erect a notice regarding access to or use of a particular piece of land under a council by-law in a prominent place or in the immediate vicinity of the land	council
410419	Local Government Act 1999	section 242(3)	Notify an applicant in writing of a decision or presumptive decision on an application which is subject to section 242 of the Local Government Act	council
410420	Local Government Act 1999	section 242(4)	Fix a date as the 'relevant date' for the purposes of section 242 of the Local Government Act	council
410421	Local Government Act 1999	section 243(1)	Apply to the Registrar-General for the issue of a certificate of title for land which has vested in fee simple in the council under the Local Government Act	council
410422	Local Government Act 1999	section 245(2)	Take reasonable action to respond to a request by the owner or occupier of property adjacent to a road to avert a risk of damage from a tree	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410423	Local Government Act 1999	section 245A(1)	Require a person to enter into an agreement with the council in regard to work under an approval under the Planning, Development and Infrastructure Act 2016 which could cause damage to any local government land (including a road) within the vicinity of the site of the development	council
410424	Local Government Act 1999	section 245A(3)	Participate in the hearing of an appeal by a person against the requirements to enter and agreement of the terms or conditions of the agreement	council
410425	Local Government Act 1999	section 246(4a)	Publish a notice of a determination under section 246(3)(b) in the Gazette and a newspaper circulating generally in the council area	council
410426	Local Government Act 1999	section 246(5)(b)	Fix an expiation fee for alleged offences against the by-laws	council
410427	Local Government Act 1999	section 249(1)(a)	Make copies of a proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection at the principal offices of the council and on the internet	council
410428	Local Government Act 1999	section 249(1)(b)	Publish a notice in a newspaper circulating in the council area informing the public of the availability of the by-laws and the terms of the by-law, or describing the by-laws nature and effect	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410429	Local Government Act 1999	section 249(2)	Consider submissions made on a proposed by-law	council
410430	Local Government Act 1999	section 249(4)	Obtain a certificate signed by a legal practitioner	council
410431	Local Government Act 1999	section 249(5)	Publish a by-law in the Gazette	council
410432	Local Government Act 1999	section 249(7)	Publish a notice of making a by-law	council
410433	Local Government Act 1999	section 250(5)	Publish a resolution adopting a model by-law in the Gazette	council
410434	Local Government Act 1999	section 250(7)	Publish a resolution adopting a model by-law in a newspaper circulating in the council area	council
410435	Local Government Act 1999	section 252(1)	Maintain a register of the by-laws made or adopted by the council	council
410436	Local Government Act 1999	section 252(3)	Provide the register of by-laws for inspection at the principal office of the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410437	Local Government Act 1999	section 252(4)	Provide for purchase an extract of the register of by-laws	council
410438	Local Government Act 1999	section 252(5)	Provide for purchase a certified copy of a by-law	council
410439	Local Government Act 1999	section 254(1)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	council
410440	Local Government Act 1999	section 255(1)	Provide a notice in writing prior to making an order under section 254(1) of the Local Government Act	council
410441	Local Government Act 1999	section 255(2)	Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land	council
410442	Local Government Act 1999	section 255(3)	Consider any representations made in response to a notice under section 255(1) of the Local Government Act	council
410443	Local Government Act 1999	section 255(3)(a)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	council
410444	Local Government Act 1999	section 255(3)(b)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410445	Local Government Act 1999	section 255(3)(c)	Determine not to proceed to make an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	council
410446	Local Government Act 1999	section 255(7)	Serve an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	council
410447	Local Government Act 1999	section 255(8)	Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land	council
410448	Local Government Act 1999	section 255(11)	Vary an order	council
410449	Local Government Act 1999	section 255(12)	Make an order	council
410450	Local Government Act 1999	section 256(3)	Participate in a review of an order by the South Australian Civil and administrative Tribunal	council
410451	Local Government Act 1999	section 257(1)	Take action required by an order made under section 255 of the Local Government Act	council
410452	Local Government Act 1999	section 257(2)	Authorise a person to take action under section 257(1) of the Local Government Act	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410453	Local Government Act 1999	section 257(3)	Recover the costs of taking action under section 257(1) of the Local Government Act	council
410454	Local Government Act 1999	section 257(5)	Provide notice fixing a period in which a person must pay an amount recoverable by the council under section 257 of the Local Government Act	council
410455	Local Government Act 1999	section 257(5)(b)	Impose a charge over land for an unpaid amount recoverable by the council under section 257 of the Local Government Act	council
410456	Local Government Act 1999	section 259(1)	Prepare and adopt policies concerning the operation of Part2, Chapter 12 of the Local Government Act	council
410457	Local Government Act 1999	section 259(2)(a)	Prepare a draft policy	council
410458	Local Government Act 1999	section 259(2)(b)	Give notice in a newspaper circulating in the council area of the place or places where copies of the draft policy are available for inspection and purchase and invite written submissions	council
410459	Local Government Act 1999	section 259(3)	Consider submissions	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410460	Local Government Act 1999	section 259(4)	Amend a policy	council
410461	Local Government Act 1999	section 259(5)	Take steps in section 259(2) and 259(3) prior to amending a policy	council
410462	Local Government Act 1999	section 259(6)	Provide for inspection a copy of a policy	council
410463	Local Government Act 1999	section 259(7)	Provide for purchase a copy of a policy	council
410464	Local Government Act 1999	section 260(1)	Appoint an authorised person	council
410465	Local Government Act 1999	section 260(2)	Impose conditions or limitations on the appointment of an authorised person	council
410466	Local Government Act 1999	section 260(3)	Issue an identity card to an authorised person	council
410467	Local Government Act 1999	section 260(5)	Revoke the appointment of an authorised person	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410468	Local Government Act 1999	section 270(a1)	Develop and maintain policies, practices and procedures for dealing with requests for the provision of services by the council or complaints about the activities of the council, employees of the council or person acting on behalf of the council	council
410469	Local Government Act 1999	section 270(1)	Establish procedures for the review of decisions	council
410470	Local Government Act 1999	section 270(4)	Refuse an application for the review of a decision	council
410471	Local Government Act 1999	section 270(5)	Provide for inspection copies of policies, practices and procedures applying under section 270 of the Local Government Act at the principal office of the council	council
410472	Local Government Act 1999	section 270(6)	Amend policies, practices and procedures applying under section 270 of the Local Government Act	council
410473	Local Government Act 1999	section 270(8)	Initiate and consider a report for the purpose of section 270(8) of the Local Government Act	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410474	Local Government Act 1999	section 271(1)	Make provision in a procedure under section 270 of the Local Government Act for disputes between a person and the council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation	council
410475	Local Government Act 1999	section 271(2)	Constitute panels of mediators, conciliators and evaluators	council
410476	Local Government Act 1999	section 271(7)	Pay costs of mediation, conciliation and evaluation	council
410477	Local Government Act 1999	section 271A(1)	Provide requested information to the Minister	council
410478	Local Government Act 1999	section 271B(1)(a)	Obtain an independent assessment of the council's probity or compliance with any requirements placed on the council under legislation	council
410479	Local Government Act 1999	section 271B(1)(b)	Take specified action to meet standards in the conduct or administration of the affairs of the council identified by the Minister	council
410480	Local Government Act 1999	section 272(3)	Provide an explanation and make submissions to the Minister	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410481	Local Government Act 1999	section 272(5)	Make submissions to the Minister in relation to the subject matter of an interim report	council
410482	Local Government Act 1999	section 273(3)	Make submissions to the Minister in relation to a report under section 273(1) of the Local Government Act	council
410483	Local Government Act 1999	section 275(2)	Make submissions to the Minister in relation to a report under section 274 of the Local Government Act	council
410484	Local Government Act 1999	section 276(2)(a)	Bring proceedings under section 276(1) of the Local Government Act	council
410485	Local Government Act 1999	section 276(5)(b)	Take necessary steps for and hold a ballot or poll in accordance with an order of the District Court	council
410486	Local Government Act 1999	section 276(5)(f)	Produce or deliver books, voting-paper or documents in accordance with an order of the District Court	council
410487	Local Government Act 1999	section 279(1)	Serve a document	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410488	Local Government Act 1999	section 281(1)	Notify a lessee or licensee of land to pay the council rent or other consideration payable under the lease or licence in satisfaction of the landowner's liability to the council	council
410489	Local Government Act 1999	section 281(2)(b)	Notify the owner of land of the imposition of a requirements under section 281(1) of the Local Government Act	council
410490	Local Government Act 1999	section 282(1)	Approve an occupier of land undertaking work	council
410491	Local Government Act 1999	section 294(1a)	Provide notice to an owner or occupier of land	council
410492	Local Government Act 1999	section 294(3)(a)	Pay rent to the owner of occupier of land as determined by agreement or the Supreme Court	council
410493	Local Government Act 1999	section 294(3)(b)	Pay to the owner of occupier of land reasonable compensation for damage to any crops on land	council
410494	Local Government Act 1999	section 294(3)(c)(i)	Remedy damage to land caused by the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410495	Local Government Act 1999	section 294(3)(c)(ii)	Pay compensation for any other loss or damage caused by the council	council
410496	Local Government Act 1999	section 294(5)	Erect a fence	council
410497	Local Government Act 1999	section 294(5)	Comply with the relevant requirements of the Mining Act 1971	council
410498	Local Government Act 1999	section 296(1)	Recover the cost or a portion of the costs of works as a debt	council
410499	Local Government Act 1999	section 296(3)	Give notice of a valuation to the owner of land	council
410500	Local Government Act 1999	section 296(5)	Participate in an abjection or review to a valuation	council
410501	Local Government Act 1999	section 297	Sell or dispose of rubbish collected by the council	council
410502	Local Government Act 1999	section 298(1)	Order action in response to flooding or imminent flooding	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410503	Local Government Act 1999	section 300(1)	Pay the cost of advertising	council
410504	Local Government Act 1999	clause 13(c), Schedule 1A	Enter an arrangement with the Stormwater Management Authority to make use of council staff, equipment or facilities	council
410505	Local Government Act 1999	clause 17(1), Schedule 1A	Prepare a stormwater management plan	council
410506	Local Government Act 1999	clause 18(1), Schedule 1A	Prepare a stormwater management plan or revise an existing stormwater management plan	council
410507	Local Government Act 1999	clause 18(2), Schedule 1A	Provide a stormwater management plan to the Stormwater Management Authority for approval	council
410508	Local Government Act 1999	clause 19(3), Schedule 1A	Take action required by the Stormwater Management Authority as a condition of approving a stormwater management plan	council
410509	Local Government Act 1999	clause 20(1), Schedule 1A	Comply with an order issued by the Stormwater Management Authority under clause 20(1), Schedule 1A of the Local Government Act	council
410510	Local Government Act 1999	clause 20(5), Schedule 1A	Make submissions to the Stormwater Management Authority	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410511	Local Government Act 1999	clause 20(6), Schedule 1A	Enter into an agreement with the Stormwater Management Authority for the repayment of costs and expenses of the authority by the council	council
410512	Local Government Act 1999	clause 24(1), Schedule 1A	<p>Take action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under clause 20(a), schedule 1B of the Local Government Act by:</p> <ul style="list-style-type: none"> (a) entering and occupying any land; (b) constructing, maintaining or removing any infrastructure; (c) excavating any land; (d) inspecting, examining or surveying any land and for that purpose: <ul style="list-style-type: none"> (i) fixing posts, stakes or other markers on the land; (ii) digging trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) removing samples for analysis; and (e) altering water table levels, stopping or reducing the flow of water in a watercourse, diverting water flowing in a watercourse to another watercourse or to a lake or controlling the flow of water in any other manner; (f) holding water in a watercourse or lake or by any other means; (g) diverting water to an underground aquifer, disposing of water to a lake, underground aquifer or the sea, or dealing with water in any other manner; 	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			(h) deepening, widening or changing the course of a watercourse, deepening or widening a lake or taking action to remove any obstruction to the flow of water; (i) undertaking any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); (j) undertaking any testing, monitoring or evaluation; and (k) undertaking any other activity of a prescribed kind.	
410513	Local Government Act 1999	clause 24(2)(a), Schedule 1A	Enter into an agreement with the owner of private land	council
410514	Local Government Act 1999	clause 24(2)(b), Schedule 1A	Acquire an easement or other appropriate interest over land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws	council
410515	Local Government Act 1999	clause 24(3), Schedule 1A	Acquire land by agreement for the purposes of constructing any infrastructure or performing any work	council
410516	Local Government Act 1999	clause 25(2), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410517	Local Government Act 1999	clause 25(3)(b), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24	council
410518	Local Government Act 1999	clause 26(3), Schedule 1A	Make submissions to the Minister regarding the vesting of the care, control and management of infrastructure or land in the council	public authority
410519	Local Government Act 1999	clause 26(4), Schedule 1A	Maintain and repair infrastructure and maintain land vested in the council	public authority
410520	Local Government Act 1999	clause 2(1), Schedule 1B	Enter a building upgrade agreement	council
410521	Local Government Act 1999	clause 2(4), Schedule 1B	Agree to other parties entering a building upgrade agreement	council
410522	Local Government Act 1999	clause 4, Schedule 1B	Agree to vary or terminate a building upgrade agreement	council
410523	Local Government Act 1999	clause 6(1), Schedule 1B	Declare a building upgrade charge	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410524	Local Government Act 1999	clause 6(2), Schedule 4B	Provide written notice of the declaration of a building upgrade charge	council
410525	Local Government Act 1999	clause 6(4), Schedule 1B	Give notice of each payment of a building upgrade charge	council
410526	Local Government Act 1999	clause 7(2), Schedule 1B	Deduct and retain any service fee and late payment fee	council
410527	Local Government Act 1999	clause 7(3)(a), Schedule 1B	Hold money pending payment to the finance provider	council
410528	Local Government Act 1999	clause 7(3)(b), Schedule 1B	Pay money to the finance provider	council
410529	Local Government Act 1999	clause 9(1), Schedule 1B	Sell land if a building upgrade charge remains outstanding for more than 3 years	council
410530	Local Government Act 1999	clause 9(2), Schedule 1B	Apply money received on the sale of land as prescribed by clause 9(2), schedule 1B of the Local Government Act	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410531	Local Government Act 1999	clause 9(3), Schedule 1B	Deal with unclaimed money in accordance with the Unclaimed Moneys Act 1891	council
410532	Local Government Act 1999	clause 10(2)(a), Schedule 1B	Adjust a building upgrade charge	council
410533	Local Government Act 1999	clause 10(2)(a), Schedule 1B	Give notice to the building owner of the adjustment of a building upgrade charge	council
410534	Local Government Act 1999	clause 10(3)(d), Schedule 1B	Refund excess payments to the building owner	council
410535	Local Government Act 1999	clause 11(1), Schedule 1B	Recover a building upgrade charge in accordance with a building upgrade agreement	council
410536	Local Government Act 1999	clause 13(1), Schedule 1B	Keep a register of building upgrade agreements	council
410537	Local Government Act 1999	clause 13(3), Schedule 1B	Provide the register of building upgrade agreements for inspection at the principal office of the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410538	Local Government Act 1999	clause 13(4), Schedule 1B	Provide an extract of the register of building upgrade agreements	council
410539	Local Government Act 1999	clause 1(4), Schedule 2	Publish a copy of the charter of a subsidiary in the Gazette	council
410540	Local Government Act 1999	clause 3(1), Schedule 2	Prepare a charter for a subsidiary	council
410541	Local Government Act 1999	clause 3(4), Schedule 2	Review a charter for a subsidiary	council
410542	Local Government Act 1999	clause 3(4)(a), Schedule 2	Furnish a copy of an amended charter for a subsidiary to the Minister	council
410543	Local Government Act 1999	clause 3(4)(b), Schedule 2	Publish a copy of an amended charter for a subsidiary on a website determined by the chief executive officer	council
410544	Local Government Act 1999	clause 3(4)(c), Schedule 2	Publish a notice in the Gazette of the fact of the amendment and website address at which the charter is available for inspection	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410545	Local Government Act 1999	clause 4(1), Schedule 2	Determine the membership of the board of management of a subsidiary	council
410546	Local Government Act 1999	clause 4(2), Schedule 2	Appoint members of the board of management of a subsidiary	council
410547	Local Government Act 1999	clause 4(6), Schedule 2	Appoint a deputy of a board member	council
410548	Local Government Act 1999	clause 4(8), Schedule 2	Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility between offices held concurrently	council
410549	Local Government Act 1999	clause 5(9), Schedule 2	Act on advice of a board of management that the subsidiary owes a duty of confidence in regard to a matter	council
410550	Local Government Act 1999	clause 5(12), Schedule 2	Direct the board of management as to procedures	council
410551	Local Government Act 1999	clause 8(1), Schedule 2	Participate in consultation with a subsidiary on the preparation and adoption of the subsidiary's business plan	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410552	Local Government Act 1999	clause 8(4), Schedule 2	Participate in consultation with a subsidiary in an annual review of the subsidiary's business plan	council
410553	Local Government Act 1999	clause 8(4), Schedule 2	Participate in consultation with a subsidiary on the amendment of the subsidiary's business plan	council
410554	Local Government Act 1999	clause 9(2)(d), Schedule 2	Fix a date by which a subsidiary's budget must be adopted	council
410555	Local Government Act 1999	clause 9(3), Schedule 2	Approve the amendment by a subsidiary of an adopted budget	council
410556	Local Government Act 1999	clause 9(5), Schedule 2	Participate in consultation with a subsidiary on the subsidiary incurring spending before the adoption of its budget for the year	council
410557	Local Government Act 1999	clause 10(1), Schedule 2	Give a direction to a subsidiary	council
410558	Local Government Act 1999	clause 10(2), Schedule 2	Make a copy of a direction given to a subsidiary available at the principal office of the council	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410559	Local Government Act 1999	clause 11(1), Schedule 2	Request a subsidiary to furnish information or records in the possession or control of the subsidiary	council
410560	Local Government Act 1999	clause 11(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential	council
410561	Local Government Act 1999	clause 12(1), Schedule 2	Request a subsidiary to report on a matter to the council	council
410562	Local Government Act 1999	clause 12(2), Schedule 2	Receive a report on the work and operations of the subsidiary	council
410563	Local Government Act 1999	clause 12(4), Schedule 2	Incorporate a report made under clause 12(2), Schedule 2 into the annual report of the council	council
410564	Local Government Act 1999	clause 13(3), Schedule 2	Determine or approve members of the audit committee of the subsidiary	council
410565	Local Government Act 1999	clause 14(2), Schedule 2	Approve borrowing by a subsidiary	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410566	Local Government Act 1999	clause 16(1)(a), Schedule 2	Request the Minister wind up a subsidiary	council
410567	Local Government Act 1999	clause 17(4), Schedule 2	Publish (in conjunction with the other constituent councils) a copy of the charter of a subsidiary in the Gazette	council
410568	Local Government Act 1999	clause 19(1), Schedule 2	Prepare (in conjunction with the other constituent councils) a charter of a subsidiary	council
410569	Local Government Act 1999	clause 19(4), Schedule 2	Review (in conjunction with the other constituent councils) a charter of a subsidiary	council
410570	Local Government Act 1999	clause 19(5)(a), Schedule 2	Furnish (in conjunction with the other constituent councils) a copy of an amended charter of a subsidiary to the Minister	council
410571	Local Government Act 1999	clause 19(5)(b), Schedule 2	Publish (in conjunction with the other constituent councils) a copy of the amended charter of a subsidiary on a website determined by the chief executive officer	council
410572	Local Government Act 1999	clause 20(1), Schedule 2	Determine (in conjunction with the other constituent councils) the membership of the board of management of a subsidiary	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410573	Local Government Act 1999	clause 20(7), Schedule 2	Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility	council
410574	Local Government Act 1999	clause 21(8), Schedule 2	Authorise a person to attend a meeting of the board of management and have access to the papers provided to board members for the meeting	council
410575	Local Government Act 1999	clause 21(8), Schedule 2	Authorise a person to attend a meeting of the board of management and have access to the papers provided to board members for the meeting	council
410576	Local Government Act 1999	clause 21(9), Schedule 2	Act on advice of a board of management that a matter should be treated confidentially	council
410577	Local Government Act 1999	clause 21(12), Schedule 2	Direct (in conjunction with the other constituent councils) procedures for the board of management	council
410578	Local Government Act 1999	clause 24(1), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary in the preparation and adoption of a business plan	council
410579	Local Government Act 1999	clause 24(1), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary in an annual review of the subsidiary's business plan	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410580	Local Government Act 1999	clause 24(1), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary on the amendment of the subsidiary's business plan	council
410581	Local Government Act 1999	clause 25(2)(d), Schedule 2	Fix (in conjunction with the other constituent councils) a date before which a budget must be adopted by the subsidiary	council
410582	Local Government Act 1999	clause 25(3), Schedule 2	Approve (in conjunction with the other constituent councils) the amendment of a budget adopted by the subsidiary	council
410583	Local Government Act 1999	clause 25(5), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary on incurring spending prior to the adoption of a budget	council
410584	Local Government Act 1999	clause 26, Schedule 2	Issue (in conjunction with the other constituent councils) a direction to the subsidiary	council
410585	Local Government Act 1999	clause 27(1), Schedule 2	Request the subsidiary to furnish information or records in the possession or control of the subsidiary to the council	council
410586	Local Government Act 1999	clause 27(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential	council





Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410587	Local Government Act 1999	clause 28(1), Schedule 2	Fix (in conjunction with the other constituent councils) a date before which a subsidiary must furnish to the constituent councils report on the work and operations of the subsidiary	council
410588	Local Government Act 1999	clause 28(1), Schedule 2	Incorporate a report under clause 28(1), Schedule 2 of the Local Government Act in the annual report of the council	council
410589	Local Government Act 1999	clause 30(3), Schedule 2	Determine or approve (in conjunction with the other constituent councils) the members of the subsidiary's audit committee	council
410590	Local Government Act 1999	clause 33(1), Schedule 2	Request (in conjunction with the other constituent councils) the Minister to wind up a regional subsidiary	council
410591	Local Government Act 1999	clause 2(1), Schedule 6	Deliver a notice to the Registrar-General for the purpose of registering a charge over land	council
410592	Local Government Act 1999	clause 3(1)(b), Schedule 6	Exercise the powers of a mortgagee given by the Real Property Act 1886 under a mortgage in respect of which default has been made in payment of money secured by the mortgage	council
410593	Local Government Act 1999	clause 4(1), Schedule 6	Provide notice to the Registrar-General that the amount a charge relates to has been repaid and apply for the discharge of the charge	council





Local Government (General) Regulations 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410016	Local Government (General) Regulations 2013	clause 2(1), Schedule 2A	Prepare and maintain a policy relating to complaints against employees	council





Electricity (Principles of Vegetation Clearance) Regulations 2021

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409570	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 4(1)	Take reasonable steps to keep vegetation clear of powerlines	council
409571	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 4(2)	Inspect overhead powerlines and clear vegetation	council
409572	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 4(4)	Seek approval of the Technical Regulator to keep vegetation clear of powerlines in accordance with the principles set out in regulation 4(2)(b)(ii)	council
409573	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 7(3)	Make submissions to the Technical Regulator regarding an exemption application	council
409574	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 8(2)	Agree a vegetation scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the council area or part of the council area	council
409575	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 8(5)(b)	Agree with the electricity entity to vary or revoke a vegetation scheme	council
409576	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 8(6)	Enforce a vegetation clearance scheme with an electricity entity as a contract	council





Electricity (Principles of Vegetation Clearance) Regulations 2021

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409577	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 10(5)(c)	Agree with an objector as to how an objection regarding the council's intention to enter land is to be resolved	council
409578	Electricity (Principles of Vegetation Clearance) Regulations 2021	regulation 10(8)	Give notice of intention to enter private land to carry out work under Part 5 of the Act, including a statement of rights of the owner or occupier to lodge an objection under regulation 10	council





Environment Protection Regulations 2009

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409679	Environment Protection Regulations 2009	regulation 75(2)	Elect by written notice to the Environment Protection Authority not to comply with regulations 71 and 71(2) in respect of solid waste and to take the solid mass of waste to be as calculated in accordance with the formula in regulations 75(2)(b)	council





Water Industry Regulations 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
411151	Water Industry Regulations 2012	regulation 9	Enter into an agreement with a person undertaking work which would involve the alteration of any water/sewerage infrastructure to share the cost of the work	water industry entity
411152	Water Industry Regulations 2012	regulation 11(1)	Provide a statement of the amount paid to a person who has paid an amount for the provision of retail services	water industry entity
411153	Water Industry Regulations 2012	regulation 11(2)	Provide a consumer with a statement of the quantity of water supplied by the entity to the consumer in the financial year	water industry entity
411154	Water Industry Regulations 2012	regulation 11(3)	Provide a statement of the amount paid for retail services or the quantity of water supplied by the entity financial year to any other person acting with the consent of the person referred to in regulations 11(1) and 11(2)	water industry entity
411155	Water Industry Regulations 2012	regulation 12(1)	Provide a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994	water industry entity
411156	Water Industry Regulations 2012	regulation 13(a)(i)	Seek the approval of a water industry entity (that owns or operated sewerage infrastructure that may be affected by the planting) to plant trees and shrubs (except those listed in Schedule 2 and Schedule 3) on public land	council
411157	Water Industry Regulations 2012	regulation 13(a)(i)	Grant approval to plant trees and shrubs on public land	water industry entity





Water Industry Regulations 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
411158	Water Industry Regulations 2012	regulation 13(b)	Grant approval to plant trees and shrubs on a road closer than 1 metre to any water infrastructure	water industry entity
411159	Water Industry Regulations 2012	regulation 14(1)	Receive and comply with a notice from water industry entity directing action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	council
411160	Water Industry Regulations 2012	regulation 14(1)	Direct a council or other person with care, control or management of land to take action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	water industry entity
411161	Water Industry Regulations 2012	regulation 14(2)	Take action specified in a notice under regulation 14(1) if the recipient fails to comply with the notice	water industry entity
411162	Water Industry Regulations 2012	regulation 14(3)	Recover costs of taking action specified in a notice under regulation 14(2) as a debt	water industry entity
411163	Water Industry Regulations 2012	regulation 15	Recover costs of taking action specified in a notice under regulation 14 as a debt	water industry entity





Water Industry Regulations 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
411164	Water Industry Regulations 2012	regulation 16(3)(b)	Authorise a person to enter infrastructure owned or operated by the entity	water industry entity
411165	Water Industry Regulations 2012	regulation 17(1)(a)	Obtain the approval of ESCOSA prior to taking action under sections 59(3)(a) to 59(3)(e) (inclusive)	water industry entity
411166	Water Industry Regulations 2012	regulation 17(1)(b)(i)	Notify the public of the intention to exercise a power under sections 59(3)(b) to 59(3)(d) (inclusive) by notice in the Gazette	water industry entity
411167	Water Industry Regulations 2012	regulation 17(1)(b)(ii)	Notify the public of the intention to exercise a power under sections 59(3)(a) to 59(3)(e) (inclusive) by a notice of a website, in a newspaper circulating throughout the area of the State in which person affected by the exercise of the power are situated and in any other manner considered appropriate	water industry entity
411168	Water Industry Regulations 2012	regulation 18	Issue a permit for the purposes of section 59(4) of the Water Industry Act	water industry entity
411169	Water Industry Regulations 2012	regulation 23(2)(a)	Give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration to the surface height of a road, footpath or easement to a water industry entity	council
411170	Water Industry Regulations 2012	regulation 23(2)(b)	Alter the height of an entry point, inspection point or other fitting	water industry entity





Water Industry Regulations 2012

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
411171	Water Industry Regulations 2012	regulation 23(3)	Recover costs under regulation 23(2)(b) as a debt from entity which altered the height of the road, footpath or easement	water industry entity
411172	Water Industry Regulations 2012	regulation 34(1)(b)	Direct a person to disconnect a pipe which is intersected by the boundary of adjoining allotments from water/sewerage infrastructure	water industry entity
411173	Water Industry Regulations 2012	regulation 34(4)	Direct a person to disconnect a pipe which lies across the boundary of adjoining allotments from water/sewerage infrastructure	water industry entity
411174	Water Industry Regulations 2012	regulation 34(7)	Enter land and undertake work required by a notice under regulation 34 if the recipient has failed to undertake the required work	water industry entity
411175	Water Industry Regulations 2012	regulation 36	Estimate the quantity of water supplied through a meter	water industry entity
411176	Water Industry Regulations 2012	regulation 38	Impose a charge in respect of land a kind specified by the Minister by notice in the gazette despite the fact that the land is not connected to infrastructure by which a retail service is provided by the water industry entity or the provision of a retail service to the land by the water industry entity has been reduced or discontinued	water industry entity





South Australia Public Health (Legionella) Regulations 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410829	South Australia Public Health (Legionella) Regulations 2013	regulation 5(3)	Approve the manner and form for applying to register a high risk manufactured water system	relevant authority
410830	South Australia Public Health (Legionella) Regulations 2013	regulation 5(3)	Receive fee for registration of a high risk manufactured water system	relevant authority
410831	South Australia Public Health (Legionella) Regulations 2013	regulation 5(3)	Register a high risk manufactured water system	relevant authority
410832	South Australia Public Health (Legionella) Regulations 2013	regulation 5(6)	Approve the manner and form for applying to renew the registration of a high risk manufactured water system	relevant authority
410833	South Australia Public Health (Legionella) Regulations 2013	regulation 5(6)	Receive fee for renewal of registration of a high risk manufactured water system	relevant authority
410834	South Australia Public Health (Legionella) Regulations 2013	regulation 5(6)	Register a renewal of the registration of a high risk manufactured water system	relevant authority
410835	South Australia Public Health (Legionella) Regulations 2013	regulation 6(1)	Keep a register of high risk manufactured water system	relevant authority





South Australia Public Health (Legionella) Regulations 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410836	South Australia Public Health (Legionella) Regulations 2013	regulation 6(2)	Determine manner and form of keeping a register of high risk manufactured water system	relevant authority
410837	South Australia Public Health (Legionella) Regulations 2013	regulation 6(4)	Receive notice of a change in particulars from the owner of premises on which a high risk manufactured water systems registered with the council	relevant authority
410838	South Australia Public Health (Legionella) Regulations 2013	regulation 6(5)	Receive notice of the permanent decommissioning or removal of a high risk manufactured water systems registered with the council	relevant authority
410839	South Australia Public Health (Legionella) Regulations 2013	regulation 15(1)(a)	Cause an inspection of a high risk manufactured water systems registered with the council	relevant authority
410840	South Australia Public Health (Legionella) Regulations 2013	regulation 15(1)(b)	Arrange for a NATA accredited laboratory to conduct microbiological testing of water taken from each cooling water and each warm water system	relevant authority
410841	South Australia Public Health (Legionella) Regulations 2013	regulation 15(2)(a)	Notify the owner of premises on which a high risk manufactured water systems registered with the council of inspection and microbiological testing requirements	relevant authority





South Australia Public Health (Legionella) Regulations 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410842	South Australia Public Health (Legionella) Regulations 2013	regulation 15(2)(b)	Receive reports from the owner of premises on which a high risk manufactured water systems registered with the council in regard to inspection of the system and microbiological testing	relevant authority
410843	South Australia Public Health (Legionella) Regulations 2013	regulation 16(1)	Notify the owner of premises with a high risk manufactured water system of microbiological testing requirements	relevant authority
410844	South Australia Public Health (Legionella) Regulations 2013	regulation 16(1)(d)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding microbiological testing	relevant authority
410845	South Australia Public Health (Legionella) Regulations 2013	regulation 17(1)(b)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding detection of Legionella	relevant authority
410846	South Australia Public Health (Legionella) Regulations 2013	regulation 17(2)(b)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding detection of Legionella	relevant authority
410847	South Australia Public Health (Legionella) Regulations 2013	regulation 17(3)	Forward a report regarding detection of Legionella under regulation 17 to the Department of Health and Wellbeing	relevant authority





South Australia Public Health (Legionella) Regulations 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410848	South Australia Public Health (Legionella) Regulations 2013	regulation 21(3)	Notify a person liable to pay a fee of a period in which the fee must be paid	relevant authority





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312115	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s7(5)(b)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.</p>
312116	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s22(4)(a)(i)	<p>2. Functions</p> <p>2.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.</p>
312117	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(1)(a)	<p>3. Planning Agreements</p> <p>3.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312118	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p>
312119	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>3.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>3.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p>3.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>3.2.2.4 the terms of office of members; and</p> <p>3.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>3.2.2.6 the appointment of deputy members; and</p> <p>3.2.2.7 the procedures of the board; and</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312120	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>
312121	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>
312122	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			3.2.5.1 the formulation and implementation of budgets; and 3.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and
312123	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	3. Planning Agreements 3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 3.2.6 such other matters as the delegate thinks fit.
312124	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(5)(a)	3. Planning Agreements 3.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).
312125	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s35(5)(b)	3. Planning Agreements 3.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312127	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s44(6)(a)	<p>4. Community Engagement Charter</p> <p>4.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).</p>
312128	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s44(9)(b)	<p>4. Community Engagement Charter</p> <p>4.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.</p>
312129	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s44(10)	<p>4. Community Engagement Charter</p> <p>4.3 The power pursuant to Section 44(10) of the PDI Act to:</p> <p>4.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		4.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.
312130	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s45(2)(c)	<p>5. Preparation and Amendment of Charter</p> <p>5.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.</p>
312132	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s73(6)	<p>6. Preparation and Amendment</p> <p>6.1 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:</p> <p>6.1.1 to prepare a draft of the relevant proposal; and</p> <p>6.1.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>6.1.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and</p> <p>6.1.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give: 6.1.4.1 an owner or occupier of the land; and 6.1.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and 6.1.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and 6.1.6 to carry out such investigations and obtain such information specified by the Commission; and 6.1.7 to comply with any requirement prescribed by the regulations.
312134	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s73(8)	6. Preparation and Amendment 6.2 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.
312135	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of	s73(9)	6. Preparation and Amendment 6.3 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).
312136	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s74(8)(c)	<p>7. Parliamentary Scrutiny</p> <p>7.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>
385340	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s75(3)	<p>8. Complying Changes – Planning and Design Code</p> <p>8.1 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).</p>
312137	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s82(d)	<p>9. Entities Constituting Relevant Authorities</p> <p>9.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312138	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s83(1)	<p>10. Panels Established by Joint Planning Boards or Councils</p> <p>10.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:</p> <p>10.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>10.1.2 determine:</p> <p>10.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>10.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>10.1.2.3 the terms of office of members; and</p> <p>10.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>10.1.2.5 the appointment of deputy members; and</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			10.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.
312139	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s83(1)(h)	10. Panels Established by Joint Planning Boards or Councils 10.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.
312140	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s83(1)(i)	10. Panels Established by Joint Planning Boards or Councils 10.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.
312141	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s83(2)	10. Panels Established by Joint Planning Boards or Councils 10.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312144	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s86(2)(a)	<p>11. Substitution of Local Panels</p> <p>11.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.</p>
312145	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s89(b)	<p>12. Notification of Acting</p> <p>12.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.</p>
312147	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s102(1)(c)(iv)	<p>13. Matters Against which Development Must be Assessed</p> <p>13.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312148	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s102(1)(d)(iv)	13. Matters Against which Development Must be Assessed 13.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.
312149	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s102(11)(b)	13. Matters Against which Development Must be Assessed 13.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.
312150	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s110(2)(b)	14. Restricted Development 14.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312151	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s110(c)(ii)	14. Restricted Development 14.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.
312152	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s110(7)	14. Restricted Development 14.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.
312153	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s112(b)	15. Level of Detail 15.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312156	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s130(6)	<p>16. Essential Infrastructure – Alternative Assessment Process</p> <p>16.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.</p>
312157	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s130(14)	<p>16. Essential Infrastructure – Alternative Assessment Process</p> <p>16.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.</p>
312158	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s131(7)	<p>17. Development Assessment – Crown Development</p> <p>17.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312159	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s131(15)	17. Development Assessment – Crown Development 17.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.
312160	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s138(1)	18. Land Division Certificate 18.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.
312161	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s138(2)	18. Land Division Certificate 18.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312162	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s141(1)	<p>19. Action if Development Not Completed</p> <p>19.1 The power pursuant to Section 141(1) of the PDI Act, if:</p> <p>19.1.1 an approval is granted under the PDI Act; but</p> <p>19.1.2 -</p> <p>19.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or</p> <p>19.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,</p> <p>to apply to the Court for an order under Section 141 of the PDI Act.</p>
312163	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s141(5)	<p>19. Action if Development Not Completed</p> <p>19.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312164	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s141(6)	19. Action if Development Not Completed 19.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act: 19.1.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
312165	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(1)	20. Completion of Work 20.1 The power pursuant to Section 142(1) of the PDI Act, if: 20.1.1 an approval is granted under the PDI Act; but 20.1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.
312166	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(2)	20. Completion of Work 20.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312167	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(3)	<p>20. Completion of Work</p> <p>20.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.</p>
312168	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(4)	<p>20. Completion of Work</p> <p>20.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:</p> <p>20.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>
312169	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s146(3)	<p>21. Notification During Building</p> <p>21.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312170	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s151(2)	22. Classification of Buildings 22.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.
312171	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s151(3)	22. Classification of Buildings 22.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.
312172	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(2)	23. Certificates of Occupancy 23.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312173	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(3)(a)	23. Certificates of Occupancy 23.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.
312174	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(3)(c)	23. Certificates of Occupancy 23.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.
312175	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(5)	23. Certificates of Occupancy 23.4 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312176	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(6)	<p>23. Certificates of Occupancy</p> <p>23.5 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.</p>
312177	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(10)	<p>23. Certificates of Occupancy</p> <p>23.6 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:</p> <p>23.6.1 the refusal; and</p> <p>23.6.2 the reasons for the refusal; and</p> <p>23.6.3 the applicant's right of appeal under the PDI Act.</p>
312178	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(12)	<p>23. Certificates of Occupancy</p> <p>23.7 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312179	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(13)	<p>23. Certificates of Occupancy</p> <p>23.8 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.</p>
312180	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s153(1)	<p>24. Temporary Occupation</p> <p>24.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.</p>
312181	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s153(2)	<p>24. Temporary Occupation</p> <p>24.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312182	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s153(3)	24. Temporary Occupation 24.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of: 24.3.1 the refusal; and 24.3.2 the reasons for the refusal; and 24.3.3 the applicant's right of appeal under the PDI Act.
312183	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s155(5)	25. Emergency Orders 25.1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.
312184	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s155(6)	25. Emergency Orders 25.2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312185	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s155(7)	<p>25. Emergency Orders</p> <p>25.3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>
312186	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(16)	<p>26. Fire Safety</p> <p>26.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.</p>
312187	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	<p>26. Fire Safety</p> <p>26.2 The power pursuant to Section 157(17) of the PDI Act to:</p> <p>26.2.1 appoint to the appropriate authority:</p> <p>26.2.1.1 a person who holds prescribed qualifications in building surveying; and</p> <p>26.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			26.2.1.3 a person with expertise in the area of fire safety; and 26.2.1.4 if so determined by the delegate, a person selected by the delegate;
312188	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;
312189	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.3 remove a member of the appropriate authority from office for any reasonable cause;
312190	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.4 appoint deputy members;





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312191	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.5 determine the appropriate authority's procedures (including as to quorum).
312196	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s166(1)(c)	27. Consideration of Proposed Scheme 27.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.
312198	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s169(2)(b)	28. Funding Arrangements 28.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		prescribed person or body as part of a periodic review of the levels and amounts of those contributions.
312199	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s169(9)	28. Funding Arrangements 28.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.
312202	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s180(7)	29. Imposition of Charge by Councils 29.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.
312203	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s187(1)	30. Authorised Works 30.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312204	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(5)	30. Authorised Works 30.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to: 30.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and 30.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and 30.2.3 ensure that proper consideration is given to the views of the road maintenance authority.
312205	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(5)(b)	30. Authorised Works 30.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312206	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(6)	<p>30. Authorised Works</p> <p>30.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.</p>
312207	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s188(1)	<p>31. Entry onto Land</p> <p>31.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:</p> <p>31.1.1 enter and pass over any land; and</p> <p>31.1.2 bring onto any land any vehicles, plant or equipment; and</p> <p>31.1.3 temporarily occupy land; and</p> <p>31.1.4 do anything else reasonably required in connection with the exercise of the power.</p>
312208	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s188(4)	<p>31. Entry onto Land</p> <p>31.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312210	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(1)	<p>32. Land Management Agreements</p> <p>32.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.</p>
312211	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(2)	<p>32. Land Management Agreements</p> <p>32.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.</p>
312212	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s192(4)	<p>32. Land Management Agreements</p> <p>32.3 The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		<p>32.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and</p> <p>32.3.2 the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>
312213	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(5)	<p>32. Land Management Agreements</p> <p>32.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.</p>
312214	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(8)	<p>32. Land Management Agreements</p> <p>32.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312215	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(9)	<p>32. Land Management Agreements</p> <p>32.6 The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.</p>
312216	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(10)	<p>32. Land Management Agreements</p> <p>32.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.</p>
312217	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(11)	<p>32. Land Management Agreements</p> <p>32.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312218	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(12)	<p>32. Land Management Agreements</p> <p>32.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>
312219	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(15)	<p>32. Land Management Agreements</p> <p>32.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>
312220	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(16)	<p>32. Land Management Agreements</p> <p>32.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312222	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(17)	<p>32. Land Management Agreements</p> <p>32.12 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.</p>
312223	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(18)	<p>32. Land Management Agreements</p> <p>32.13 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.</p>
312224	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(1)	<p>33. Land Management Agreements – Development Applications</p> <p>33.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:</p> <p>33.1.1 the person; and</p> <p>33.1.2 any other person who has the benefit of the development authorisation; and</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			33.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).
312225	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(2)	33. Land Management Agreements – Development Applications 33.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).
312226	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(3)	33. Land Management Agreements – Development Applications 33.3 The power pursuant to Section 193(3) of the PDI Act to have regard to: 33.3.1 the provisions of the Planning and Design Code; and 33.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.
312227	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of	s193(5)	33. Land Management Agreements – Development Applications 33.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
312228	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(10)	<p>33. Land Management Agreements – Development Applications</p> <p>33.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.</p>
312229	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(11)	<p>33. Land Management Agreements – Development Applications</p> <p>33.6 The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.</p>
312230	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s193(13)	<p>33. Land Management Agreements – Development Applications</p> <p>33.7 The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312231	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(15)	33. Land Management Agreements – Development Applications 33.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.
312232	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(16)	33. Land Management Agreements – Development Applications 33.9 The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.
312234	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s197(2)	34. Off-setting Contributions 34.1 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		<p>34.1.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p>34.1.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p>34.1.3 any other initiative or policy:</p> <p>34.1.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p>34.1.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p>
312235	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(3)	<p>34. Off-setting Contributions</p> <p>34.2 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p>34.2.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):</p> <p>34.2.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>34.2.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>34.2.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			<p>in order to provide for or address a particular matter identified by the scheme; and</p> <p>34.2.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p>34.2.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p>
312236	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(4)	<p>34. Off-setting Contributions</p> <p>34.3 The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.</p>
312237	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(4)(c)	<p>34. Off-setting Contributions</p> <p>34.4 The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.</p>
312239	Instrument of Delegation under the Planning, Development and Infrastructure	s198(1)	35. Open Space Contribution Scheme





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		<p>35.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p>35.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>35.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p>35.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,</p> <p>according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.</p>
312240	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(3)	<p>35. Open Space Contribution Scheme</p> <p>35.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312241	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(4)(a)	35. Open Space Contribution Scheme 35.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.
312242	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(11)	35. Open Space Contribution Scheme 35.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.
312243	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(12)	35. Open Space Contribution Scheme 35.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312245	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(2)	<p>36. Urban Trees Fund</p> <p>36.1 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.</p>
312246	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(3)	<p>36. Urban Trees Fund</p> <p>36.2 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.</p>
312247	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(5)	<p>36. Urban Trees Fund</p> <p>36.3 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312248	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(6)	<p>36. Urban Trees Fund</p> <p>36.4 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:</p> <p>36.4.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or</p> <p>36.4.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.</p>
312249	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(7)	<p>36. Urban Trees Fund</p> <p>36.5 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).</p>
312250	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(1)	<p>37. Appointment of Authorised Officers</p> <p>37.1 The power pursuant to Section 210(1) of the PDI Act to:</p> <p>37.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and</p> <p>37.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312251	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(2)	<p>37. Appointment of Authorised Officers</p> <p>37.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.</p>
312252	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(3)	<p>37. Appointment of Authorised Officers</p> <p>37.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>37.3.1 containing a photograph of the authorised officer; and</p> <p>37.3.2 stating any conditions of appointment limiting the authorised officer's appointment.</p>
312253	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(5)	<p>37. Appointment of Authorised Officers</p> <p>37.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312254	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(1)	<p>38. Enforcement Notices</p> <p>38.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:</p> <p>38.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;</p> <p>38.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>38.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>
312255	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(2)	<p>38. Enforcement Notices</p> <p>38.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</p>
312256	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of	s213(5)	<p>38. Enforcement Notices</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		38.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.
312257	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(6)	38. Enforcement Notices 38.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action
312258	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(7)	38. Enforcement Notices 38.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
312259	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s214(1)	39. Applications to Court 39.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312260	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(2)	39. Applications to Court 39.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.
312261	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(4)	39. Applications to Court 39.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.
312262	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s214(6)	39. Applications to Court 39.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312263	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(9)	39. Applications to Court 39.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.
312264	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(10)	39. Applications to Court 39.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.
312265	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s214(11)	39. Applications to Court 39.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312266	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(12)	<p>39. Applications to Court</p> <p>39.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent</p>
312267	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(13)	<p>39. Applications to Court</p> <p>39.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>
312268	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s214(17)	<p>39. Applications to Court</p> <p>39.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312269	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s219(1)	40. Proceedings for Offences 40.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.
312270	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(2)	41. Adverse Publicity Orders 41.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.
312271	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s223(4)	41. Adverse Publicity Orders 41.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to: 41.2.1 take the PDI Action or actions specified in the order; and





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		41.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.
312272	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(5)	<p>41. Adverse Publicity Orders</p> <p>41.3 The power pursuant to Section 223(5) of the PDI Act, if:</p> <p>41.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</p> <p>41.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,</p> <p>to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.</p>
312273	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(6)	<p>41. Adverse Publicity Orders</p> <p>41.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.</p>
312274	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design	s225(1)	42. Civil Penalties





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		42.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.
312275	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(2)	42. Civil Penalties 42.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.
312276	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(3)	42. Civil Penalties 42.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.
312277	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design	s225(13)	42. Civil Penalties





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		42.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.
312278	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(17)	42. Civil Penalties 42.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.
312279	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s228(7)	43. Make Good Order 43.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.
312280	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of	s229(5)	44. Recovery of Economic Benefit 44.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.
312281	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(1)	45. Enforceable Voluntary Undertakings 45.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.
312282	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(4)	45. Enforceable Voluntary Undertakings 45.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.
312283	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s230(7)	45. Enforceable Voluntary Undertakings 45.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: 45.3.1 vary the undertaking; or





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		45.3.2 withdraw the undertaking.
312284	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(11)	45. Enforceable Voluntary Undertakings 45.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.
312285	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(12)	45. Enforceable Voluntary Undertakings 45.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.
312286	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s230(14)	45. Enforceable Voluntary Undertakings 45.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312287	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s231(1)	<p>46. Advertisements</p> <p>46.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p> <p>46.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p> <p>46.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p> <p>to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).</p>
312288	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s231(3)	<p>46. Advertisements</p> <p>46.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.
312289	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s235(1)	<p>47. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>47.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>
312290	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s235(2)	<p>47. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>47.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>
312291	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	s239(1)	<p>48. Charges on Land</p> <p>48.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312292	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s239(6)	<p>48. Charges on Land</p> <p>48.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</p>
312293	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s240(1)	<p>49. Registering Authorities to Note Transfer</p> <p>49.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</p>
312294	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated	cl13(3)(b) sch2	<p>50. Reporting</p> <p>50.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
	Authority; a Designated Entity (Instrument A)		
312298	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl3(16) sch4	<p>51. Review of Performance</p> <p>51.1 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.</p>
385341	Planning, Development and Infrastructure (General) Regulations 2017	r11B(1)	<p>52. Mutual Liability Scheme – Rights of Indemnity</p> <p>52.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:</p> <p>52.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and</p> <p>52.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
385342	Planning, Development and Infrastructure (General) Regulations 2017	r11B(5)	<p>52. Mutual Liability Scheme – Rights of Indemnity</p> <p>52.2 The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>52.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p> <p>52.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.</p>
385343	Planning, Development and Infrastructure (General) Regulations 2017	r47(4)(d)	<p>53. Performance Assessed Development and Restricted Development</p> <p>53.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.</p>
312306	Planning, Development and Infrastructure (General) Regulations 2017	r78(1)	<p>54. Underground Main Areas</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			54.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.
312307	Planning, Development and Infrastructure (General) Regulations 2017	r78(2)	54. Underground Main Areas 54.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.
312308	Planning, Development and Infrastructure (General) Regulations 2017	r81(4)	55. Width of Roads and Thoroughfares 55.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.
312309	Planning, Development and Infrastructure (General) Regulations 2017	r81(5)	55. Width of Roads and Thoroughfares 55.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.
312310	Planning, Development and Infrastructure (General) Regulations 2017	r81(6)	55. Width of Roads and Thoroughfares





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			55.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.
312311	Planning, Development and Infrastructure (General) Regulations 2017	r82(1)	56. Road Widening 56.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.
312312	Planning, Development and Infrastructure (General) Regulations 2017	r83(1)	57. Requirement as to Forming of Roads 57.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.
312313	Planning, Development and Infrastructure (General) Regulations 2017	r83(2)	57. Requirement as to Forming of Roads 57.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.
312314	Planning, Development and Infrastructure (General) Regulations 2017	r83(4)	57. Requirement as to Forming of Roads





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			57.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.
312315	Planning, Development and Infrastructure (General) Regulations 2017	r83(5)	57. Requirement as to Forming of Roads 57.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.
312316	Planning, Development and Infrastructure (General) Regulations 2017	r83(6)	57. Requirement as to Forming of Roads 57.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.
312317	Planning, Development and Infrastructure (General) Regulations 2017	r84(1)	58. Construction of Roads, Bridges, Drains and Services 58.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.
312318	Planning, Development and Infrastructure (General) Regulations 2017	r85(1)	59. Supplementary Provisions 59.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road,





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ID	Delegation Source	Provision	Item Delegated
			footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.
312319	Planning, Development and Infrastructure (General) Regulations 2017	r85(2)	<p>59. Supplementary Provisions</p> <p>59.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.</p>
312320	Planning, Development and Infrastructure (General) Regulations 2017	r85(4)	<p>59. Supplementary Provisions</p> <p>59.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.</p>
312321	Planning, Development and Infrastructure (General) Regulations 2017	r89(1)	<p>60. General Provisions</p> <p>60.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312322	Planning, Development and Infrastructure (General) Regulations 2017	r89(3)	60. General Provisions 60.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which: 60.2.1 evidences the consent of the Council to an encroachment by a building over other land; and 60.2.2 sets out: 60.2.2.1 the date on which any relevant building was erected (if known); and 60.2.2.2 the postal address of the site.
312323	Planning, Development and Infrastructure (General) Regulations 2017	r89(6)(b)	60. General Provisions 60.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.
573564	Planning, Development and Infrastructure (General) Regulations 2017	r89(8)	60. General Provisions 60.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312324	Planning, Development and Infrastructure (General) Regulations 2017	r93(1)(b)	<p>61. Notifications During Building Work</p> <p>61.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>
312325	Planning, Development and Infrastructure (General) Regulations 2017	r93(1)(c)	<p>61. Notifications During Building Work</p> <p>61.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>
312326	Planning, Development and Infrastructure (General) Regulations 2017	r94(13)	<p>62. Essential Safety Provisions</p> <p>62.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:</p> <p>62.1.1 the essential safety provisions were installed</p> <p>62.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or</p> <p>62.1.1.2 as part of a performance solution under the Building Code; or</p> <p>62.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
312327	Planning, Development and Infrastructure (General) Regulations 2017	r102(3)	63. Classification of Buildings 63.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by: 63.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.
312328	Planning, Development and Infrastructure (General) Regulations 2017	r102(4)	63. Classification of Buildings 63.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.
312329	Planning, Development and Infrastructure (General) Regulations 2017	r102(5)	63. Classification of Buildings 63.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health





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ID	Delegation Source	Provision	Item Delegated
			and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).
312330	Planning, Development and Infrastructure (General) Regulations 2017	r102(6)	<p>63. Classification of Buildings</p> <p>63.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p> <p>63.4.1 the maximum number of persons who may occupy the building (or part of the building); and</p> <p>63.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.</p>
312331	Planning, Development and Infrastructure (General) Regulations 2017	r103(2)	<p>64. Certificates of Occupancy</p> <p>64.1 The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:</p> <p>64.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;</p> <p>64.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:</p>





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			<p>64.1.2.1 in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p>64.1.2.2 in any other case - that the building is suitable for occupation.</p>
312332	Planning, Development and Infrastructure (General) Regulations 2017	r103(3)	<p>64. Certificates of Occupancy</p> <p>64.2 The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:</p> <p>64.2.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and</p> <p>64.2.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>





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312333	Planning, Development and Infrastructure (General) Regulations 2017	r103(4)	64. Certificates of Occupancy 64.3 The power pursuant to Regulation 103(4) of the General Regulations if: 64.3.1 a building is: 64.3.1.1 to be equipped with a booster assembly for use by a fire authority; or 64.3.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and 64.3.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act, to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.
312334	Planning, Development and Infrastructure (General) Regulations 2017	r103(5)	64. Certificates of Occupancy 64.4 The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.
312335	Planning, Development and Infrastructure (General) Regulations 2017	r103(6)	64. Certificates of Occupancy 64.5 The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy.





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ID	Delegation Source	Provision	Item Delegated
385344	Planning, Development and Infrastructure (General) Regulations 2017	r103(6a)	64. Certificates of Occupancy 64.6 The power pursuant to Regulation 103(6a) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.
312336	Planning, Development and Infrastructure (General) Regulations 2017	r103(9)	64. Certificates of Occupancy 64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy: 64.7.1 if: 64.7.1.1 there is a change in the use of the building; or 64.7.1.2 the classification of the building changes; or 64.7.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or 64.7.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment, and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or





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ID	Delegation Source	Provision	Item Delegated
312337	Planning, Development and Infrastructure (General) Regulations 2017	r103(9)	64. Certificates of Occupancy 64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy: 64.7.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or
312338	Planning, Development and Infrastructure (General) Regulations 2017	r103(9)	64. Certificates of Occupancy 64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy: 64.7.3 if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or
312339	Planning, Development and Infrastructure (General) Regulations 2017	r103(9)	64. Certificates of Occupancy 64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy: 64.7.4 if the delegate considers: 64.7.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or





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			64.7.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.
312340	Planning, Development and Infrastructure (General) Regulations 2017	r109(1)(b)	65. Mining Production Tenements 65.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.
312341	Planning, Development and Infrastructure (General) Regulations 2017	r111(2)	66. Register of Land Management Agreements (Section 193) 66.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.
312342	Planning, Development and Infrastructure (General) Regulations 2017	r111(3)	66. Register of Land Management Agreements (Section 193) 66.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.
312343	Planning, Development and Infrastructure (General) Regulations 2017	r112(1)	67. Authorised Officers and Inspections





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ID	Delegation Source	Provision	Item Delegated
			<p>67.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:</p> <p>67.1.1 who is an accredited professional who is:</p> <p>67.1.1.1 an Accredited professional - building level 1; or</p> <p>67.1.1.2 an Accredited professional - building level 2; or</p> <p>67.1.1.3 an Accredited professional - building level 3; or</p> <p>67.1.1.4 an Accredited professional - building level 4; or</p> <p>67.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or</p> <p>67.1.3 who holds an approval from the Chief Executive.</p>
312302	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>68. Calculation of Assessment of Fees</p> <p>68.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):</p>





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			68.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and 68.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).
312303	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	68. Calculation of Assessment of Fees 68.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
312304	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(3)	68. Calculation or Assessment of Fees 68.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.
312305	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	69. Waiver or Refund of Fee 69.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 69.1.1 waive the payment of the fee, or the payment of part of the fee; or 69.1.2 refund the whole or a part of the fee.





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385345	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl5(1)	<p>70. Requirements in Relation to Preparing an Engagement Plan</p> <p>70.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that:</p> <p>70.1.1 meets the principles and performance outcomes of the Charter;</p> <p>70.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>70.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act</p> <p>70.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act;</p> <p>70.1.2.3 who must be consulted with under the Charter;</p> <p>70.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>70.1.4 describes the evaluation framework for the engagement.</p>
385346	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl5(2)	<p>70. Requirements in Relation to Preparing an Engagement Plan</p> <p>70.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.</p>





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385348	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(2)	<p>71. Preparation of an Engagement Report (Following Consultation)</p> <p>71.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report:</p> <p>71.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan;</p> <p>71.1.2 the outcome of the engagement including a summary of the written submission or feedback made;</p> <p>71.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates:</p> <p>71.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and</p> <p>71.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.</p>
385349	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(3)	<p>71. Requirements in Relation to Preparing an Engagement Report Following Consultation</p> <p>71.2 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:</p> <p>71.2.1 the principles of the Charter have been achieved; and</p> <p>71.2.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).</p>





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385350	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl7(1)	<p>72. Initiating a Code Amendment</p> <p>72.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out:</p> <p>72.1.1 Code Policy – an outline of:</p> <p>72.1.1.1 any overlay, general policy, zone or subzones in the Code being proposed for amendment; and/or</p> <p>72.1.1.2 the intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area;</p> <p>72.1.2 Affected Area</p> <p>72.1.2.1 a map or description of the Affected Area;</p> <p>72.1.3 State Planning Policies</p> <p>72.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p> <p>72.1.4 Regional Plan</p> <p>72.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by</p> <p>the proposed Code Amendment will relate to the relevant regional plan;</p> <p>72.1.5 Consultation -</p> <p>72.1.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</p>





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			<p>72.1.5.2 details of further consultation proposed to be undertaken with respect to the proposed code Amendment;</p> <p>72.1.6 Investigations -</p> <p>72.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment</p> <p>72.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p> <p>72.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p> <p>72.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment</p> <p>72.1.7 Timetable</p> <p>72.1.7.1 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.</p>





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385351	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl7(3)	<p>72. Initiating a Code Amendment</p> <p>The power pursuant to clause 7(3) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which:</p> <p>72.2.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>72.2.1.1 all relevant property details and descriptions (including images);</p> <p>72.2.1.2 historical background and thematic analysis;</p> <p>72.2.1.3 a statement of heritage value;</p> <p>72.2.1.4 an assessment against the Local Heritage Criteria; and</p> <p>72.2.1.5 the extent of listing (including any exclusions);</p> <p>72.2.2 includes an analysis of historic themes of importance to the area;</p> <p>72.2.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</p> <p>72.2.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</p>
502519	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl 7(4)	72. Initiating a Code Amendment





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			<p>72.3 The power pursuant to clause 7(4) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which:</p> <p>72.3.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary)</p> <p>72.3.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;</p> <p>72.3.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.</p>
385352	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl8(1)	<p>73. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>73.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to:</p> <p>73.1.1 carry out investigations and obtain such information:</p> <p>73.1.1.1 as provided in the Proposal to Initiate approved by the Minister;</p> <p>73.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>73.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p> <p>73.1.2 provide the Department with:</p>





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			<p>73.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>73.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>73.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>73.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>73.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p>
385353	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl8(2)	<p>73. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>73.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal</p>





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385354	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl9(1)	74. Requirements For a Draft Code Amendment 74.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information: 74.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment) 74.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area; 74.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans; 74.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and 74.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.
385355	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl11(1)	75. Complying Changes to the Code





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			<p>75.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department:</p> <p>75.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment;</p> <p>75.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;</p> <p>75.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>75.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>
385356	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl12(1)	<p>76. Early Commencement of a Code Amendment</p> <p>76.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department:</p>





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			<p>76.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:</p> <p>76.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and</p> <p>76.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;</p> <p>76.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>76.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>
385357	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl6(3)(b)	<p>77. Responsibility to Undertake Notification</p> <p>77.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.</p>





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385358	State Planning Commission Practice Direction (Council Inspections) 2020	cl2(2)	<p>78. Mandatory Inspections</p> <p>78.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:</p> <p>78.1.1 primary structural elements;</p> <p>78.1.2 structural framing and roof trusses;</p> <p>78.1.3 wet areas and waterproofing;</p> <p>78.1.4 barriers to prevent falls;</p> <p>78.1.5 cladding;</p> <p>78.1.6 egress provisions;</p> <p>78.1.7 bushfire protection systems;</p> <p>78.1.8 passive and active fire safety elements;</p> <p>78.1.9 private bushfire shelters; and</p> <p>78.1.10 performance solutions.</p>
385359	State Planning Commission Practice Direction (Council Inspections) 2020	cl3(2)	<p>79. Additional Inspections</p> <p>79.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional</p>





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			inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.
385360	State Planning Commission Practice Direction (Council Inspections) 2020	cl4(3)	80. Inspections Generally 80.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.
385361	State Planning Commission Practice Direction (Council Inspections) 2020	cl1(2)	81. General Requirements 81.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.
385362	State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020	cl5(2)	82. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building 82.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.
503614	Urban Tree Canopy Off-set Scheme	cl 9	83. Use of Money from Fund





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

ID	Delegation Source	Provision	Item Delegated
			<p>83.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose):</p> <p>83.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or</p> <p>83.1.2 the purchase of land within a designated local government area to ensure:</p> <p>83.1.2.1 the preservation of trees; or</p> <p>83.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312344	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.</p>
312345	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>
312346	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s99(2)(b)(ii)	<p>2. Related Provisions</p> <p>2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312347	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s99(3)	<p>2. Related Provisions</p> <p>2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.</p>
312348	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s102(1)	<p>3. Matters Against Which Development Must be Assessed</p> <p>3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).</p>
312349	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s102(8)	<p>3. Matters Against Which Development Must be Assessed</p> <p>3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312350	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(1)	<p>4. Building Consent</p> <p>4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).</p>
312351	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(2)(a)	<p>4. Building Consent</p> <p>4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>
312352	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(2)	<p>4. Building Consent</p> <p>4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:</p> <p>4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:</p> <p>4.3.1.1 that:</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			<p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p> <p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>
312353	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(4)	<p>4. Building Consent</p> <p>4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.</p>
312354	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of	s118(6)	<p>4. Building Consent</p> <p>4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Powers of a Council as a Relevant Authority (Instrument B);		respect of the development that are as good as can reasonably be achieved in the circumstances.
312355	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(7)	<p>4. Building Consent</p> <p>4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>
312356	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(8)	<p>4. Building Consent</p> <p>4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>4.7.2 such compliance is certified by a building certifier.</p>
312357	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant	s118(10)	<p>4. Building Consent</p> <p>4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Authority (Instrument B);		
312358	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(11)	<p>4. Building Consent</p> <p>4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>4.9.1 the variance; and</p> <p>4.9.2 the grounds on which the decision is being made.</p>
312359	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(1)(b)	<p>5. Application and Provision of Information</p> <p>5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>
312360	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant	s119(3)	<p>5. Application and Provision of Information</p> <p>5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>5.2.2 to remedy any defect or deficiency in any application or accompanying document or</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Authority (Instrument B);		information required by or under the PDI Act; 5.2.3 to consult with an authority or body prescribed by the regulations; 5.2.4 to comply with any other requirement prescribed by the regulations.
484388	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(6)(b)	5. Application and Provision of Information 5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.
388522	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(7)	5. Application and Provision of Information 5.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
312362	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design	s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.1 permit an applicant:





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		5.5.1.1 to vary an application; 5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);
312363	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;
312364	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312365	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>
312366	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(10)	<p>5. Application and Provision of Information</p> <p>5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>
312367	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(12)	<p>5. Application and Provision of Information</p> <p>5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312368	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(14)	5. Application and Provision of Information 5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.
312369	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s120(1)	6. Outline Consent 6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.
312370	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s120(3)	6. Outline Consent 6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to: 6.2.1 grant any consent contemplated by the outline consent; and 6.2.2 not impose a requirement that is inconsistent with the outline consent.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312371	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(1)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:</p> <p>7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and</p> <p>7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made where the regulations so provide, subject to Section 122 of the PDI Act.</p>
312372	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(5)(b)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>7.2.1 to refuse the application; or</p> <p>7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)</p> <p>where the regulations so provide.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312373	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(7)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.</p>
312374	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(10)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p>
312375	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(1)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312376	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(5)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p> <p>8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application;</p> <p>8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.</p>
312377	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(6)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.</p>
312378	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(7)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312379	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s126(1)	<p>9. Determination of Application</p> <p>9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).</p>
312380	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s126(3)	<p>9. Determination of Application</p> <p>9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.</p>
312381	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s127(1)	<p>10. Conditions</p> <p>10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312382	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s127(2)(c)	<p>10. Conditions</p> <p>10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.</p>
312383	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s128(2)(d)	<p>11. Variation of Authorisation</p> <p>11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.</p>
312384	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s133(3)	<p>12. Saving Provisions</p> <p>12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312385	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(1)	13. Requirement to Up-grade 13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
312386	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(1)	13. Requirement to Up-grade 13.2 The power pursuant to Section 134(1) of the PDI Act, if: 13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or 13.2.1.2 a change of classification of a building; and 13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.
312387	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s134(2)	13. Requirement to Up-grade 13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.
312388	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(3)	<p>13. Requirement to Up-grade</p> <p>13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p> <p>13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>
312389	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(4)	<p>13. Requirement to Up-grade</p> <p>13.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
312390	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(5)	<p>13. Requirement to Up-grade</p> <p>13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p> <p>13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>
312391	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s135(2)(d)	<p>14. Urgent Building Work</p> <p>14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>
312392	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s143(1)	<p>15. Cancellation of Development Authorisation</p> <p>15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.
312393	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s143(2)	<p>15. Cancellation of Development Authorisation</p> <p>15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.</p>
312394	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s235(1)	<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>
312395	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design	s235(2)	<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		which such advice should be sought.
312396	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	cl18(2) sch8	<p>17. Continuation of Processes</p> <p>17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>
312397	Planning, Development and Infrastructure (General) Regulations 2017	r25(7)(c)	<p>18. Accredited Professionals</p> <p>18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.
312398	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.1 determine the nature of the development; and</p>
312399	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.2 if the application is for planning consent - determine:</p> <p>19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>19.1.2.2 the category or categories of development that apply for the purposes of</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			development assessment; and
312400	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and
312401	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 19.1.4.1 check that the appropriate documents and information have been lodged with the application; and 19.1.4.2 confirm the prescribed fees required to be paid at that point ; and





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			19.1.4.3 provide an appropriate notice via the SA planning portal; and
312402	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>19.1.5.2 provide an appropriate notice via the SA planning portal.</p>
312403	Planning, Development and Infrastructure (General) Regulations 2017	r35(3)	<p>20. Amended Applications</p> <p>20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>
312404	Planning, Development and Infrastructure (General)	r35(4)	<p>20. Amended Applications</p> <p>20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Regulations 2017		change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
312405	Planning, Development and Infrastructure (General) Regulations 2017	r38(1)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>
484389	Planning, Development and Infrastructure (General) Regulations 2017	r38(2)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>
312406	Planning, Development and Infrastructure (General) Regulations 2017	r38(3)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <p>21.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>21.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			manner and form determined by the delegate) about the proposed course of action.
312407	Planning, Development and Infrastructure (General) Regulations 2017	r40	<p>22. Court Proceedings</p> <p>22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>
312408	Planning, Development and Infrastructure (General) Regulations 2017	r42(1)	<p>23. Additional Information or Amended Plans</p> <p>23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>
312409	Planning, Development and Infrastructure (General) Regulations 2017	r45(1)	<p>24. Building Matters</p> <p>24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p> <p>24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.
312410	Planning, Development and Infrastructure (General) Regulations 2017	r45(2)	24. Building Matters 24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
312411	Planning, Development and Infrastructure (General) Regulations 2017	r45(3)	24. Building Matters 24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.
312412	Planning, Development and Infrastructure (General) Regulations 2017	r45(4)	24. Building Matters 24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority: 24.4.1 recommends against the granting of building consent; or 24.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			<p>45(4)(a) of the General Regulations; or</p> <p>24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent, to:</p> <p>24.4.5 refer the application to the Commission; and</p> <p>24.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>
312413	Planning, Development and Infrastructure (General) Regulations 2017	r45(5)	<p>24. Building Matters</p> <p>24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>
312414	Planning, Development and Infrastructure (General) Regulations 2017	r57(4)(a)	<p>25. Notice of Decision (Section 126(1))</p> <p>25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>
312415	Planning, Development and Infrastructure (General) Regulations 2017	r60	<p>26. Consideration of Other Development Authorisations</p> <p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			relation to that prior development authorisation.
312416	Planning, Development and Infrastructure (General) Regulations 2017	r61(4)(c)	<p>27. Certificate of Independent Technical Expert in Certain Cases</p> <p>27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>
312417	Planning, Development and Infrastructure (General) Regulations 2017	r63(1)	<p>28. Urgent Work</p> <p>28.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p> <p>28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>
312418	Planning, Development and Infrastructure (General) Regulations 2017	r63(2)	<p>28. Urgent Work</p> <p>28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>
312419	Planning, Development and Infrastructure (General)	r63(3)	<p>28. Urgent Work</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
	Regulations 2017		28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
312420	Planning, Development and Infrastructure (General) Regulations 2017	r65(1)(a)	29. Variation of Authorisation (Section 128) 29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.
484390	Planning, Development and Infrastructure (General) Regulations 2017	r99(4)	30. Construction Industry Training Fund 30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.
484391	Planning, Development and Infrastructure (General) Regulations 2017	r99(5)	30. Construction Industry Training Fund 30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
312421	Planning, Development and Infrastructure (General) Regulations 2017	cl4(3) sch8	<p>31. Plans for Building Work</p> <p>31.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if:</p> <p>31.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p> <p>31.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.</p>
312422	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>32. Calculation or Assessment of Fees</p> <p>32.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):</p> <p>32.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and</p> <p>32.1.2 to make any other determination for the purposes of the Fees Regulations a related set</p>





Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);

ID	Delegation Source	Provision	Item Delegated
			of regulations or a fee notice (even if the Council is not a relevant authority)
312423	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	<p>32. Calculation or Assessment of Fees</p> <p>32.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate a prescribed fee on the basis of estimates made by the delegate.</p>
312424	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	5(3)	<p>32. Calculation or Assessment of Fees</p> <p>32.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.</p>
312425	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	<p>33. Waiver or Refund of Fee</p> <p>33.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>33.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>33.1.2 refund the whole or a part of the fee.</p>





**Instrument of authorisation for the purposes of the Instrument of
General Approval and Delegation (dated 22 August 2013) under the
Road Traffic Act 1961**

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
514143	Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure	sections 17(1) and 17(2)	<p>A. Traffic control devices</p> <p>Install, maintain, alter, operate or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device on, above or near a road which is under the care, control and management of the Council (except those traffic control devices specified in clause A.8 of the General Approval or dealt with in other clauses of the General Approval)</p>	Abdullah Mahmud, Barbara Cernovskis, Chris Habets, Council, Darren Barber, Timothy Steven Coote, Trevor Stanley Pettingill	As set out in clause A of the General Approval
514144	Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure	section 20(2)	<p>B. Speed limits at works on roads</p> <p>Place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards a work area or a work site where workers are engaged, or works are in progress at the direction of the Council</p>	Abdullah Mahmud, Barbara Cernovskis, Chris Habets, Council, Darren Barber, Timothy Steven Coote, Trevor Stanley Pettingill	As set out in clause B of the General Approval





**Instrument of authorisation for the purposes of the Instrument of
General Approval and Delegation (dated 22 August 2013) under the
Road Traffic Act 1961**

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
514145	Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure	section 17(3)	C. Traffic control devices at works on roads Install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Road Traffic Act 1961 or any other Act	Abdullah Mahmud, Barbara Cernovskis, Chris Habets, Council, Darren Barber, Timothy Steven Coote, Trevor Stanley Pettingill	As set out in clause C of the General Approval
514146	Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure	section 17(3)	D. Temporary parking controls Install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under the care, control and management of the Council	Abdullah Mahmud, Barbara Cernovskis, Chris Habets, Council, Darren Barber, Derek Ferguson, Timothy Steven Coote, Trevor Stanley Pettingill	As set out in clause D of the General Approval





**Instrument of authorisation for the purposes of the Instrument of
 General Approval and Delegation (dated 22 August 2013) under the
 Road Traffic Act 1961**

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
514147	Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure	section 17	F. Grant approval to another road authority Specifically approve the installation, maintenance, alteration, operation or removal of a traffic control device in the Council area by a road authority on, above or near a road under the care, control and management of the road authority	Abdullah Mahmud, Barbara Cernovskis, Council, Darren Barber, Timothy Steven Coote	As set out in clause F of the General Approval

Signature

Sarah PHILPOTT
 Chief Executive Officer

15 December 2021
 Date





Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
514148	Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure	s33(1)	<p>2. Pursuant to the General Approval, the Council sub-delegates to the Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:</p> <p>(a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and</p> <p>(b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the Australian Road Rules:</p> <p>(i) rule 221: using hazard warning lights;</p> <p>(ii) rule 230: crossing a road – general;</p> <p>(iii) rule 231 crossing a road at pedestrian lights;</p>	CEO	<p>3. The delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval and the following conditions:</p> <p>(a) the sub-delegate must ensure that the delegated powers are exercised in accordance with relevant legislative requirements and relevant policies and guidelines adopted by the Council; and</p>





Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			(iv) rule 232: crossing a road at traffic lights; (v) rule 234: crossing a road on or near a crossing for pedestrians; (vi) rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h); (vii) rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy); (viii) rule 250: riding on a footpath or shared path; (ix) rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h); (x) rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h); (xi) rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);		





Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			(xii) rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h) (xiii) rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and (xiv) rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).		



22.4 LOCAL GOVERNMENT REFORM - (INFORMAL GATHERING) INFORMATION AND BRIEFING SESSIONS / ELECTRONIC ATTENDANCE AT MEETINGS. – REPORT NO. AR21/63493

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/63493
CM9 Reference:	AF20/446
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Darren Barber, General Manager Shared Services
Summary:	This report presents policy amendments resulting from legislative changes to information and briefing sessions that commenced on 20 September 2021, as well as a review of the temporary electronic attendance at meeting provisions.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/63493 titled 'Local Government Reform - (Informal Gathering) Information and Briefing Sessions / Electronic Attendance at Meetings.' as presented on 14 December 2021 be noted.
2. That Council Policy C410 be adopted as contained in Attachment 2 to Report No. AR21/63493.



TYPE OF REPORT

Legislative

BACKGROUND

In 2016 Council adopted (designated) informal gathering policy provisions in compliance with (then new) provisions of the Local Government Act 1999 and regulations. These provisions are contained in [Council Policy C410](#).

During 2020, in response to temporary legislative changes associated with the COVID19 health emergency, Council adopted temporary amendments to Council Policy C410.

The current local government reform has replaced the (designated) informal gathering provisions with '*information or briefing sessions*' in a new section 90A from 20 September 2021. There are no regulations or policy requirements associated with the new section 90A.

At the Council meeting on 19 October 2021 in relation to attendance at meetings by electronic means Council resolved:

2. *That Council Officers review the current Council Policy C410 - Conduct of Meetings (s92 Code of Practice) to determine flexible arrangements for attendance by electronic means to Council, Committee and Information / Briefing Sessions where the Local Government Act 1999 allows.*
3. *In undertaking the review, a draft policy be prepared to enable any Councillor the option to attend an information workshop by electronic means (including telephone) "on request" and not need the approval of the Presiding Member or CEO. Further, that the requirement to request electronic attendance be amended to reflect that at least 12 hours notice be provided by a Councillor of the requirement to attend via electronic means in order for equipment to be in place for the relevant meeting.*

Accordingly, this report and the attached draft policy address both these issues relating to attendance at information/briefing sessions with the intent of providing compliant flexibility.

PROPOSAL

With the replacement of the former (designated) informal gathering provisions in s90(8) of the Local Government Act 1999 and the Procedures at Meetings Regulations with the new section 90A provisions relating to information and briefing sessions, including the removal of the legislative requirement to have a policy on the holding of such sessions, the attached draft policy (Attachment 1) excludes references to informal gatherings, and with the exception of provisions relating to electronic attendance and confidentiality, makes limited reference to information and briefing sessions, not being 'meetings' for the purpose of meeting procedures.

It should also be noted that the Local Government Association had not, at the time of preparation of this report, released any updated or draft replacement model policy on information and briefing sessions or electronic attendance at meetings, further noting that former only came into effect in 20 September 2021 and the 'current' provisions associated with the latter are temporary until the end of the COVID19 health state of emergency.

Accordingly, this policy and associated provisions (including temporary provisions and other provisions arising from the Local Government Reform) may require further review and amendment prior to it requiring formal review following the November 2022 local government elections.

The draft policy is attached in both a marked-up (Attachment 1) and clean form (Attachment 2).

It should also be noted that changes to the Local Government Act that commenced on 10 November 2021 retain the requirement of section 92(5) to undertake public consultation on an alteration or substitution of a Code of Practice under section 92, such as Council Policy.



However, the COVID19 amendments to the Local Government Act 1999 have temporarily suspended the operation of section 92(5) such that Council is not currently obliged to meet this public consultation requirement.

Accordingly, public consultation on changes to Policy C410 are currently discretionary and Council should turn its mind to whether or not, in the current circumstances, it considers it appropriate to conduct public consultation on these policy changes prior to adoption. This report presents the current legislated position which does not currently require public consultation to be undertaken.

LEGAL IMPLICATIONS

The provisions in Policy C410 relating to information and briefing sessions and electronic attendance at meetings are governed by the Local Government Act 1999, including temporary amendments responding to the COVID19 health state of emergency. Accordingly, any policy position must consider the relevant statutory provisions

STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Nominal

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

Council must ensure that its policy position and administrative activities are compliant with relevant (including temporary) provisions of the Local Government Act and Regulations.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

This report recommends the endorsement of the amended Policy C410, including temporary policy provisions, as attached to this report.



ATTACHMENTS

1. DRAFT [v10] Council Policy C410 - Conduct of Meetings (s92 Code of Practice) - MARKED-UP VERSION [↓](#)
2. DRAFT [v10] Council Policy C410 - Conduct of Meetings (s92 Code of Practice) - CLEAN VERSION [↓](#)



 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY C410</p> <p>CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS / MEETING PROCEDURES / INFORMAL GATHERINGS</p>	Version No:	<u>109</u>
		Issued:	## November 16 June 2021
		Next Review:	December 2022

1. Introduction

The model code is to assist Councils to:

- Meet the provisions of section 92 of the *Local Government Act 1999* ("the Act") in the preparation and adoption of a Code of Practice relating to the principles, policies and procedures that a Council must apply for the operation of Parts 3 and 4 of the Act for the purposes of public access to meetings, documents and minutes of Council and Committee meetings.
- Inform and educate the community about public access to Council and Committee meetings, minutes of Council and Committee meetings and other Council documents.
- Ensure that statutory requirements for openness and transparency are observed while providing an opportunity for informal gatherings and discussions among Council Members.
- To provide policy provisions for ancillary matters associated with the conduct of meetings.

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (*Notice No 1*) (**Notice No 1**) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

The model code and this explanatory note have been amended to take into account Notice No. 1.

2. Confidentiality Guidelines

This model code should be developed and read in conjunction with the LGA's Confidentiality Guidelines which are designed to assist with the application of the provisions in the Act to restrict public access to meetings and or documents. The Confidentiality Guidelines are available on the LGA website at: www.lga.sa.gov.au under the Codes and Guidelines heading.

3. Public Access to the Agenda for Meetings

Public access to Council agendas is encouraged. This provides one of the main opportunities for the community to gain information about the business of Council and Committees. Agendas and associated documents for the meetings are publicly available subject to any indication from the Chief Executive Officer under section 83(5) of the Act or to an order of confidentiality under section 90(3) of the Act.

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The following procedures apply to encourage public access to meetings:

- 3.1 At least three 'clear days'¹ before a Council or Council Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee Members setting out the date, time and place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.
- 3.2 The notice and agenda are to be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area² and on Council's website.
- 3.3 The notice and agenda must be kept on public display and continue to be published on the website until the completion of the relevant meeting.
- 3.4 Items listed on the agenda are to be described accurately and in reasonable detail.
- 3.5 Copies of the agenda documents and non-confidential reports that are to be considered at the meeting must be made available to members of the public at the meeting. A reasonable number of copies are to be available for public inspection as soon as practicable after they are supplied to the members of Council.
- 3.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 3.7 Distribution of agenda papers to members of Council, or members of a Committee, may include advice from the CEO of the Council (after consultation with the Principal Member of the Council, or in the case of a Committee - the presiding member) that a document or report on a particular matter be considered in confidence with the public to be excluded. Where this occurs, the CEO must specify the basis under which the order could be made in accordance with section 90(3) of the Act. [see sections 83(5) (Council) and 87(10) (Committee) of the Act]

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

² Sections 84(1a) and 88(1a) Local Government Act 1999.

4. Public Access to Meetings

Subject to the matters discussed below regarding Notice 1, Council and Council Committee meetings are open to the public and attendance is encouraged, except where a Council (or the Council Committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.


The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision making.

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Council must encourage public attendance at meetings of the Council and Committees through public notification of meetings.

In accordance with section 90A of the Act, a Council, or the Chief Executive Officer of a Council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which more than 1 member of the Council or a Council Committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an *information or briefing session* – refer Part 11).

~~it is not unlawful for Members of a Council, a Committee members and staff to participate in informal gatherings or discussion, provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee.~~

~~A Council is not bound to hold an informal gathering open to the public in accordance with section 90(1) of the Act as openness to the public only applies to Council and Council Committee meetings. This means that section 90(2) to exclude the public has no role to play. It is recommended that public notice of an informal gathering, such as a workshop, be given and that the notice clearly indicate whether or not the informal gathering will be open to the public.~~

~~The following are examples of informal gatherings or discussions that may be held in accordance with section 90(8):~~

- ~~• planning sessions associated with the development of policies and strategies;~~
- ~~• briefing or training sessions;~~
- ~~• workshops; or~~
- ~~• social gatherings to encourage informal communication between members or between members and staff.~~

Notice No 1

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that -

- (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or
- (b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the chief executive officer (or a person nominated in writing by the chief executive officer) must publish

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on a website determined by the chief executive officer the steps taken to comply and the requirement will be suspended.

5. Public Access to Minutes

Minutes of a meeting of Council or a Council Committee must be publicly available, including on the internet, within 5 days after the meeting.

6. Public Access to Documents

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

A Council or Council committee should only order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary in the broader community interest.

A Council or Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

In accordance with section 91(8) a Council or Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.


7. Review of Confidentiality Orders

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for a Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public. At this point in time it is important that the Council make this information publicly available and also include it on the Council's website. It is recommended that the Code include a provision as to when the confidentiality orders will be reviewed.

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The Model Confidential Items Register contained in the Meeting Confidentiality Guidelines will also provide assistance with the review of confidentiality orders.

Orders that exceed 12 months must be reviewed annually and a Council must assess whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

The conduct of the annual review can be delegated to the Chief Executive Officer and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

While a Council may delegate the power to undertake an annual review, the Council **cannot** delegate the power to apply sections 90(3) and 91(7) of the Act.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. A Council or Council Committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

Notice No 1

Notice No 1 provides that a Council or Council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2).

8. Accountability and Reporting to the Community

A report on the use of sections 90(2) and 91(7) by a Council and Council Committee must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.


This information should also be considered in any review of the Code.

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9. Availability of the Code

The public may inspect a copy of the Code, without charge, at the offices of a Council during office hours, and may obtain a copy for a fee fixed by Council. The Code should also be available on the Internet. The availability of the Code can also be promoted to the local community through the Council's newspaper.

10. Review of the Code

In accordance with section 92(2) of the Act each Council is required to review the Code within 12 months after the conclusion of each periodic election. However, it is recommended that Council undertake a review on an annual basis to ensure that the principle of open government is being applied in a proper manner. The Code of Practice should include when the next scheduled review is due to occur. Each Council has the ability to review the Code at any time if considered desirable.

The Code of Practice should include the date when Council adopted the Code.

Notice No 1

Notice No 1:

- (a) provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;
- (b) provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;
- (c) suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.

11. ~~Information and Briefing Sessions~~ ~~Gatherings~~

~~Information and briefing sessions~~ ~~gatherings~~ provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Council members to become better informed on issues and seek further clarification. ~~Information and briefing sessions~~ ~~gatherings~~, however, ~~should~~ ~~must~~ not be used, or be seen to be used, as a replacement for full debate and decision-making at Council meetings or Council committee meetings. Open and transparent Council meetings and Council committee meetings underpin representative democracy and ensure public confidence in Council's decision-making processes.


The policy aims to ensure that the statutory requirements for openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions among Council members where this is warranted by the nature of the ~~session~~ ~~gathering~~ or subject matter to be discussed.

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~~For the period Notice No 1 has effect (as provided for in Notice No 1), these Informal Gatherings provisions are altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.~~

~~The alterations to these provisions are made consistent with Notice No 1.~~

~~For the avoidance of doubt, save for the alterations to the Informal Gatherings provisions as set out below, these Informal Gatherings provisions otherwise apply to all informal gatherings of the Council.~~

~~electronic means includes a telephone, computer or other electronic device used for communication.~~

Attendance at Informal Gatherings

~~Members of the Council may participate in an informal gathering of the Council by electronic means.~~

~~A member of the Council participating in an informal gathering by electronic means is taken to be present at the informal gathering provided that the member:~~

- ~~(a) can hear all other members present at the informal gathering; and~~
- ~~(b) can be heard by all other members present at the informal gathering.~~

Form of Participation in Information or Briefing Sessions by Electronic Means

~~Where:~~

- ~~(a) A Council member may requests is to participate in an information or briefing session gathering by electronic means, including telephone, by providing at least 12 hours notice in order for equipment to be in place for the relevant session; and~~

~~In accordance with s90A(6)(a) sections 90(5) and 90(7a) apply to an information and briefing session as if it were a meeting of the Council or Council Committee.~~

~~Accordingly, it is incumbent on a Council Member participating in an information or briefing session by telephone or electronic means to ensure that no other person enters or remains in a room where they are participating in an information or briefing session (or any part of an information or briefing session) that is subject to an order that it be closed to the public.~~


~~In such circumstances section 90(5) makes it lawful for an employee of the Council or a member of the police force to use reasonable force to remove a person from the room that has failed to leave the room on request, which for the purpose of these procedures may include the disconnection (and non-reconnection) of the telephone or electronic means by which the relevant Council Member was participating.~~

- ~~(b) the electronic means has the functionality to allow the Council member to participate in the informal gathering by being heard but not seen or by being both seen and heard; and~~

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~~(c) the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard;~~

~~the member must participate by being both seen and heard.~~

Public Access to Designated Informal Gatherings

~~During the period within which Notice No. 1 applies, public access to designated informal gatherings may be provided in accordance with Sections 90(1a) and 90(1b) of the Local Government Act 1999 however, as outlined in this Policy, minutes will not be recorded.~~

Scope

~~These provisions apply to information and briefing sessions gatherings of the Council or a Council Committee, including designated informal gatherings or discussions held or arranged by Council, or the Chief Executive Officer (not being a formal meeting of a Council or Council Committee) to which more than 1 member of the Council or a Council Committee is invited to attend or be involved in for the purposes of providing information or a briefing session to attendees.~~

~~A matter must not be dealt with at a Council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the Council or a Council Committee.~~

~~An 'informal gathering' is a gathering or discussion to which all Council members or Council committee members (as the case may be) are invited.~~

~~The Local Government (General) Regulations 2013 defines 'designated informal gathering or discussion' as:~~

~~*an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.*~~

~~An information or briefing session gathering that is not held or arranged by the Council or Chief Executive Officer, or to which only a single member is invited or involved, or which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not an information or briefing session 'designated informal gathering or discussion'.~~

Purpose of informal gatherings or discussions

~~Section 90(8) of the Local Government Act allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.~~


~~The Local Government Act sets out the following examples of informal gatherings:~~

- ~~• planning sessions associated with the development of policies or strategies;~~
- ~~• briefing or training sessions;~~

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- ~~• workshops; and~~
- ~~• social gatherings to encourage informal communication between members or between members and staff.~~

~~Informal gatherings of Council members or Council committee members (either with or without Council staff) are, by their nature, non-compulsory. However, all Council members and Council committee members are encouraged to attend relevant informal gatherings, particularly where the informal gathering or discussion is intended to provide history, context or additional information to Council members or Council committee members.~~

~~Purpose of designated informal gatherings or discussions~~

~~Designated informal gatherings or discussions may be used to:~~

- ~~• discuss issues that involve strategy or policy or other matters of Council administration~~
- ~~• brief Council members or Council committee members on issues relevant to matters which in the future will be included on the agenda of a formal meeting of the Council or Council committee.~~

~~Designated informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of determining, or effectively determining, matters which should be determined at a formally constituted meeting of the Council or Council committee.~~

~~Information and briefing sessions~~ Designated informal gatherings or discussions to be open to the public, except in special circumstances

~~A Council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or a Council Committee is discussed at the session.~~

~~However, the Council or Chief Executive Officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the Council or Chief Executive Officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).~~

~~Designated informal gatherings or discussions will be held at a place open to the public, except where the designated informal gathering or discussion has been declared by the Council or Chief Executive Officer to be a 'confidential informal discussion'.~~

~~The Council or Chief Executive Officer may, on a case-by-case, declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:~~

- ~~(i) a planning session of a general or strategic nature; or~~
- ~~(ii) is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act (see attachment).~~

~~An informal gathering or discussion of the Council or a Council committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.~~

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Procedures applying to designated informal gatherings or discussions

Both the Chief Executive Officer and the Council are responsible for ensuring information and briefing sessions~~designated informal gatherings or discussions~~ are conducted in accordance with the Local Government Act.

~~Designated informal gatherings or discussions~~Information and briefing sessions are not subject to the procedural meeting requirements of the Local Government Act and *Local Government (Proceedings at Meetings) Regulations 2013*.

~~Designated informal gatherings or discussions~~Information and briefing sessions will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the information or briefing session~~designated informal gatherings or discussions~~ are consistent with section 90 of the Local Government Act.

Formal minutes will not be recorded of an information or briefing session~~designated informal gathering or discussion~~. Notes of an information or briefing session~~designated informal gathering or discussion~~ may be tabled at the Council meeting following the information or briefing session~~designated informal gathering or discussion~~ and prescribed information will be published as required by the Local Government Act.

If an information or briefing session~~designated informal gathering or discussion~~ has been ordered~~declared~~ to be a 'confidential information or briefing session~~informal discussion~~', then the ~~designated informal gathering or discussion~~information or briefing session may be attended by Council ~~M~~members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential information or briefing session~~discussion~~ declaration has been made in respect of only some of the matters to be discussed at an information or briefing session~~designated informal gathering or discussion~~, then these confidential matters will be scheduled to be discussed at the end of the agenda for the information or briefing session~~designated informal gathering or discussion~~. The information or briefing session~~designated informal gathering or discussion~~ will be open to the public until immediately prior to the discussion on confidential matters commencing.

Publication of information relating to designated informal gatherings or discussions

A Council or the Chief Executive Officer of a Council must comply with any requirements of the regulations relating to the following:

- (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
- (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session

For all ~~designated~~ information and briefing sessions~~gatherings or discussions~~, the following information will be published on the Council's website:

- (i) the place, date and time at which the information or briefing session~~designated informal gathering or discussion~~ will be held;
- (ii) the matter that is to be discussed at the ~~designated informal gathering or discussion~~information or briefing session;
- (iii) whether or not the information or briefing session~~designated informal gathering or discussion~~ is to be held at a place open to the public.

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~~(iii)(iv) any prescribed information required to be published under the Local Government Act or Regulations.~~

Where a confidential ~~order informal discussion declaration~~ applies to an ~~information or briefing session designated informal gathering or discussion~~, the reason for the ~~information or briefing session designated informal gathering or discussion~~ being held entirely or partially in confidence must be published on the Council's website.

12. Other Meeting Practices & Procedures

12.1. FILMING AND AUDIO RECORDING DEVICES

Council maintain its current minute taking practice that involves the agenda item and recommendation/resolution being projected on screen at the Council and Standing Committee meetings with the minutes being typed at the meeting.

Any person may record audio of Council, committee and sub-committee meetings provided that such recording does not interfere with the orderly conduct of such a meeting.

Audio devices used for such purposes are to be held by the operator of such a device and are not to be placed on the meeting table being used by the members of that Council, committee or sub-committee meeting unless otherwise resolved by the members at that particular meeting.

The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Members be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting.

Audio recording of items considered 'In-Confidence' under the provisions of the Local Government Act 1999 is prohibited.

Any person wishing to take photographs or video recordings of any Council, committee or sub-committee meeting must request the permission of the Presiding Member.

Such request must be made in writing and be received by the Presiding Member at least 48 hours in advance of the meeting. In considering such a request the Presiding Member shall not unreasonably refuse permission however they may place restrictions and conditions on such recording and photography as they see fit so as to ensure such recording does not interfere with the orderly conduct of the meeting.

Where such permission has been granted, should at any time during the course of the meeting the Presiding Member be of the view that the video recording or photography of the meeting is interfering with the orderly conduct of the meeting, the Presiding Member may direct the video recording or photography of the meeting to cease.

Video recording and photography of items considered 'In-confidence' under the provisions of the Local Government Act 1999 is prohibited.

12.2. PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

It is the policy of this Council that the Presiding Member of any Council Committee will present the Committee Minutes and Recommendations to Council.

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Should a Presiding Member of any Committee not be able to attend a Council Meeting then they may nominate in advance, any other Member of such Committee to present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the Committee shall present the Committee Minutes, but may elect to refer any item of business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item to Council.

12.3. VOTING 'EN-BLOC'

Council does not support the use of 'en-bloc' voting during Council and Committee meetings to adopt a number of items, motions or recommendations by one resolution without debate.

En-bloc decision-making is not lawful in relation to items for decision and not considered good practice for other agenda items, and is in conflict with the guiding principles of the Local Government (Procedures at Meetings) Regulations 2013.

12.4. APPOINTMENT AND ROLE OF DEPUTY MAYOR

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Local Government Act 1999.

Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term determined by the Council that must not exceed 4 years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall immediately call for nominations and acceptances from Members present at the Council Meeting.

If only one nomination is received then that Member is to be declared Deputy Mayor.

Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.

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- The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.

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In the absence of the Mayor, the Deputy Mayor shall act in the office of the Mayor.

In the Council Chamber, the Deputy Mayor shall assume no precedence, except in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor. Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

12.5. APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

This policy provision applies when Council has been requested or is required to nominate or appoint a Member or any other person to fill a vacant position on any Committee or as delegate/representative on an outside body or organisation.

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply and override this policy (with the exception that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees)

The Chief Executive Officer shall notify Members of the request and/or requirements associated with the vacancy, including details of the Committee/Body/Organisation Terms of Reference and other relevant information, and will seek a written nomination of any Elected Member, Council Officer or other person with appropriate qualifications and/or experience.

Where Council is required under a legislative or some other requirement under Terms of Reference to seek community or independent nominees to Committee positions, then a public notice shall be published in a newspaper circulating in the area seeking interested persons to nominate within 21 days (or such other period as may be required). Such nominees may also be sought through a targeted process to identify suitable nominees.

The Chief Executive Officer shall present details of all nominees for vacant positions to the next available Council meeting together with a recommendation and draft resolutions that Council may endorse a secret ballot voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the appointment of Committee Members and delegates/representatives on other bodies and organisations:

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
 - i. may determine not to nominate or appoint any person to fill a vacancy.
 - ii. should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.

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- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

Limestone Coast Local Government Association Positions

The Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a s42 subsidiary (ie Limestone Coast Local Government Association).

Nominations shall only be sought for the position of Board Member and/or proxy/deputy where the Mayor or Deputy Mayor are unable to fill the positions, or to act when both the Mayor and Deputy Mayor may be unavailable, in which case the nomination/appointment procedure shall be as described in this Policy.

Payment of Allowances/Sitting Fees

Council should have a consistent and reasonable approach to payment of allowances/sitting fees to Members and other community and independent persons appointed to positions on Committees which should be prescribed in the Terms of Reference.

Appointment of Independent Members of a Council committee will be for a term determined by the Council, and may survive the next general/periodic election unless Council specifically resolves otherwise at the time of the appointment (noting that Council may have the right to terminate any appointment at any time, or that the term of appointment may be determined by some other statutory means).

Roles of Nominees/Appointees

Upon nomination/appointment to a position, Council's duly declared nominee/appointee shall be authorised to fill that position, including the exercise of any voting rights.

Where more than one person has been nominated/appointed to fill a position or as deputy/proxy, precedence shall apply based upon the persons position (ie Mayor, Deputy Mayor, Member, CEO etc).

Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated/appointed a Member or delegate/representative, but may not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

Independence of Bodies/Organisations

Other bodies and organisations to which Council nominates/appoints Elected Members, Council Officers or other suitably persons as delegates/representatives do not operate

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under the provisions of the Local Government Act 1999 or other legislation that prescribe meeting procedures and Member obligations.

Any person appointed to a position on a body or organisation (whether a Council Member, Council Officer or some other person) is bound by the governing arrangements applicable to that other body or organisation. In that capacity that person does not represent the interests of Council, but will be required to act in the interests of that body or organisation, which at times may be inconsistent with the interests or a formal position of the Council.

Council may influence but is not to instruct any Elected Member, Council Officer or other person whom it has nominated/appointed as a delegate/representative on another body or organisation as to the manner in which they act in fulfilling their non-Council duties. It is for the delegate/representative to determine how they fulfil their duties on a body or organisation and deal with any conflict that may arise between their competing interests/roles.

12.6. HOLDING AND PARTICIPATING IN FORMAL COUNCIL AND COMMITTEE MEETINGS BY ELECTRONIC MEANS

Act means the *Local Government Act 1999*.

electronic means includes a telephone, computer or other electronic device used for communication.

regulations means the *Local Government (Procedures at Meetings) Regulations 2013*.

disconnection of the electronic includes:

- i. ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
- ii. ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
- iii. logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
- iv. signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
- v. disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

meetings in this part 12.6 means meetings of Council and Council Committees and does not include information and briefing sessions.

Attendance at Council and Committee Meetings

Members of the Council may participate in a meeting of the Council or ~~C~~committee ~~or informal gathering~~, by electronic means, when such a meeting is organised for electronic means.


A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and

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- (c) can be heard by the person recording the minutes of the meeting.

Quorum

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

A quorum is taken to be present even if 1 or more Council members constituting the quorum is present by electronic means.

Leave of the Meeting

A vote on whether *leave of the meeting* is granted may be conducted by:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

A division may be called in relation to the vote.

Adjourned Meetings

If a meeting is adjourned to another day, the Chief Executive Officer must:

- (a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;
 - give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

Minutes

On confirmation of the minutes the presiding member may initial or sign the minutes in hardcopy or electronically.

The minutes of the proceedings of a meeting must include in relation to each member present at the meeting the method of attendance by the person.

Example:


The following are examples of methods of ——— attendance:

- (a) physical attendance;
- (b) by an audio-visual link;
- (c) by an audio link;
- (d) by telephone.

Petitions

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A petition must be addressed to the Council and delivered to the Council in writing to the Council Office at 10 Watson Terrace, Mount Gambier or electronically by email to city@mountgambier.sa.gov.au.

Deputations

A person or persons wishing to appear as a deputation at a meeting must be delivered to the Council in writing to the Council Office at 10 Watson Terrace, Mount Gambier or electronically by email to city@mountgambier.sa.gov.au.

A person or persons wishing to appear as a deputation at a meeting may appear by electronic means.

The Chief Executive Officer will (with respect to a request that has not been refused), when informing the person or persons who requested the deputation of the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.

Voting

A vote in relation to a question for decision before the Council may be taken:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

The presiding member, or any other member, may ask the chief executive officer to read out a motion or amendment before a vote is taken.

In relation to a member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Divisions

A division is taken as follows:

- (a) except for a member participating in a meeting by electronic means which has audio only:
 - (i) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (ii) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (iii) the presiding member will count the number of votes and then declare the outcome;
- (b) where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.

Form of Participation by Electronic Means

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Where:

~~(d)(a)~~ a Council member is to participate in a Council or Committee meeting by electronic means; and

~~(e)(b)~~ the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and

~~(f)(c)~~ the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard, the member must participate by being both seen and heard.

Participation by Electronic Means – Other Matters

In accordance with the variations made by Ministerial Notice dated 30 March 2020 to the Local Government Act 1999 and Procedures at Meetings Regulations 2013 as published in the SA Government Gazette on 31 March 2020 a Council Member (including the Presiding Member) may participate in a Council or Committee Meeting by electronic means despite not being physically present at the meeting.

For the purpose of such attendance, and subject to the provisions in the Act and Regulations (as varied), Council has adopted the following code:

- In conjunction with the Presiding Member the Chief Executive Officer will create a virtual meeting for Members to attend by electronic means, and;
- The Chief Executive Officer will prepare the necessary technologies to host participation by Council Members by electronic means-, including such matters as are requires to ensure compliance with the Act, and;
- The participation by such means being for the specified meeting only as determined by the Presiding Member on a case by case basis, and;
- All Members (and public – where applicable) being able to hear each other Member whilst a Member is participating by electronic means, and;
- The Member that is participating by electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at or observing the meeting (whether all other persons or the public are physically present, or present or observing by electronic means), and;
- Noting the (varied) Act and regulatory provisions regarding disconnecting electronic means, the Presiding Member (or Acting Presiding Member) being authorised to disconnect the Member in the event that:
 - the technology or the Member participating by electronic means causes any disruption or inconvenience to the meeting, or;
 - the Member participating by electronic means declares a material conflict of interest requiring the member to leave the meeting such that they cannot view or hear any discussion or voting at the meeting, and stay out of the meeting while the matter is being discussed or voted on, or;
 - the Member participating by electronic means declares an actual or perceived conflict of interest and the manner in which they intend to deal with the conflict of interest is to leave the meeting and not participate in the matter, and;

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- Should an electronic connection fail or be disconnected for any reason, any attempt(s) to re-connect are to be made at the discretion of the Presiding Member, and;
- Whilst a Member can be seen and heard as participating in a Meeting by electronic means the Member shall be considered as being present at the meeting for all purposes.

Members are reminded that, unless temporarily suspended or varied by the Minister, all legislative and regulatory meeting procedural provisions continue to apply to meetings participated in by electronic means, including those relating to:

- the guiding principles
- quorum,
- amendments/variations,
- formal motions,
- leave of meeting,
- questions / motions without notice,
- short-term suspension of proceedings
- voting / divisions,
- confidentiality,
- public notice and minute keeping,
- conflict of interest,
- code of conduct
- internal review,
- complaint / reporting provisions

Suspension of other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

In circumstances where a provision is suspended under this paragraph, the presiding member may give directions to a member of the Council in respect of an alternative method of compliance with the suspended provision.

Any member who disagrees with a direction of the presiding member under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a member, by resolution.

13. 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.

Copies of this Policy may also be obtained by interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

14. REVIEW & EVALUATION

The Council is required to review this code within 12 months after the conclusion of each periodic election. However, it may be reviewed at any other time as required by any legislative changes which may occur.

In accordance with Section 92(5) of the Local Government Act 1999, Council must follow the relevant steps set out in its public consultation policy before adopting, altering or substituting a code of practice relating to the principles, policies, procedures and practices that the Council

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will apply for public access to council and committee meetings and the release of Council and Committee meeting minutes and documents.

15. GRIEVANCE

Council has established procedures for the review of decisions under Section 270 of the Act for:

- Council, and its Committees;
- employees of Council and
- other persons acting on behalf of Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the Internal Review of Council Decisions Procedure established by Council.


The procedures adopted by Council are available from the Chief Executive Officer, telephone 8721 2555 or from Council web-site www.mountgambier.sa.gov.au.

16. FURTHER INFORMATION

Further information about this Policy may be expressed in writing, addressed to:

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



 City of Mount Gambier	COUNCIL POLICY C410	Version No:	<u>109</u>
	CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS / MEETING PROCEDURES / INFORMAL GATHERINGS	Issued:	## November 6 June 20210
		Next Review:	December 2022

File Reference:	AF18/51
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013 Freedom of Information Act 1991 <i>Local Government (Public Health Emergency) Amendment Act 2020</i> <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i>
Strategic Reference:	
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions
Related Procedures:	
Related Documents:	Confidentiality Guidelines: How to Apply Section 90 (2016) Council Meeting Procedures Handbook (2016) Minute Takers Handbook for Local Government (2014) Freedom of information - Information Statement Confidential Items Register

DOCUMENT DETAILS


Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	<u>108.0</u>
Last revised date:	<u>17 November</u> 6 June <u>20210</u>
Effective date:	<u>186 November</u> June <u>20210</u>
Minute reference:	<u>176 November</u> June <u>20210</u> - Item Resolution ## <u>#23.1</u> <u>2020/238</u>
Next review date:	December 2022
<u>Document History</u>	
First Adopted By Council:	November 2014 Superseded Policies - C300, C310, C275, C315, S110, S130, M190, C280 & C285, 17 th March, 2015
Reviewed/Amended:	

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15 th December, 2015, 15 th March 2016, 21 st November 2016, 22 nd November 2018, 15 th October 2019, 31 st March 2020, 16 th June 2020, <u>17th November 2021</u>			

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Model Code of Practice for Access to Council Meetings and Documents

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 1) (Notice No 1) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

Notice No 1:

- (a) provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;*
- (b) provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;*
- (c) suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.*

1. ADOPTION

This Code was adopted by the Council on 21 April 2020

2. STATEMENT OF PRINCIPLE

In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework prescribed by the Local Government Act 1999, the City of Mount Gambier is fully committed to the principle of open and accountable government. However, Council also recognises that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to discussion/decision and/or documents.

3. INTRODUCTION

This Code sets out the commitment of City of Mount Gambier to provide public access to Council and Council committee meetings and documents and outlines the policies and procedures contained within the *Local Government Act 1999*, to restrict public access.

The Code includes:

- information on the relevant provisions of the Act;
- Council's policy on public access and participation;
- the process that will be adopted where public access to a meeting or a document is restricted;
- grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

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This Code sets out the policy of Council for access to meetings and documents and includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council committee, can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

4. PUBLIC ACCESS TO THE AGENDA FOR MEETINGS

- 4.1 At least three clear days³ before the Council or Council committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee members setting out the date, time and place⁴ of the meeting. The notice must contain or be accompanied by the agenda for the meeting.
- 4.2 **Subject to clause 4.8** the notice of meeting and agenda will be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area at 10 Watson Terrace, Mount Gambier and on Council's website [mwww.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).
- 4.3 Items listed on the agenda will be described accurately and in reasonable detail.
- 4.4 **Subject to clause 4.8** the notice and agenda will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council committee meeting.
- 4.5 **Subject to clause 4.9** copies of the agenda documents and non-confidential reports that are to be considered at the meeting will be made available to members of the public in attendance. A reasonable number of copies will also be available for public inspection as soon as practicable after they are supplied to the Members of Council.
- 4.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 4.7 Where the CEO of the Council (after consultation with the principal member of the Council, or in the case of a Committee - the presiding member) believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified. [see sections 83(5) (Council) and 87(10) (Committee) of the Act.]

³ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

⁴ Notice No 1 provides that **place** includes an electronic location (such as a virtual meeting room).

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- 4.8 For the period of the operation of Notice No 1 the requirement that the chief executive officer give notice to the public of the times and places of council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area is **suspended**.
- 4.9 For the period of the operation of Notice No 1:
- 4.9.1 the requirement that the chief executive officer must ensure that a reasonable number of copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are available for inspection by members of the public at the principal office of the Council or at the meeting is **suspended**.
- 4.9.2 the chief executive officer (or a person nominated in writing by the chief executive officer) will ensure that any document or report supplied to members of the Council for consideration at a meeting of the Council is available for inspection by members of the public -
- 4.9.2.1 in the case of a document or report supplied to members of the Council before the meeting - on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council; or
- 4.9.2.2 in the case of a document or report supplied to members of the Council at the meeting - on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council.

5. PUBLIC ACCESS TO MEETINGS

Council and Council Committee meetings are open to the public and attendance is encouraged, except where the Council (or the Council committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision-making.

Council encourages public attendance at meetings of the Council and Committees through public notification of meetings by *[list promotional activities eg. a sign and/or notice in a local paper indicating the date and time of the next meeting]*.


Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that -

- (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream⁵ of the meeting on a website determined by the chief

⁵ *live stream* means the transmission of audio and/or video from a meeting at the time that the meeting is occurring.

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executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or

- (b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply.

A Council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or a Council Committee is discussed at the session.

However, the Council or Chief Executive Officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the Council or Chief Executive Officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

~~In accordance with section 90 of the Act, it is not unlawful for Members of Council, Committee members and staff to participate in **informal gatherings** or discussion provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee. The Council is not bound to hold an informal gathering open to the public in accordance with section 90(1) of the Act as openness to the public only applies to Council and Council Committee meetings. This means that section 90(2) to exclude the public has no role to play.~~

~~The following are examples of informal gatherings or discussions that may be held in accordance with section 90(8):~~

- ~~• — planning sessions associated with the development of policies and strategies;~~
- ~~• — briefing or training sessions;~~
- ~~• — workshops; or~~
- ~~• — social gatherings to encourage informal communication between members or between members and staff.~~

6. PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING OR INFORMATION OR BRIEFING SESSION

The practice of the City of Mount Gambier is as follows:

- for the convenience of the public present at a meeting, where it is ~~ordered~~resolved to consider a matter in confidence, this matter may be deferred until all other business has been dealt

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with rather than ask the public to leave the room and wait for however long it takes until the matter is concluded and then allow the public to return to the meeting room with the possibility of the same process being repeated for a subsequent matter.

Before a meeting or session orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution order to exclude the public while dealing with that particular matter. If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) a member of the public does not include a member of Council.

Notice No 1 provides that the Council or council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2).

Once Council, or a Council committee has made the order, it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.

Further, Notice 1 provides that it is also an offence for person who, knowing that an order is in force under section 90(2), to connect⁶ to a meeting of the Council or Council committee by electronic means, or fail to disconnect⁷ from a meeting of the Council or Council committee.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter or reconnect to the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

Please note that the Council, or the Council committee, can by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that -


- (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or
- (b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and

⁶ connect means able to hear and/or see the meeting, including via a live stream or recording of the meeting

⁷ disconnect means remove the connection so as to be unable to hear and see the meeting

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ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply and the requirement will be suspended.

7. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED


In accordance with the requirements of section 90(3) of the Act, Council, or a Council Committee, may order that the public be excluded in the following circumstances:

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- (b) *information the disclosure of which—*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (c) *information the disclosure of which would reveal a trade secret;*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) *legal advice;*

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- (i) *information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (l) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act; or*
- (m) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.*
- (o) information relating to a proposed award recipient before the presentation of the award.

The Act provides for a definition of “personal affairs”, being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council; or
- cause a loss of confidence in the Council or Committee.
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism. [s.90(4)]

If a decision to exclude the public is taken, the Council or the Council committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes. For for an information or briefing session, to publish the prescribed information.

8. PUBLIC ACCESS TO MINUTES

Minutes of a meeting of Council or a Council committee will be publicly available, including on the internet, within 5 days after the meeting.

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Notice No 1 provides that a copy of the minutes of a meeting of the Council must be placed on public display on a website determined by the chief executive officer within five days after the meeting and kept on display for a period of one month.

9. USE OF THE CONFIDENTIALITY PROVISIONS

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting or session will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in paragraph 7 of this Code.


The following principles/processes are intended as a guide from which individual Councils can select those which they consider to be relevant:

The policy approach of the City of Mount Gambier is that:

- The principle of open and accountable government is strongly supported;
- Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting – the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given;
- Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and in particular section 91(8) which details when a Council must not order that a document remain confidential;
- If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with section 91(7) of the Act;
- The Council will not consider a number of agenda items “in confidence” together i.e. en bloc. It will determine each item separately and consider the exemptions relevant to each item.
- Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless the Council has resolved to order that some information remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) are also to be made known. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the section 91(7) order is to apply for a period exceeding 12 months, then this order must be reviewed every 12 months from the date it was made. This along with the making of the order pursuant to section 90(2) and the grounds pursuant to section 90(3) on which it was made are also to be recorded in the minutes.
- In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications; and
- Where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

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10. PUBLIC ACCESS TO DOCUMENTS

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

The Council or the Council committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

The Council or the Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

In accordance with section 91(8) the Council or the Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year;
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer who is *[include their name and phone number]*.

11. REVIEW OF CONFIDENTIALITY ORDERS

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

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An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

A review of the reports or documents that were considered under the provision of sections 90(3) and 91(7) of the Act will be conducted every 3 months to ensure that items are released in accordance with the resolution of Council, when the confidential provision no longer applies.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

The conduct of the annual review can be delegated to the Chief Executive office and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

12. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

A report on the use of sections 90(2) and 91(7) by the Council and Council committees must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered'
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.


13. AVAILABILITY OF THE CODE

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The public may inspect a copy of the Code, without charge, at the offices of Council during office hours, and may obtain a copy for a fee fixed by Council. The Code is also available on the Council website www.mountgambier.sa.gov.au.

14. REVIEW OF THE CODE

The Council is required to review this code within 12 months after the conclusion of each periodic election.

15. GRIEVANCE


Council has established procedures for the review of decisions under section 270 of the Act for:

- Council, and its committees;
- employees of the Council; and
- other persons acting on behalf of the Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the procedures established by Council.

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1. Introduction

The model code is to assist Councils to:

- Meet the provisions of section 92 of the *Local Government Act 1999* ("the Act") in the preparation and adoption of a Code of Practice relating to the principles, policies and procedures that a Council must apply for the operation of Parts 3 and 4 of the Act for the purposes of public access to meetings, documents and minutes of Council and Committee meetings.
- Inform and educate the community about public access to Council and Committee meetings, minutes of Council and Committee meetings and other Council documents.
- Ensure that statutory requirements for openness and transparency are observed while providing an opportunity for informal gatherings and discussions among Council Members.
- To provide policy provisions for ancillary matters associated with the conduct of meetings.

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (*Notice No 1*) (**Notice No 1**) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

The model code and this explanatory note have been amended to take into account Notice No. 1.

2. Confidentiality Guidelines

This model code should be developed and read in conjunction with the LGA's Confidentiality Guidelines which are designed to assist with the application of the provisions in the Act to restrict public access to meetings and or documents. The Confidentiality Guidelines are available on the LGA website at: www.lga.sa.gov.au under the Codes and Guidelines heading.


3. Public Access to the Agenda for Meetings

Public access to Council agendas is encouraged. This provides one of the main opportunities for the community to gain information about the business of Council and Committees. Agendas and associated documents for the meetings are publicly available subject to any indication from the Chief Executive Officer under section 83(5) of the Act or to an order of confidentiality under section 90(3) of the Act.

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The following procedures apply to encourage public access to meetings:

- 3.1 At least three 'clear days'¹ before a Council or Council Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee Members setting out the date, time and place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.
- 3.2 The notice and agenda are to be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area² and on Council's website.
- 3.3 The notice and agenda must be kept on public display and continue to be published on the website until the completion of the relevant meeting.
- 3.4 Items listed on the agenda are to be described accurately and in reasonable detail.
- 3.5 Copies of the agenda documents and non-confidential reports that are to be considered at the meeting must be made available to members of the public at the meeting. A reasonable number of copies are to be available for public inspection as soon as practicable after they are supplied to the members of Council.
- 3.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 3.7 Distribution of agenda papers to members of Council, or members of a Committee, may include advice from the CEO of the Council (after consultation with the Principal Member of the Council, or in the case of a Committee - the presiding member) that a document or report on a particular matter be considered in confidence with the public to be excluded. Where this occurs, the CEO must specify the basis under which the order could be made in accordance with section 90(3) of the Act. [see sections 83(5) (Council) and 87(10) (Committee) of the Act]

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

² Sections 84(1a) and 88(1a) Local Government Act 1999.

4. Public Access to Meetings

Subject to the matters discussed below regarding Notice 1, Council and Council Committee meetings are open to the public and attendance is encouraged, except where a Council (or the Council Committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision making.

Council must encourage public attendance at meetings of the Council and Committees through public notification of meetings.

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In accordance with section 90A of the Act, a Council, or the Chief Executive Officer of a Council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which more than 1 member of the Council or a Council Committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an *information or briefing session* – refer Part 11).

Notice No 1

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that -

- (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or
- (b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply and the requirement will be suspended.

5. Public Access to Minutes

Minutes of a meeting of Council or a Council Committee must be publicly available, including on the internet, within 5 days after the meeting.

6. Public Access to Documents

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

A Council or Council committee should only order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary in the broader community interest.

A Council or Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

In accordance with section 91(8) a Council or Council committee must not make an order to prevent:

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- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

7. Review of Confidentiality Orders

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for a Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public. At this point in time it is important that the Council make this information publicly available and also include it on the Council's website. It is recommended that the Code include a provision as to when the confidentiality orders will be reviewed.

The Model Confidential Items Register contained in the Meeting Confidentiality Guidelines will also provide assistance with the review of confidentiality orders.

Orders that exceed 12 months must be reviewed annually and a Council must assess whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

The conduct of the annual review can be delegated to the Chief Executive Officer and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

While a Council may delegate the power to undertake an annual review, the Council **cannot** delegate the power to apply sections 90(3) and 91(7) of the Act.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.


If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with

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section 91(7) of the Act. A Council or Council Committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

Notice No 1

Notice No 1 provides that a Council or Council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2).

8. Accountability and Reporting to the Community

A report on the use of sections 90(2) and 91(7) by a Council and Council Committee must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

This information should also be considered in any review of the Code.

9. Availability of the Code

The public may inspect a copy of the Code, without charge, at the offices of a Council during office hours, and may obtain a copy for a fee fixed by Council. The Code should also be available on the Internet. The availability of the Code can also be promoted to the local community through the Council's newspaper.

10. Review of the Code

In accordance with section 92(2) of the Act each Council is required to review the Code within 12 months after the conclusion of each periodic election. However, it is recommended that Council undertake a review on an annual basis to ensure that the principle of open government is being applied in a proper manner. The Code of Practice should include when the next scheduled review is due to occur. Each Council has the ability to review the Code at any time if considered desirable.

The Code of Practice should include the date when Council adopted the Code.

Notice No 1

Notice No 1:

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- (a) provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;
- (b) provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;
- (c) suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.

11. Information and Briefing Sessions

Information and briefing sessions provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Council members to become better informed on issues and seek further clarification. Information and briefing sessions, however, must not be used, or be seen to be used, as a replacement for full debate and decision-making at Council meetings or Council committee meetings. Open and transparent Council meetings and Council committee meetings underpin representative democracy and ensure public confidence in Council's decision-making processes.

The policy aims to ensure that the statutory requirements for openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions among Council members where this is warranted by the nature of the session or subject matter to be discussed.

Participation in Information or Briefing Sessions by Electronic Means

A Council member may requests to participate in an information or briefing session by electronic means, including telephone, by providing at least 12 hours notice in order for equipment to be in place for the relevant session. In accordance with s90A(6)(a) sections 90(5) and 90(7a) apply to an information and briefing session as if it were a meeting of the Council or Council Committee.

Accordingly, it is incumbent on a Council Member participating in an information or briefing session by telephone or electronic means to ensure that no other person enters or remains in a room where they are participating in an information or briefing session (or any part of an information or briefing session) that is subject to an order that it be closed to the public.

In such circumstances section 90(5) makes it lawful for an employee of the Council or a member of the police force to use reasonable force to remove a person from the room that has failed to leave the room on request, which for the purpose of these procedures may include the disconnection (and non-reconnection) of the telephone or electronic means by which the relevant Council Member was participating.

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Scope

These provisions apply to information and briefing sessions of the Council or a Council Committee held or arranged by Council, or the Chief Executive Officer (not being a formal meeting of a Council or Council Committee) to which more than 1 member of the Council or a Council Committee is invited to attend or be involved in for the purposes of providing information or a briefing session to attendees.

A matter must not be dealt with at a Council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the Council or a Council Committee.

An information or briefing session that is not held or arranged by the Council or Chief Executive Officer, or to which only a single member is invited or involved, or which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not an information or briefing session.

Information and briefing sessions to be open to the public, except in special circumstances

A Council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or a Council Committee is discussed at the session.

However, the Council or Chief Executive Officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the Council or Chief Executive Officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

Procedures applying to designated informal gatherings or discussions

Both the Chief Executive Officer and the Council are responsible for ensuring information and briefing sessions are conducted in accordance with the Local Government Act.

Information and briefing sessions are not subject to the procedural meeting requirements of the Local Government Act and *Local Government (Proceedings at Meetings) Regulations 2013*.

Information and briefing sessions will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the information or briefing session are consistent with section 90 of the Local Government Act.

Formal minutes will not be recorded of an information or briefing session. Notes of an information or briefing session may be tabled at the Council meeting following the information or briefing session and prescribed information will be published as required by the Local Government Act.

If an information or briefing session has been ordered to be a 'confidential information or briefing session', then the information or briefing session may be attended by Council Members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential information or briefing session has been made in respect of only some of the matters to be discussed at an information or briefing session, then these confidential matters will be scheduled to be discussed at the end of the agenda for the information or briefing session. The information or briefing session will be open to the public until immediately prior to the discussion on confidential matters commencing.

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Publication of information relating to designated informal gatherings or discussions

A Council or the Chief Executive Officer of a Council must comply with any requirements of the regulations relating to the following:

- (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
- (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session

For all information and briefing sessions, the following information will be published on the Council's website:

- (i) the place, date and time at which the information or briefing session will be held;
- (ii) the matter that is to be discussed at the information or briefing session;
- (iii) whether or not the information or briefing session is to be held at a place open to the public.
- (iv) any prescribed information required to be published under the Local Government Act or Regulations.

Where a confidential order applies to an information or briefing session, the reason for the information or briefing session being held entirely or partially in confidence must be published on the Council's website.

12. Other Meeting Practices & Procedures

12.1. FILMING AND AUDIO RECORDING DEVICES

Council maintain its current minute taking practice that involves the agenda item and recommendation/resolution being projected on screen at the Council and Standing Committee meetings with the minutes being typed at the meeting.

Any person may record audio of Council, committee and sub-committee meetings provided that such recording does not interfere with the orderly conduct of such a meeting.

Audio devices used for such purposes are to be held by the operator of such a device and are not to be placed on the meeting table being used by the members of that Council, committee or sub-committee meeting unless otherwise resolved by the members at that particular meeting.

The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Members be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting.

Audio recording of items considered 'In-Confidence' under the provisions of the Local Government Act 1999 is prohibited.

Any person wishing to take photographs or video recordings of any Council, committee or sub-committee meeting must request the permission of the Presiding Member.

Such request must be made in writing and be received by the Presiding Member at least 48 hours in advance of the meeting. In considering such a request the Presiding Member shall not unreasonably refuse permission however they may place restrictions and

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conditions on such recording and photography as they see fit so as to ensure such recording does not interfere with the orderly conduct of the meeting.

Where such permission has been granted, should at any time during the course of the meeting the Presiding Member be of the view that the video recording or photography of the meeting is interfering with the orderly conduct of the meeting, the Presiding Member may direct the video recording or photography of the meeting to cease.

Video recording and photography of items considered 'In-confidence' under the provisions of the Local Government Act 1999 is prohibited.

12.2. PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

It is the policy of this Council that the Presiding Member of any Council Committee will present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be able to attend a Council Meeting then they may nominate in advance, any other Member of such Committee to present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the Committee shall present the Committee Minutes, but may elect to refer any item of business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item to Council.

12.3. VOTING 'EN-BLOC'

Council does not support the use of 'en-bloc' voting during Council and Committee meetings to adopt a number of items, motions or recommendations by one resolution without debate.

En-bloc decision-making is not lawful in relation to items for decision and not considered good practice for other agenda items, and is in conflict with the guiding principles of the Local Government (Procedures at Meetings) Regulations 2013.

12.4. APPOINTMENT AND ROLE OF DEPUTY MAYOR

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Local Government Act 1999.

Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term determined by the Council that must not exceed 4 years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall immediately call for nominations and acceptances from Members present at the Council Meeting.


If only one nomination is received then that Member is to be declared Deputy Mayor.

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Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.
- The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.

In the absence of the Mayor, the Deputy Mayor shall act in the office of the Mayor.

In the Council Chamber, the Deputy Mayor shall assume no precedence, except in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor. Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

12.5. APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

This policy provision applies when Council has been requested or is required to nominate or appoint a Member or any other person to fill a vacant position on any Committee or as delegate/representative on an outside body or organisation.

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply and override this policy (with the exception that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees)

The Chief Executive Officer shall notify Members of the request and/or requirements associated with the vacancy, including details of the Committee/Body/Organisation Terms of Reference and other relevant information, and will seek a written nomination of any Elected Member, Council Officer or other person with appropriate qualifications and/or experience.

Where Council is required under a legislative or some other requirement under Terms of Reference to seek community or independent nominees to Committee positions, then a public notice shall be published in a newspaper circulating in the area seeking interested persons to nominate within 21 days (or such other period as may be required). Such nominees may also be sought through a targeted process to identify suitable nominees.

The Chief Executive Officer shall present details of all nominees for vacant positions to the next available Council meeting together with a recommendation and draft resolutions

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that Council may endorse a secret ballot voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the appointment of Committee Members and delegates/representatives on other bodies and organisations:

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
 - i. may determine not to nominate or appoint any person to fill a vacancy.
 - ii. should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

Limestone Coast Local Government Association Positions

The Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a s42 subsidiary (ie Limestone Coast Local Government Association).

Nominations shall only be sought for the position of Board Member and/or proxy/deputy where the Mayor or Deputy Mayor are unable to fill the positions, or to act when both the Mayor and Deputy Mayor may be unavailable, in which case the nomination/appointment procedure shall be as described in this Policy.

Payment of Allowances/Sitting Fees


Council should have a consistent and reasonable approach to payment of allowances/sitting fees to Members and other community and independent persons appointed to positions on Committees which should be prescribed in the Terms of Reference.

Appointment of Independent Members of a Council committee will be for a term determined by the Council, and may survive the next general/periodic election unless Council specifically resolves otherwise at the time of the appointment (noting that Council may have the right to terminate any appointment at any time, or that the term of appointment may be determined by some other statutory means).

Roles of Nominees/Appointees

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Upon nomination/appointment to a position, Council's duly declared nominee/appointee shall be authorised to fill that position, including the exercise of any voting rights.

Where more than one person has been nominated/appointed to fill a position or as deputy/proxy, precedence shall apply based upon the persons position (ie Mayor, Deputy Mayor, Member, CEO etc).

Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated/appointed a Member or delegate/representative, but may not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

Independence of Bodies/Organisations

Other bodies and organisations to which Council nominates/appoints Elected Members, Council Officers or other suitably persons as delegates/representatives do not operate under the provisions of the Local Government Act 1999 or other legislation that prescribe meeting procedures and Member obligations.

Any person appointed to a position on a body or organisation (whether a Council Member, Council Officer or some other person) is bound by the governing arrangements applicable to that other body or organisation. In that capacity that person does not represent the interests of Council, but will be required to act in the interests of that body or organisation, which at times may be inconsistent with the interests or a formal position of the Council.

Council may influence but is not to instruct any Elected Member, Council Officer or other person whom it has nominated/appointed as a delegate/representative on another body or organisation as to the manner in which they act in fulfilling their non-Council duties. It is for the delegate/representative to determine how they fulfil their duties on a body or organisation and deal with any conflict that may arise between their competing interests/roles.

12.6. HOLDING AND PARTICIPATING IN FORMAL COUNCIL AND COMMITTEE MEETINGS BY ELECTRONIC MEANS

Act means the *Local Government Act 1999*.

electronic means includes a telephone, computer or other electronic device used for communication.

regulations means the *Local Government (Procedures at Meetings) Regulations 2013*.

disconnection of the electronic includes:


- i. ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
- ii. ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
- iii. logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
- iv. signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
- v. disconnecting any other electronic means such that the discussion and voting

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at the meeting cannot be seen or heard.
meetings in this part 12.6 means meetings of Council and Council Committees and does not include information and briefing sessions.

Attendance at Council and Committee Meetings

Members of the Council may participate in a meeting of the Council or Committee by electronic means, when such a meeting is organised for electronic means.

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

Quorum

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

A quorum is taken to be present even if 1 or more Council members constituting the quorum is present by electronic means.

Leave of the Meeting

A vote on whether *leave of the meeting* is granted may be conducted by:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

A division may be called in relation to the vote.

Adjourned Meetings

If a meeting is adjourned to another day, the Chief Executive Officer must:

- (a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;

 give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

Minutes

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On confirmation of the minutes the presiding member may initial or sign the minutes in hardcopy or electronically.

The minutes of the proceedings of a meeting must include in relation to each member present at the meeting the method of attendance by the person.

Example:

The following are examples of methods of attendance:

- (a) physical attendance;
- (b) by an audio-visual link;
- (c) by an audio link;
- (d) by telephone.

Petitions

A petition must be addressed to the Council and delivered to the Council in writing to the Council Office at 10 Watson Terrace, Mount Gambier or electronically by email to city@mountgambier.sa.gov.au.

Deputations

A person or persons wishing to appear as a deputation at a meeting must be delivered to the Council in writing to the Council Office at 10 Watson Terrace, Mount Gambier or electronically by email to city@mountgambier.sa.gov.au.

A person or persons wishing to appear as a deputation at a meeting may appear by electronic means.

The Chief Executive Officer will (with respect to a request that has not been refused), when informing the person or persons who requested the deputation of the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.

Voting

A vote in relation to a question for decision before the Council may be taken:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

The presiding member, or any other member, may ask the chief executive officer to read out a motion or amendment before a vote is taken.

In relation to a member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Divisions

A division is taken as follows:

- (a) except for a member participating in a meeting by electronic means which has audio only:

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- (i) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (ii) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (iii) the presiding member will count the number of votes and then declare the outcome;
- (b) where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.

Form of Participation by Electronic Means

Where:

- (a) a Council member is to participate in a Council or Committee meeting by electronic means; and
- (b) the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and
- (c) the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard, the member must participate by being both seen and heard.

Participation by Electronic Means – Other Matters

In accordance with the variations made by Ministerial Notice dated 30 March 2020 to the Local Government Act 1999 and Procedures at Meetings Regulations 2013 as published in the SA Government Gazette on 31 March 2020 a Council Member (including the Presiding Member) may participate in a Council or Committee Meeting by electronic means despite not being physically present at the meeting.

For the purpose of such attendance, and subject to the provisions in the Act and Regulations (as varied), Council has adopted the following code:


- In conjunction with the Presiding Member the Chief Executive Officer will create a virtual meeting for Members to attend by electronic means, and;
- The Chief Executive Officer will prepare the necessary technologies to host participation by Council Members by electronic means, including such matters as are required to ensure compliance with the Act, and;
- The participation by such means being for the specified meeting only as determined by the Presiding Member on a case by case basis, and;
- All Members (and public – where applicable) being able to hear each other Member whilst a Member is participating by electronic means, and;
- The Member that is participating by electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at or observing the meeting (whether all other persons or the public are physically present, or present or observing by electronic means), and;

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- Noting the (varied) Act and regulatory provisions regarding disconnecting electronic means, the Presiding Member (or Acting Presiding Member) being authorised to disconnect the Member in the event that:
 - the technology or the Member participating by electronic means causes any disruption or inconvenience to the meeting, or;
 - the Member participating by electronic means declares a material conflict of interest requiring the member to leave the meeting such that they cannot view or hear any discussion or voting at the meeting, and stay out of the meeting while the matter is being discussed or voted on, or;
 - the Member participating by electronic means declares an actual or perceived conflict of interest and the manner in which they intend to deal with the conflict of interest is to leave the meeting and not participate in the matter, and;
- Should an electronic connection fail or be disconnected for any reason, any attempt(s) to re-connect are to be made at the discretion of the Presiding Member, and;
- Whilst a Member can be seen and heard as participating in a Meeting by electronic means the Member shall be considered as being present at the meeting for all purposes.

Members are reminded that, unless temporarily suspended or varied by the Minister, all legislative and regulatory meeting procedural provisions continue to apply to meetings participated in by electronic means, including those relating to:

- the guiding principles
- quorum,
- amendments/variations,
- formal motions,
- leave of meeting,
- questions / motions without notice,
- short-term suspension of proceedings
- voting / divisions,
- confidentiality,
- public notice and minute keeping,
- conflict of interest,
- code of conduct
- internal review,
- complaint / reporting provisions

Suspension of other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

In circumstances where a provision is suspended under this paragraph, the presiding member may give directions to a member of the Council in respect of an alternative method of compliance with the suspended provision.

Any member who disagrees with a direction of the presiding member under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a member, by resolution.

13. 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.

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Copies of this Policy may also be obtained by interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

14. REVIEW & EVALUATION

The Council is required to review this code within 12 months after the conclusion of each periodic election. However, it may be reviewed at any other time as required by any legislative changes which may occur.

In accordance with Section 92(5) of the Local Government Act 1999, Council must follow the relevant steps set out in its public consultation policy before adopting, altering or substituting a code of practice relating to the principles, policies, procedures and practices that the Council will apply for public access to council and committee meetings and the release of Council and Committee meeting minutes and documents.

15. GRIEVANCE

Council has established procedures for the review of decisions under Section 270 of the Act for:

- Council, and its Committees;
- employees of Council and
- other persons acting on behalf of Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the Internal Review of Council Decisions Procedure established by Council.


The procedures adopted by Council are available from the Chief Executive Officer, telephone 8721 2555 or from Council web-site www.mountgambier.sa.gov.au.

16. FURTHER INFORMATION

Further information about this Policy may be expressed in writing, addressed to:

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



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File Reference:	AF18/51		
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013 Freedom of Information Act 1991 <i>Local Government (Public Health Emergency) Amendment Act 2020</i> <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i>		
Strategic Reference:			
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions		
Related Procedures:			
Related Documents:	Confidentiality Guidelines: How to Apply Section 90 (2016) Council Meeting Procedures Handbook (2016) Minute Takers Handbook for Local Government (2014) Freedom of information - Information Statement Confidential Items Register		

DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	10.0
Last revised date:	17 November 2021
Effective date:	18 November 2021
Minute reference:	17 November 2021 - Item Resolution ##.#
Next review date:	December 2022
<u>Document History</u>	
First Adopted By Council:	November 2014 Superseded Policies - C300, C310, C275, C315, S110, S130, M190, C280 & C285, 17 th March, 2015
Reviewed/Amended:	15 th December, 2015, 15 th March 2016, 21 st November 2016, 22 nd November 2018, 15 th October 2019, 31 st March 2020, 16 th June 2020, 17 th November 2021

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Model Code of Practice for Access to Council Meetings and Documents

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 1) (Notice No 1) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

Notice No 1:

- (a) provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;*
- (b) provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;*
- (c) suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.*

1. ADOPTION

This Code was adopted by the Council on 21 April 2020

2. STATEMENT OF PRINCIPLE

In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework prescribed by the Local Government Act 1999, the City of Mount Gambier is fully committed to the principle of open and accountable government. However, Council also recognises that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to discussion/decision and/or documents.

3. INTRODUCTION

This Code sets out the commitment of City of Mount Gambier to provide public access to Council and Council committee meetings and documents and outlines the policies and procedures contained within the *Local Government Act 1999*, to restrict public access.


The Code includes:

- information on the relevant provisions of the Act;
- Council's policy on public access and participation;
- the process that will be adopted where public access to a meeting or a document is restricted;
- grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

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This Code sets out the policy of Council for access to meetings and documents and includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council committee, can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

4. PUBLIC ACCESS TO THE AGENDA FOR MEETINGS

- 4.1 At least three clear days³ before the Council or Council committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee members setting out the date, time and place⁴ of the meeting. The notice must contain or be accompanied by the agenda for the meeting.
- 4.2 **Subject to clause 4.8 the** notice of meeting and agenda will be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area at 10 Watson Terrace, Mount Gambier and on Council's website mwww.mountgambier.sa.gov.au.
- 4.3 Items listed on the agenda will be described accurately and in reasonable detail.
- 4.4 **Subject to clause 4.8 the** notice and agenda will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council committee meeting.
- 4.5 **Subject to clause 4.9 copies** of the agenda documents and non-confidential reports that are to be considered at the meeting will be made available to members of the public in attendance. A reasonable number of copies will also be available for public inspection as soon as practicable after they are supplied to the Members of Council.
- 4.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 4.7 Where the CEO of the Council (after consultation with the principal member of the Council, or in the case of a Committee - the presiding member) believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified. [see sections 83(5) (Council) and 87(10) (Committee) of the Act.]

³ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

⁴ Notice No 1 provides that **place** includes an electronic location (such as a virtual meeting room).

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- 4.8 For the period of the operation of Notice No 1 the requirement that the chief executive officer give notice to the public of the times and places of council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area is **suspended**.
- 4.9 For the period of the operation of Notice No 1:
- 4.9.1 the requirement that the chief executive officer must ensure that a reasonable number of copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are available for inspection by members of the public at the principal office of the Council or at the meeting is **suspended**.
- 4.9.2 the chief executive officer (or a person nominated in writing by the chief executive officer) will ensure that any document or report supplied to members of the Council for consideration at a meeting of the Council is available for inspection by members of the public -
- 4.9.2.1 in the case of a document or report supplied to members of the Council before the meeting - on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council; or
- 4.9.2.2 in the case of a document or report supplied to members of the Council at the meeting - on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council.

5. PUBLIC ACCESS TO MEETINGS

Council and Council Committee meetings are open to the public and attendance is encouraged, except where the Council (or the Council committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision-making.

Council encourages public attendance at meetings of the Council and Committees through public notification of meetings by *[list promotional activities eg. a sign and/or notice in a local paper indicating the date and time of the next meeting]*.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that -

- (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream⁵ of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or

⁵ *live stream* means the transmission of audio and/or video from a meeting at the time that the meeting is occurring.

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(b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply.

A Council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or a Council Committee is discussed at the session.

However, the Council or Chief Executive Officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the Council or Chief Executive Officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

6. PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING OR INFORMATION OR BRIEFING SESSION

The practice of the City of Mount Gambier is as follows:

- for the convenience of the public present at a meeting, where it is ordered to consider a matter in confidence, this matter may be deferred until all other business has been dealt with rather than ask the public to leave the room and wait for however long it takes until the matter is concluded and then allow the public to return to the meeting room with the possibility of the same process being repeated for a subsequent matter.

Before a meeting or session orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then order to exclude the public while dealing with that particular matter. If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) a member of the public does not include a member of Council.

Notice No 1 provides that the Council or council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2).

Once Council, or a Council committee has made the order, it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is

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lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.

Further, Notice 1 provides that it is also an offence for person who, knowing that an order is in force under section 90(2), to connect⁶ to a meeting of the Council or Council committee by electronic means, or fail to disconnect⁷ from a meeting of the Council or Council committee.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter or reconnect to the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

Please note that the Council, or the Council committee, can by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that -

- (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or
- (b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply and the requirement will be suspended.

7. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

In accordance with the requirements of section 90(3) of the Act, Council, or a Council Committee, may order that the public be excluded in the following circumstances:


- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*

⁶ connect means able to hear and/or see the meeting, including via a live stream or recording of the meeting

⁷ disconnect means remove the connection so as to be unable to hear and see the meeting

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- (b) *information the disclosure of which—*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (c) *information the disclosure of which would reveal a trade secret;*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) *legal advice;*
- (i) *information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (l) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act; or*
- (m) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;*

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- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.*
- (o) information *relating* to a proposed award recipient before the presentation of the award.

The Act provides for a definition of “personal affairs”, being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council; or
- cause a loss of confidence in the Council or Committee.
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism. [s.90(4)]

If a decision to exclude the public is taken, the Council or the Council committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes. For for an information or briefing session, to publish the prescribed information.

8. PUBLIC ACCESS TO MINUTES

Minutes of a meeting of Council or a Council committee will be publicly available, including on the internet, within 5 days after the meeting.

Notice No 1 provides that a copy of the minutes of a meeting of the Council must be placed on public display on a website determined by the chief executive officer within five days after the meeting and kept on display for a period of one month.

9. USE OF THE CONFIDENTIALITY PROVISIONS

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting or session will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in paragraph 7 of this Code.

The following principles/processes are intended as a guide from which individual Councils can select those which they consider to be relevant:

The policy approach of the City of Mount Gambier is that:

- The principle of open and accountable government is strongly supported;
- Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting – the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given;

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- Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and in particular section 91(8) which details when a Council must not order that a document remain confidential;
- If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with section 91(7) of the Act;
- The Council will not consider a number of agenda items "in confidence" together i.e. en bloc. It will determine each item separately and consider the exemptions relevant to each item.
- Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless the Council has resolved to order that some information remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) are also to be made known. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the section 91(7) order is to apply for a period exceeding 12 months, then this order must be reviewed every 12 months from the date it was made. This along with the making of the order pursuant to section 90(2) and the grounds pursuant to section 90(3) on which it was made are also to be recorded in the minutes.
- In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications; and
- Where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

10. PUBLIC ACCESS TO DOCUMENTS

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

The Council or the Council committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

The Council or the Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

In accordance with section 91(8) the Council or the Council committee must not make an order to prevent:


- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or

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- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year;
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer who is *[include their name and phone number]*.

11. REVIEW OF CONFIDENTIALITY ORDERS

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

A review of the reports or documents that were considered under the provision of sections 90(3) and 91(7) of the Act will be conducted every 3 months to ensure that items are released in accordance with the resolution of Council, when the confidential provision no longer applies.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

The conduct of the annual review can be delegated to the Chief Executive office and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

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A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

12. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

A report on the use of sections 90(2) and 91(7) by the Council and Council committees must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered'
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

13. AVAILABILITY OF THE CODE

The public may inspect a copy of the Code, without charge, at the offices of Council during office hours, and may obtain a copy for a fee fixed by Council. The Code is also available on the Council website www.mountgambier.sa.gov.au.

14. REVIEW OF THE CODE

The Council is required to review this code within 12 months after the conclusion of each periodic election.

15. GRIEVANCE

Council has established procedures for the review of decisions under section 270 of the Act for:

- Council, and its committees;
- employees of the Council; and
- other persons acting on behalf of the Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the procedures established by Council.

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22.5 ADOPTION OF 2022-2032 LONG TERM FINANCIAL PLAN – REPORT NO. AR21/74087

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/74087
CM9 Reference:	AF20/446
Author:	Julie Scoggins, Manager Finance
Authoriser:	Darren Barber, General Manager Shared Services
Summary:	Legislation - Council is required to develop and adopt a 10 year Long Term Financial Plan in accordance with the Local Government Act and Regulations.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/74087 titled 'Adoption of 2022-2032 Long Term Financial Plan' as presented on 14 December 2021 be noted.
2. That Council notes the public submission on the draft Long Term Financial Plan as provided in Attachment 2.
3. That Council adopt the Long Term Financial Plan 2022-2032 as included in Attachment 1.
4. That Council authorises the Chief Executive Officer to make any necessary changes to the Long Term Financial Plan 2022-2032 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.



TYPE OF REPORT

Legislative

BACKGROUND

1. **Legislation** - Under Section 122 of the Local Government Act 1999 a Council must develop and adopt a Long Term Financial Plan (LTFP) for a period of at least 10 years. A Council may review its strategic management plans at any time, but must undertake a review of its long-term financial plan as soon as practicable after adopting the Council's Annual Business Plan (ABP) for a particular financial year; and in any event, undertake a comprehensive review within 2 years after each general election of the Council.
2. **Previously Adopted LTFP** - The LTFP was previously adopted by Council in February 2021.
3. **Elected Member LTFP Information & Briefing Session** - The Manager, Finance presented an overview of the process to be undertaken to develop the LTFP and the key parameters on 2 November 2021.
4. **Audit Committee LTFP Information & Briefing Session** - The Manager, Finance presented an overview of the process to be undertaken to develop the LTFP and the key parameters on 8 November 2021.
5. **Council Meeting 16 November 2021** – The draft LTFP was adopted for public consultation at the Council meeting.
6. **Public Consultation** - Was undertaken between 17 November and 8 December 2021.

PROPOSAL

1. **Purpose of the LTFP** - The LTFP is a road map that illustrates financially the needs and aspirations of our community which supports and is supported by such documents as the Asset Management Plan, Strategic Plan (Community Plan) and Futures Paper.
2. **Target Setting For Future Annual Business Plan and Budgets** - Council uses the LTFP to frame its Annual Business Plan and Budget by setting high-level parameters and targets that will assist Council in maintaining and improving the level of services of its existing assets whilst also delivering strategic new projects.
3. **Key Objective** - The key objective of Council's LTFP is financial sustainability in the medium to long term, while still achieving the objectives detailed in Council's suite of strategic management plans.
4. **LTFP Baseline** – The LTFP has been updated to include 2020/21 year end actuals as adopted by Council in October 2021 and Budget Review 1 as adopted by Council in November 2021 (the previous version of the LTFP was adopted in February 2021, prior to the adoption of the ABP in June 2021).
5. **Revised LTFP** - The attached LTFP has been updated to consider changes from 2021/22 onwards.
6. **Sensitivity Analysis** - Detailed modelling has been undertaken with sensitivity analysis completed to highlight the impact of potential changes to key assumptions on the financial ratios and Council's financial sustainability (with highlights shown in the table below).
 - **Scenario 1** - 1% reduction in the increase in rate revenue (from 4.5% p.a. to 3.5% p.a.).
 - **Scenario 2** - 50% decrease in the forecast revenue for Wulanda.
 - **Scenario 3** - 1.0% increase in interest rates on all debt.



Operating Surplus Ratio				Net Financial Liabilities Ratio				
%	Average Ratio	Minimum Target	Number of Years Above Minimum	Average Ratio	Maximum Target	Peak Rate	Peak Year	Number of Years Below Maximum
Adopted LTFP	1.2%	0.0%	5	93.3%	100.0%	132.2%	2021/22	5
Draft LTFP	3.0%	0.0%	6	89.5%	100.0%	132.4%	2022/23	6
Scenario 1	-1.0%	0.0%	3	107.9%	100.0%	133.8%	2022/23	3
Scenario 2	0.2%	0.0%	5	106.0%	100.0%	135.9%	2022/23	4
Scenario 3	2.2%	0.0%	6	94.0%	100.0%	133.2%	2022/23	5

7. Based upon the analysis summarised in the table above it can be seen that the Draft LTFP achieves (over the long term) the Key Financial Indicators (KFI) targets as included in the Treasury Management Policy adopted in November 2022 (on average over the LTFP) and by the target date of FY 2027:

- **Operating Surplus Ratio** - The average operating surplus ratio over the ten years is 3% (target of positive ratio by FY 2027).
- **Net Financial Liabilities Ratio (NFL)** - The target of a ratio of lower than 100% by FY 2027 is achieved and on average the target of lower than 100% is achieved over the 10 years of the LTFP.
- **Asset Renewal Funding Ratio** – The expenditure planned on renewing assets in the LTFP results in Council achieving an average Asset Renewal Funding ratio of more than 100% over the 10 years of the LTFP. It should be noted that the Asset Management Plan and associated forward works program will be reviewed in the second half of FY 2022 for incorporation in the next draft of the LTFP to be adopted in June.

8. **Inflation Assumptions** - The LTFP 2022-2032 key assumptions are based upon either the Consumer Price Index (CPI), or Local Government Price Index (LGPI) which is a financial indicator of the escalation in the cost of goods purchased by Local Government entities. LGPI for future years is unavailable and as such the historic variance of 0.30% has been added to the Forecast CPI for some assumptions (which has been sourced from Deloitte Access Economics).

9. **Key Assumptions** - The Long Term Financial Plan key assumptions are as follows:

- **Annual General Rate Revenue 4.5%** - Total revenue increase including growth is in line with the previously adopted LTFP.
- **Waste Service Charges 4.5%** - Have been indexed by 4.5% in line with the increase in general rate revenue in line with the previously adopted LTFP.
- **Operating Revenue** - Is expected to increase by forecast CPI.
- **Employee Costs** - As per Council's EA, and then CPI.
- **Materials, Contracts & Other Expenditure** - Forecast LGPI (Forecast CPI + 0.30%).
- **Forward Capital Works Program** - Based on the previously adopted Asset Management Plan with the exception of plant and equipment and Caroline. It should be noted that the forward works program is inflated each year by estimated LGPI.
- **Debt Structure Assumptions** - The mix of borrowings between fixed debt and flexible debt and the term of the loans used to fund Council's activities have been considered in the context of the adopted Treasury Management Policy (T150) for this version of the LTFP. A report will be brought to Council outlining the proposed borrowings structure prior to Council entering into future credit foncier loans.
- **Wulanda** - Is based on the latest business case and grant deeds.



10. **Excluded from the LTFP** – It is appropriate to note that there are a number of significant matters that have been excluded from this version of the LTFP at this time:
 - **PLEC** - Further investment in PLEC beyond the current agreement (\$0.5m p.a. FY 2022 and FY 2023).
 - **Sport, Recreation & Open Space Strategy** - This is currently under development.
 - **Asset Management** - Further review to be undertaken in preparation for the development of the AMP/LTFP and ABP to be brought to Council in May and June.
11. **Local Government Reform** – The LTFP will become a primary document for review by ESCOSA every three years.
12. **The LTFP (Attached)** - Is presented as a set of financial statements and includes the following statements for years FY 2021 to FY 2032;
 - Statement of Comprehensive Income
 - Statement Of Financial Position (Balance Sheet)
 - Statement of Changes in Equity
 - Statement of Cash Flow
 - Uniform Presentation of Finances
 - Key Financial Indicators.
13. **Public Consultation Results** – Public consultation took place between 17 November and 8 December 2021 using the online Have Your Say Mount Gambier site with the following responses/engagement:
 - **Visits** - There were 73 visits to the LTFP Have Your Say page with a maximum of 11 visitors in one day.
 - **Engaged Participant** - One submission was received providing feedback on the Long Term Financial Plan (as included in Attachment 1).
 - **Informed Participants** - 24 visitors were deemed to be 'informed' i.e. they downloaded a document or visited multiple project pages.
 - **Aware Participants** - 63 visitors were deemed to be 'aware' i.e. they went on the website and looked at the page but did not download a document or access tools (e.g. Frequently Asked Questions).
14. **Further Promotion** – The Draft LTFP was promoted further with the following activities:
 - **Media Release** - The LTFP community consultation was promoted with a media release distributed from the Newsroom on 19 November 2021:
<https://www.mountgambier.sa.gov.au/news/draft-ltfp-open-for-community-consultation>
 - **Social Media Post** - A social media post directing people to the newsroom and the Have Your Say site was published on the City of Mount Gambier Facebook page on 22 November 2021.
 - **Article** - An article about the LTFP was published in Lifestyle 1 on 24 November 2021 and in the SE Voice on 25 November 2021.
 - **Homepage Banner** – There was also a banner on the homepage of Council's website with a button directing people to the Have Your Say website to contribute to the consultation. It was live on the website until submissions closed at 5:00pm on 8 December.



LEGAL IMPLICATIONS

Local Government Act 1999 – Section 122 - Under Section 122 of the Local Government Act 1999 a Council must develop and adopt a Long Term Financial Plan (LTFP) for a period of at least 10 years. A Council may review its strategic management plans at any time, but must undertake a review of its long-term financial plan as soon as practicable after adopting the Council's Annual Business Plan (ABP) for a particular financial year; and in any event, undertake a comprehensive review within 2 years after each general election of the Council.

Local Government (Financial Management) Regulations – 2011 – Regulations 5:

Regulation 5

- (1) *A long-term financial plan developed and adopted for the purposes of section 122(1a) (a) of the Act must include—*
- (b) *a summary of proposed operating and capital investment activities presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances; and*
 - (c) *estimates and target ranges adopted by the council for each year of the long-term financial plan with respect to an operating surplus ratio, a net financial liabilities ratio and an asset sustainability ratio presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.*
- (2) *A long-term financial plan must be accompanied by a statement which sets out—*
- (a) *the purpose of the long-term financial plan; and*
 - (b) *the basis on which it has been prepared; and*
 - (c) *the key conclusions which may be drawn from the estimates, proposals and other information in the plan.*
- (3) *A statement under subregulation (2) must be expressed in plain English and must avoid unnecessary technicality and excessive detail.*

STRATEGIC PLAN

The Long Term Financial Plan shows the financial impact of the implementation of the Strategic Plan over the next 10 years and incorporates key assumptions from the Strategic Plan and Asset Management Plan.

COUNCIL POLICY

[B300 Budget Framework Policy](#)

[T150 Treasury Management Policy](#)

ECONOMIC IMPLICATIONS

The LTFP models Council to be financially sustainable over the long term.

ENVIRONMENTAL IMPLICATIONS

Nil.

SOCIAL IMPLICATIONS

Social implications follow Council's decision making around the allocation of scarce resources, including finance, staffing and priority projects. The LTFP aims to assist Council in determining the scope of projects available.

CULTURAL IMPLICATIONS

See above.



RESOURCE IMPLICATIONS

The adopted LTFP is a roadmap that provides direction for Council in its future decision making. The LTFP sets the parameters for the upcoming FY2023 Annual Business Plan & Budget process. It assists in communication with the Community around Council's priorities and forms an important tool for other stakeholders to assess Council's long-term financial sustainability.

VALUE FOR MONEY

Value for money forms an important aspect within the LTFP, as it requires decisions about limited resource based on Council's priorities for the future years, in line with the Strategic Plan.

RISK IMPLICATIONS

The LTFP and AMPs focus on managing sustainability risk, both from a service level perspective and a financial perspective. They provide a lens to assist Council in selecting priorities based on long term affordability.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Public Consultation was undertaken for 3 weeks from 17 November to 8 December 2021. The key engagement statistics and details of activities undertaken are included in the proposal section of this document.

IMPLEMENTATION STRATEGY

Targets from the LTFP will be communicated to Council staff to inform the FY2023 Annual Business Plan and Budget process.

CONCLUSION AND RECOMMENDATION

The Long Term Financial Plan is a high level strategic planning document which is a key aid to Council's budgeting and planning process. It will assist Council staff and Elected Members in planning for the delivery of facilities and services to meet the expectations of the community in a sustainable manner.

Council's Strategic Plan includes significant additional infrastructure and services, planning which includes consideration for the timing of revenue and expenditure, and the feasibility of each project. Proactive planning and modelling is vitally important to the ongoing financial sustainability of Council.

While Council uses the LTFP to inform its Annual Business Plan and budget, the plan is a roadmap and as such does not determine the rates or charges in each year.

ATTACHMENTS

1. Long Term Financial Plan 2022-2032 For Adoption [↓](#)
2. Draft Long Term Financial Plan 2022-2032 – Public Consultation – Representations Summary

Ref	Feedback	Comments	Recommendation
1	What do you think about the draft 2022-2032 Long Term Financial Plan?	N/A	No Change



	Happy		
	<p>Tell us why, do you have any other comments about the draft 2022-2032 Long Term Financial Plan?</p> <p>Could you please include public exercise equipment at the Railway Lands area. I am sure the outlay cost would be minimal.</p>	<p>This submission will be considered as part of the public consultation for the 2022/23 Annual Business Plan and will also be considered in future plans to implement the Sport, Recreation and Open Space Strategy.</p>	<p>No Change</p>





Long Term Financial Plan

2022 - 2032



Long Term Financial Plan 2022-2032

1. Acknowledgement of Country
2. Executive Statement
3. Significant Influences and Challenges
4. Strategic Financial Framework
5. Key Assumptions
6. Key Financial Ratios
7. Sensitivity Analysis

Appendix:

Assumptions

Financial Statements



The City of Mount Gambier recognises the Boandik people as the traditional owners and custodians of the land Mount Gambier sits upon today.

We respect their spiritual relationship with the land and recognise the deep feelings of attachment Aboriginal and Torres Strait Islander peoples have with this land.

The City of Mount Gambier is committed to working together with Aboriginal and Torres Strait Islander communities in the process of reconciliation.

Image: Belinda Bonney, Reconciliation of the Nation: we all walk together as one (detail).



Long Term Financial Plan 2022-2032

2. Executive Statement

Purpose - The purpose of a Long Term Financial Plan (LTFP) is to guide the future direction of Council in a financially sustainable manner. The LTFP is designed as a 'high-level' summarised document focusing on the future planning of Council's financial operations, particularly in relation to key components such as rate increases, service levels to our community, asset replacement/renewal and loan indebtedness.

Legislation – Section 122 (1) of the Local Government Act 1999 ("the Act") requires that Councils must develop and adopt Strategic Management Plans including the LTFP which is a moving document updated on a rolling basis over a ten year term.

Strategic Financial Framework - City of Mount Gambier Council's LTFP provides the forward strategic financial framework to resource the community's needs and aspirations. Through the alignment of this plan with the Strategic Plan, Futures Paper and the Asset Management Plan, Council is able to plan, manage and communicate its future objectives in a sustainable way for the long term.

Previous Versions - The Council's LTFP was adopted in March 2019 and subsequently reviewed and adopted in June 2020 and February 2021.

Roadmap - The LTFP is a roadmap for the future and provides a target for future Annual Business Plans and Budgets. As such it provides guidance in terms of direction and financial capacity, and does not determine the rates and charges for the future. If key assumptions such as growth, capital investment or interest rates change then this may drive changes in the annual budget.

Financial Position - Over the life of this Plan, Council has planned to achieve its financial targets by FY2027. Over the medium to long term, Council is expected to be financially sustainable in accordance with the information contained within this Plan.

Financial Sustainability - Financial sustainability in local government ensures that each generation pays their way rather than any one generation living off their assets and leaving the responsibility for infrastructure/asset renewal to future generations.

Financial Statements - At a high level, the LTFP projects:

- **Statement of Comprehensive Income** - Details the profit and loss account (operating surplus (deficit) and capital transactions);
- **Statement Of Financial Position** - This presents the financial position of Council at a given date. It comprises three main components: assets, liabilities and equity;
- **Statement Of Cashflows** - This shows the amount of cash and cash equivalents entering and leaving the Council;
- **Uniform Presentation Of Finances** - The Net Lending/(Borrowing) for Financial Year result is a measure that takes account of both operating and capital activities for the financial year; and
- **Statement of Changes in Equity** - This reflects the movement in equity reserves during the period, being the financial performance of the year plus any other comprehensive income gains.

Wulanda Recreation & Convention Centre - With the construction of the Community and Recreation Hub that commenced in 2020, the assumptions for the construction and the operating model for this facility have been updated in this version of the LTFP model.



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3. Significant Influences and Challenges

Overview - The LTFP is a long-term forecast and as such it is supported by many assumptions, for example: community aspirations, needs and wants, growth, inflation, service levels, federal and state government policy settings and interventions. Many of these factors inevitably are external to Council and as such outside of its control.

Strategic Financial Framework - The Plan complements and is complemented by other important Council plans and strategies:

- Futures Paper;
- Strategic (Community) Plan 2020-2024;
- Asset Management Plan; and
- Annual Business Plan.

Wulanda Recreation & Convention Centre (WRCC) - The Wulanda Recreation and Convention Centre is a multi-purpose facility designed to be a community space, with facilities and activities for all ages and abilities. This development will provide substantial year round indoor facilities, addressing many community needs both now and for future generations to come. The Wulanda Recreation and Convention Centre will increase the ability for Mount Gambier to host major sporting competitions, conferences, events and performances providing significant social and economic benefits.

Local Government Reform – The LTFP will become a primary document for review by ESCOSA every three years.

Rate Revenue - Council's major source of income is rates, which accounts for c68% of operating revenue over the ten years and is an important part of the planned long-term strategy. They contribute towards the delivery of WRCC and the Asset Management Plan (both the renewals and new/upgrade) and funding to meet the expectations of the Community, by maintaining services, roads, waste management, footpaths, buildings, etc.

Inflation - This Long Term Financial Plan has incorporated two inflation indices being the Consumer Price Index (CPI) applied to rates that reflects ability to pay, and the Local Government Price Index (LGPI), which forecasts inflation applicable to local government sector expenditure. These have been updated as at the end of September 2021.

Asset Management Plan – The Asset Management Plan was adopted in February 2021. This is aligned with the LTFP which allows Council to factor in the new and ongoing costs associated with renewals required to maintain our asset base at the required standard and investment in new assets.

Updated Assumptions - It should be noted the following assumptions have been updated:

- **Base Year** – The LTFP has been updated to include the actual results for FY 2021 and the adopted Budget Review 1 position for FY 2022.
- **Indexation** – Forecast CPI and LGPI assumptions have been updated to reflect the latest view as at 30 September 2021 with an expected differential between CPI and LGPI of 0.3%.



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- **Capital Works Program** – This program has been updated to include indexation, changes to the plant and Caroline renewal programs to reflect latest practices, carry forwards identified as part of Budget Review 1, the latest view for Wulanda Recreation & Convention Centre and new projects including those funded by grants such as Local Roads and Community Infrastructure.

Sensitivity Analysis – Detailed modelling has been undertaken with sensitivity analysis undertaken to highlight the impact of potential changes to key assumptions on the financial ratios and Council's financial sustainability (with more detail included later in this document).

- **Scenario 1** - 1% reduction in the increase in rate revenue (from 4.5% p.a. to 3.5% p.a.).
- **Scenario 2** - 50% decrease in the forecast revenue for Wulanda.
- **Scenario 3** - 1.0% increase in interest rates on all debt.

Key Financial Indicators:

The following targets have been set in line with the adopted T150 Treasury Management Policy:

- **Operating Surplus Ratio %** - Positive surplus ratio by FY 2027.
- **Net Financial Liabilities Ratio %** - Net Financial Liabilities Ratio of lower than 100% to be achieved by FY 2027.
- **Asset Renewal Funding Ratio %** - 100% or greater throughout the duration of the LTFP.

If any of the targets are not achieved (i.e. if growth or CPI is lower than planned), this will mean that other assumptions will need to be changed to ensure that the targets set by the LTFP are achieved.

Risks – The LTFP is updated annually and needs to have regard to relevant risk, opportunities and mitigation strategies. During the development of this LTFP we have identified the following:

- **State Government** – Elections, Local Government reforms and funding/cost shifting.
- **Council Elections** – Could lead to new priorities.
- **Climate Change Impact** – The future impact on the way in which Council operates will need to be considered.
- **Indexation** – Escalation of expenditure and revenue.
- **Service Levels** – Adjusting service levels may result in increased cost of renewal/upgrade, maintenance and depreciation for example new footpaths.
- **Grant Revenue** – Whilst grant revenue may fund additional capital works, additional maintenance/renewal expenditure will be incurred as a result.
- **Procurement Market Conditions** – Current market conditions have either driven up costs, or less availability of contractors which will also impact on the capacity to deliver.
- **Wulanda** – Impact on the organisation to support activation and operations.
- **AMP** – Further analysis is required for next version of LTFP.



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Opportunities – The following potential opportunities have also been identified:

- **Efficiencies** – Efficiencies will be investigated in operating expenditure to support capital works expenditure or through strategic procurement activities (where like activities are 'bundled up').
- **Timing** – Needs to consider capacity to deliver.
- **Commercial Partnerships/Grant Funding** – Seek greater contributions from others to fund current activities/additional projects.
- **Borrowings** – Have been assessed and the structure has been reviewed for this version of the LTFP. In line with our Treasury Management Policy the intent will be to have an optimal structure that ensures that the net interest costs associated with borrowing and investing are reasonably likely to be minimised on average over the longer term. It should be noted that prior to future credit foncier loans being appropriated a report will be brought to Council to obtain approval.
- **Grant Revenue** – Attracting further grant revenue will improve ratios if used to fund works already in LTFP.

Exclusions – The following potential significant investment is excluded from this version of the LTFP:

- **PLEC** – Further investment in PLEC beyond the current agreement (\$0.5m p.a. FY 2022 and FY 2023).
- **Open Space Strategy** – This is currently under development.

- **Asset Management** – Further review to be undertaken in preparation for the development of the Asset Management Plan/LTFP and Annual Business Plan to be brought to Council in May and June 2022.

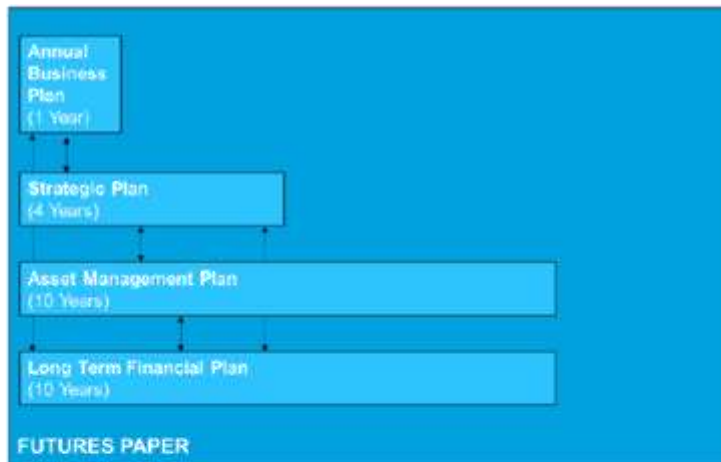


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4. Strategic Financial Framework

The Strategic Financial Framework - Brings together the key strategic management documents to ensure that the vision, goals and objectives set by the Futures Paper are implemented in the Long Term Financial Plan, Asset Management Plan, Strategic Plan, and Annual Business Plan.

The Long Term Financial Plan - Guides and is guided by other key strategic management documents as shown below:



- **Futures Paper** - The paper outlines strategies for action at the individual, organisation and community level that will enable the community to achieve their collective aspirations.
- **Long Term Financial Plan (10 Years)** - The Long Term Financial Plan shows the financial impact of the implementation of the Strategic Plan over the next 10 years and incorporates key assumptions from the Strategic Plan and Asset Management Plan. The LTFP will be reviewed by Council on an annual basis.
- **Asset Management Plan (10 Years)** - Identifies the required future expenditure on infrastructure and funding required to maintain service levels. It is aligned with the LTFP.
- **Strategic Plan (4 Years)** - Represents the vision, aspirations and priorities of our community now and into the future. The Strategic Plan is informed by the Futures Paper and identifies the outcomes Council seeks to achieve and the strategies Council will put in place to get there.
- **Annual Business Plan (1 Year)** - Each year, Council develops an Annual Business Plan guided by Council's strategic financial framework which sets strategic directions over the medium and long term and converts these into annual actions and outcomes. This shows the outcomes Council expects to achieve in the year, the services, the key measures of success and the budget required to deliver these outcomes.



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5. Key Assumptions

OPERATING REVENUE:

- **General Rates** – Revenue has been indexed by 4.5% p.a. over the life of the LTFP.
- **Council Operations User Charges** – CPI increases have been applied over the remaining 10 years aligned with the user pays principle.
- **Waste Service Charges** – Have been indexed by 4.5% p.a. in line with the increase in general rate revenue.
- **Grant Funding (Recurrent)** – Such as the Financial Assistance Grant (FAG) and Roads to Recovery (RTR) and Local Roads and Community Infrastructure (LRCI) have been assumed to be received within the year they are paid. Indexation applied is in line with forecast CPI increases over the period of the plan.
- **Grant Funding (One-off)** – Is applied in the same year that tied expenditure is planned.

OPERATING EXPENDITURE:

- **Materials, Contracts & Other Expenditure** - Has been indexed in line with forecast LGPI increases over the period of the plan.
- **Employee Costs** – In the first instance has been indexed in line with the current Administration Staff Enterprise Agreement. Post this period an increase of CPI has been allowed for. Superannuation costs have been assumed to increase in line with legislation i.e. to reach 12% (+1%) by 2025/26.

- **FTEs** – The number of FTEs employed by Council over the life of the LTFP are assumed to be consistent with no forecast increase.
- **Finance Costs** – Have been modelled factoring in the projected debt Council will hold in each year of the plan, and the forecast interest rate to be charged by the Local Government Finance Authority. In this plan the interest rate used has been modelled based on indicative rates provided by the LGFA for credit foncier loans and for Convertible Cash Advance Debentures (flexible borrowings) forecasts provided by Deloitte Access Economics and historical data.

CAPITAL EXPENDITURE

- **Asset Renewal** – Is provisioned to allow for Council to meet the renewal requirements per the adopted Asset Management Plan. Renewal, maintenance and depreciation of new and upgraded assets have been included in the plan to ensure these are funded.
- **New Capital/Upgrade** – Has been included in the plan and are based on Council's Asset Management Plan, with the exception of projects funded by recent grant funding such as Local Roads and Community Infrastructure.
- **WRCC** – Is based upon the latest approved business case and approved grant deeds.



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CAPITAL REVENUE

- **Grants** – Grants have been incorporated based on current grant deeds.

STATEMENT OF FINANCIAL POSITION (BALANCE SHEET)

- **Assets** such as trade & other receivables, inventories and equity accounted investments have all been modelled based on historical averages, with no significant variances expected over the period of the plan.
- **Infrastructure, Property, Plant and Equipment** are modelled based on the cumulative effect of depreciation, capital expenditure, asset disposals and adjustments made to maintain valuations at fair value.
- **Liabilities** such as trade and other payables and provisions, have been modelled based on historical averages of Council, with no significant variances expected over the period of the plan.
- **Borrowings** provide an alternative source of funding to enable Council to achieve its objectives and in particular the funding of the Wulanda Recreation & Convention Centre. Borrowing requirements have been modelled based on the cumulative effect of operating deficits/surpluses, capital expenditure and revenue. The debt structure and allocation between fixed (credit foncier) and flexible (CADs) has been reviewed for this version of the LTFP. Prior to entering into any credit foncier loan agreements, a report will be brought to Council for approval.



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6. Key Financial Ratios

OVERVIEW

Local Government Sector Performance - The following Key Financial Indicators are deemed by the Local Government Sector to be the best indicators for determining financial sustainability:

- Operating surplus / (deficit) ratio;
- Net financial liabilities ratio; and
- Asset renewal funding ratio.

Legislative Requirement - These indicators are also a requirement of Council's annual financial reporting in accordance with Local Government legislation and regulations.

Section 122 of the Local Government Act 1999 states that Councils should assess:

"... The sustainability of the Council's financial performance and position, and... The extent of levels of services that will be required to be provided by the council to achieve its objectives and to the extent to which any infrastructure will need to be maintained, replaced or developed by the Council..."

Treasury Management Policy - The following graphs and accompanying commentary are set against targets included in the adopted "Treasury Management Policy".

Additional Ratio – The borrowing to income ratio has been incorporated in the LTFP as an additional measure of financial sustainability.



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OPERATING SURPLUS RATIO

What is the purpose of this ratio?

This financial indicator is useful in determining if current ratepayers are paying enough to cover products and services provided in each period.

How is this ratio calculated?

Operating surplus before capital revenues as a percentage of total operating revenue.

What is the target?

The target to be achieved by FY2027 is that Council will achieve a positive ratio.



Result:

Council expects to return to a surplus ratio in FY 2027, aligned with the target, delivering a positive ratio for 6 years of the LTFP. The average ratio over the life of the LTFP is 3.0%.

It should be noted that the surplus is required in future years for the repayment of debt.



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NET FINANCIAL LIABILITIES RATIO

What is the purpose of this ratio?

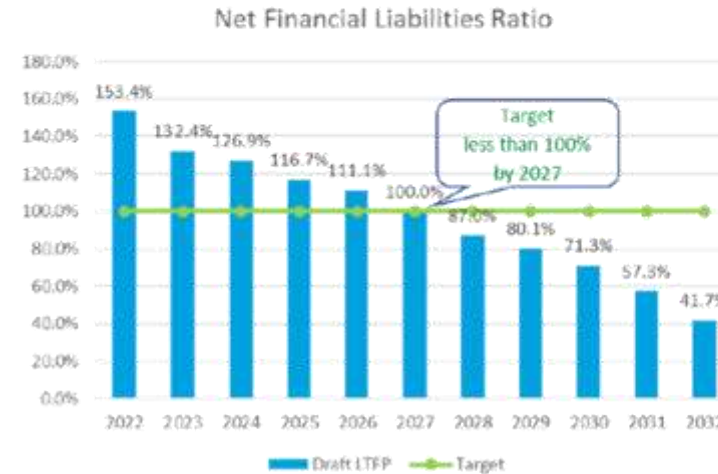
This financial indicator is useful in determining the level of indebtedness that Council has in comparison to its operating revenue.

How is this ratio calculated?

Net financial liabilities as a percentage of total operating revenue.

What is the target?

"Council will achieve a net financial liabilities ratio of less than 100% of total operating revenue by FY 2027".



Result:

Council achieves its target of less than 100% Net Financial Liabilities Ratio by FY 2027 (99.96%), with a ratio of below the target for 6 out of the 10 years, an average ratio of 89.5% and a peak ratio of 132.4% in FY 2023 over the forward 10 years, driven by the funding of the Wulanda Recreation and Convention Centre.



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ASSET RENEWAL FUNDING RATIO

What is the purpose of this ratio?

This financial indicator is useful in determining if Council is maintaining all of its assets.

This is best demonstrated by comparing total Capital Renewal expenditure planned against Strategic Asset Management Plan requirements.

How is this ratio calculated?

Capital expenditure on renewal or replacement of existing assets as a percentage of asset management plan allocations.

What is the target?

"Council will maintain an asset renewal funding ratio of greater than or equal to 100% of Asset Management Plans".

Asset Renewal Funding Ratio



Result:

Council will achieve over the period of the plan the required expenditure that is set out in the Asset Management Plan adopted in February 2021.

The expenditure planned on renewing and maintaining assets in the LTFP results in Council achieving an average Asset Renewal Funding ratio of more than 100% over the 10 years of the LTFP.

The peak ratio of 142.9% in FY 2023 is driven by carry forwards. The variability for future years is due to the revised approach for plant and the change in timing for Caroline.

It should be noted that the Asset Management Plan and associated forward works program will be reviewed in the second half of FY 2022 for incorporation in the next draft of the LTFP to be adopted in June.



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BORROWING TO INCOME RATIO

What is the purpose of this ratio?

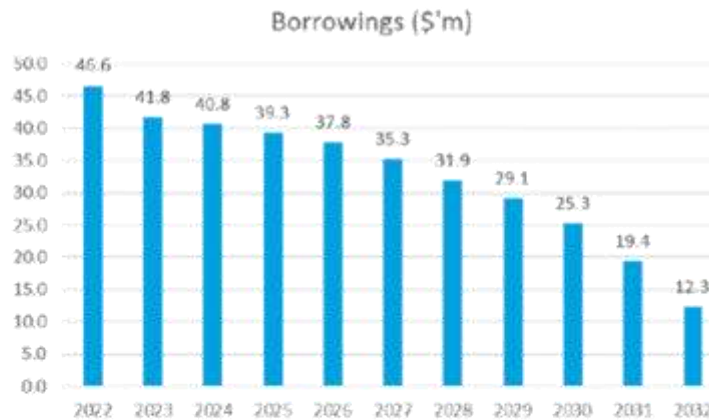
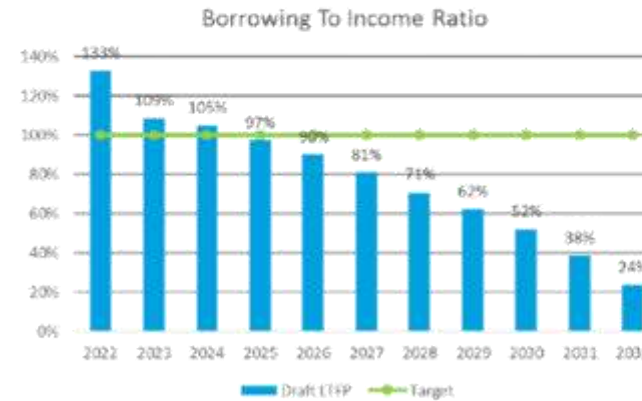
This is a way to measure Council's ability to make loan repayments comfortably without putting the organisation in financial hardship.

How is this ratio calculated?

Total borrowings including CAD divided by total operating revenue.

What is the target?

"Council will maintain a target of less than 100%".



Result:

For 8 out of the 10 years of the LTFP the borrowing to income ratio is lower than the 100% target.

Debt structure assumptions i.e. the mix of borrowings between fixed debt and flexible debt and the term of the loans used to fund Council's activities have been considered in the context of the adopted Treasury Management Policy (T150).



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7. Sensitivity Analysis

Detailed modelling has been undertaken with sensitivity analysis undertaken to highlight the impact of changes to key assumptions on the financial ratios and ultimately Council's financial sustainability:

SCENARIO 1 – 1% REDUCTION IN THE INCREASE IN RATE REVENUE (FROM 4.5% P.A. TO 3.5% P.A.).

- **Operating Surplus Ratio:**
 - **Achievement of Target** - The target of a positive operating surplus is not achieved until FY 2030 (3 years later than the LTFP).
 - **Average Ratio** - The average over the 10 years is (1.0%).
 - **Target Achieved** - The target is achieved for 3 years out of the 10 years.
- **Net Financial Liabilities Ratio:**
 - **Achievement of Target** - The target of a net financial liabilities ratio of less than 100% is not achieved until FY 2030 (3 years later than the LTFP).
 - **Average Ratio** - The average over the 10 years is 107.9% (i.e. above the target (unfavourable)).
 - **Target Achieved** - The target is achieved for 3 years out of the 10 years.

SCENARIO 2 – 50% DECREASE IN THE FORECAST OPERATING REVENUE FOR WULANDA.

- **Operating Surplus Ratio:**
 - **Achievement of Target** - The target of a positive operating surplus is still achieved in FY 2028 (1 year later than the target).

- **Average Ratio** - The average over the 10 years is 0.2%.
- **Target Achieved** - The target is achieved for 5 years out of 10 years.

- **Net Financial Liabilities Ratio:**

- **Achievement of Target** - The target of a net financial liabilities ratio of less than 100% is not achieved until FY 2029 (2 years later than the LTFP).
- **Average Ratio** - The average over the 10 years is 106.0% (i.e. above the target (unfavourable)).
- **Target Achieved** - The target is achieved for 4 years out of the 10 years.

SCENARIO 3 – 1.0% INCREASE IN INTEREST RATES FOR ALL YEARS.

- **Operating Surplus Ratio:**
 - **Achievement of Target** - The target of a positive operating surplus is achieved FY 2027 (in line with the LTFP).
 - **Average Ratio** - The average over the 10 years is 2.2%.
 - **Target Achieved** - The target is achieved for 6 years out of 10 years.
- **Net Financial Liabilities Ratio:**
 - **Achievement of Target** - The target of a net financial liabilities ratio of less than 100% is not achieved until FY 2028 (1 year later than the LTFP).
 - **Average Ratio** - The average over the 10 years is 94.0% (i.e. below the target (favourable)).
 - **Target Achieved** - The target is achieved for 5 years out of the 10 years.



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Assumptions

Key Assumptions	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/2
General Rates Revenue Increase	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%
Consumer Price Index (South Australian CPI)	1.79%	2.22%	2.30%	2.37%	2.30%	2.40%	2.50%	2.31%	2.31%	2.31%
Local Government Price Index	2.09%	2.52%	2.60%	2.67%	2.60%	2.70%	2.80%	2.61%	2.61%	2.61%

- **Council Election costs** – FY2023 \$130k, FY2027 \$140k, and FY2031 \$150k.



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Financial Statements – Uniform Presentation Of Finances

2021 Actual	\$'000s	2022 Adopted BR1	2023 Draft LTFP	2024 Draft LTFP	2025 Draft LTFP	2026 Draft LTFP	2027 Draft LTFP	2028 Draft LTFP	2029 Draft LTFP	2030 Draft LTFP	2031 Draft LTFP	2032 Draft LTFP
33,495	Income	35,181	38,432	38,882	40,453	41,970	43,522	45,137	46,831	48,566	50,370	52,248
35,242	Expenses	34,998	39,463	40,077	41,180	42,085	43,087	43,693	44,674	45,391	46,360	46,938
(1,747)	Operating surplus / (deficit)	183	(1,032)	(1,196)	(727)	(115)	436	1,444	2,158	3,174	4,010	5,310
Net outlays on existing assets												
5,326	Capital expenditure on renewal and replacement of existing assets	7,699	7,452	7,142	7,393	7,811	7,509	7,662	9,370	9,375	8,454	8,429
(7,940)	Depreciation, amortisation and impairment	(7,729)	(9,355)	(9,453)	(9,784)	(9,828)	(9,866)	(10,011)	(10,255)	(10,289)	(10,437)	(10,475)
(393)	Proceeds from sale of replaced assets	(299)	(424)	(436)	(355)	(200)	(360)	(277)	(377)	(474)	(580)	(419)
(3,007)	Net outlays on existing assets	(329)	(2,327)	(2,748)	(2,746)	(2,217)	(2,716)	(2,626)	(1,262)	(1,388)	(2,563)	(2,465)
Net outlays on new and upgraded assets												
16,298	Capital expenditure on new and upgraded assets (including investments property & real estate developments)	54,074	2,363	701	719	738	757	778	800	820	842	798
(555)	Amounts received specifically for new and upgraded assets Proceeds from sale of surplus assets (including investment property and real estate developments and non-current assets held for resale)	(21,249)	(5,074)	(74)	(74)	(74)	(74)	(74)	(74)	(74)	(74)	(74)
15,743	Net outlays on new and upgraded assets	32,825	(2,711)	627	645	664	683	704	726	746	768	724
(14,483)	Net lending / (borrowing) for financial year	(32,313)	4,007	926	1,375	1,438	2,469	3,366	2,694	3,016	5,805	7,052



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Financial Statements – Statement of Comprehensive Income

2021 Actuals	\$'000s	2022 Adopted BR1	2023 Draft LTFP	2024 Draft LTFP	2025 Draft LTFP	2026 Draft LTFP	2027 Draft LTFP	2028 Draft LTFP	2029 Draft LTFP	2030 Draft LTFP	2031 Draft LTFP	2032 Draft LTFP
Income												
22,769	Rates	23,762	24,798	25,886	27,023	28,211	29,451	30,747	32,103	33,516	34,992	36,533
621	Statutory Charges	502	510	522	534	546	559	572	587	600	614	628
4,880	User Charges	5,000	6,361	7,147	7,449	7,655	7,845	8,032	8,233	8,422	8,616	8,814
4,505	Grants, Subsidies and Contributions	5,485	6,126	4,685	4,799	4,903	5,006	5,115	5,232	5,343	5,457	5,573
25	Investment Income	0	0	0	0	0	0	0	0	0	0	0
60	Reimbursements	67	68	70	71	73	75	76	78	80	82	84
635	Other Income	365	568	573	577	583	588	593	599	604	610	615
33,495	Total Income	35,181	38,432	38,802	40,453	41,970	43,522	45,137	46,831	48,566	50,370	52,248
Expenses												
13,058	Employee Costs	13,962	14,255	14,631	15,030	15,448	15,804	16,184	16,589	16,973	17,366	17,767
14,018	Materials, Contracts & Other Expenses	13,124	14,987	14,795	15,217	15,633	16,292	16,473	16,923	17,353	17,944	18,247
7,940	Depreciation, Amortisation & Impairment	7,729	9,355	9,453	9,784	9,828	9,866	10,011	10,255	10,289	10,437	10,475
226	Finance Costs	183	866	1,198	1,148	1,177	1,125	1,025	908	776	613	448
35,242	Total Expenses	34,998	39,463	40,077	41,180	42,085	43,087	43,693	44,674	45,391	46,360	46,938
(1,747)	Operating Surplus / (Deficit)	183	(1,032)	(1,196)	(727)	(115)	436	1,444	2,158	3,174	4,010	5,310
(730)	Asset Disposal & Fair Value Adjustments	(87)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)
2,677	Amounts Received Specifically for New or Upgraded Assets	19,127	5,074	74	74	74	74	74	74	74	74	74
1,230	Physical Resources Received Free of Charge											
1,430	Net Surplus / (Deficit)	19,223	4,029	(1,135)	(666)	(54)	497	1,505	2,219	3,235	4,071	5,371
Other Comprehensive Income												
Amounts which will not be reclassified subsequently to operating result												
	Changes in Revaluation Surplus - I,PP&E	2,373	15	8,940	13	72	2,399	6,253	0	2,498	27	5,922
0	Total Other Comprehensive Income	2,373	15	8,940	13	72	2,399	6,253	0	2,498	27	5,922
1,430	Total Comprehensive Income	21,595	4,044	7,805	(653)	18	2,896	7,758	2,219	5,734	4,098	11,293



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Financial Statements – Statement of Financial Position (Balance Sheet)

2021 Actuals	\$'000s	2022 Adopted BR1	2023 Draft LTFP	2024 Draft LTFP	2025 Draft LTFP	2026 Draft LTFP	2027 Draft LTFP	2028 Draft LTFP	2029 Draft LTFP	2030 Draft LTFP	2031 Draft LTFP	2032 Draft LTFP
ASSETS												
Current Assets												
1,893	Cash & Cash Equivalents	500	500	500	500	500	500	500	500	500	500	500
4,181	Trade & Other Receivables	1,770	1,430	1,323	1,376	1,427	1,480	1,533	1,589	1,647	1,708	1,770
47	Inventories	42	48	47	48	50	52	52	54	55	57	58
6,121	Total Current Assets	2,311	1,978	1,871	1,924	1,976	2,032	2,085	2,143	2,203	2,266	2,328
Non-Current Assets												
243,964	Infrastructure, Property, Plant & Equipment	298,801	299,778	306,035	303,234	302,666	302,454	305,994	306,441	309,306	307,599	311,840
19,458	Other Non-Current Assets	19,458	19,458	19,458	19,458	19,458	19,458	19,458	19,458	19,458	19,458	19,458
263,422	Total Non-Current Assets	318,259	319,236	325,493	322,692	322,124	321,912	325,452	325,899	328,764	327,057	331,298
269,543	TOTAL ASSETS	320,571	321,214	327,363	324,616	324,100	323,944	327,537	328,043	330,966	329,322	333,626
LIABILITIES												
Current Liabilities												
5,765	Trade & Other Payables	3,697	4,231	4,209	4,318	4,428	4,585	4,645	4,762	4,874	5,020	5,107
447	Borrowings	232	3,068	1,392	1,437	1,483	1,532	1,581	1,633	1,685	1,740	1,502
3,013	Provisions	2,981	2,981	2,981	2,981	2,981	2,981	2,981	2,981	2,981	2,981	2,981
9,225	Total Current Liabilities	6,910	10,280	8,582	8,736	8,892	9,098	9,207	9,375	9,540	9,741	9,590
Non-Current Liabilities												
13,502	Borrowings	46,411	38,701	39,366	37,890	36,349	33,730	30,308	27,503	23,581	17,638	10,800
4,064	Provisions	2,902	3,841	3,219	2,446	3,298	2,659	1,807	2,730	3,677	3,677	3,677
17,566	Total Non-Current Liabilities	49,313	42,542	42,585	40,336	39,647	36,389	32,115	30,233	27,258	21,315	14,477
26,791	TOTAL LIABILITIES	56,223	52,822	51,166	49,072	48,539	45,487	41,322	39,608	36,798	31,056	24,067
242,752	Net Assets	264,347	268,392	276,197	275,544	275,562	278,458	286,216	288,434	294,168	298,266	309,559
EQUITY												
66,406	Accumulated Surplus	85,629	89,658	88,523	87,858	87,803	88,300	89,805	92,024	95,259	99,330	104,701
175,462	Asset Revaluation Reserves	177,835	177,850	186,790	186,802	186,874	189,274	195,527	195,527	198,025	198,052	203,974
884	Other Reserves	884	884	884	884	884	884	884	884	884	884	884
242,752	Total Equity	264,347	268,392	276,197	275,544	275,562	278,458	286,216	288,434	294,168	298,266	309,559



Long Term Financial Plan 2022-2032

Financial Statements – Cashflow Statement

2021 Actual	\$'000s	Adopted BR1	2023 Draft LTFP	2024 Draft LTFP	2025 Draft LTFP	2026 Draft LTFP	2027 Draft LTFP	2028 Draft LTFP	2029 Draft LTFP	2030 Draft LTFP	2031 Draft LTFP	2032 Draft LTFP
Cash Flows from Operating Activities												
Receipts:												
22,978	Rates Receipts	23,500	24,769	25,855	26,991	28,177	29,416	30,711	32,065	33,476	34,950	36,490
621	Statutory Charges	534	510	521	533	546	559	572	586	600	614	628
5,214	User Charges	5,220	6,320	7,123	7,440	7,648	7,839	8,027	8,227	8,416	8,610	8,808
5,210	Grants, Subsidies and Contributions (operating purpose)	5,119	6,557	4,848	4,796	4,900	5,003	5,112	5,229	5,340	5,453	5,569
26	Investment Receipts	2	0	0	0	0	0	0	0	0	0	0
66	Reimbursements	70	68	70	71	73	75	76	78	80	82	84
3,517	Other Revenue	637	694	575	580	586	591	596	602	607	613	619
Payments:												
(13,005)	Payments to Employees	(13,677)	(14,245)	(14,619)	(15,017)	(15,434)	(15,792)	(16,172)	(16,576)	(16,960)	(17,353)	(17,754)
(17,433)	Payments for Materials, Contracts & Other Expenses	(15,083)	(14,617)	(14,833)	(15,133)	(15,550)	(16,161)	(16,437)	(16,833)	(17,267)	(17,827)	(18,187)
(212)	Finance Payments	(183)	(866)	(1,198)	(1,148)	(1,177)	(1,125)	(1,025)	(908)	(776)	(613)	(448)
6,982	Net Cash provided (or used in) Operating Activities	6,139	9,190	8,344	9,113	9,770	10,404	11,461	12,471	13,517	14,530	15,616
Cash Flows from Investing Activities												
Receipts:												
555	Amounts Received Specifically for New/Upgraded Assets	21,249	5,074	74	74	74	74	74	74	74	74	74
393	Sale of Replaced Assets	299	424	436	355	200	360	277	377	474	580	419
Payments:												
(5,326)	Expenditure on Renewal/Replacement of Assets	(7,699)	(7,452)	(7,142)	(7,393)	(7,811)	(7,509)	(7,662)	(9,370)	(9,375)	(8,454)	(8,429)
(16,298)	Expenditure on New/Upgraded Assets	(54,074)	(2,363)	(701)	(719)	(738)	(757)	(778)	(800)	(820)	(842)	(798)
(20,676)	Net Cash provided (or used in) Investing Activities	(40,226)	(4,317)	(7,332)	(7,683)	(8,275)	(7,633)	(8,069)	(9,718)	(9,647)	(8,642)	(8,734)
Cash Flows from Financing Activities												
Receipts:												
11,550	Proceeds from CAD	32,913	0	2,057	0	0	0	0	0	0	0	0
0	Proceeds from Borrowings	0	25,000	0	0	0	0	0	0	0	0	0
Payments:												
0	Repayments of CAD	0	(28,984)	0	(39)	(58)	(1,088)	(1,841)	(1,172)	(2,237)	(4,203)	(5,336)
(206)	Repayments of Borrowings	(219)	(890)	(3,068)	(1,392)	(1,437)	(1,483)	(1,532)	(1,591)	(1,633)	(1,685)	(1,740)
(163)	Repayment of Principal Portion of Lease Liabilities	0	0	0	0	0	0	0	0	0	0	0
11,181	Net Cash Flow provided (used in) Financing Activities	32,694	(4,874)	(1,011)	(1,430)	(1,495)	(2,571)	(3,373)	(2,753)	(3,869)	(5,868)	(7,076)
(2,513)	Net Increase/Decrease in Cash & Cash Equivalents	(1,393)	(9)	(9)	0	0	0	0	0	(9)	0	0
4,406	plus: Cash & Cash Equivalents - beginning of year	1,893	500	500	500	500	500	500	500	500	500	500
1,893	Cash & Cash Equivalents - end of the year	500	500	500	500	500	500	500	500	500	500	500



Long Term Financial Plan 2022-2032

Financial Statements – Statement of Equity

2021 Actuals	\$'000s	2022 Adopted BR1	2023 Draft LTFP	2024 Draft LTFP	2025 Draft LTFP	2026 Draft LTFP	2027 Draft LTFP	2028 Draft LTFP	2029 Draft LTFP	2030 Draft LTFP	2031 Draft LTFP	2032 Draft LTFP
241,322	Opening Balance	242,752	264,347	268,392	276,197	275,544	275,562	278,458	286,216	288,434	294,168	298,266
1,430	Net Surplus / (Deficit) for Year	19,223	4,029	(1,135)	(666)	(54)	497	1,505	2,219	3,235	4,071	5,371
	Other Comprehensive Income											
	- Gain (Loss) on Revaluation of I,PP&E	2,373	15	8,940	13	72	2,399	6,253	0	2,498	27	5,922
0	Other Comprehensive Income	2,373	15	8,940	13	72	2,399	6,253	0	2,498	27	5,922
1,430	Total Comprehensive Income	21,595	4,044	7,805	(653)	18	2,896	7,758	2,219	5,734	4,098	11,293
	Transfers between Equity											
242,752	Equity - Balance at end of the reporting period	264,347	268,392	276,197	275,544	275,562	278,458	286,216	288,434	294,168	298,266	309,559



Long Term Financial Plan 2022-2032

Glossary

Term	Definition
Asset Renewal Funding Ratio	Indicates whether the Council is renewing or replacing existing non-financial assets at the same rate as its assets are used or 'consumed'. The ratio is calculated by measuring capital expenditure on renewal and replacement of assets relative to the level of depreciation. Where a Council has soundly based Asset Management Plans, a more meaningful asset sustainability ratio would be calculated by measuring the actual level of capital expenditure on renewal and replacement of assets (or proposed in the budget) with the optimal level identified in the plan.
Financial Assets	Financial Assets include cash, investments, loans to community groups, receivables and prepayments, but excludes equity held in Council businesses, inventories and land held for resale.
Financial Sustainability	Financial Sustainability is where planned long-term service and infrastructure levels and standards are met without unplanned and disruptive increases in rates or cuts to services.
Asset Management Plans (AMPs)	An operational plan for Council's Landfill, Building and Structures, Infrastructure (Roads), Plant and Equipment and Library, IT & other physical assets with the objective of providing the required level of service, maintenance and renewal of such assets in the most cost effective and efficient manner.
Net Financial Liabilities Ratio (NFLR)	Is Net Financial Liabilities as a percentage of total operating revenue. The ratio allows interested parties to readily equate the outstanding level of the Council's accumulated financial obligations against the level of one-year's operating revenue. Where the ratio reduces over time, it generally indicates that the Council's capacity to meet its financial obligations is strengthening.
Net lending / (borrowing)	Net Lending / (Borrowing) equals Operating surplus / (deficit), less net outlays on non-financial assets. The Net lending / (borrowing) result is a measure of the Council's overall (i.e. Operating and Capital) budget. Achieving a zero result on the Net lending / (borrowing) measure in any one year essentially means that the Council has met its expenditure (both operating and capital) from the current year's revenues.
Non-financial or physical asset	Non-financial or physical assets refers to infrastructure, land, buildings, plant, equipment, furniture and fittings, library books and inventories.
Operating deficit	Where operating revenues are less than operating expenses (i.e. operating revenue is therefore not sufficient to cover all operating expenses).
Operating expenses	Operating expenses are operating expenses shown in the Income Statement, including depreciation, but excluding losses on disposal or revaluation of non-financial assets.



Long Term Financial Plan 2022-2032

Operating revenues	Operating revenues are incomes shown in the Income Statement but exclude profit on disposal of non-financial assets and amounts received specifically for new/upgraded assets (e.g. from a developer).
Operating surplus	Operating surplus is where operating revenues are greater than operating expenses (i.e. operating revenue is therefore sufficient to cover all operating expenses).
Operating Surplus Ratio (OSR)	Operating Surplus Ratio expresses the operating surplus (deficit) as a percentage of operating revenue.



22.6 MOUNT GAMBIER RAILWAY STATION - TENANCY – REPORT NO. AR21/74906

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/74906
CM9 Reference:	AF20/446
Author:	Ben Kilsby, Strategic Development and Engagement Coordinator
Authoriser:	Tim Coote, General Manager City Growth
Summary:	Commencing the pursuit of an appropriate tenancy arrangement for the Mount Gambier Railway Station Building, through an initial market sounding process.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Council Report No. AR21/74906 titled 'Mount Gambier Railway Station - Tenancy ' as presented on 14 December 2021 be noted.
2. That Council resolves to initiate a market sounding process for the tenancy and ongoing activation of the Mount Gambier Railway Station in the first quarter of 2022.



TYPE OF REPORT

Corporate

BACKGROUND

The historic Mount Gambier Railway Station is acknowledged as a landmark site and a particular strategic asset in the context of the revitalisation of the Railway Lands precinct and its positioning as a connector between the CBD and Wulanda Recreation and Convention Centre.

First opened in 1918, the single-story building is a Local Heritage Place with a footprint of 450m² and includes a basement with external access. The Station exerts strong heritage character and, enhanced by its previous integral role and function for Mount Gambier, retains significant levels of community sentiment and interest. Acknowledging this, Council has recently invested in returning the external elements of the building to its former character including tiled roofing, new guttering, painting and restorative stonework.

Additional works to improve the integrated public toilet amenities and modernise the air conditioning and ventilation will be undertaken this financial year.

The Station is directly surrounded by the addition of over 1200m² of fenced raised platform with an existing heritage listed enclosable shelter and demonstrated capacity to activate as a dynamic and versatile event space.

While community consultation attached to the initial concept plan for this area highlighted aspiration for markets, pop-up trading, casual indoor/outdoor dining and community events, the platform presents significant capacity for commercial or community activity which is connected and complementary to the Railway Station.

At the Meeting of Council on 15 June 2021, Council resolved to:

- '2(c) *convene an Elected Member workshop to discuss future options for the Old Railway Station building, including temporary initiatives, in the broader context of the surrounding Railway Land and Olympic Park precincts*'.

Subsequent Elected Member workshops which considered the site within the broader context of the activation of the CBD, demonstrated a desire for the pursuit of a well-considered and sustainable anchor tenant for the Station Building to further drive the realisation of community aspirations for both this site and the surrounding precinct.

Council's concurrent development of Guiding Principles and associated Activation Levers for the CBD will also provide a framework for the pursuit of an appropriate tenant, ensuring any proposed use is also considered within the broader strategic context of the surrounding business district.

PROPOSAL

Council initiates the pursuit of an appropriate tenancy arrangement for the Railway Station Building, initially through a market sounding process.

Directly managed by Council, a range of strategic networks and promotional channels will be leveraged to promote the opportunity to potential tenants both locally and more broadly outside our region.

The process will invite responses to a range of criteria, ensuring proposals that consider elements such as:

- Acknowledging the significance of the site in connection to the Central Business District (CBD) of Mount Gambier – ensuring the *City of Mount Gambier CBD Guiding Principles* and associated *Activation Levers* are foundational to the proposed use.
- Further enhancing the Railway Lands precinct as a premier destination in Mount Gambier through the provision of high-quality, regionally connected, products and/or services.



- Consideration and further diversification of the existing offering within inner-city Mount Gambier
- The building of additional vibrancy within the precinct with a particular focus on a high degree of ongoing activation of both the station building and the surrounding platform area
- Embracing the heritage character of the building and considerable community sentiment attached to the site
- The capacity to deliver the concept to the standards expected of a landmark tenancy through prior experience or execution of similar projects.

Upon completion candidates will be presented for the consideration of Council. Subject to the result of this process, it's envisaged that suitable candidates will be invited to further explore the commerciality of their concept in collaboration with the City of Mount Gambier.

LEGAL IMPLICATIONS

Noting the commercial potential and significance of the site, additional professional project oversight may be procured through a suitable commercial real-estate agent to guide the stages post the initial market sounding process.

STRATEGIC PLAN

2.1 Infrastructure development and managing our current assets:

2.1.1 Working with the community to ensure our CBD, health and education precincts, our streets and our public spaces are safe, inviting and support a positive image of the City of Mount Gambier

2.5 Focusing on activation, revitalisation and placemaking in our CBD:

2.5.1 Working with business owners and property owners to understand what mechanisms would assist them in raising the quality of buildings in the CBD

2.5.3 Working with the community and developers to capitalise on opportunities as the CBD evolves

2.5.4 Establish a collaborative activation strategy with CBD traders that delivers a mix of hospitality, cultural and boutique offerings

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

A range of test and trial commercial activity was delivered as part of Council's initial activation of the Mount Gambier Railway Lands demonstrating the capacity of the site. An increasing number of boutique traders now directly front the precinct, including a craft brewery, bakery and antiques store.

Due to the elevation of the platform, the Station is viewable from Bay Road (with an approximate daily average of up to 8000 passing vehicles) and inadvertently, its activation assists in visually anchoring the Railway Lands as an active and vibrant inner-city promenade. It is expected that the attraction of additional activity within this area would only further enhance the commercial potential of the precinct.

ENVIRONMENTAL IMPLICATIONS

NIL

SOCIAL IMPLICATIONS

As a new and ever-evolving public space for Mount Gambier, the Railway Lands has been acknowledged for its ongoing capacity to lend itself to new events and activities which bring our



community together in a range of different ways. The strategic activation of the Railway Station will add further attraction to the precinct and enhance its offering to our community.

CULTURAL IMPLICATIONS

The Station exerts strong heritage character and, enhanced by its previous integral role and function for Mount Gambier, retains significant levels of community sentiment and interest. Council's efforts to retain and celebrate this building reflects its important role in our history and identity as an evolving community.

RESOURCE IMPLICATIONS

The proposed market sounding process will be delivered utilising existing resourcing and operational budgets.

VALUE FOR MONEY

Noting Council's pre-existing leadership in the progressive completion of restorative works to the building, the scoping of any additional further internal site works will be paused to ensure fit out requirements are immediately suited to its ongoing use and function.

In addition, opportunities for co-contribution in the further enhancement or suitable fit out of the building will be explored at the point of commercial negotiation.

RISK IMPLICATIONS

The initial market sounding would be designed to allow Council to commence the consideration of potential tenancies and uses of the site without obligation.

EQUALITIES AND DIVERSITY IMPLICATIONS

NIL

ENGAGEMENT AND COMMUNICATION STRATEGY

A range of strategic networks and promotional channels will be utilised to promote the opportunity to potential tenants both locally and more broadly outside our region.

IMPLEMENTATION STRATEGY

It's proposed that the initial market sounding process would be open for a period of approximately 8 weeks, commencing in the first quarter of 2022.

CONCLUSION AND RECOMMENDATION

The City of Mount Gambier commences the market sounding process for the tenancy of the Station Building and surrounding platform, commencing with an initial application period commencing in the first quarter of 2022.

ATTACHMENTS

Nil



22.7 PARTNERSHIP PRIORITIES AND ADVOCACY – REPORT NO. AR21/78852

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/78852
CM9 Reference:	AF20/446
Author:	Tim Coote, General Manager City Growth
Authoriser:	Sarah Philpott, Chief Executive Officer
Summary:	The City of Mount Gambier 2021-22 Partnership Priorities and Advocacy final document to be presented to Council for endorsement.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/78852 titled 'Partnership Priorities and Advocacy' as presented on 14 December 2021 be noted.
2. That Council endorse the final City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document.



TYPE OF REPORT

Corporate

BACKGROUND

Australian and South Australian Government electoral calendars will mean Mount Gambier will experience two elections in 2022. Although advocacy and funding opportunities are actively sought through all times in the electoral cycle, this impetus provides an opportunity to bring to attention a number of streams of work which summarise the City of Mount Gambier's current areas of focus.

The City of Mount Gambier has a demonstrated history of Government partnership and delivery. After two workshops with Council on the 7 and 11 October 2021 and subsequent input; funding and advocacy opportunities in alignment with the City of Mount Gambier Strategic Plan are articulated through a document entitled - City of Mount Gambier 2021-22 Partnership Priorities and Advocacy.

After workshop with Council on the 11 October 2021, the draft City of Mount Gambier 2021-22 Partnership Priorities and Advocacy document was formed then circulated for input and amendment with a Report No. AR21/72290 to Ordinary Council Meeting 16 November 2021.

PROPOSAL

The City of Mount Gambier 2021-22 Partnership Priorities and Advocacy document articulates the City of Mount Gambier's strategic positioning as a credible Government partner which delivers shared outcomes for both Government partners and for the community.

The City of Mount Gambier initiatives identified will facilitate the growth and prosperity of the local community, the Limestone Coast region and South Australia. The City of Mount Gambier 2021-22 Partnership and Priorities and Advocacy document ensures the initiatives identified in the document form the base for present and future work to maximise funding and advocacy opportunities as they arise to deliver sustainable economic, social, and environmental benefits for the community.

The Partnership and Priorities and Advocacy document will be revised and updated yearly to accommodate changes as the City of Mount Gambier and the implementation of its initiatives evolves.

LEGAL IMPLICATIONS

STRATEGIC PLAN

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

These provide the strategic base from which the priorities the City of Mount Gambier are built, and the opportunities outlined in this Partnership Priorities and Advocacy document to partner are sought with all levels of government.

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil



CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Nil

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

Nil

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Nil

IMPLEMENTATION STRATEGY

Nil

CONCLUSION AND RECOMMENDATION

The City of Mount Gambier 2021-22 Partnership Priorities and Advocacy document as presented to Council in its final form is noted and recommended for endorsement.

ATTACHMENTS

1. City of Mount Gambier 2021-2022 Partnership Priorities and Advocacy [↓](#)





**Partnership
Priorities and
Advocacy
2021 - 2022**



INTRODUCTION

The City of Mount Gambier aims to continue to strengthen its partnerships with local, state and federal governments to advocate for community issues and concerns and work together to provide improved services for the city and the Limestone Coast region.

The initiatives identified within this document will help to facilitate the growth and prosperity of the local community, the region and South Australia. The advocacy and partnership opportunities are categorised under the four elements of the City of Mount Gambier Strategic Plan 2020 – 2024, and include:

- Local transport and housing,
- Education,
- Health services and emergency support,
- Internet connectivity,
- Road, rail and freight infrastructure,
- Forestry and water,
- Sustainability, environment, waste and the circular economy,
- Tourism and major events,
- Workforce attraction and retention,
- Arts and creative industry, and
- Regional collaboration.

These areas form the base for the current and future work of Council, with objectives to maximise funding and advocacy opportunities as they arise to deliver sustainable economic, social, and environmental benefits for the community.

Mount Gambier has a strong history of implementing innovative major projects which continue to set standards for regional South Australia. From the award winning Riddoch Arts and Cultural Centre, the nationally recognised Mount Gambier Library, to the construction of Council's largest ever infrastructure project the \$57.3million Wulanda Recreation and Convention Centre, these projects demonstrate Mount Gambier's dedication to successful outcomes for both its community and for regional South Australia.

We look forward to working in partnership with all levels of government to deliver on these important shared outcomes for the benefit of our community and for South Australia as a whole.

The City of Mount Gambier recognises the Boandik people as the traditional owners and custodians of this local government area.

We respect their spiritual relationship with the land and recognise the deep feelings of attachment Aboriginal and Torres Strait Islander peoples have with this land.

The City of Mount Gambier is committed to working together with Aboriginal and Torres Strait Islander communities in the process of reconciliation.

OUR COMMITMENT AND VISION

Mount Gambier (population: 27,433 (ABS ERP, 2020)) is the economic hub for the Limestone Coast region with the annual economy in the order of \$6.8billion (RAI [In]Sight), more than twice that of Whyalla (population: 21,506 (ABS ERP, 2020)) and 25 per cent higher than Warrnambool, Victoria (population: 35,533 (ABS ERP, 2020)). Mount Gambier has more than 2,065 businesses with 12,732 residents employed in the year ending June 2020. Mount Gambier is the regional centre of South East South Australia and Western Victoria with a role, function and responsibility for driving the development agenda in this corner of Australia.

Mount Gambier is built on the strength of its people, a clean natural environment and the diversity of its industries. Council strives to create vibrancy, promote our identity and build on our reputation as a place to live, work, visit and invest. To provide a future for our people, we require additional economic growth and employment as well as recreational and educational opportunities.

The richness and diversity of:

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

makes Mount Gambier the thriving successful place that people are proud to call home.

These elements will contribute towards the future growth and development of the city and form the goals of the Council's Strategic Plan 2020 - 2024. These areas provide the strategic base from which Council's priorities are built, and provide opportunities outlined in this Partnership Priorities and Advocacy document to partner with all levels of government.

These goals bring together four key themes that affect our people – whether they live, work, study or visit the City of Mount Gambier. We seek to grow our city and the communities of which it is comprised and the capabilities of our people and their connection to each other and to the city are key.



| 3



OUR PEOPLE

Local Transport

Mount Gambier has maintained a fixed route public bus transport system for more than 60 years with the current service in place for 30 years. It has been largely unaltered during this time.

The current public bus service is funded by the State Government and is provided by a third party. It does not service many key residential areas and vital community services such as the Mount Gambier Hospital, the medical centre on Pinehall Avenue, aged care facilities and Foodbank.

Importantly, the service does not provide transport to the soon to be completed Wulanda Recreation and Convention Centre and does not link to key CBD and residential areas.

When compared with other similar sized regional communities in Australia, Mount Gambier's current public transport service is sub-standard. According

to Bus SA's 2018 Election Platform, *Moving People 2025* regional spend per capita was approximately \$200 per head in Victoria/New South Wales, \$120 per head in Western Australia; and under \$20 per head in South Australia.

Partnering with the City of Mount Gambier to upgrade the provision of transport services is an important lever to activate Mount Gambier's natural and built assets, link its health, recreation, and community services and will be a key economic driver for the future of a modern and connected city.

Advocacy

Equity of spending on bus services and implementation of new routes.



Housing

Potential economic growth is increasingly compromised by access to housing.

In the context of an expanding property market and an evident regionalisation, we are exploring implementation models with the private and non-government sectors to facilitate access to housing for incoming residents to work and invest in the community.

A key step to ensure affordable housing is upgrading the existing housing stock to increase the supply of affordable housing provided, as well as determining the viability of including affordable homes as a requirement as part of new housing estates and developments.

This would help ensure people on low incomes are not priced out of the market or put at risk and would facilitate workforce planning with adequate housing supply.

Partnership priority

Working in partnership to address housing accessibility in Mount Gambier.

Library

A 10 year State Government funding agreement expired at the end of 2021 financial year. The agreement secured funding for public libraries through a material grant and an operational grant each year. The Local Government Association has been negotiating with the State Government to secure a new agreement that has not yet been reached.

The SA Government has agreed to keep the funding (\$20.7million for the state) the same, with no indexing which in turn means a decrease in funding. The City of Mount Gambier requests a five year indexation of the funding to ensure support for the purchase of library resources, as well as the delivery of programs, events and other library services for our community.

Funding support

Funding commitment as agreed to be indexed to CPI for the next five years.



Primary Health Care and Preventative Health Services

Mount Gambier is the major service centre for the Limestone Coast and services an area of almost 65,000 people across the South East of South Australia and Western Victoria. The Limestone Coast has a variety of health services and options available and the local health network plays a critical role in ensuring affordable access to associated specialist services and allied health.

The City of Mount Gambier is committed to the wellbeing of its community and acknowledges that quality health care is an essential service for this to be realised. To fulfill Council's vision to be 'an inclusive city where people lead fulfilling lives' requires health services to meet individual needs, irrespective of their location.

Council is committed to partnering with health services to advocate for appropriate care in our region. We support community health by delivering immunisations and we work with the mental health team through our Environmental Health Officers.

There are currently gaps in health services in the region, including but not limited to - private hospital provision, day surgery options, palliative care, drug and alcohol rehabilitation services and mental health support.

Ongoing facilitation and advocacy for the development of health services in Mount Gambier is important to meet community needs but is also a pillar to drive the economy into the future.

Advocacy

Development of State Government provided health services and support for a Federal Government 'Head to Health' hub in Mount Gambier to ensure appropriate health care in our region.

Suicide Prevention and Aftercare Options

Research indicates that suicide remains a high risk to any person who has attempted suicide for a period of at least three months after the attempt (Life In Mind, 2021). When people present at Accident and Emergency after an attempt they are very often checked over, discharged and perhaps given a referral for counselling. Waiting lists for counselling, if the person can afford the gap fees, are often up to three months and beyond, leaving them in a high-risk status.

In Adelaide there are two services, The Way Back – a Beyond Blue program and the Suicide Prevention Support Service both delivered through Anglicare SA. The Suicide Prevention Support Service is limited to the Fleurieu Peninsula and the Adelaide Hills.

South Australia lost 234 lives to suicide in 2020. According to Lifeline Australia 65,000 people attempt to take their life each year. This is strong evidence of why there must be an after-attempt support service available to every South Australian.

The City of Mount Gambier advocates strongly for services which address both prevention and care of its community in times of need.

Advocacy

Expansion of regional services which address both suicide prevention and aftercare for the community.



Emergency Support

As one of the busiest Metropolitan Fire Service stations in South Australia, Mount Gambier pursues an adapted solution to ensure the safety of the community through the provision of appropriate response vehicles. The 2019/2020 Metropolitan Fire Service performance report shows the Mount Gambier station attended 439 incidents, responding to 230 more incidents than Mount Barker crews and 149 more than Seaford.

The State Government announced eight new heavy urban pump rescue appliances for South Australia with a reduced plan for Mount Gambier of a second hand vehicle despite trucks used by local crews being 20 years old currently – five years beyond the ideal age limit. In this context and combined with a commitment to all emergency support, an appropriate replacement regime with an adapted response requires attention.

Funding support

Ensure sustainable capital funding for appropriate asset maintenance and a replacement regime for regional emergency support.



Tertiary and Vocational Education

Support for the presence of tertiary education providers is important to the economic growth of Mount Gambier which experiences lower levels of school and post-school attainment compared with South Australia as a whole. In terms of post-secondary attainment, the region has a significantly lower proportion of the adult population with Bachelor degrees or higher (10.9 per cent, compared with 22.4 per cent for South Australia as a whole).

Based on the 2011 Census, 32.2 per cent of the population aged 15-64 in the Limestone Coast had attained Year 12, compared to 54.2 per cent for South Australia. The city also rates poorly in terms of innovation and start-up businesses, with a lower level of business start-ups than many other regional cities.

The Mount Gambier and District Tertiary Health Education Grants have supported residents from Mount Gambier and the surrounding district who need to leave the region to undertake university studies in health skill areas required within our community.

Each year, a limited number of grants are offered, building our regional capacity to generate an increased presence of skilled and trained health professionals. The grants deliver a unique community-led response to local essential skill shortages within the health sector but the widening of support for tertiary and vocational education funding for the region is essential to continue to build the economy through innovation and skills.

The City of Mount Gambier supports all programs and the tertiary education sector which connect with local industry and actively seeks to partner with government to obtain funding initiatives to facilitate the sustainability of the regional workforce.

Advocacy

Ongoing commitment to existing tertiary offering and increased support for tertiary and vocational education funding for the region.



OUR LOCATION

Crater Lakes Activation

The Crater Lakes precinct is a unique natural asset in the City of Mount Gambier. In 2021 Council and SA Water finalised co-dedication of the Blue Lake and are working collaboratively to ensure the provision of water supply and services, and to develop the potential in maximising one of South Australia's iconic natural assets. A Crater Lakes Activation Plan will be developed to work with the community to explore options and deliver actions to enable Council to capitalise on the Crater Lakes precinct.

Various established trails are used for different activities and events in alignment with the City of Mount Gambier's ongoing commitment to promote the area for outdoor recreational activity for locals and visitors to the city. The City of Mount Gambier is exploring trail design and scoping works to assess the existing trail network to further develop trails in the area.

Council is also actively pursuing the opportunity with public and private partners to explore the development of a range of accommodation options and experiences to take advantage of the Blue Lake and Crater Lakes precinct.

Partnership opportunity

**Investment opportunities to be developed in alignment with the Crater Lakes Activation Plan.
Indicative cost \$2million.**



Native Vegetation

Environmental restoration of the Crater Lakes precinct in partnership with the Limestone Coast Landscape Board.

This will include integrated land management with economic development, tourism and the creation of a liveable city where people respect nature. The collaboration aligns with the United Nations *Decade on Ecosystem Restoration*. A significant opportunity exists to maximise the City of Mount Gambier's current resourcing as well as to develop a network of urban volunteers to help eradicate weeds, revegetate native plants and support the restoration of missing wildlife species to the Crater Lakes.

Partnership opportunity

Funding support in partnership with the Limestone Coast Landscape Board.



CBD Activation

In the context of the Wulanda Recreation and Convention Centre build, previous work to complete the Railway Lands and current discussion on future use of the old Railway Station building and platform, combined with events in the Cave Garden and Riddoch Arts and Cultural Centre, there are multiple opportunities to activate the CBD.

Outdoor Dining

To promote social interaction by slowing speeds, increasing connectivity and economic spend, projects to create a better outdoor dining space along Commercial Street East, between Penola Road/Bay Road and Ferrers Street/Mitchell Street enabling local traders to improve vibrancy, pedestrian movement and economic activity within the city centre are being explored.

This re-capture of public space will include widening the footpath, and adding more bike parking and greenery, without blocking the traffic lane — in front of businesses. This activates a new public space open to anyone to enjoy and maintained by the shop owner. Activation levers to create thriving public spaces help bring together neighbours, create more breathing room and support local businesses.

Funding support

Indicative funding support - \$100,000.



Signage

To increase visitation and awareness of sites in Mount Gambier, a signage strategy and implementation plan has been developed.

This improved wayfinding will upgrade existing signs to meet international standards and connect the city's built and natural assets to maximise their benefits for Mount Gambier.

The Blue Lake and Crater Lakes precinct as well as the Umpherston Sinkhole present the opportunity to significantly enhance visitor experiences to be creative, accessible, informative and dynamic in a context of rapidly changing technologies.

Funding support

Funding of implementation of signage strategy. Indicative cost \$400,000.



Smart Cities

Mount Gambier continues to provide clean, healthy living conditions and aspires to achieve this with digital infrastructure to improve operational efficiency, share information and provide a better quality of service and well-being.

GigCity is available to businesses at key innovation precincts and co-working spaces located in Mount Gambier. GigCity is limited to business customers within designated precincts but provides the opportunity to promote Mount Gambier to innovative new businesses and for the city to promote infrastructure solutions to ensure future focused planning and implementation.

Funding support for digital solutions to assist Mount Gambier to take its current community amenities including benches, bins, lighting, devices, and the use of data to be more interactive and efficient is an ongoing focus.

Subsidy support

Funding support for digital solutions to enable Mount Gambier to lead the region to be connected, efficient and sustainable.



Road, Rail and Freight Infrastructure

Australia's ongoing investment in infrastructure to enable a world-class supply chain requires evaluation of the reinvigoration of rail in the Limestone Coast and South West Victoria as an opportunity to future proof the connection to this vital new supply chain.

The City of Mount Gambier supports Regional Development Australia Limestone Coast with the CSIRO commissioned work to map the region's freight task and model the economic benefits of rail with infrastructure and intermodal connections. This will not impact the Rail Trail in the CBD.

The study examined commodities and tested forestry and wood products, dairy, grains, pulses, livestock (beef and sheep), wool and horticulture. Mount Gambier to Heywood was identified as the most attractive option with an estimated \$15.6 million in savings for regional producers per year.

Partnership opportunity

Advocacy for ongoing consideration of study. Estimated reinstatement cost of rail line \$120-\$150million.



With an estimated reinstatement cost of between \$120-\$150million, based on a reinstatement cost of similar rail lines in Victoria, the ROI without considered avoided costs would be 7.7 years to 9.6 years. The diversion of 254,413 tonnes of freight from the road network to rail would also incur additional savings such as a reduction in both road maintenance and road crash costs. It is estimated these savings would be \$1.7million annually. This reduces the ROI to 6.9 years to 8.6 years.

In addition the opportunity exists to remove rail easement/encumbrances from the title of land previously gifted to City of Mount Gambier between Wehl Street and Bay Road and the 14 acres of rail land backing onto Hastings Cunningham Reserve. This would present an opportunity for the City of Mount Gambier to develop plans to activate the area following feedback from current Sport, Recreation and Open Space Strategy work.

Activation opportunity

Consideration to the removal of outdated rail encumbrances from land titles gifted to the City of Mount Gambier.

The City of Mount Gambier is a community which relies on adequate road infrastructure. A commitment to fix numerous roads in the City of Mount Gambier area where bad wear and potholes are an increasing concern is urged from government partners.

Funding support

Funding commitment of \$2-4million.

Regional Collaboration

Regionalisation

Regionalisation of government services to regional areas are important activators to strengthen South Australia's economy. Advocating for more region-based government services is important to the South East and important to the City of Mount Gambier.

Cross-Border Commissioner

Mount Gambier encompasses one of Australia's most significant cross border communities. The impacts of COVID-19 have highlighted how connected Mount Gambier is to its Victorian communities and has shone a spotlight on the worth of a Cross-Border Commissioner.

The Cross-Border Commissioner would be an advocate for cross-border communities, businesses and organisations. The Cross-Border Commissioner

would work closely with local, state, and federal governments to identify, analyse and resolve issues.

When one community needs to comply with two sets of rules or policy, this can cause confusion, make day-to-day activities more difficult, and can restrict access to work opportunities, investment, and facilities. The City of Mount Gambier advocates for the implementation of a Cross-Border Commissioner to facilitate opportunities between South Australia and Victoria.

Collaboration

Funding support for Cross-Border Commissioner - approx. \$2million over four years.



Forestry

The Green Triangle forest and timber sector is the backbone of South Australia's regional economy, employing more than 18,000 people and injecting \$3billion into the state economy annually.

However, it is facing one of the biggest challenges of its 145-year history: the forestry plantation estate is in decline because of perverse water policy which is over-accounting tree water use and restricting industry from replanting harvested trees.

This loss of estate will reach 30,000 hectares in 2021, stripping timber with a value of approximately \$460million from the local economy. This once productive plantation estate is being transferred to general agriculture at a time when the nation is experiencing a critical lumber shortage for housing construction.

Despite investor interest in plantations and global and domestic demand for wood products, which is anticipated to quadruple by 2050, the Green Triangle estate is shrinking at approximately 5,000 hectares a year, resulting in significant loss of carbon sequestration value.

The loss of plantation estate is a critical policy issue that requires urgent government resolution to protect South Australian jobs in forestry, timber and construction industries. The Green Triangle Forestry Industry Hub in partnership with National Institute

Forest Products Innovation (NIFPI) is building a comprehensive scientific evidence base to support government to deliver sustainable policy solutions to ensure the sector is no longer disproportionately impacted by water reductions.

Early findings have indicated that plantation tree water use is far less than previously assumed, providing an opportunity for both primary industries and environmental gain at the 2023 Lower Limestone Coast Water Allocation Plan (LLCWAP) review.

The City of Mount Gambier provides support for the industry to seek government support to arrest the forest decline and stop the ongoing impacts of the LLCWAP. The sector seeks an open and independent review of the existing plan in the short term, working proactively with all primary industries to deliver a plan that can achieve sector demands while protecting the finite resource.

Policy resolution

Government resolution to adjust policy settings to address the loss of plantation estate to protect South Australian jobs in forestry, timber and construction industries.



Water

The forestry and timber sector is undertaking comprehensive water research to provide government with a detailed evidence base to support the 2023 LLCWAP review. This research will support the following initiatives that will allow the sector to arrest the decline of the forestry plantation estate by:

- Introduction of a fair and equitable system Water Allocation Plan based on current science.
- Introduction of a moratorium to stop the decline in estate which has reached 30,000 hectares. This is more land lost than in the 1983 Ash Wednesday bushfires. That land could be replanted.
- Support industry to invest in new plantation.

The GTFIH has partnered with UniSA, the University of Melbourne and Esk Mapping, to undertake comprehensive research to update and refine key assumptions in the current Water Allocation Plan while exploring new concepts which impact water use decisions.

This research includes the key theme of investigating regional groundwater issues to assist future water management of the lower Limestone Coast including:

- Reviewing groundwater management boundaries,
- Measuring sandstone and limestone unconfined aquifer porosity groundwater recharge case studies under forestry,
- Regional groundwater recharge,
- Understanding if the deemed rates for plantation water use reflect reality,
- Examining the direct impact plantation forests on wetlands using plantation growth as an indicator, and
- Clay impedance layer mapping/modelling.

This work adds to research undertaken by NIFPI to optimise the management of plantation, water and environmental assets by filling gaps in knowledge regarding plantation water use and groundwater recharge in plantations.



Research support

Government support for the research and review to introduce a new Water Allocation Policy.

OUR ECONOMY

A diverse economy provides opportunities for resilience and sustainability. Mount Gambier has a population of 27,433 (ABS 2020), services a regional population of 65,000 and is the second largest city in South Australia.

Waste and Circular Economy

Regional Materials Recovery Facility

A Materials Recovery Facility (MRF) that accepts commingled recycling – the materials from the household recycling bin. The facility then sorts these recyclables into a series of commodity streams ready for sale to various recycling markets. The Limestone Coast Local Government Association Regional Waste Management Steering Committee was successful in securing funding from the Local Government Association of SA research fund to undertake a study in partnership with UniSA into the risks and feasibility of a regional MRF.

In alignment with Green Industries SA and the ongoing evolution of the circular economy, the City of Mount Gambier is seeking funding to unlock the potential to develop infrastructure to process and create new products from waste, new technologies, and commercialisation.

The City of Mount Gambier is exploring opportunities and addressing the challenges in managing resources and waste more sustainably which requires a holistic understanding of relevant issues to conserve resources, reduce pollution and carbon emissions while maintaining human wellbeing within a supportive economy.

Funding support

Funding support based on MRFs operating in South Australia and operated by local government. Indicative cost - \$5million.



Circular Economy Trial Projects

In 2020/2021 Council operations diverted more than 6,500 tonnes away from landfill – to organics, recycling and re-use and demonstrate the City of Mount Gambier's ongoing commitment to playing an active role in the evolution of the circular economy.

The ReUse Market has been particularly popular with the community and provides both an avenue to dispose of many household items for free, as well as reducing waste to landfill.



Council is currently in the process of doing a trial utilising broken glass from the kerbside recycling process. This involves removing contamination, then crushing the glass for use in construction projects.

Council has supported local plastic recycling projects through the collection of materials. Plastic lids and bread tags are collected at the Civic Centre. The bread tags go to Transmutation in Robe. The lids go to the Precious Plastic program at Tenison Woods College. These materials are recycled into new products in our region. Additionally, Council has supported a local recycling start up 'Ecoplas'. This company recycles plastics such as milk bottles

and wheelie bins, and turns them into park benches, stakes, fencing materials etc. Council has provided space at the Waste Transfer Station for Ecoplas to test the business concept.

Advocacy and support

Support through policy and regional funding opportunities for Council to ensure the city is active in moving from waste to commodity and commercialisation.

Tourism and Major Events

The Home of Jazz

Mount Gambier is looking for opportunities to affirm its position as a unique destination. The Wulanda Recreation and Convention Centre opening in 2022 will support major event attraction such as conferences, conventions and national, state and regional sporting events and the visitor economy will be a driver into the future for the city.

The James Morrison Academy combined with Generations in Jazz attract students from all over the country each year and places an international spotlight on Mount Gambier for music lovers all over the world.

To maximise these opportunities the City of Mount Gambier has been collaborating with James Morrison as Artistic Director to develop a new Jazz and Blues music event for Mount Gambier. Seeking support from both state and federal partners this event will complement existing events, maximise a range of venues and establish Mount Gambier internationally as Australia's Home of Jazz.

Partnership and funding

Funding support for new event to embed Mount Gambier as Australia's Home of Jazz - \$800,000.

Tourism Development

A cross-government approach to development of access to Mount Gambier's natural attractions. This would include scoping, master planning and the facilitation of approvals to consider infrastructure development and marketing.



Workforce Attraction and Retention

Regional business growth is significantly impacted by a lack of staff. Many businesses are not taking advantage of contract offers as they cannot complete projects within suitable timeframes due to staffing shortages. Lack of rental accommodation and transport options create issues for job seekers and regional businesses.

The migration of people from the cities to the regions has exacerbated an already tight housing market forcing rental and sale prices up and vacancies down to near zero – a significant barrier to job seekers wishing to come to the region.

Regional Development Australia Limestone Coast is delivering the Regional Work SA project in partnership with the State Government, connecting job seekers to employment opportunities across our region.

The City of Mount Gambier advocates for affordable housing measures combined with adequate transport options to meet the needs of a modern city and support for business to access planning services adapted for regional South Australia.



OUR CLIMATE, NATURAL RESOURCES, ART, CULTURE AND HERITAGE

Open Space Strategy and Implementation

Sport, Recreation and Open Space Strategy

The City of Mount Gambier is home to an abundance of parks, reserves and sporting facilities that people of all ages and abilities can enjoy. Council knows recreation and open spaces are important to our community, whether it's for sporting activities, exercise, socialising with family and friends or walking the dog.

To continue to provide quality, well-planned spaces and guide the future direction of open spaces and facilities in Mount Gambier, Council has embarked on the development of a Sport, Recreation and Open Spaces Strategy.

The City of Mount Gambier has invested in extensive stakeholder engagement and consultation sessions in collaboration with specialist consultants insideEdge and OuterSpace to capture the community's current and aspirational use for the open spaces in the city. From this strategic work a solid foundation for funding future infrastructure will be informed by community input and endorsement.

Blue Lake Sports Park

Blue Lake Sports Park is a multi-user site which hosts tennis, soccer, football, baseball, softball, cricket, hockey, and cycling. Planning and development shows already that the site serves an important role for the community, providing many key facilities and regional sporting assets.

Importantly, engagement activity has highlighted many limitations attached to the location of the site, acknowledging a lack of transport access, pedestrian connectivity and its isolation in connection to commercial/tourism/cultural precincts in our city.

A number of opportunities have presented to better rationalise the use of the space and will be explored in more detail through the master planning process.

Informal arrangements are in place which provide space integral to a range of additional sporting and recreational activity which includes large events such as horse trials, regional sporting competitions and events, use by schools and significant levels of dog training and socialisation.

The Sport, Recreation and Open Spaces Strategy will provide an overarching strategic view for the City of Mount Gambier to ensure that the investment in the Blue Lake Sports Park Masterplan benefits from the depth of input through the process. The City of Mount Gambier support proposals which best reflect the community's voice and involvement.

Planning and partnership opportunities

Funding support for fitting and adapted spaces in Mount Gambier based on the Sport Recreation and Open Space Strategy in order to maximise community benefits through sport and recreation. Estimated cost \$20million.



Railway Lands

The Old Mount Gambier Railway Station Building

The City of Mount Gambier is inviting expressions of interest for the commercial occupancy of the old Mount Gambier Railway Station building. A landmark site, the historic building presents a unique opportunity to extend on the success of the award-winning Mount Gambier Railway Lands redevelopment, further fulfilling community aspirations for this intergenerationally significant inner-city location.

The Railway Lands has successfully hosted a range of significant events and attractions including Blue Lake Carols, food and wine events, live music concerts, outdoor cinema and large-scale community fundraising events.

A range of boutique traders now front the precinct including a craft brewery, bakery and antiques store, embracing and enhancing the commercial potential of the area.

The ideal occupant will:

- Further the Railway Lands precinct as a premier destination in Mount Gambier through the provision of high quality, regionally connected products and/or services.
- Propose a concept which considers and further

diversifies the existing offering within inner-city Mount Gambier,

- Build additional vibrancy within the precinct with a particular focus on a high degree of ongoing activation of both the station building and the surrounding platform area,
- Embrace the heritage character of the building and considerable community sentiment attached to the site, and
- Demonstrate capacity to deliver the concept to the standards expected of a landmark tenancy through prior experience or execution of similar projects.

The addition of Wulanda Recreation and Convention Centre, a premier new \$57million regional multi-functional indoor sporting and cultural facility located only 150 metres to the south, positions the Railway Station building as a direct connector between this facility and the CBD.

Other opportunities to continue to maximise the success of the Railway Lands and extension to the Rail Trail include working with neighbouring councils to extend the Mount Gambier to Penola section of rail trail to link with the soon to be constructed Penola to Naracoorte trail.

Funding support

Commit funds to build Mount Gambier to Penola section of rail trail to link with the soon to be constructed Penola to Naracoorte section. Funding commitment \$3-5million.



Sustainability and Environment

Electric Vehicle Infrastructure

The State Government is investing up to \$13.4million to leverage approximately \$25million of private investment in the statewide public electric vehicle charging network. The government sought registrations of interest from property owners and tenants interested in hosting electric vehicle chargers that are part of the statewide public network.

Following the registration of interest Council was contacted by Linga Network, who deploy charging infrastructure in regional Australia. Council nominated sites for Linga's fast (up to 22kW AC) electric vehicle charging stations for consideration in a grant application to the State Government program.

Energy Efficiency

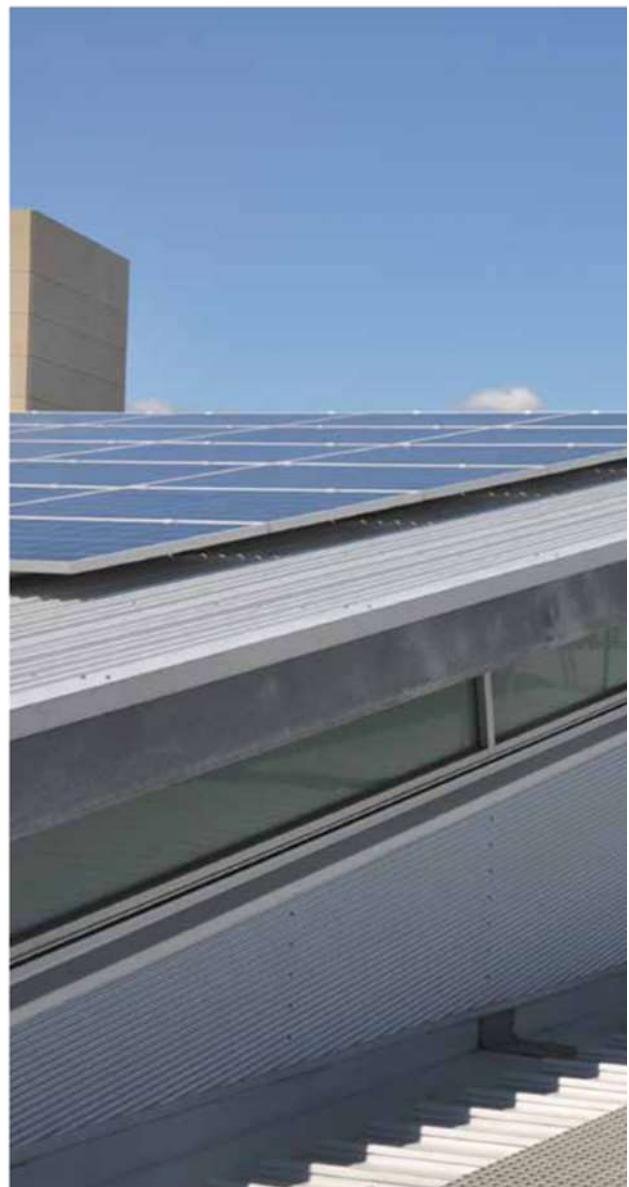
Since 2014/2015 the City of Mount Gambier has allocated an annual amount of \$50,000 for energy efficiency and renewable energy measures. Since that time the funds have been used for the following projects:

- Solar system installed on the Library,
- LED lights fitted throughout the council areas of the Civic Centre, Visitor Information Centre and the Library,
- HVAC audit undertaken to assess the efficiency of Council's heating and cooling systems, and
- Solar systems installed at the former Aquatic Centre, Depot, Waste Transfer Station and Carinya Gardens Cemetery and Crematorium.

Council's current solar systems have generated more than 830 MWh of electricity which is the equivalent of power to 125 South Australian homes for an entire year. Opportunities for incorporating hybrid and electric vehicles into the fleet are being actively explored as renewal opportunities arise, and consideration is included in the tender specifications for new vehicles.

Policy and subsidy support

The City of Mount Gambier continues to seek funding support to benefit the community in upgrading infrastructure and systems.



Arts and Creative Industry

As a regional city, Mount Gambier has a strong focus on the local arts and culture scene as an avenue to inspire civic pride and emphasise the positive impact arts and culture has on community well-being. The Country Arts SA strategic plan and priorities are intricately aligned with the arts and cultural aspirations of the City of Mount Gambier.

Supporting the modernisation of the Sir Robert Helpmann Theatre as proposed will complement the Library and Riddoch Art Gallery offering that currently exists within the civic and cultural precinct of the Mount Gambier CBD and demonstrates Council's commitment to strengthening arts as the multi-faceted industry that it is and add value to the further growth of cultural capital.

Advocacy and partnerships

Support for the upgrade of the Sir Robert Helpmann Theatre and Civic Centre complex.

The Riddoch Arts and Cultural Centre

The Riddoch Art Gallery is the largest regional gallery in South Australia. It was first opened in the Mount Gambier Institute in 1887. The gallery employs professional staff, maintains international art museum standard conditions and is the only State Government funded regional gallery. It provides gallery space for local artists and community groups and hosts both state and national touring exhibitions.

The Riddoch's collection of more than 1,500 items includes important paintings and prints that depict the people and history of the Limestone Coast, a significant collection of Aboriginal art from Utopia and a large collection of 20th Century Australian art.

The Riddoch is an important community asset and a significant economic activator. Developing national and international exhibitions and events to benefit from the Riddoch's unique CBD location is a key focus for the City of Mount Gambier.





Mount Gambier Fringe

The Mount Gambier Fringe Festival is a cultural event that embraces acceptance and diversity. It provides the opportunity for all artists to participate, shine and be bold, and for the community to experience art that thrills, challenges and provokes curiosity. The Mount Gambier Fringe is in its fourth year and has grown to be SA's largest regional arts festival.

The City of Mount Gambier drives the Mount Gambier Fringe and continues to support the evolution of the event to the level it started to develop pre-COVID.

Funding support

Funding support through creative funding streams to enable this activator event to continue to develop.

Indicative cost - \$100,000.

Generations in Jazz

Generations Jazz is the largest school jazz competition in Australia culminating with 8,000 people as part of a major concert. The initial component of Generations in Jazz was the James Morrison Jazz Scholarship, first held in 1989, and enhanced by the personal support and endorsement of world-renowned musician, James Morrison AM. After a short period of time it was realised there was a greater opportunity for the event's development by incorporating a national stage band competition as part of the weekend of activities.

Support from all levels of government and the City of Mount Gambier, who remain ongoing major sponsors, has enabled the event to grow demonstrated through the number of schools participating over many years, and with wider representation from all states. As of 2019 two schools from New Zealand have also joined the Generations in Jazz competition. This event contributes to the status of Mount Gambier as Australia's Home of Jazz and provides a showcase for the City of Mount Gambier to the world.

Partnership opportunities

If you are interested in partnering with Council to assist in delivering any of the initiatives outlined in this document, we would love to hear from you. Please get in touch with us via phone or email.



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22.8 REIMBURSEMENT OF PRINTING EXPENSES - VIRTUAL ATTENDANCE AT 20 JULY 2021 COUNCIL MEETING - CR PAUL JENNER – REPORT NO. AR21/78958

Meeting: Council
CM9 Reference: AF20/446
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR21/78958 titled 'Reimbursement of Printing Expenses - Virtual Attendance at 20 July 2021 Council Meeting - Cr Paul Jenner' as presented on 14 December 2021 be noted.
2. Having considered the relevant legislative and regulatory provisions relating to reimbursement of Member expenses Council DOES / DOES NOT consider the printing expense of \$12.70 incurred by Cr Jenner in association with his virtual attendance at the 20 July 2021 Council meeting as an expense falling within the ambit of Regulation 6(a).
Accordingly, Council DOES / DOES NOT approve the reimbursement to Cr Paul Jenner of \$12.70.



BACKGROUND

Section 77 of the [Local Government Act 1999](#) and Regulations 5 and 6 of the [Members Allowances and Benefits Regulations 2010](#) relate to the reimbursement of member expenses.

Subsection 77(1)(a) provides for the reimbursement of expenses associated with discharging official functions and duties (reimbursements of travel and child care expenses associated with attendance at prescribed meetings) whilst subsection 77(1)(b) provides for prescribed expenses of a kind approved by the Council, either specifically or under a policy established for the purposes of this section.

Councillor Jenner was absent from Council (interstate on a personal holiday) and had apologised for the Council meeting held on 20 July 2021, which was scheduled to be an “in person” meeting. However, due to a COVID lockdown, the meeting was moved to a virtual meeting, which enabled Councillor Jenner to attend the majority of the meeting virtually. As Cr Jenner only had a mobile phone device to attend the meeting virtually (and being required to be seen and heard at all times), and needing access to the Council agenda papers, Councillor Jenner arranged printing of the Council agenda (excluding confidential items) via his accommodation provider. In doing so, Councillor Jenner incurred an expense of \$12.70, for which reimbursement is sought.

DISCUSSION

Section 77(1)(a) of the [Local Government Act 1999](#) (“the Act”) relates to the reimbursement of travelling and child care expenses incurred by Elected Members in association with attendance at prescribed meetings which includes Council meetings. Re-imbursement of printing expenses is not covered under Section 77(1)(a) of the Act.

Reimbursement under Section 77(1)(b) of the Act must be approved by Council (either specifically or under a policy of Council) and must fall within one of the following kinds of expenses as prescribed in Regulation 6 of the Local Government (Members Allowances and Benefits) Regulations 2010 (“Regulations”):

(a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;

(b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);

(c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;

(d) expenses for the care of—

(i) a child of the member; or

(ii) a dependant of the member requiring full-time care,

incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);

(e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).

Reimbursement of printing expenses incurred by a Member are not specifically included under any of the abovementioned prescribed kinds of expenses that a reimbursement must fall under to be approved by Council, and do not fall within the ambit of Regulation 6(b)-(e).

If reimbursement of printing expenses were considered to fall within any of the kinds of prescribed expenses, it could only be under Regulation 6(a) as set out above.



Council has not approved reimbursements of this kind (i.e. printing expenses) by specific resolution nor within [Members Allowances and Benefits Policy M405](#).

Accordingly, it remains for Council to deem Cr Jenner's incurred printing expenses as falling within the ambit of Regulation 6(a) (i.e. *expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council*) and if so whether Council will approve, by resolution, the reimbursement of these expenses on this occasion.

Should Council intend for such expenses to be reimbursed in further instances, then this should be articulated with sufficient clarity in a resolution to this effect or be incorporated into Council Policy for the purpose of section 77(1)(b) of the Act (i.e. [Members Allowances and Benefits Policy M405](#)). Such approval would enable the Chief Executive Officer to authorise such reimbursements.

It should be noted that a policy for the purpose of section 77(1)(b) lapses at a general election of the Council.

Alternatively, noting the [Members Allowances and Benefits Policy M405](#), Council might consider that such expenses are adequately catered for within the existing annual allowance.

CONCLUSION

Having considered the relevant legislative and policy provisions this report provides opportunity for Council to determine whether it considers the printing expense of \$12.70 incurred by Cr Jenner is of a kind falling within the ambit of section 77(1)(b) of the Local Government Act 1999, and more particularly Regulation 6(a) of the Local Government (Members Allowances and Benefits) Regulations 2010, and whether or not to approve the reimbursement of the \$12.70 requested.

ATTACHMENTS

Nil



**22.9 INSTALLATION OF A NO PARKING AREA - HEDLEY STREET (WESTERN SIDE) –
REPORT NO. AR21/76192**

Committee:	Council
Meeting Date:	14 December 2021
Report No.:	AR21/76192
CM9 Reference:	AF20/446
Author:	Derek Ferguson, Team Leader General Inspectorate
Authoriser:	Tim Coote, General Manager City Growth
Summary:	The Manager Operations & Engineering received a customer request regarding safety concerns on Hedley Street. After a meeting onsite and a letter drop it was determined a No Parking Zone on Hedley Street (western side) would be the best outcome.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location

REPORT RECOMMENDATION

1. That Council Report No. AR21/76192 titled 'Installation of a No Parking Area - Hedley Street (Western Side)' as presented on 14 December 2021 be noted.
2. That the Traffic Impact Statement to this report be endorsed by Council
3. That the City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
Prohibited Area - No Parking 1.2.073
Hedley Street (Western Side) - From 10 metres south of the intersection with Jardine Street to 75 metres south of the said intersection
To apply at all times



TYPE OF REPORT

Other

BACKGROUND

The Manager Operations & Engineering has received a customer request from a resident on Jardine Street, regarding safety concerns at the intersection of Jardine Street and Hedley Street. A meeting was held onsite with the resident to discuss their concerns.

Council at its meeting held on 17 August 2021 resolved the following:

1. *That People and Place Committee Report No. AR21/45538 titled 'Installation of a No Parking Zone - Hedley Street (Western Side)' as presented on 02 August 2021 be noted.*
2. *Council write to the residents along the effected portion of Hedley Street seeking their views on the removal of carparking on the western side with a report to be brought back to Council.*

Council requested contact to nearby residents to report back their concerns with the installation of a No Parking Area. As a result of consultation with supporting information supplied, one resident responded in favour of the No Parking Area. And no other response was received from 15 letters to residents sent.

PROPOSAL

Following the onsite meeting, and the results from the residential letter drop, it has been determined that a No Parking Zone on Hedley Street (western side) would be the best outcome for existing residents on the street.

The proposed No Parking Zone is shown on the aerial map attached to the Traffic Impact Statement.

Legal Implications

Nil

STRATEGIC PLAN

GOAL 2 – Our Location

2.1.1 - Working with the community to ensure our CBD, health and education precincts, our streets and our public spaces are safe, inviting and support a positive image of the City of Mount Gambier

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Nil



VALUE FOR MONEY

Nil

RISK IMPLICATIONS

Nil

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Nil

IMPLEMENTATION STRATEGY

CONCLUSION AND RECOMMENDATION

Following consultation with the community and either nil or feedback supporting the proposal, recommendation is for a No Parking Zone to be established on:

Hedley Street (Western Side) - From 10 metres south of the intersection with Jardine Street to 75 metres south of the said intersection. To apply at all times

ATTACHMENTS

1. Traffic Impact Statement [↓](#)
2. Hedley Street Aerial Photo [↓](#)
3. Letter to residents [↓](#)



TRAFFIC IMPACT STATEMENT

No Parking
Hedley Street (Western Side)

Part A – Traffic Management

It is the view of the undersigned that the installation of a No Parking area on Hedley Street (Western Side) will not be detrimental to traffic management in the area.

Part B – Road Safety Effects

It is anticipated that the proposal will not have any negative impacts on road safety.

Conclusion

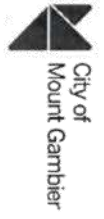
In the opinion of the undersigned, that the installation of a No Parking area on Hedley Street (Western Side) will not be detrimental to traffic management in the area.

.....
Tim COOTE
GENERAL MANAGER CITY GROWTH

25th November 2021

Ref. AF11/1855
LM





No Parking Hedley Street (Western Side)



Map Zoom: 263.4 m
Plot Date: Monday, 7 June 2021





Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

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

mountgambier.sa.gov.au

Reference: AR21/57070
Enquiries: Abdullah Mahmud

7 September 2021

To the Occupier

Dear Sir/Madam

RE: HEDLEY STREET - PROPOSED INSTALLATION OF 'NO PARKING ZONE'

The City of Mount Gambier has recently received requests from residents to investigate the risk of inadequate sight distance for traffic on Hedley Street, when travelling north from Commercial Street.

This matter has been raised due to an existing crown on the road profile with concerns for vehicles entering or exiting from properties on the western side of Hedley street.

After Council investigation, it has been determined that site distances from oncoming traffic is inadequate while any onsite car parking is used adjacent to these properties. Therefore, Council Officers are recommending the creation of a 'No Parking Zone' as per the attached Plan.

Council is also seeking feedback from residents regarding the decision and will include this in the report for Council to take into consideration.

Please provide any feedback to the undersigned by 30 September 2021 via email to city@mountgambier.sa.gov.au.

If you have any questions, please contact our office on 8721 2555.

Yours faithfully

A handwritten signature in black ink, appearing to read "Abdullah".

Abdullah MAHMUD
MANAGER OPERATIONS & ENGINEERING



23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - QUESTION STYLE EVENT FOR STATE ELECTION CANDIDATES

Meeting: Council
CM9 Reference: AF20/446
Member: Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 14 December 2021, I intend to move the following motion:

MOTION

1. That Council Report No. AR21/76495 titled 'Notice of Motion - Question style event for state election candidates' as presented on 14 December 2021 be noted.
2. that Council explores options for a Question style event for the State Election candidates early in 2022.

RATIONALE

The intent of this Motion is that our local community can hear from candidates about their positions on matters and policy of importance to local people.

A former forum of this nature was quite successful.

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



23.2 NOTICE OF MOTION - WORKSHOP - OPENING OF WULANDA RECREATION AND CONVENTION CENTRE

Meeting: Council
CM9 Reference: AF20/446
Member: Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 14 December 2021, I intend to move the following motion:

MOTION

1. That Council Report No. AR21/79817 titled 'Notice of Motion - Workshop - Opening of Wulanda Recreation and Convention Centre' as presented on 14 December 2021 be noted.
2. That a workshop (or workshops if required) be conducted in January or February for Councillors to discuss and contribute ideas towards the opening of the Wulanda Recreation and Convention Centre.

RATIONALE

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



24 URGENT MOTIONS WITHOUT NOTICE

25 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



26 NEW CONFIDENTIAL ITEMS

26.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/72835

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR21/72835 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.1 AR21/72835 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/79179

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/79179 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to the negotiation and execution of a contract between Council and a contractor associated with the operation and management of the Wulanda Recreation and Convention Centre which is subject to an existing confidentiality order. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.2 AR21/79179 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and

(g) be kept confidential and not available for public inspection until a further order of Council to release.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #13 - AS AT 07/12/2021 –
REPORT NO. AR21/79587**

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR21/79587 Project Control Group (PCG) Progress Report #13 - As at 07/12/2021.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.3 AR21/79587 Project Control Group (PCG) Progress Report #13 - As at 07/12/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 12 months after completion of the project.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

26.4 MICROMOBILITY DEVICE PROPOSAL – REPORT NO. AR21/73765

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR21/73765 Micromobility Device Proposal.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because attachment and information regarding mobility devices contain commercial information of a confidential nature provided to Council in confidence, and the consideration of which if conducted in open could prejudice the position of Council or the party that provided the information or confer a commercial advantage on a third party.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.4 AR21/73765 Micromobility Device Proposal and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until an agreement has been entered into in relation to the matter and Council has been released from its duty of confidence.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

27 MEETING CLOSE



COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 16 NOVEMBER 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Manager Waste and ReUse	- Mr M McDonald
	Manager Finance	- Ms J Scoggins
	Manager Organisational Development	- Ms R Datta
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator City Infrastructure	- Ms S Wilson
	Executive Administrator City Growth	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

RESOLUTION 2021/327

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

That the apologies from Cr Kate Amoroso, Cr Christian Greco and Cr Steven Perryman be received.

CARRIED

3 LEAVE OF ABSENCE

RESOLUTION 2021/328

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

That leave of absence from Cr Ben Hood be received and accepted.

CARRIED

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/329

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 19 October 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - NOVEMBER 2021

- Citizenship Ceremony
- LC Wine Show LCLGA Trophy Dinner – Presentation of Colin Kidd Trophy
- Monthly LCLGA Mayor’s Virtual Meeting
- Tour of Wulanda with Premier Marshall
- Lunch Meeting with Senior Executive, Elected Members and Premier Marshall
- Generations in Jazz – Launch of Strategy Plan and Benefactor
- Radio Interview with Llew Jones – 5GTR-FM
- Funeral of Jack Hopgood OAM
- Elected Members Workshop – Next Stage – Committee Structures
- Wulanda Media Site Tour
- Regional Mayor’s Roundtable – Adelaide
- 2021 LGA Conference – Adelaide
- 2021 LGA AGM and LGFA AGM – Adelaide
- Presentation with CEO to Shadow Country Cabinet – Mount Gambier
- Economic and Environment Committee Meeting
- Elected Member Workshop – Budget Process and LTFP
- 25 Year Anniversary – Kevin Paisley Fashion Eyewear
- Official Opening – St Martin’s Lutheran College – Stage 2 Building
- Meeting with Mayor Erika Vickery OAM
- Photos with Lions Ladies – decorating of Christmas Tree in front of Old Town Hall
- UniSA Alumni & Networking Event
- Mount Gambier Science Fair
- Kmart Wishing Tree Appeal Launch
- Introductory Meeting – CEO and Peter Gandolfi – The Border Watch
- Citizenship Ceremony at District Council of Grant

RESOLUTION 2021/330

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 16 November 2021 be received.

CARRIED**6 REPORTS FROM COUNCILLORS**

- Cr Sonya Meziniec Lunchtime meeting with Premier Mr Stephen Marshall, Presentation to Mount Gambier High School students, Wulanda media site tour, Remembrance Day celebrations, Mount Gambier and Districts Health Advisory Committee AGM, Opening two Exhibitions Riddoch Arts and Cultural Centre, Christmas Pageant Advisory Committee.
- Cr Paul Jenner Lunchtime meeting with State Premier - Stephen Marshall, Boundary Roads Advisory Group meeting with District Council of Grant, Country Cabinet - Labor in City Hall, Blue Lake Sports Park meeting on Open Space and Recreation Masterplan.
- Cr Frank Morello Meeting with Premier Marshall, Presentation to Mount Gambier High School students.
- Cr Max Bruins Exhibition opening at Riddoch (12/11/2021).

RESOLUTION 2021/331

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the reports made by Councillors on 16 November 2021 be received.

CARRIED**7 QUESTIONS WITH NOTICE**

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS**12.1 ELECTED MEMBER WORKSHOPS FROM 15/10/2021 TO 11/11/2021****RESOLUTION 2021/332**

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

That the Record of Proceedings for the listed Workshops be received and noted.

CARRIED**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

14 COUNCIL ACTION ITEMS**14.1 COUNCIL ACTION ITEMS - 19/10/2021****RESOLUTION 2021/333**

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council Report No. AR21/42564 titled 'Council Action Items - 19/10/2021' as presented on 16 November 2021 be noted.

CARRIED**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS****15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 1 NOVEMBER 2021****RESOLUTION 2021/334**

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

That the Minutes of the Economic and Environment Committee meeting held on 1 November 2021 as attached be noted.

CARRIED

15.2 STRATEGIC SUSTAINABILITY REPORT – REPORT NO. AR21/62236**RESOLUTION 2021/335**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR21/62236 titled 'Strategic Sustainability Report' as presented on 01 November 2021 be noted.
2. That a Strategic Sustainability briefing be scheduled for Council to discuss opportunities and prioritise key result areas.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Mezinec disclosed a material conflict of interest in Item 15.3:

"I am the Council representative on the Riddoch Arts and Cultural Trust".

In accordance with Section 74 of the Local Government Act 1999 Cr Mezinec did not participate in the meeting for Item 15.3.

Cr Mezinec left the meeting at 6:17 pm.

15.3 REGISTRATION OF RIDDOCH ARTS AND CULTURAL TRUST – REPORT NO. AR21/52752**RECOMMENDATION**

1. That Economic and Environment Committee Report No. AR21/52752 titled 'Registration of Riddoch Arts and Cultural Trust' as presented on 01 November 2021 be noted.
2. That, in accordance with The Riddoch Arts and Cultural Trust Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:
 - *Tim Coote*
 - *Georgina Davison*
 - *Michael McCarthy*

The Riddoch Arts and Cultural Trust Board be notified of the Board Observer appointments at their next available Board meeting.

3. That Council continue to support the establishment of The Riddoch Arts and Cultural Trust and that further reports be presented to update Council on progress of the establishment of the Trust and Board in accordance with previous resolutions.

Motion lapsed due to lack of quorum

Cr Mezinec returned to the meeting at 6:18 pm.

15.4 RAIL CORRIDOR LICENCE – REPORT NO. AR21/67626**RESOLUTION 2021/336**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR21/67626 titled 'Rail Corridor Licence' as presented on 01 November 2021 be noted.
2. That the Chief Executive Officer (or representative) finalise documentation with the Department for Infrastructure and Transport as is necessary to secure tenure of the railway corridor lands listed in Attachment 1 for shared use path purposes, and the Mayor and Chief Executive Officer be authorised to affix the Common Seal to such documentation.
3. That, in accordance with section 193(4) of the Local Government Act 1999 the railway corridor lands listed in Attachment 1 to Report No. AR21/67626 be excluded from classification as community land.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Paul Jenner disclosed a perceived conflict of interest in Item 15.5:

"I am a current member of Council Assessment Panel".

Cr Jenner informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 15.5 as follows:

"I believe this does not have any conflict of interest but just doing so for safety. I will stay in the meeting".

In accordance with Section 75A of the Local Government Act 1999 Cr Jenner remained in the meeting for Item 15.5.

15.5 JOINT PLANNING BOARD – REPORT NO. AR21/68151**RESOLUTION 2021/337**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR21/68151 titled 'Joint Planning Board' as presented on 01 November 2021 be noted.

CARRIED

Having participated in the meeting for Item 15.5 under s75A Cr Jenner voted in favour of the motion.

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 COUNCIL ASSESSMENT PANEL MINUTES**17.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 OCTOBER 2021****RESOLUTION 2021/338**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the Minutes of the Council Assessment Panel meeting held on 21 October 2021 as previously circulated be noted.

CARRIED**18 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS****18.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 27 OCTOBER 2021****RESOLUTION 2021/339**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the Minutes of the Junior Sports Assistance Fund meeting held on 27 October 2021 as attached be noted.

CARRIED**18.2 PAYMENT TO MEMBER ORGANISATIONS – REPORT NO. AR21/48591****RESOLUTION 2021/340**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR21/48591 titled 'Payments to Member Organisations' as presented on 27 October 2021 be noted.
2. That the allocation be calculated based on 10% of the total cost of the principle event and capped at \$200 minimum and \$500 maximum.
3. That in the event of extenuating circumstances the determination will be at the discretion of the Committee.

CARRIED

**18.3 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2021 –
REPORT NO. AR21/48595****RESOLUTION 2021/341**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR21/48595 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2021' as presented on 27 October 2021 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2021 detailing payments to or payments from the Fund with a 30 June 2021 cash balance of \$112,036.64 be received.

CARRIED**18.4 MEMBER ORGANISATION CONTRIBUTIONS 2021/2022 – REPORT NO.
AR21/48602****RESOLUTION 2021/342**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR21/48602 titled 'Member Organisation Contributions 2021/2022' as presented on 27 October 2021 be noted.
2. Members Organisations be advised that to continue assist its members during the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2021/2022 financial year be waived.

CARRIED**18.5 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY-FIFTH ANNUAL
GENERAL MEETING – REPORT NO. AR21/48596****RESOLUTION 2021/343**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR21/48596 titled 'General Developments of the Fund Since the Thirty-Fifth Annual General Meeting' as presented on 27 October 2021 be noted.

CARRIED

18.6 COMMITTEE APPOINTMENTS – REPORT NO. AR21/48607**RESOLUTION 2021/344**

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR21/48607 titled 'Committee Appointments' as presented on 27 October 2021 be noted.

CARRIED**18.7 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 27 OCTOBER 2021****RESOLUTION 2021/345**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

That the Minutes of the Junior Sports Assistance Fund meeting held on 27 October 2021 as attached be noted.

CARRIED**18.8 CORRESPONDENCE RECEIVED – REPORT NO. AR21/63251****RESOLUTION 2021/346**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR21/63251 titled 'Correspondence Received' as presented on 27 October 2021 be noted.

CARRIED**18.9 STATEMENT OF REVENUE AND EXPENSES - 01/05/2021 - 30/09/2021 – REPORT NO. AR21/63255****RESOLUTION 2021/347**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR21/63255 titled 'Statement of Revenue and Expenses - 01/05/2021 - 30/09/2021' as presented on 27 October 2021 be noted.
2. The financial statement of the Fund as 30 September 2021 be received, noting a cash balance of \$126,036.64.

CARRIED

18.10 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND - 01/05/2021 TO 30/09/2021 – REPORT NO. AR21/66259**RESOLUTION 2021/348**

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR21/66259 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund - 01/05/2021 to 30/09/2021' as presented on 27 October 2021 be noted.

CARRIED**18.11 DISADVANTAGED JUNIOR PROGRAM 2021****RESOLUTION 2021/349**

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

1. The Program for 2021 be amended allowing Member Organisations to submit more than two applications to be accepted at the discretion of the Committee.

CARRIED**19 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS****19.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 8 NOVEMBER 2021****RESOLUTION 2021/350**

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

That the Minutes of the Audit Committee meeting held on 8 November 2021 as attached be noted.

CARRIED**19.2 CORRESPONDENCE RECEIVED – REPORT NO. AR21/71204****RESOLUTION 2021/351**

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR21/71204 titled 'Correspondence Received' as presented on 08 November 2021 be noted.

CARRIED

19.3 SELF-ASSESSMENT OF PERFORMANCE AUDIT COMMITTEE – REPORT NO. AR21/62432**RESOLUTION 2021/352**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR21/62432 titled 'Self-assessment of Performance Audit Committee' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Authorise the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the attached draft Audit Committee Self-Assessment Annual Report 2020/2021 that the Committee identifies and to then finalise the document; and
 - (b) Recommend to Council that the Audit Committee's Self-Assessment Report for 2020/21 be adopted.

CARRIED

19.4 POLICY REVIEW - B300 BUDGET FRAMEWORK – REPORT NO. AR21/62434**RESOLUTION 2021/353**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/62434 titled 'Policy Review - B300 Budget Framework' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Determine if it wishes to make any adjustments to the draft revised policy.
 - (b) Recommend to Council that Council adopts the proposed revised B300 Budget Framework Policy.
3. That Council Policy B300 - Budget Framework be adopted as attached to Report No. AR21/62434 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED

19.5 POLICY REVIEW - T150 - TREASURY MANAGEMENT – REPORT NO. AR21/62435**RESOLUTION 2021/354**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/62435 titled 'Policy Review - T150 - Treasury Management' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Determine if it wishes to make any adjustments to Council with regard to the updated policy.
 - (b) Recommend to Council that Council adopts the updated Treasury Management Policy as presented.
3. That Council Policy T150 - Treasury Management be adopted as attached to Report No. AR21/62435 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED**19.6 COUNCIL INVESTMENTS & BORROWINGS – REPORT NO. AR21/71874****RESOLUTION 2021/355**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR21/71874 titled 'Council Investments & Borrowings' as presented on 08 November 2021 be noted.

CARRIED**19.7 REVIEW OF DRAFT AUDIT AND RISK COMMITTEE TERMS OF REFERENCE – REPORT NO. AR21/67856****RESOLUTION 2021/356**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/67856 titled 'Review of Draft Audit and Risk Committee Terms of Reference' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Authorises the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the draft Audit and Risk Committee Terms of Reference that the Committee identifies and to then finalise the document; and
 - (b) Recommend to Council that the draft Audit and Risk Committee Terms of Reference be adopted.
3. That the Audit and Risk Committee Terms of Reference be adopted as attached to Report No. AR21/67856 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED

20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 6:36 pm.

20.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 9 NOVEMBER 2021

RESOLUTION 2021/357

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinac

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 9 November 2021 as attached be noted.

CARRIED

Mrs Philpott returned to the meeting at 6:37 pm.

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

22 COUNCIL REPORTS

22.1 2022/23 ANNUAL BUSINESS PLAN PROCESS

RESOLUTION 2021/358

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/62437 titled '2022/23 Annual Business Plan Process' as presented on 16 November 2021 be noted.
2. That Council:
 - (a) Note the 2022/23 Annual Business Plan process as outlined in this report.
 - (b) Note the budget information to be provided to Council Members illustrated in this report.
 - (c) Note the key milestones and meeting dates included in this report.

CARRIED

22.2 2020/2021 CITY OF MOUNT GAMBIER ANNUAL REPORT

RESOLUTION 2021/359

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR21/64554 titled '2020/2021 City of Mount Gambier Annual Report' as presented on 16 November 2021 be noted.
2. That the City of Mount Gambier 2020/2021 Annual Report as tabled be adopted.
3. That the Chief Executive Officer be authorised to make any non-material changes as considered necessary prior to publication.
4. That copies of the City of Mount Gambier be distributed to the bodies/persons referred to in Section 131 of the *Local Government Act 1999*.

CARRIED

22.3 REVIEW OF COMMITTEE / DECISION MAKING STRUCTURE

RESOLUTION 2021/360

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR21/70507 titled 'Review of Committee / Decision Making Structure' as presented on 16 November 2021 be noted.
2. That Council adopt a committee / decision-making structure comprising the following components:
 - (a) Monthly Council meetings on 3rd Tuesday of the month commencing at 6:00 pm.
 - (b) The following statutory committees:
 - (i) Audit (and Risk) Committee
 - (ii) Council Assessment Panel (until replaced by a Regional Assessment Panel)
 - (iii) Building Fire Safety Committee
 - (c) The following special purpose committees:
 - (i) Chief Executive Officer Performance Review Committee
 - (ii) Junior Sports Assistance Fund
 - (d) Information and briefing sessions to be held wherever possible on other Tuesday evenings (*or other evening as determined by Council*) commencing at 5:30 pm, held in accordance with section 90A (except where section 90A does not apply).
3. That Terms of Reference, membership and meeting dates and times for the committees referenced in resolution (2) remain unchanged until reviewed/amended by Council.
4. That the committee / decision -making structure in resolution (2) take effect as follows:
 - (a) New committees commence from a first meeting date in the first quarter 2022.
 - (b) Any demised committees (i.e. not referenced in resolution 2) be placed into recess forthwith.
 - (c) Council meetings commence at 6:00 pm from the January 2022 Ordinary meeting.
 - (d) The Economic and Environment and People and Place Committees no longer be considered prescribed committees.
5. That amendments to Presiding Member allowances and/or sitting fees arising from committee / decision-making structure changes be noted.

6. That the Presiding Members and Members of demised committees be thanked for their contributions over the course of the committees operation.

CARRIED

22.4 COUNCIL AND COMMITTEE MEETING ARRANGEMENTS FOR DECEMBER 2021 / JANUARY 2022

RESOLUTION 2021/361

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/44964 titled 'Council and Committee Meeting Arrangements for December 2021 / January 2022' as presented on 16 November 2021 be noted.
2. That the December 2021 Ordinary Council meeting be held on Tuesday 14 December 2021 commencing at 6:00 pm rather than on the 3rd Tuesday of the month.
3. The Council meeting calendar be updated / prepared reflecting the changes in resolution 2, and appropriate notification be given of meeting dates.

CARRIED

22.5 LOCAL GOVERNMENT REFORM - MOBILE FOOD VENDORS

RESOLUTION 2021/362

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/69573 titled 'Local Government Reform - Mobile Food Vendors' as presented on 16 November 2021 be noted.
2. That, notwithstanding the repeal of the legislative provisions relating to mobile food vending business and location rules, that location rules for mobile food vendors endorsed in 2018 and published on the Council website be updated to reflect legislative amendments (repeal) and be retained for the purpose of permit terms and conditions.

CARRIED

22.6 LOCAL GOVERNMENT REFORM - ROUND 2 REGULATIONS - FEEDBACK**RESOLUTION 2021/363**

Moved: Cr Paul Jenner
 Seconded: Cr Frank Morello

1. That Council Report No. AR21/64930 titled 'Local Government Reform - Round 2 Regulations - Feedback' as presented on 16 November 2021 be noted.
2. That Council supports the position of the Local Government Association on the round 2 local government reform draft regulations as set out in the Discussion Paper referenced in Report No. AR21/64930.
3. That the City of Mount Gambier support an amendment to Regulation 4 of the Local Government (General) (Annual Report) Variation Regulations 2021 to include in the definition of 'prescribed interstate travel' an exemption for a council with a boundary that is 'proximate in distance' to a State Border, noting that the City of Mount Gambier boundary is located only some 20 kilometres from the Victorian State border.
4. The decision of Council (resolution 3) be conveyed to Member for Mount Gambier Troy Bell MP.

CARRIED**22.7 LOCAL GOVERNMENT REFORM - ROUND 2 COMMENCEMENT****RESOLUTION 2021/364**

Moved: Cr Sonya Meziniec
 Seconded: Cr Paul Jenner

1. That Council Report No. AR21/69834 titled 'Local Government Reform - Round 2 Commencement' as presented on 16 November 2021 be noted.

CARRIED**22.8 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2021/2022 - APPLICATIONS**

Moved: Cr Max Bruins
 Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 – Applications' as presented on 16 November 2021 be noted.
2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00

Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 100,000.00

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
- all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

AMENDMENT

Moved: Cr Paul Jenner

1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 - Applications' as presented on 16 November 2021 be noted.
2. That a one of increased amount of \$113,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 13,000.00
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 113,000.00

3. That the additional \$13,000 be reconciled in budget review two.
4. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

Motion lapsed for want of a seconder

The motion was put and

CARRIED

Cr Paul Jenner called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins and Frank Morello

Against: Cr Paul Jenner

The Mayor declared the motion

CARRIED 3/1

RESOLUTION 2021/365

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 – Applications' as presented on 16 November 2021 be noted.
2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 100,000.00

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

CARRIED

The Mayor foreshadowed a conflict of interest in the next item and sought an Acting Presiding Member in the absence of the Deputy Mayor.

APPOINTMENT OF ACTING PRESIDING MEMBER

RESOLUTION 2021/366

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

Cr Sonya Meziniec be appointed as Acting Presiding Member for the meeting in the absence of Mayor Martin.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a material conflict of interest in Item 22.9:

"I am a board member of the QEPT".

In accordance with Section 74 of the Local Government Act 1999 Cr Bruins did not participate in the meeting for Item 22.9.

Pursuant to Section 74 of the Local Government Act 1999, Mayor Martin disclosed a material conflict of interest in Item 22.9:

"I have a family member who is chair of the QEPT board and therefore I will leave the meeting".

In accordance with Section 74 of the Local Government Act 1999 Mayor Martin did not participate in the meeting for Item 22.9.

Mayor Martin and Cr Max Bruins left the meeting at 7:08 pm.

Cr Sonya Meziniec took the chair for the following item.

22.9 QUEEN ELIZABETH PARK TRUST (QEPT) CONSTITUTION

REPORT RECOMMENDATION

1. That Council Report No. AR21/70516 titled 'Queen Elizabeth Park Trust (QEPT) Constitution' as presented on 16 November 2021 be noted.
2. That Council endorse proposed changes to the Queen Elizabeth Park Trust Incorporated Constitution, to:

amend 10(a) to read:

"Ordinary meetings of the Trust shall be held at times and places appointed by the Chairperson. But there must be at least one ordinary meeting in each year."

insert new 10(h):

"A meeting of the Trust may be held with one or more of the Trustees taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the meeting only whilst all attendees are able to

hear the proceedings of the entire meeting and to be heard by all others attending the meeting.”

Motion lapsed due to lack of quorum

Mayor Martin and Cr Max Bruins returned to the meeting at 7:09 pm.

Mayor Martin resumed the chair.

22.10 ACTING ARRANGEMENTS IN ABSENCE OF CEO

RESOLUTION 2021/367

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/70686 titled 'Acting arrangements in absence of CEO' as presented on 16 November 2021 be noted.
2. That, having consulted with the Council in accordance with Section 102(b) of the *Local Government Act, 1999*, it is noted that, in the instance of unplanned or unanticipated urgent leave, the Chief Executive Officer (CEO) appoints Ms Barbara Cernovskis (General Manager City Infrastructure), to act in the position of Chief Executive Officer.
3. That, should the acting arrangements for unplanned or unanticipated urgent leave of the CEO, as set out in resolution 2, be unsuitable due to the absence or unavailability of Ms Barbara Cernovskis, that Mr Darren Barber (General Manager Shared Services), will be appointed to act in the position of Chief Executive Officer, and failing his availability, then Mr Tim Coote (General Manager City Growth) will be appointed to act in the position of Chief Executive Officer.
4. That it is noted that, in the instance of planned or anticipated leave by the Chief Executive Officer, the Chief Executive Officer will make an appointment from amongst the three General Manager positions, namely, the General Manager City Infrastructure, the General Manager Shared Services or the General Manager City Growth.
5. That it is intended that these arrangements remain in place, including should incumbents in the General Manager roles change (excepting short-term acting arrangements of other officers not named in resolution 3), or the executive position titles change in subsequent organisational structures, until such time as Council has been further consulted and notified of any alternative appointments.

CARRIED

22.11 BUDGET REVIEW 1 2021/22**RESOLUTION 2021/368**

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Council Report No. AR21/70386 titled 'Budget Review 1 2021/22' as presented on 16 November 2021 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2022 as at 30 September 2021 (Budget Review 1).

CARRIED**22.12 DRAFT LONG TERM FINANCIAL PLAN****RESOLUTION 2021/369**

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council note the presentation as provided by the Manager Finance, Julie Scoggins.
2. That Council adopt the Draft Long Term Financial Plan 2022-2032 (attached) for community consultation.
3. Authorises the Chief Executive Officer to make any necessary changes to the draft Long Term Financial Plan 2022-32 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

CARRIED**22.13 CAROLINE LANDFILL - COMMUNITY LAND MANAGEMENT PLAN****RESOLUTION 2021/370**

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR21/71347 titled 'Caroline Landfill - Community Land Management Plan' as presented on 16 November 2021 be noted.
2. That, having conducted the necessary consultation in accordance with section 197 of the Local Government Act 1999, Council adopt the (amended) Community Land Management Plan for Caroline Landfill presented with Report AR21/71347 as **Attachment 1**.

CARRIED

22.14 NOVEMBER 2022 LOCAL GOVERNMENT ELECTIONS**RESOLUTION 2021/371**

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR21/71567 titled 'November 2022 Local Government Elections' as presented on 16 November 2021 be noted.

CARRIED**22.15 PARTNERSHIP PRIORITIES AND ADVOCACY****RESOLUTION 2021/372**

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council Report No. AR21/72290 titled 'Partnership Priorities and Advocacy' as presented on 16 November 2021 be noted.
2. That Council note the status of the City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document.
3. That the final City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document be presented back to December Meeting of Council following further consultation with Councillors.

CARRIED**22.16 UPDATED SELF-ASSESSMENT OF PERFORMANCE AUDIT COMMITTEE****RESOLUTION 2021/373**

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Council Report No. AR21/73100 titled 'Updated Self-assessment of Performance Audit Committee' as presented on 16 November 2021 be noted.
2. That Council Authorise the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the Audit Committee Self-Assessment Annual Report 2020/2021 that the Committee identifies and to then finalise the document; and
3. That Council adopt the Audit Committee's Self-Assessment Report for 2020/21.
4. That Tim Muhlhausler and Galpins be thanked for their many years of service as Council's external auditors.

CARRIED

23 MOTIONS WITH NOTICE**23.1 NOTICE OF MOTION - MOUNT GAMBIER DEVELOPERS MEETING****RESOLUTION 2021/374**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/72659 titled 'Notice of Motion - Mount Gambier Developers Meeting' as presented on 16 November 2021 be noted.
2. Council invites Mount Gambier developers and planning consultants to a briefing session to discuss planning and development matters.
3. Council prepares an agenda and circulates to attendees in advance of the meeting.

CARRIED

23.2 NOTICE OF MOTION - COUNCIL PROVISION OF A QUESTION STYLE EVENT FOR STATE ELECTION CANDIDATES**MOTION**

Moved: Cr Paul Jenner

1. That Council Report No. AR21/72687 titled 'Notice of Motion - Council provision of a question style event for state election candidates' as presented on 16 November 2021 be noted.
2. that Council explores options for a Question style event for the State Election candidates early in 2022.

Motion lapsed for want of a seconder

24 MOTIONS WITHOUT NOTICE

Nil

25 CONFIDENTIAL ITEMS OF COMMITTEES

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 7:30 pm.

25.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 9 NOVEMBER 2021**25.2 CHIEF EXECUTIVE OFFICER - PERFORMANCE UPDATE – REPORT NO. AR21/71607****RESOLUTION 2021/375**

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR21/71607 Chief Executive Officer - Performance Update.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be presented and discussed relates to the performance review of the Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott.

CARRIED**RESOLUTION 2021/376**

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR21/71607 Chief Executive Officer - Performance Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

25.3 CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD – REPORT NO. AR21/70965**RESOLUTION 2021/377**

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR21/70965 Chief Executive Officer Probationary Period.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be presented and discussed relates to the performance review of the Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott.

CARRIED**RESOLUTION 2021/378**

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.2 AR21/70965 Chief Executive Officer Probationary Period and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Mrs Philpott returned to the meeting at 7:33 pm.

25.4 CONFIDENTIAL ITEMS OF THE AUDIT COMMITTEE HELD ON 8 NOVEMBER 2021**25.5 CITY OF MOUNT GAMBIER - IT ENTITY CONTROLS REVIEW 2020/21 – REPORT NO. AR21/71285**

RESOLUTION 2021/379

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR21/71285 City of Mount Gambier - IT Entity Controls Review 2020/21.

The Council is satisfied that, pursuant to section 90(3) (b), (e) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered with this item relates to the security of Council property comprising information, data and information systems, including information of a commercial nature relating to Council systems, and provided on a confidential basis by Council's Auditors. The disclosure of this information would breach the confidence of the party that provided the information and could reasonably be expected to create a security risk for Council and potential advantage to 3rd party service providers and prejudice the commercial position of Council in service negotiations. The public interest in the non-disclosure of this information lies in protecting the community from unnecessary and avoidable costs associated with managing data security.

CARRIED**RESOLUTION 2021/380**

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 6.1 AR21/71285 City of Mount Gambier - IT Entity Controls Review 2020/21 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (e) and (g) be kept confidential and not available for public inspection until the matters contained in the report have been satisfactorily addressed.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED**26 NEW CONFIDENTIAL ITEMS****26.1 AF21/68 TENDER - PROCUREMENT - CAROLINE LANDFILL - CAPPING OF CELLS 3A & B – REPORT NO. AR21/70391****RESOLUTION 2021/381**

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR21/70391 AF21/68 Tender - Procurement - Caroline Landfill - Capping of Cells 3A & B.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be considered relates to the consideration of a tender for works at Caroline Landfill - Capping of Cells 3A & B.

CARRIED

RESOLUTION 2021/382

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.1 AR21/70391 AF21/68 Tender - Procurement - Caroline Landfill - Capping of Cells 3A & B and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/71835**RESOLUTION 2021/383**

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/71835 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:

- to prejudice the commercial position of the person who supplied the information, or
- to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to the negotiation and execution of a contract between Council and a contractor associated with the operation and management of the Wulanda Recreation and Convention Centre which is subject to an existing confidentiality order. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value on behalf of the community.

CARRIED

RESOLUTION 2021/384

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.2 AR21/71835 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order of Council to release.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #12 - AS AT 02/11/2021 - REPORT NO. AR21/71837

RESOLUTION 2021/385

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR21/71837 Project Control Group (PCG) Progress Report #12 - As at 02/11/2021.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CARRIED

RESOLUTION 2021/386

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.3 AR21/71837 Project Control Group (PCG) Progress Report #12 - As at 02/11/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

27 MEETING CLOSE

The Meeting closed at 8:14 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 December 2021.

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PRESIDING MEMBER