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

**Date:** Tuesday, 17 December 2019  
**Time:** 6.00 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Ordinary Council Meeting 17 December 2019**

**Andrew Meddle  
Chief Executive Officer**

**13 December 2019**

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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**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

[Ordinary Council Meeting - 19 November 2019](#)

[Special Council Meeting - 21 November 2019](#)

[Special Council Meeting - 3 December 2019](#)

**RECOMMENDATION**

That the minutes of the Ordinary Council meeting held on 19 November 2019, the Special Council meeting held on 21 November 2019 and the Special Council meeting held on 3 December 2019 be confirmed as an accurate record of the proceedings of the meeting.

**5 MAYORAL REPORT**

**6 REPORTS FROM COUNCILLORS**

**7 QUESTIONS WITH NOTICE**

Nil

**8 QUESTIONS WITHOUT NOTICE**

**9 PETITIONS**

Nil



## 10 DEPUTATIONS

### 10.1 DEPUTATION FROM WATTLE RANGE COUNCIL – REPORT NO. AR19/68403

**Meeting:** Council  
**CM9 Reference:** AF18/441  
**Author:** Andrew Meddle, Chief Executive Officer  
**Authoriser:** Andrew Meddle, Chief Executive Officer

#### REPORT RECOMMENDATION

1. That Council Report No. AR19/68403 titled 'Deputation from Wattle Range Council ' as presented on 17 December 2019 be noted.



**BACKGROUND**

Deputation regarding the Caroline Landfill Gate Fees. Wattle Range Council will be represented by their CEO Ben Gower and Mayor Des Noll.

**ATTACHMENTS**

Nil



**11 NOTICE OF MOTION TO RESCIND OR AMEND**

Nil



## 12 ELECTED MEMBERS WORKSHOPS

### 12.1 ELECTED MEMBER WORKSHOPS – REPORT NO. AR19/65713

**Meeting:** Council  
**CM9 Reference:** AF18/441  
**Author:** Elisa Solly, Executive Administration Officer  
**Authoriser:**

#### REPORT RECOMMENDATION

1. That Council Report No. AR19/65713 titled 'Elected Member Workshops' as presented on 17 December 2019 be noted.



## ATTACHMENTS

1. Designated Informal Gathering - Record of Proceedings - 25/11/2019 - 5.30 p.m. [↓](#)
2. Designated Informal Gathering - Record of Proceedings - 25/11/2019 - 6.30 p.m. [↓](#)
3. Designated Informal Gathering - Members Workshop - Record of Proceedings - 10/12/2019 - 6.20 p.m. [↓](#)



**DESIGNATED INFORMAL GATHERING  
ARTS HUB BRIEFING  
5.30 PM, MONDAY 25 NOVEMBER 2019**

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RECORD OF PROCEEDINGS  
5.30 pm, Monday 25 November 2019  
Level 4, Committee Road, Civic Centre,  
10 Watson Terrace, Mount Gambier

**GUESTS:-**

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Ruth Schubert  
Sue Shaw  
Sally O'Connor  
Kaye Ballantyne

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Morello  
Cr Bruins  
Cr Jenner  
Cr Meziniec  
Cr Hood

**STAFF PRESENT:-**

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General Manager City Growth  
General Manager Community Wellbeing  
General Manager City Infrastructure  
Acting General Manager Council Business Services

**MEMBERS APOLOGIES:-**

Cr Greco  
Cr Amoroso

**LEAVE OF ABSENCE:-**

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Nil

**DISCUSSION:**

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- Strategic workshop to be scheduled on receipt of Collaborative Art Hub formal report.
- Report to be prepared for Council.

Discussion closed at 6.28 p.m.



**DESIGNATED INFORMAL GATHERING  
SPARE YA CHANGE BRIEFING  
6.30 PM, MONDAY 25 NOVEMBER 2019**

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RECORD OF PROCEEDINGS  
6.30 pm, Monday 25 November 2019  
Level 4, Committee Road, Civic Centre,  
10 Watson Terrace, Mount Gambier

**GUESTS:-**

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Toni Vorenas  
Don Pratt  
Sam Oliver

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Morello  
Cr Jenner  
Cr Meziniec  
Cr Hood

**STAFF PRESENT:-**

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General Manager City Growth  
General Manager Community Wellbeing  
General Manager City Infrastructure  
Acting General Manager Council Business Services

**MEMBERS APOLOGIES:-**

Cr Greco  
Cr Amoroso

**LEAVE OF ABSENCE:-**

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Nil

**DISCUSSION:**

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- General Manager Community Wellbeing to participate in ongoing discussions and report back to Council regarding progress with development of collaborative initiative.

Discussion closed at 7.20 p.m.



**DESIGNATED INFORMAL GATHERING  
BLUE LAKE GOLF CLUB BRIEFING  
6.20 PM, TUESDAY 10 DECEMBER 2019**

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RECORD OF PROCEEDINGS  
6.20 pm, Tuesday 10 December 2019  
Level 4, Committee Room, Civic Centre,  
10 Watson Terrace, Mount Gambier

**MEMBERS PRESENT:-**

Mayor Martin (left at 7.00 p.m.)  
Cr Jenner  
Cr Morello  
Cr Mezinec  
Cr Greco (left at 6.40 p.m.)  
Cr Bruins (left at 7.20 p.m.)

**STAFF PRESENT:-**

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

**MEMBERS APOLOGIES:-**

Cr Amoroso  
Cr Hood  
Cr Perryman

**LEAVE OF ABSENCE:-**

**DISCUSSION:**

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- Blue Lake Golf Club and Council history
- Current position
- What has changed since the new lease started?
- Concerning priority issues outlined
- Position as to DC Grant rates charges
- Proposed next steps and Council consideration

Discussion closed at 7.21p.m.



**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil



## 14 COUNCIL ACTION ITEMS

### 14.1 COUNCIL ACTION ITEMS - 19/11/2019 – REPORT NO. AR19/66861

**Meeting:** Council  
**CM9 Reference:** AF18/441  
**Author:** Fiona McGregor, Executive Administration Officer  
**Authoriser:**

#### REPORT RECOMMENDATION

1. That Council Report No. AR19/66861 titled 'Council Action Items - 19/11/2019' as presented on 17 December 2019 be noted.



## ATTACHMENTS

1. Action Items 19/12/2019 [↓](#)



<p><b>Outstanding/Finalised</b></p> <p><b>Division:</b> 19/11/2019 <b>Committee:</b> 19/11/2019 <b>Officer:</b></p> <p><b>Action Sheets Report</b></p> <p><b>Printed: 11 December 2019 1:06 PM</b></p>	
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> McGregor, Fiona Zwijnenburg, Jeroen</p> <p><b>Section</b> Elected Members Workshops</p> <p><b>Subject</b> Elected Member Workshops</p>
<p><b>RESOLUTION 2019/295</b></p> <p>Moved: Cr Christian Greco Seconded: Cr Steven Perryman</p> <ol style="list-style-type: none"> <li>That Council Report No. AR19/60660 titled 'Elected Member Workshops' as presented on 19 November 2019 be noted, noting the change of time to Cr Greco's attendance to 7.40 p.m., not leaving at 7.40 p.m. as is recorded in the Community and Recreation Hub Record of Proceedings held on 22/10/2019 at 6.30 p.m.</li> <li>Council write to the Member for Mount Gambier Mr Troy Bell MP and the Member for Barker Mr Tony Pasin MP thanking them both for a productive meeting and seeking to schedule another meeting in March 2020.</li> </ol> <p>25 Nov 2019 - 10:14 AM - Fiona McGregor Action completed by: McGregor, Fiona Completed</p> <p style="text-align: right;"><b>CARRIED</b></p>	
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> Meddle, Andrew Meddle, Andrew</p> <p><b>Section</b> Elected Members Training and Development</p> <p><b>Subject</b> Cr Perryman request for accommodation related to State Planning Commission training</p>
<p><b>RESOLUTION 2019/296</b></p> <p>Moved: Cr Steven Perryman Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> <li>That Council Report No. AR19/60976 titled 'Cr Perryman request for accommodation related to State Planning Commission training' as presented on 19 November 2019 be noted.</li> <li>That, having considered the cost and benefit to Council, support the attendance of Cr Perryman to attend the State Planning Commission Training Event on 5 December 2019, with his accommodation costs to be borne by Council.</li> <li>Cr Perryman to submit a report for presentation at the Member Reports agenda item at the January 2020 Council meeting, in accordance with Council Policy M500.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>	

<i>Outstanding/Finalised</i>		<b>Division:</b> Committee:	19/11/2019 19/11/2019
<b>Action Sheets Report</b>		<b>Officer:</b>	Printed: 11 December 2019 1:06 PM
<p>3 Dec 2019 - 11:25 AM - Andrew Meddle Action completed by: Meddle, Andrew Cr Perryman has determined that he will no longer be attending and so no further action was required.</p>			
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>
Council 19/11/2019	McGregor, Fiona Zwijnenburg, Jeroen	Council Action Items	Council Action Items
<p><b>RESOLUTION 2019/297</b> Moved: Cr Frank Morello Seconded: Cr Christian Greco</p>			
<p>1. That Council Report No. AR19/61372 titled 'Council Action Items' as presented on 19 November 2019 be noted.</p>			
<p><b>CARRIED</b></p>			
<p>25 Nov 2019 - 10:10 AM - Fiona McGregor Action completed by: McGregor, Fiona Completed</p>			
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>
Council 19/11/2019	McGregor, Fiona Zwijnenburg, Jeroen	Economic and Environment Committee Minutes and Rec	Minutes of the Economic and Environment Committee held on 4 November 2019
<p><b>RESOLUTION 2019/298</b> Moved: Cr Christian Greco Seconded: Cr Max Bruins</p>			
<p>That the Minutes of the Economic and Environment Committee meeting held on 4 November 2019 as attached be noted.</p>			
<p><b>CARRIED</b></p>			
<p>25 Nov 2019 - 10:10 AM - Fiona McGregor Action completed by: McGregor, Fiona Completed</p>			
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>
Council 19/11/2019	Izzard, Aaron	Reports	Caroline Landfill Gas Collection and Utilisation

<p>Outstanding/Finalised</p>	<p>Division: Committee: Officer:</p>	<p>Date From: 19/11/2019 Date To: 19/11/2019 Printed: 11 December 2019 1:06 PM</p>
<p>Action Sheets Report</p>	<p>Cernovskis, Barbara</p>	<p><b>RESOLUTION 2019/299</b> Moved: Cr Paul Jenner Seconded: Cr Kate Amoroso</p> <ol style="list-style-type: none"><li>1. That Economic and Environment Committee Report No. AR19/48837 titled 'Caroline Landfill Gas Collection and Utilisation' as presented on 04 November 2019 be noted.</li><li>2. That the Chief Executive Officer, or his delegates, be authorised to enter into negotiations and subsequently a contract with Tenderer 1 in relation to gas collection and utilisation at Caroline Landfill.</li><li>3. Council authorise a tender process for solar generation and connection to SA Power Networks powerlines at and around the Caroline Landfill.</li><li>4. Submission to be considered at a future meeting of Economic and Environment Committee.</li></ol> <p style="text-align: right;"><b>CARRIED</b></p>

<p><b>Outstanding/Finalised</b></p> <p><b>Division:</b> 19/11/2019 <b>Committee:</b> 19/11/2019 <b>Officer:</b></p> <p><b>Action Sheets Report</b></p> <p><b>Printed: 11 December 2019 1:06 PM</b></p>			
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> Roltan, Kahli Zwijnenburg, Jeroen</p>	<p><b>Section</b> Reports</p>	<p><b>Subject</b> Review of Caroline Landfill Gate and Waste Transfer Station Fees</p>
<p><b>RESOLUTION 2019/300</b></p> <p>Moved: Cr Christian Greco Seconded: Cr Kate Amoroso</p> <ol style="list-style-type: none"> <li>1. That Economic and Environment Committee Report No. AR19/48869 titled 'Review of Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 04 November 2019 be noted.</li> <li>2. That Council adopt recommended gate price for Caroline Landfill of \$190 effective from 1 January 2020 and authorise administration to:             <ol style="list-style-type: none"> <li>(a) Notify all known regular users of the facility; and</li> <li>(b) Update the fees and charges register.</li> </ol> </li> <li>3. That Council adopt a decrease of 40% Waste Transfer Station fees effective from 1 January 2020 and authorise administration to:             <ol style="list-style-type: none"> <li>(a) Notify the public who may use the facility; and</li> <li>(b) Update the fees and charges register.</li> </ol> </li> <li>4. A further report be written for Council's consideration on implementing a separation of waste charge on Council's rate notices for 2020/2021.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>			

<p>Outstanding/Finalised</p> <p>Action Sheets Report</p>	<p>Division: Committee: Officer:</p>	<p>Date From: Date To:</p> <p>Printed: 11 December 2019 1:06 PM</p>
<p>Meeting Council 19/11/2019</p>	<p>Officer/Director Georgiou, Sinaway Serle, Nick</p>	<p>Section Reports</p>
<p>Subject Street Tree Program Overview</p>		
<p><b>RESOLUTION 2019/301</b></p> <p>Moved: Cr Steven Perryman Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> <li>1. That Economic and Environment Committee Report No. AR19/48845 titled 'Street Tree Program Overview' as presented on 04 November 2019 be noted.</li> <li>2. That Council approve the annual planting of 250 advanced mature trees instead of the current 300 standard sized trees.</li> <li>3. That Council allow the implementation of a rolling tree planting program instead of the current street methodology to allow Council Officers the flexibility of meeting an annual gain of 250 mature sized trees on an annual basis.</li> <li>4. That Council update its Land Division Policy (L130) to include a standard condition that a street tree be planted adjacent to each vacant lot as part of that development and that the Policy be returned to Council for endorsement. The tree policy T120 also be updated and returned to Council for endorsement.</li> <li>5. The General Manager City Infrastructure provide to the Economic and Environment Committee on a 6 monthly basis a summary and location of the trees removed, lost from disease, storm or other reasons.</li> <li>6. Officers continue to provide to Council on an annual basis a tree planting program.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>		

Outstanding/Finalised	Division: Committee: Officer:	19/11/2019 19/11/2019
Action Sheets Report		Printed: 11 December 2019 1:06 PM

Meeting	Officer/Director	Section	Subject
Council 19/11/2019	Nagy, Judy Meddle, Andrew	Reports	Red Bull World Cup Qualifier Event
<b>RESOLUTION 2019/303</b>			
Moved: Cr Christian Greco Seconded: Cr Ben Hood			
<ol style="list-style-type: none"> <li>That Economic and Environment Committee Report No. AR19/57120 titled 'Red Bull World Cup Qualifier Event' as presented on 04 November 2019 be noted.</li> <li>That Council support the Red Bull World Cup qualifier event to be hosted in Mount Gambier to the value of \$18,000 cash and up to the value of \$5,000 in kind.</li> <li>That endorsed fund allocation be presented as a variation in the next budget review.</li> <li>That an evaluation report be provided to Council.</li> </ol>			
10 Dec 2019 - 11:57 AM - Judy Nagy Action completed by: Nagy, Judy completed.			
<b>CARRIED</b>			

Meeting	Officer/Director	Section	Subject
Council 19/11/2019	McGregor, Fiona Zwijenburg, Jeroen	Regional Sport and Recreation Centre Committee Min	Minutes of the Regional Sport and Recreation Centre Committee held on 12 November 2019
<b>RESOLUTION 2019/304</b>			
Moved: Cr Ben Hood Seconded: Cr Christian Greco			
That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 12 November 2019 as attached be noted.			
25 Nov 2019 - 10:13 AM - Fiona McGregor Action completed by: McGregor, Fiona			
<b>CARRIED</b>			

<b>Outstanding/Finalised</b>	<b>Division:</b> 19/11/2019	<b>Date From:</b> 19/11/2019
<b>Action Sheets Report</b>	<b>Committee:</b>	<b>Date To:</b> 19/11/2019
	<b>Officer:</b>	<b>Printed:</b> 11 December 2019 1:06 PM

Minutes noted

Meeting	Officer/Director	Section	Subject
Council 19/11/2019	McCarthy, Michael Zwijnenburg, Jeroen	Reports	Community and Recreation Hub Tenancies - Girl Guides Relocation
<b>RESOLUTION 2019/305</b>			
Moved: Cr Ben Hood			
Seconded: Cr Frank Morello			
<ol style="list-style-type: none"> <li>1. That Regional Sport and Recreation Centre Committee Report No. AR19/54195 titled 'Community and Recreation Hub Tenancies - Girl Guides Relocation' as presented on 12 November 2019 be noted.</li> <li>2. That an amount of up to \$37,000 be allocated as a capital works variation in the 2019/2020 Budget to accommodate the Girl Guides in the former ParaQuad Clubrooms at Hastings Cunningham Reserve.</li> <li>3. That the expenditure determined in resolution (2) be conditional upon the Girl Guides relocation to clubrooms at Hastings Cunningham Reserve, which occupancy may commence on the execution of an agreement to surrender the Girl Guides Hall on O'Halloran Terrace in January 2020.</li> <li>4. That rental for the Girl Guides initial term in the Hastings Cunningham Reserve facility be waived in accordance with Council Policy R200 in light of the exceptional circumstances associated with the relocation for a period of 2 years from execution.</li> <li>5. That the Girl Guides be granted salvage rights to any fixtures and fittings located within the O'Halloran Terrace Hall for re-use in the clubrooms at Hastings Cunningham Reserve.</li> </ol>			
<p>6 Dec 2019 - 1:00 PM - Michael McCarthy Revised Target Date changed by: McCarthy, Michael From: 3 Dec 2019 To: 30 Apr 2020 Reason: Works, lease documentation and relocation underway, anticipated completion first quarter 2020</p>			
<b>CARRIED</b>			

Meeting	Officer/Director	Section	Subject
Council 19/11/2019	McGregor, Fiona Zwijnenburg, Jeroen	New Item	Council Assessment Panel Minutes
<b>RESOLUTION 2019/306</b>			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
The Minutes of the Council Assessment Panel meeting held on 17 October 2019 be received and noted.			

<b>Outstanding/Finalised</b>		<b>Division:</b>	19/11/2019
		<b>Committee:</b>	19/11/2019
<b>Action Sheets Report</b>		<b>Date From:</b>	
		<b>Date To:</b>	
		<b>Printed: 11 December 2019 1:06 PM</b>	
<b>CARRIED</b>			
<p>25 Nov 2019 - 10:12 AM - Fiona McGregor Action completed by: McGregor, Fiona Actions for this meeting sent to Council Assessment Panel action officers</p>			
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>
Council 19/11/2019	Porter, Jessica Nagy, Judy	Council Reports	Revocation of community land classification including a land transfer at Lot 204 Wehl Street North, Mount Gambier and a land swap at Lot 1107 Woodlands Grove, Mount Gambier - Mr Vince Versace
<b>RESOLUTION 2019/307</b>			
Moved: Cr Max Bruins			
Seconded: Cr Frank Morello			
<ol style="list-style-type: none"> <li>1. That Council Report No. AR19/58005 titled 'Revocation of community land classification including a land transfer at Lot 204 Wehl Street North, Mount Gambier and a land swap at Lot 1107 Woodlands Grove, Mount Gambier - Mr Vince Versace' as presented on 19 November 2019 be noted.</li> <li>2. That, having considered the submission received in response to public consultation, Council proceed with submitting a proposal to the Minister seeking approval for the revocation and transfer of portion of Allotment 204 (Reserve) in Deposited Plan 93348.</li> <li>3. That, having considered the submission received in response to public consultation, Council proceed with submitting a proposal to the Minister seeking approval for the revocation and transfer of portion of Allotment 1107 (Reserve) in Deposited Plan 82423.</li> </ol>			
<b>CARRIED</b>			
<p>10 Dec 2019 - 1:33 PM - Jessica Porter Revised Target Date changed by: Porter, Jessica From: 3 Dec 2019 To: 31 Jan 2020 Reason: Work involved in preparing the application and Christmas/New Year closure.</p>			

Outstanding/Finalised		Division: Committee: Officer:		Date From: Date To: Printed: 11 December 2019 1:06 PM	
Action Sheets Report					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Council 19/11/2019	Meddle, Andrew Meddle, Andrew	Council Reports	Council Assessment Panel Request for Advice		
<b>RESOLUTION 2019/308</b>					
Moved: Cr Christian Greco					
Seconded: Cr Frank Morello					
1. That Council Report No. AR19/57346 titled 'Council Assessment Panel Request for Advice' as presented on 19 November 2019 be noted.					
2. That the Chief Executive Officer also provide this advice to the Presiding Member of the Council Assessment Panel.					
<b>CARRIED</b>					
3 Dec 2019 - 11:25 AM - Andrew Meddle Action completed by: Meddle, Andrew Advice provided by hand to the Presiding Member at the Council Assessment Panel meeting in November.					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Council 19/11/2019	Watson, Ashlea Meddle, Andrew	Council Reports	City of Mount Gambier Annual Report 2018/2019		
<b>RESOLUTION 2019/309</b>					
Moved: Cr Ben Hood					
Seconded: Cr Frank Morello					
1. That Council Report No. AR19/56776 titled 'City of Mount Gambier Annual Report 2018/2019' as presented on 19 November 2019 be noted.					
2. That the City of Mount Gambier 2018/2019 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 2018/2019 Annual Report be made available to those bodies and persons referred to in Section 131 of the Local Government Act 1999.					
<b>CARRIED</b>					

<p><b>Outstanding/Finalised</b></p> <p><b>Division:</b> 19/11/2019 <b>Committee:</b> 19/11/2019 <b>Officer:</b></p> <p><b>Action Sheets Report</b></p> <p><b>Printed: 11 December 2019 1:06 PM</b></p>	
<p><b>Meeting</b></p> <p>Council 19/11/2019</p>	<p><b>Officer/Director</b></p> <p>Zwijnenburg, Jeroen Meddle, Andrew</p> <p><b>Section</b></p> <p>Council Reports</p> <p><b>Subject</b></p> <p>Budget Review Quarter 1 FY2019-20</p>
<p><b>RESOLUTION 2019/310</b></p> <p>Moved: Cr Max Bruins Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> <li>That Council Report No. AR19/57176 titled 'Budget Review Quarter 1 FY2019-20' as presented on 19 November 2019 be noted.</li> <li>That the Quarter 1 Budget Review revisions be adopted for the FY2019-20 financial year reflecting: <ul style="list-style-type: none"> <li>a (\$48,000) forecast operating deficit, representing a \$194,000 improvement from the original budget operating deficit of (\$367,000) including the \$125,000 operating carry over;"</li> <li>a (\$157,000) forecast net surplus, representing no change from the original budget net surplus;</li> <li>a \$12,700,000 forecast capital expenditure, representing a \$5,000 change from the original budget capital expenditure of \$12,695,000;</li> </ul>                     with all the above original budget amounts including taking into account a \$125,000 operating carry over and a \$2,201,000 capital carry over per the Economic and Environment Committee 2 September 2019 resolution Work in Progress budget carry overs from 2018/19 – Report No. AR19/41788.                 </li> </ol> <p><b>CARRIED</b></p>	
<p><b>Meeting</b></p> <p>Council 19/11/2019</p>	<p><b>Officer/Director</b></p> <p>Meddle, Andrew Meddle, Andrew</p> <p><b>Section</b></p> <p>Council Reports</p> <p><b>Subject</b></p> <p>Correction of Travel and Training Expenses</p>
<p><b>RESOLUTION 2019/311</b></p> <p>Moved: Cr Christian Greco Seconded: Cr Steven Perryman</p> <ol style="list-style-type: none"> <li>That Council Report No. AR19/60411 titled 'Correction of Travel and Training Expenses' as presented on 19 November 2019 be noted.</li> <li>That Council agree to pay Cr Jenner's air fare to attend the LGA Conference and AGM.</li> </ol> <p><b>CARRIED</b></p> <p>4 Dec 2019 - 9:52 AM - Andrew Meddle Action completed by: Meddle, Andrew</p>	

<p><b>Outstanding/Finalised</b></p> <p><b>Division:</b> 19/11/2019 <b>Committee:</b> 19/11/2019 <b>Officer:</b></p> <p><b>Action Sheets Report</b></p> <p><b>Date From:</b> 19/11/2019 <b>Date To:</b> 19/11/2019 <b>Printed:</b> 11 December 2019 1:06 PM</p>	
<p>No further action required.</p>	
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> Meddle, Andrew Meddle, Andrew</p> <p><b>Section</b> Council Reports</p> <p><b>Subject</b> Response to Council Assessment Panel Resolution relating to the temporary siting of a shipping container and advertisement adjacent to Frew Park</p>
<p><b>RESOLUTION 2019/312</b></p> <p>Moved: Cr Steven Perryman Seconded: Cr Christian Greco</p> <ol style="list-style-type: none"> <li>That Council rejects the report and conclusion in the report AR19/56380.</li> <li>Council expresses its disappointment that the item was not recommended to be dealt with in confidence given that some Council staff may be identified given the small number of staff in the planning department.</li> <li>Council is of the view that the CEO's Report was unnecessary given the referral was made directly to Council from the Council Assessment Panel.</li> </ol> <p>25 Nov 2019 - 2:41 PM - Andrew Meddle Action completed by: Meddle, Andrew No action required.</p> <p style="text-align: right;"><b>CARRIED</b></p>	
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> Meddle, Andrew Meddle, Andrew</p> <p><b>Section</b> Council Reports</p> <p><b>Subject</b> Request for Funding from the Royal Flying Doctor Service</p>
<p><b>RESOLUTION 2019/313</b></p> <p>Moved: Cr Kate Amoroso Seconded: Cr Christian Greco</p> <ol style="list-style-type: none"> <li>That Council Report No. AR19/61211 titled 'Request for Funding from the Royal Flying Doctor Service' as presented on 19 November 2019 be noted.</li> <li>That Council contribute \$15,000 to be used exclusively towards the RFDS Hangar Conversion at Mount Gambier Airport.</li> <li>Council seek for its contribution to be acknowledged with appropriate signage at the site (at Council's cost)</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>	



Outstanding/Finalised	Division: Committee: Officer:	19/11/2019 19/11/2019
Action Sheets Report		Date From: Date To: Printed: 11 December 2019 1:06 PM

from 9.00 pm to 8.00 am

4. The CEO be instructed to write to Aldi and Coles advising them of this resolution, and that the resolution comes into effect on the 1<sup>st</sup> December, 2019.

**CARRIED**

25 Nov 2019 - 12:46 PM - Simon Wiseman  
Action completed by: Wiseman, Simon  
Spoke to Trevor to action

Correspondence provided to Aldi as a result of the Council decision.  
Elected Members updated 11/12/2019 - Andrew Meddle

Meeting	Officer/Director	Section	Subject
Council 19/11/2019	Meddle, Andrew Meddle, Andrew	Motions with Notice	Notice of Motion - MFS Equipment
<b>RESOLUTION 2019/315</b>			
Moved: Cr Paul Jenner Seconded: Cr Steven Perryman			
1. That Council Report No. AR19/58877 titled 'Notice of Motion - MFS Equipment' as presented on 19 November 2019 be noted.			
2. That Council:			
(a) Work with the Member for Mount Gambier, Troy Bell MP, to arrange meeting with the Minister and senior Emergency Services staff to secure new MFS appliances and related equipment with improved capacities and capabilities (including a pod truck and a 3000 litre urban interface pumper/rescue appliance or similar), which will improve the flexibility and range of services for the City of Mount Gambier; and			
(b) Instruct the Chief Executive Officer arrange a delegation consisting of the CEO, the Mayor and Cr Jenner and request an urgent meeting with the Minister and Member for Mount Gambier, as a matter of urgency.			
(c) All costs for travel to Adelaide for the meeting be met by council.			
<b>CARRIED</b>			
25 Nov 2019 - 2:38 PM - Andrew Meddle Action completed by: Meddle, Andrew Letter sent to Minister Wingard on 21/11/19.			

Meeting	Officer/Director	Section	Subject
Council 19/11/2019	McCarthy, Michael Zwijnenburg, Jeroen	Motions with Notice	Notice of Motion - 9 Penola Road - Stand Like Stone

<p>Outstanding/Finalised</p>	<p>Division: Committee: Officer:</p>	<p>Date From: 19/11/2019 Date To: 19/11/2019 Printed: 11 December 2019 1:06 PM</p>
<p>Action Sheets Report</p>		
<p><b>RESOLUTION 2019/316</b> Moved: Cr Max Bruins Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"><li>1. That Council Report No. AR19/61504 titled 'Notice of Motion - 9 Penola Road - Stand Like Stone ' as presented on 19 November 2019 be noted.</li><li>2. That the Chief Executive Officer be instructed to liaise with the Stand Like Stone Foundation to discuss if they are interested in occupying the building as per their "Expression of Interest" dated 13 January 2019 on the basis of a peppercorn lease for a period of five years with no right to renewal;</li><li>3. That the Chief Executive Officer write to the other six organisations who responded to the Expressions of Interest advising them of the offer to the Stand Like Stone Foundation;</li><li>4. That a lease to the Stand Like Stone Foundation include the following conditions:<ol style="list-style-type: none"><li>a) Tenant to be fully responsible for the day to day operation and management of the building, including all building maintenance and upkeep;</li><li>b) Tenant responsibility for buildings and contents insurance and all outgoings, including any taxes, utilities or service costs incurred by Council;</li><li>c) The building management and use must accommodate other local community and / or Not For Profit organisations; and</li><li>d) Fees for other organisations to be nominal to cover administration for building management co-contribution towards taxes, utilities or service costs incurred.</li></ol></li></ol> <p>6 Dec 2019 - 1:06 PM - Michael McCarthy Action reassigned to McCarthy, Michael by: McCarthy, Michael for the reason: Property Management / Leasing matter 6 Dec 2019 - 1:07 PM - Michael McCarthy Revised Target Date changed by: McCarthy, Michael From: 3 Dec 2019 To: 29 Feb 2020 Reason: Negotiations to commence on co-occupancy, lease terms and conditions and commencement date</p> <p style="text-align: right;"><b>CARRIED</b></p>		

<p><b>Outstanding/Finalised</b></p> <p><b>Division:</b> 19/11/2019 <b>Committee:</b> 19/11/2019 <b>Officer:</b></p> <p><b>Action Sheets Report</b></p> <p><b>Printed: 11 December 2019 1:06 PM</b></p>			
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> Meddle, Andrew Meddle, Andrew</p>	<p><b>Section</b> Motions with Notice</p>	<p><b>Subject</b> Notice of Motion - Signage Strategy Expenditure</p>
<p><b>RESOLUTION 2019/317</b></p> <p>Moved: Cr Paul Jenner Seconded: Cr Steven Perryman</p> <p>1. That Council Report No. AR19/61625 titled 'Notice of Motion - Signage Strategy Expenditure' as presented on 19 November 2019 be noted.</p> <p>2. That:</p> <p>(a) Council endorses the spending of up to \$100,000 - immediately for the most urgent and immediate works.</p> <p>(b) Council instructs the CEO that the \$300,000 - budgeted for the signage strategy in the 2019/2020 Budget is for actual works not consultancy.</p> <p>(c) If further Consultants are needed, the CEO is to prepare a report is to come to Council detailing what further Consultancy works is recommended and the costs.</p> <p><b>CARRIED</b></p>			
<p>4 Dec 2019 - 9:54 AM - Andrew Meddle Action completed by: Meddle, Andrew No further action required at this time. A report will be prepared on the basis of a procured consultancy to support the main part of the multi-year project implementation.</p>			
<p><b>Meeting</b> Council 19/11/2019</p>	<p><b>Officer/Director</b> Dowling, Lynne Meddle, Andrew</p>	<p><b>Section</b> New Item</p>	<p><b>Subject</b> Elected Member Training - Mayor's Leadership Forum</p>
<p><b>RESOLUTION 2019/319</b></p> <p>Moved: Mayor Lynette Martin Seconded: Cr Christian Greco</p> <p>Mayor Martin attend the Mayor's Leadership Forum on Wednesday, 4<sup>th</sup> of December at 4.00 p.m., with Council to cover the cost of attendance only which will be \$467.50.</p> <p><b>CARRIED</b></p>			
<p>25 Nov 2019 - 1:18 PM - Fiona McGregor Action reassigned to Dowling, Lynne by: McGregor, Fiona for the reason: Lynne is responsible for Elected member training 25 Nov 2019 - 3:44 PM - Lynne Dowling</p>			

<b>Outstanding/Finalised</b>	<b>Division:</b> Committee:	19/11/2019 19/11/2019
<b>Action Sheets Report</b>	<b>Officer:</b>	<b>Printed: 11 December 2019 1:06 PM</b>
Action completed by: Dowling, Lynne Mayor Martin has been registered to attend.		
<b>Meeting</b> Council 19/11/2019	<b>Officer/Director</b> Meddle, Andrew Meddle, Andrew	<b>Section</b> Motions with Notice
		<b>Subject</b> Notice of Motion - CEO Performance Review Committee
<b>MOTION</b>		
Moved: Cr Steven Perryman Seconded: Cr Paul Jenner		
1. That Council Report No. AR19/61631 titled 'Notice of Motion - CEO Performance Review Committee' as presented on 19 November 2019 be noted.		
2. That a Special Meeting of Council be held 6:30pm Thursday 21st November 2019.		
25 Nov 2019 - 1:39 PM - Fiona McGregor Please note this item was not resolved, Mayor Martin called the Special Meeting for 21/11/2019.		



Outstanding/Finalised		Division: Committee: Officer:		Date From: Date To:	3/12/2019 3/12/2019
Action Sheets Report		Officer/Director		Printed: 11 December 2019 1:30 PM	
<b>Meeting</b>	<b>Section</b>	<b>Subject</b>			
Council 3/12/2019	McCarthy, Michael Zwijnenburg, Jeroen New Item	NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - REPORT NO. AR19/64920			
<b>RESOLUTION 2019/357</b>					
Moved: Cr Ben Hood					
Seconded: Cr Max Bruins					
<ol style="list-style-type: none"> <li>1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.</li> <li>2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising the Mayor, Deputy Mayor and Presiding Members of the Economic and Environment and People and Place Committees.</li> <li>3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:               <ol style="list-style-type: none"> <li>(a) Review Committee Terms of Reference;</li> <li>(b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;</li> <li>(c) Distribution and review of templates used for previous Chief Executive Officer reviews.</li> </ol> </li> </ol>					
<b>CARRIED</b>					

**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND  
RECOMMENDATIONS**

Nil



**16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS**

**16.1 MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 2 DECEMBER 2019 - [Go to Attachment](#)**

**RECOMMENDATION**

That the Minutes of the People and Place Committee meeting held on 2 December 2019 as attached be noted.

**16.2 [Sport and Recreation Major Capital Works Program 2019/2020 - Applications](#) – Report No. AR19/60773**

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/60773 titled ‘Sport and Recreation Major Capital Works Program 2019/2020 - Applications’ as presented on 02 December 2019 be noted.
2. That \$100,000 be endorsed for distribution for the 2019/2020 Sport and Recreation Major Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
East Gambier Cricket Club	5	\$ 11,000.00	\$ 10,500.00
Blue Lake Golf Club	4	\$ 48,690.00	\$ 10,500.00
South Gambier Football Club	6	\$ 27,800.00	\$ 6,000.00
West Gambier Football Club	8	\$ 13,102.50	\$ 6,000.00
Mount Gambier Cycling Club*	3	\$ 1,061.07	\$ 1,000.00
North Gambier Football / Netball Club	7	\$ 32,000.00	\$ 6,000.00
West Gambier Netball Club	1	\$ 32,958.50	\$ 15,000.00
Mount Gambier Netball Association	2	\$ 34,761.00	\$ 15,000.00
Mount Gambier Croquet Club**	9	\$ 25,000.00	-
		\$ 226,112.00	\$ 70,000.00

\*Contribution supports compliance with Building Fire Safety Regulations      \*\* Ineligible Application

**Final column to be adjusted to reflect the change to \$100,000.**

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.



**16.3**     [Local Heritage Restoration Fund 2019/2020 - Consideration of applications and distribution of funds](#) – Report No. AR19/61062

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/61062 titled 'Local Heritage Restoration Fund 2019/2020 - Consideration of applications and distribution of funds' as presented on 02 December 2019 be noted.
2. That the Heritage Restoration Fund Grants for 2019/2020 be endorsed and funds distributed as noted in number 2 in the agenda.

**16.4**     [Blue Lake Sports Park](#) – Report No. AR19/62088

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62088 titled 'Blue Lake Sports Park' as presented on 02 December 2019 be noted.
2. That Council note the formation of the Blue Lake Sports Park Advisory Group (BLSPAG), together with its membership, Terms of Reference and aspirations.
3. That Council appoint the following as its member and proxy to support the work of this Group
  - (a) Member – Cr Greco
  - (b) Proxy – Cr Perryman and Cr Amoroso
4. Amount of \$50,000 be referred to the 2020/21 budget for consideration. The Blue Lake Sports Park Advisory Group be advised of same, noting that this amount is not an actual allocation but a referral to be considered as part of Council's normal budgetary processes.



**16.5** [Mount Gambier Out of School Hours Care funding for a Play Structure in the Railway Lands](#) – Report No. AR19/62091

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62091 titled 'Mount Gambier Out of School Hours Care funding for a Play Structure in the Railway Lands' as presented on 02 December 2019 be noted.
2. That Council accept the offer from Mount Gambier Out of School Hours Care of approximately \$150,000 towards a play structure to be delivered in the Railway Lands.
3. That the Council appropriately commemorate the contribution made by Mount Gambier Out of School Hours Care to the project.
4. That the Chief Executive Officer advise Mount Gambier Out of School Hours Care of Council's decision, and express Council's deep appreciation for its very generous gift to the residents of Mount Gambier.

**16.6** [Request for Financial Support for the Anglican Pastoral District of Mount Gambier relating to the Parish Church Bell Tower](#) – Report No. AR19/62164

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62164 titled 'Request for Financial Support for the Anglican Pastoral District of Mount Gambier relating to the Parish Church Bell Tower' as presented on 02 December 2019 be noted.
2. That Council contribute 50% of the costs of repairs to the bell tower at the Mount Gambier Parish Church, up to a maximum contribution by Council of \$8,000.
3. That the Anglican Pastoral District Council of Mount Gambier provide an acquittal for the works demonstrating the total cost of repairs to the bell tower, within three months of completion of the same.



**16.7**     [Valley Lake Conservation Area Support](#) – Report No. AR19/62286

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62286 titled 'Valley Lake Conservation Area Support' as presented on 02 December 2019 be noted.
2. That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA) and that this be considered as part of the Annual Business Plan and Budget setting process;
3. That Council allocate a further \$5,000 per year in the current year for project work at the VLCA and where the project work can vary from year to year;
4. That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties, but at no material cost to Cleland;
5. That Council consider a special one off allocation that would enable a study of the form and content of:
  - An educational/schools resource kit on the opportunities to learn about the Park
  - The use of mobile phone technology to enable visitors to understand as they explore the Park
  - Naming plates at specific plants featured in the Parkand that this be considered as part of the Annual Business Plan and Budget setting process;
6. That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper through inclusion in the Council's Strategic Plan Review.
7. That Council express its deep gratitude to the volunteers of the Valley Lake Conservation Area Support Group for their contribution and maintenance to the area.

**16.8**     [Street Naming - Prominent Women and Migrants](#) – Report No. AR19/63081

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/63081 titled 'Street Naming - Prominent Women and Migrants' as presented on 02 December 2019 be noted.
2. That Council endorse that in situations where new street names require consideration Councils Policy - S135 - Streets - Naming is to be used to provide guidance on the selection of street names.
3. That Council note the list of names for migrants of Mount Gambier and prominent women of Mount Gambier be noted.



**16.9** [WINTV Update](#) – Report No. AR19/63609

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/63609 titled 'WINTV Update' as presented on 02 December 2019 be noted.
2. That Council grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.
3. The Chief Executive Officer be authorised to negotiate, have prepared, and to affix the Council Seal to any documents necessary to give effect to the right of way referred to in 2 above.
4. The cost of the right of way to be valued at \$8,500 and transactional and legal costs required to give effect to 2 and 3 above be at no cost to Council.
5. That negotiations continue in good faith with WINTV to secure a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically).

**16.10** [Request to install memorial seat and plaque at "Archery Park"](#) – Report No. AR19/64352

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/64352 titled 'Request to install memorial seat and plaque at "Archery Park"' as presented on 02 December 2019 be noted.
2. That Council;
  - (a) approve the installation of a memorial seat and plaque at "Archery Park" with the cost of the seat and installation being met by Council and the cost of the memorial plaque to be met by Ms Vicki Maney.
3. Council may at its discretion remove or relocate the seat and plaque.



**16.11 [Notice of Motion - Wrapping of Fleet Vehicles](#) – Report No. AR19/62587**

**RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62587 titled 'Notice of Motion - Wrapping of Fleet Vehicles' as presented on 02 December 2019 be noted.
2. Council endorse the 'wrapping' all fleet vehicles as they are replaced.
3. Costs to be incorporated into budget estimates for vehicles from the 2020/2021 year.
4. A further 2 designs be developed, in addition to the existing 2 developed for the mobile tourism vehicles, along the same theme of activities to do in Mount Gambier.



## 17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

### 17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 DECEMBER 2019 - [Go to Attachment](#)

#### RECOMMENDATION

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 December 2019 as attached be noted.

### 17.2 [Community and Recreation Hub Tenancies - 1st Mount Gambier Scout Group](#) – Report No. AR19/66180

#### RECOMMENDATION

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66180 titled 'Community and Recreation Hub Tenancies - 1st Mount Gambier Scout Group' as presented on 10 December 2019 be noted.
2. That, noting the impact of the Community and Recreation Hub Project on and necessity to amend the lease area and storage arrangements associated with the lease to Scouts Association of Australia SA Branch, Council endorse for the amendment of the lease with Scouts:
  - (a) Provision of a temporary storage solution comprising a container located at the Scouts Margaret Street site (or similar storage solution at an alternate location) for a potential period up to 31 January 2022 (or such additional period as may be necessary associated with the works period associated with the Community and Recreation Hub Project), including expenditure of up to \$4,000+gst to purchase a Council owned container.
  - (b) The progression of formal correspondence and documentation for the amendment of the existing lease area for the Margaret Street premises at Olympic Park.



**17.3**     [Community and Recreation Hub Tenancies - Open Door Baptist Church](#) – Report No. AR19/66239

**RECOMMENDATION**

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66239 titled 'Community and Recreation Hub Tenancies - Open Door Baptist Church' as presented on 10 December 2019 be noted.
2. That, having agreement for an interim relocation arrangement for the Open Door Baptist Church at 42 James Street, Council endorse for the relocation of the Open Door Baptist Church:
  - (a) Salvage rights for (non-structural) building materials, fixtures and fittings located within the O'Halloran Terrace building currently occupied by the group, at their own arrangement and cost and under appropriate supervision for the works to be undertaken.
  - (b) Relocation assistance up to the value of \$1,500 +gst (provided in-kind or at cost) to relocate items to 42 James Street or an identified storage location.
  - (c) Storage of salvaged items at a Council location for a licence period up to 31 January 2021 (or such additional period as may be negotiated to suit their relocation plans), including expenditure of up to \$5,000 +gst to purchase a Council owned container.
  - (d) The serving of formal notices and documentation for the relocation and termination and surrender of the existing licence for the O'Halloran Terrace premises at Olympic Park.



**18 COUNCIL ASSESSMENT PANEL MINUTES**

**18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 NOVEMBER 2019**

**RECOMMENDATION**

That the Minutes of the Council Assessment Panel meeting held on 21 November 2019 as previously circulated be noted.



**18.2 MINUTES OF THE SPECIAL COUNCIL ASSESSMENT PANEL HELD ON 4 DECEMBER 2019**

**RECOMMENDATION**

That the Minutes of the Special Council Assessment Panel meeting held on 4 December 2019 as previously circulated be noted.



**19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**21 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil



## 22 COUNCIL REPORTS

### 22.1 REVIEW OF DELEGATIONS – REPORT NO. AR19/61092

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 December 2019</b>
<b>Report No.:</b>	<b>AR19/61092</b>
<b>CM9 Reference:</b>	<b>AF18/441</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Executive Administration</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report provides for a review of updated delegations to the Chief Executive Officer under several Acts, and the authorisation of Officers for the purposes of the Road Traffic Act.</b>
<b>Community Plan Reference:</b>	<b>Goal 3: Our Diverse Economy</b>



## **REPORT RECOMMENDATION**

1. That Council Report No. AR19/61092 titled 'Review of Delegations' as presented on 17 December 2019 be noted.

### **2. Revocation**

2.1. That Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 2.1.1. Development Act 1993 and Development Act Regulations 2008
- 2.1.2. Electricity Act 1996
- 2.1.3. Local Government Act 1999
- 2.1.4. Planning, Development and Infrastructure Act 2016

### **3. Delegations under the Local Government Act 1999**

3.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3, 14, 21, 35, 37, 38 and 39 (attached to Council Report No. AR19/61092) are hereby delegated this 17 December 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 3.1.1. Electricity Act 1996 (Appendix 3)
- 3.1.2. Local Government Act 1999 (Appendix 14)
- 3.1.3. Planning, Development and Infrastructure 2017 (Appendix 35)
- 3.1.4. Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (Appendix 37)
- 3.1.5. State Records Act 1997 (Appendix 38)
- 3.1.6. Gas Act 1997 (Appendix 39)

3.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3.3. For the purposes of these delegations all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

3.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

### **4. Delegations made under Development Act 1993**

4.1. In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21) are hereby delegated this 17 December 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

4.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless



otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

4.3. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

4.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.



## **BACKGROUND**

At its meetings on 19 March 2019 Council reviewed delegations to the Chief Executive Officer as was required each year in accordance with Section 44(6) of the Local Government Act 1999.

Council further reviewed several updated delegation instruments at the Council meeting held on 18 June 2019.

An amendment to s44(6) and insertion of a new subsection (6a) dated 3 October 2019 removed the requirement for Council to review delegations once in each year. These sections now provide that Council may at any time, and must within 12 months after the conclusion of each periodic election, review the delegations for the time being in force under s44.

Having conducted a full review of delegations to align with the Local Government Association model delegation templates in March 2019 Council is not required to further review its delegations until the period November 2022 - November 2023 following the 2022 Local Government Elections.

Notwithstanding this legislative change to review requirements, Council may determine to review its delegations at any time, and will be prompted to do so by the Administration as changes to legislation and Local Government Association model delegation templates arise from time to time.

Accordingly, this report presents updates to delegations arising since the last review in June 2019, including updates associated with the further commencement and implementation of provisions of the Planning, Development and Infrastructure Act.

The Local Government Association has also advised Councils of a planned bulk review and update of their model delegation templates in the first half of 2020, which it is anticipated will result in further updates and an opportunity for Council to undertake a full review of its delegations at that time when that body of work has been completed.

## **DISCUSSION**

In response to further legislative changes and legal advice on delegations the Local Government Association has released updated and new model delegation templates for the following Acts:

- Development Act 1993
- Electricity Act 1996
- Gas Act 1997
- Local Government Act 1999
- Planning, Development and Infrastructure Act 2016 (and Transitional Provisions Regulations 2017)
- State Records Act 1997

It is appropriate that updated delegations now be made to the Chief Executive Officer under these Acts and for subsequent sub-delegations to be made to other Council Officers.

## **CONCLUSION**

This report recommends that updated delegations be made to the Chief Executive Officer consistent with Local Government Association model delegation templates for the :

- Development Act 1993
- Electricity Act 1996
- Gas Act 1997
- Local Government Act 1999
- Planning, Development and Infrastructure Act 2016 (and Transitional Provisions Regs 2017)
- State Records Act 1997



## ATTACHMENTS

1. Appendix [3] Instrument of Delegation Under the Electricity Act 1996 [↓](#)
2. Appendix [14] Instrument of Delegation under the Local Government Act 1999 [↓](#)
3. Appendix [21] Instrument of Delegation under the Development Act 1993 and Development Regulations 2008 [↓](#)
4. Appendix [35] Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 [↓](#)
5. Appendix [37] Instrument of Delegation under the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 [↓](#)
6. Appendix [38] Instrument of Delegation under the State Records Act 1997 [↓](#)
7. Appendix [39] Instrument of Delegation under the Gas Act 1997 [↓](#)



	<b>APPENDIX [ 3 ]</b>  <b><u>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER</u></b> <b><u>UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION</u></b> <b><u>CLEARANCE) REGULATIONS 2010</u></b>		TRIM Doc Ref:  Delegation Made:	AR14/4523 [V2]  17/12/2019

**Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.**

Section	Delegation Source	Item Delegated / Authorisation	Conditions and Limitations
S47(3)(b)	Electricity Act 1996	1. Power to Carry Out Work on Public Land 1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.	
S47(4)	Electricity Act 1996	1. Power to Carry Out Work on Public Land 1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	
S47(7)	Electricity Act 1996	1. Power to Carry Out Work on Public Land 1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	
S47(9)	Electricity Act 1996	1. Power to Carry Out Work on Public Land 1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act 1.4.1 to make representations to the Minister on the questions at issue in the dispute; and 1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	
S55(3)	Electricity Act 1996	2. Duties in Relation to Vegetation Clearance 2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.	
S55A(1)	Electricity Act 1996	3. Vegetation Clearance Schemes 3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area.	
S55A(2)	Electricity Act 1996	3. Vegetation Clearance Schemes 3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following: 3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under	

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		<p>the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation;</p> <p>3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;</p> <p>3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;</p> <p>3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;</p> <p>3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;</p> <p>3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;</p> <p>3.2.7 make provision for other related matters.</p>
S55A(4)(b)	Electricity Act 1996	<p>3. Vegetation Clearance Schemes</p> <p>3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.</p>
S55B(2)	Electricity Act 1996	<p>4. Vegetation Clearance Scheme Dispute</p> <p>4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.</p>
S55C(2)(c)	Electricity Act 1996	<p>4. Vegetation Clearance Scheme Dispute</p> <p>4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.</p>
S55D	Electricity Act 1996	<p>5. Determinations</p> <p>5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines.</p>
S56(1)	Electricity Act 1996	<p>6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas</p> <p>6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.</p>
S56(2)	Electricity Act 1996	<p>6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas</p> <p>6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:</p> <p>6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and</p> <p>6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and</p> <p>6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and</p> <p>6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.</p>



S58A	Electricity Act 1996	7. Program for Undergrounding of Powerlines 7.1 The power pursuant to Section 58A(5) of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.
S58A(5)	Electricity Act 1996	7. Program for Undergrounding of Powerlines 7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.
S58A(8)	Electricity Act 1996	7. Program for Undergrounding of Powerlines 7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.
R4(4)	Electricity (Principles of Vegetation Clearance) Regulations 2010	8. Duty of Electricity Entity or Council 8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.
R7(3)	Electricity (Principles of Vegetation Clearance) Regulations 2010	9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance 9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.
R8(2)	Electricity (Principles of Vegetation Clearance) Regulations 2010	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area.
R8(5)(b)	Electricity (Principles of Vegetation Clearance) Regulations 2010	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.
R10(5)	Electricity (Principles of Vegetation Clearance) Regulations 2010	11. Objections Relating to Vegetation Clearance 11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.
R10(6)(b)	Electricity (Principles of Vegetation Clearance) Regulations 2010	11. Objections Relating to Vegetation Clearance 11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.
R10(8)	Electricity (Principles of Vegetation Clearance) Regulations 2010	11. Objections Relating to Vegetation Clearance 11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.



	APPENDIX [ 14 ]  <b><u>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE LOCAL GOVERNMENT ACT 1999</u></b>		TRIM Doc Ref: AR1335019 [V7]
			Delegation Made: 17/12/2019

**Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.**

Section	Item Delegated / Authorisation	Conditions and Limitations
s12(1)	1. Composition and Wards 1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ("the Act") to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act, 1.1.1 alter the composition of the Council; 1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	
s12(2)	1. Composition and Wards 1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to 1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; 1.2.2 alter the name of: 1.2.2.1 the Council; 1.2.2.2 the area of the Council; 1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).	
s12(3)	1. Composition and Wards 1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	
s12(4)	1. Composition and Wards 1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.	



s12(5)	<p>1. Composition and Wards</p> <p>1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.</p>
s12(7)	<p>1. Composition and Wards</p> <p>1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.</p>
s12(8)	<p>1. Composition and Wards</p> <p>1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).</p>
s12(7)(a)	<p>1. Composition and Wards</p> <p>1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:</p> <p>1.10.1 provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and</p> <p>1.10.2 sets out:</p> <p>1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and</p> <p>1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and</p> <p>1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.</p>
s12(9)	<p>1. Composition and Wards</p> <p>1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.</p>
s12(10)	<p>1. Composition and Wards</p> <p>1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.</p>



s12(11)	<p>1. Composition and Wards</p> <p>1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.</p>
s12(11a)	<p>1. Composition and Wards</p> <p>1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:</p> <p>1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and</p> <p>1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.</p>
s12(11a)	<p>1. Composition and Wards</p> <p>1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:</p> <p>1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and</p> <p>1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and</p> <p>1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.</p>
s12(12)	<p>1. Composition and Wards</p> <p>1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.</p>
s12(12a)	<p>1. Composition and Wards</p> <p>1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.</p>
s12(15)(b)	<p>1. Composition and Wards</p> <p>1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.</p>
s12(16)	<p>1. Composition and Wards</p> <p>1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.</p>
s12(16)(a)	<p>1. Composition and Wards</p> <p>1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.</p>



s12(24)	<p>1. Composition and Wards 1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.</p>	
s13(1)	<p>2. Status of a Council or Change of Various Names 2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act: 2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; 2.1.2 alter the name of: 2.1.2.1 the Council; 2.1.2.2 the area of the Council; 2.1.3 alter the name of a ward.</p>	
s13(2)	<p>2. Status of a Council or Change of Various Names 2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements: 2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks; 2.2.2 publish the notice in a newspaper circulating within the area; and 2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.</p>	
s28(1)	<p>6. Commission to Receive Proposals 6.1 The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.</p>	
s28(3)	<p>6. Commission to Receive Proposals 6.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act: 6.2.1 set out in general terms the nature of the proposal; and 6.2.2 comply with any requirements of the proposal guidelines.</p>	
s31(2)	<p>6A Inquiries – General Proposals 6A.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act</p>	



s31(10)	6A Inquiries – General Proposals 6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.
s36(1)(a)(i)	7. General Powers and Capacities 7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.
s36(1)	7. General Powers and Capacities 7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.
s36(2)	7. General Powers and Capacities 7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area:  7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or 7.3.2 in order to provide services to an unincorporated area of the State.
s36(3)	7. General Powers and Capacities 7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.
s37(b)	8. Provision Relating to Contract and Transactions 8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.
s41(1) s41(2)	9. Committees 9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.
s41(3)	9. Committees 9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.
s41(4)	9. Committees 9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.
s41(6)	9. Committees 9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.
s41(8)	9. Committees 9.5 The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.
s44(6)	10. Delegations 10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.



s44(7)	10. Delegations 10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	
s45(1)	11. Principal Office 11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	
s45(2)	11. Principal Office 11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.	
s45(3)	11. Principal Office 11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	
s46(1)	12. Commercial Activities 12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').	
s46(2)	12. Commercial Activities 12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project: 12.2.1 establish a business; 12.2.2 participate in a joint venture, trust, partnership or other similar body.	
s47(2)(b)	13. Interests in Companies 13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	
s48(aa1)	14. Prudential Requirements for Certain Activities 14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council – 14.00.1 acts with due care, diligence and foresight; and 14.00.2 identifies and manages risks associated with a project; and 14.00.3 makes informed decisions; and 14.00.4 is accountable for the use of Council and other public resources.	
s48(a1)	14. Prudential Requirements for Certain Activities 14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.	



s48(aa1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.1 Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</p> <p>14.1.1 Deliberately left blank.</p> <p>14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p> <p>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or</p> <p>14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or</p> <p>14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.</p>
-	<p>14. Prudential Requirements for Certain Activities</p> <p>14.2 Deliberately left blank.</p>
s48(5)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.3 The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>15.0.1 obtaining value in the expenditure of public money; and</p> <p>15.0.2 providing for ethical and fair treatment of participants; and</p> <p>15.0.3 ensuring probity, accountability and transparency in procurement operations.</p>
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:</p> <p>15.1.1 the contracting out of services; and</p> <p>15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>15.1.3 the use of local goods and services; and</p> <p>15.1.4 the sale or disposal of land or other assets.</p>



s49(2)	<p>15. Contracts and Tenders Policies</p> <p>15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p> <p>15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and</p> <p>15.2.4 are consistent with any requirement prescribed by the regulations.</p>
s49(3)	<p>15. Contracts and Tenders Policies</p> <p>15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).</p>
s49(4)	<p>15. Contracts and Tenders Policies</p> <p>15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.</p>
s50(1)	<p>16. Public Consultation Policies</p> <p>16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:</p> <p>16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and</p> <p>16.1.2 in other cases involving Council decision making, if relevant.</p>
s50(3)	<p>16. Public Consultation Policies</p> <p>16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.</p>
s50(4)	<p>16. Public Consultation Policies</p> <p>16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:</p> <p>16.3.1 the publication of a notice:</p> <p>16.3.1.1 in a newspaper circulating within the area of the Council; and</p> <p>16.3.1.2 on a website determined by the Chief Executive Officer, describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>16.3.2 the consideration of any submissions made in response to that invitation.</p>



s50(5)	16. Public Consultation Policies 16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.
s50(6)	16. Public Consultation Policies 16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:  16.5.1 prepare a document that sets out its proposal in relation to the matter; and  16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;  16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.
s50(7)	16. Public Consultation Policies 16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.
s50(8)	16. Public Consultation Policies 16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.
17.1	17. Deliberately left blank
17.2	17.1 Deliberately left blank
17.3	17. Deliberately left blank
17.4	17.2 Deliberately left blank
17.5	17.3 Deliberately left blank
s70(1)	17.4 Deliberately left blank
s77(1)(b)	17.5 Deliberately left blank
s77(3)	18. Inspection of Register 18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.  19. Reimbursement of Expenses 19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.  19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.



s79(3)	20. Register of Allowances and Benefits 20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	
s80	21. Insurance of members 21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	
s80A(1)	22. Training and Development 22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.	
s80A(2)	22. Training and Development 22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	
s80A(3)	22. Training and Development 22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	
s80A(4)	22. Training and Development 22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	
s87(1)	23. Committee Meetings 23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.	
s87(2)	23. Committee Meetings 23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account: 23.2.1 the availability and convenience of members of the committee; and 23.2.2 the nature and purpose of the committee.	
s90(7)	24. Meetings To Be Held in Public Except in Special Circumstances 24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.	
s90(8a)(a)	24. Meetings To Be Held in Public Except in Special Circumstances 24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.	
s90(8c)	24. Meetings To Be Held in Public Except in Special Circumstances 24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.	



s91(3)	25. Minutes and Release of Documents 25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.
s91(7)	25. Minutes and Release of Documents 25.2 Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.
s91(7)	25. Minutes and Release of Documents 25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:
s91(7)	25. Minutes and Release of Documents 25.3.1 minutes of the Council and Council committee meetings; and
s91(7)	25. Minutes and Release of Documents 25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and
s91(7)	25. Minutes and Release of Documents 25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and
s91(7)	25. Minutes and Release of Documents 25.3.4 budgetary or other financial statements adopted by the Council.
s92(1)	26. Access to Meetings and Documents - Code of Practice 26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.
s92(2)	26. Access to Meetings and Documents - Code of Practice 26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.
s92(3)	26. Access to Meetings and Documents - Code of Practice 26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.
s92(5)	26. Access to Meetings and Documents - Code of Practice 26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:  26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and  26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed.



s92(6)	26. Access to Meetings and Documents - Code of Practice 26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.
s93(1)	27. Meetings of Electors 27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.
s93(11)	27. Meetings of Electors 27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.
s93(14)	27. Meetings of Electors 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(i) or 93(3)(b)(ii).
s95	28. Obstructing of Meetings 28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.
s105(3)	29. Register of Remuneration Salaries and Benefits 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.
s106(2)	30. Certain Periods Of Service To Be Regarded As Continuous
s106(2a)	30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.
s106(4)	30. Certain Periods Of Service To Be Regarded As Continuous 30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.
s106(5)	30. Certain Periods Of Service To Be Regarded As Continuous 30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.
s111(b)	32. Application of Division 32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.
s122(6)	33. Certain Aspects of Strategic Management Plans 33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.
s122(7)	33. Certain Aspects of Strategic Management Plans 33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.



s123(3)	<p>34. Annual Business Plans and Budgets 34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, - 34.1.1 prepare a draft annual business plan; and 34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.</p>	
s123(5)	<p>34. Annual Business Plans and Budgets 34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.</p>	
s123(5a)	<p>34. Annual Business Plans and Budgets 34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for: 34.3.1 a facility for asking and answering questions; and 34.3.2 the receipt of submissions, on the Council's website during the public consultation period.</p>	
s123(9)	<p>34. Annual Business Plans and Budgets 34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to: 34.4.1 ensure: 34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and 34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and 34.4.2 ensure: 34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and 34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council.</p>	



s123(9)	34. Annual Business Plans and Budgets 34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.
s124(1)	35. Accounting Records to be Kept 35.1 The duty pursuant to Section 124(1) of the Act to: 35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council; 35.1.2 keep the Councils accounting records in such manner as will enable: 35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and 35.1.2.2 the financial statements of the Council to be conveniently and properly audited.
s124(2)	35. Accounting Records to be Kept 35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.
s125	36. Internal Control Policies 36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.
s126(1)	37. Audit Committee 37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.
s126(2)	37. Audit Committee 37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.
s127(1)	38. Financial Statements 38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year. 38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and 38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.
s127(2)	38. Financial Statements 38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act: 38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and 38.2.2 comply with standards and principles prescribed by the Regulations; and 38.2.3 include the information required by the Regulations.

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s127(3)	38. Financial Statements 38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.
s127(4)	38. Financial Statements 38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.
s127(5)	38. Financial Statements 38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
s128(2), (3), (4), (4a), (5), (6), (7), (8)	39. The Auditor 39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.
s128(8)	39.2 The Auditor 39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.
s128(9)	39. The Auditor 39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report: 39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between: 39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and 39.3.1.2 other remuneration;
s129(9), s129(3)	39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end. 40. Conduct of Audit 40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.
s130A(1), s130A(2)	41. Other Investigations 41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.



s130A(7)	<p>41. Other Investigations</p> <p>41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p> <p>41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;</p> <p>41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>
s131(1)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.</p>
s131(2) s131(3)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.</p>
s131(4)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.</p>
s131(5)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:</p> <p>42.4.1 the Presiding Member of both Houses of Parliament; and</p> <p>42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.</p>
s131(7)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.</p>
s131(8)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>
s132(1)	<p>43. Access to Documents</p> <p>43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:</p> <p>43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and</p> <p>43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.</p>



s132(2)	<p>43. Access to Documents 43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).</p>
s132(3)	<p>43. Access to Documents 43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:</p> <p>43.3.1 agendas for meetings of the Council or Council committees;</p> <p>43.3.2 minutes of meetings of the Council or Council committees;</p> <p>43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;</p> <p>43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;</p> <p>43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;</p> <p>43.3.6 the Council's budget (as adopted by the Council for a particular year);</p> <p>43.3.7 a list of fees and charges imposed by the Council under this Act;</p> <p>43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;</p> <p>43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;</p> <p>43.3.10 the audited financial statements of the Council;</p> <p>43.3.11 the annual report of the Council;</p> <p>43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.</p>
s132A	<p>44. Related Administrative Standards 44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:</p> <p>44.1.2 to ensure compliance with any statutory requirements; and</p> <p>44.1.2 to achieve and maintain standards of good public administration.</p>



s133	<p>45. Sources of Funds 45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.</p>	
s135(1)	<p>46. Ability of a Council to Give Security 46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including: 46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council); 46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act); 46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.</p>	
s135(2)	<p>46. Ability of a Council to Give Security 46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to: 46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues, and 46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.</p>	
s137	<p>47. Expenditure of Funds 47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.</p>	
s139(1)	<p>48. Investment Powers 48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.</p>	
s139(2)	<p>48. Investment Powers 48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to: 48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and 48.2.2 avoid investments that are speculative or hazardous in nature.</p>	



s139(3)	<p>48. Investment Powers 48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:</p> <p>48.3.1 the purposes of the investment;</p> <p>48.3.2 the desirability of diversifying Council investments;</p> <p>48.3.3 the nature of and risk associated with existing Council investments;</p> <p>48.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>48.3.5 the risk of capital or income loss or depreciation;</p> <p>48.3.6 the potential for capital appreciation;</p> <p>48.3.7 the likely income return and the timing of income return;</p> <p>48.3.8 the length of the term of a proposed investment;</p> <p>48.3.9 the period for which the investment is likely to be required;</p> <p>48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p> <p>48.3.11 the aggregate value of the assets of the Council;</p> <p>48.3.12 the likelihood of inflation affecting the value of a proposed investment;</p> <p>48.3.13 the costs of making a proposed investment;</p> <p>48.3.14 the results of any review of existing Council investments.</p>	
s139(3)	<p>48. Investment Powers 48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:</p> <p>48.4.1 the anticipated community benefit from an investment; and</p> <p>48.4.2 the desirability of attracting additional resources into the local community.</p>	
s139(5)	<p>48. Investment Powers 48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.</p>	



s140	49. Review of Investment 49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.
s141	50. Gifts to a Council 50.1 Within the confines of Section 44(3) of the Act: 50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council; 50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council; 50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee; 50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and 50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.
s142	51. Duty to Insure Against Liability 51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.
s143(1)	52. Writing off Bad Debts 52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council: 52.1.1 if the Council has no reasonable prospect of recovering the debts; or 52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.
s143(2)	52. Writing off Bad Debts 52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified: 52.2.1 reasonable attempts have been made to recover the debt; or 52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.
s144(1)	53. Recovery of Amounts due to Council 53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.



s144(2)	<p>53. Recovery of Amounts due to Council</p> <p>53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.</p>
s148(2)	<p>54. Land Against Which Rates May be Assessed</p> <p>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.</p>
s151	<p>55. Basis of Rating</p> <p>55.1 Before the Council:</p> <p>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</p> <p>55.1.2 changes the basis on which land is valued for the purposes of rating; or</p> <p>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</p> <p>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</p> <p>55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act, and</p> <p>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</p>
s151(8) s151(5)(d) s151(7)(a)(i)	<p>55. Basis of Rating</p> <p>55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>
s152(2)(d) s152(3)	<p>56. General Rates</p> <p>56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.</p>
s155(6)	<p>57. Service Rates and Service Charges</p> <p>57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.</p>
s155(7)	<p>57. Service Rates and Service Charges</p> <p>57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.</p>



s156(3), 156(9), s156(10), s156(11)	58. Basis of Differential Rates 58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.
s156(14a)	58. Basis of Differential Rates 58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to – 58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and 58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.
s156(14e), 156(14a)(a)	58. Basis of Differential Rates 58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
s157	59. Notice of Differentiating Factors 59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.
s159(1)	60. Preliminary 60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.
s159(3)	60. Preliminary 60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).
s159(4)	60. Preliminary 60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.
s159(10)	60. Preliminary 60.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.
s161(1) s161(3)	61. Rebate of Rates - Community Services 61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation: 61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and 61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and 61.1.3 does not restrict its services to persons who are members of the body.

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s165(1), s165(2)	<p>62. Rebate of Rates - Educational Purposes 62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land: 62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or 62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or 62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>	
s166(1a)	<p>63. Discretionary Rebates of Rates 63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j): 63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and 63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and 63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;</p>	
s166(1), s166(2), s166(4)	<p>63.1.4 any other matter considered relevant by the Council or the Delegate. 63. Discretionary Rebates of Rates 63.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases: 63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area; 63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; 63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance; 63.2.4 where the land is being used for educational purposes; 63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions; 63.2.6 where the land is being used for a hospital or health centre; 63.2.7 where the land is being used to provide facilities or services for children or young persons;</p>	



	<p>63.2.8 where the land is being used to provide accommodation for the aged or disabled;</p> <p>63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;</p> <p>63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;</p> <p>63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;</p> <p>63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:</p> <p>63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or</p> <p>63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.</p> <p>63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:</p> <p>63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or</p> <p>63.2.13.2 liability that is unfair or unreasonable;</p> <p>63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or</p> <p>63.2.15 where the rebate is contemplated under another provision of the Act.</p>
s166(3)	<p>63. Discretionary Rebates of Rates</p> <p>63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:</p> <p>63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or</p> <p>63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or</p> <p>63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.</p>

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s166(3a)	63. Discretionary Rebates of Rates 63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(f) of the Act for a period exceeding 1 year but not exceeding 3 years.
s167(1)	64. Valuation of Land for the Purposes of Rating 64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.
s167(2)	64. Valuation of Land for the Purposes of Rating 64.2 For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt: 64.2.1 valuations made, or caused to be made, by the Valuer-General; or 64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council; or a combination of both.
s167(6)	64. Valuation of Land for the Purposes of Rating 64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.
s168(1)	65. Valuation of Land 65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).
s168(2)	65. Valuation of Land 65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer-General for the purposes of valuing land within the area of the Council.
s168(3)(b)	65. Valuation of Land 65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.
s169(1), s169(2), s169(3), s169(4), s169(5)	66. Objections to Valuations Made by Council 66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where: 66.1.1 the objection does not involve a question of law; and 66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and 66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).



s169(3)(b)	66. Objections to Valuations Made by Council 66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.
s169(7)	66. Objections to Valuations Made by Council 66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.
s169(8)	66. Objections to Valuations Made by Council 66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is: 66.4.1 in the prescribed manner and form; 66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and 66.4.3 accompanied by the prescribed fee.
s169(15)	66. Objections to Valuations Made by Council 66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.
s170	67. Notice of Declaration of Rates 67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.
s173(3), s173(5)	68. Alterations to Assessment Record 68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
s173(6)	68. Alterations to Assessment Record 68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.
s174(1), s174(2)	69. Inspection of Assessment Record 69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.
s178(3), s178(9)	70. Liability for Rates 70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from: 70.1.1 the principal ratepayer; or 70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or 70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.

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s178(4)	70. Liability for Rates 70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.
s178(4)	70. Liability for Rates 70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.
s178(6)	70. Liability for Rates 70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.
s179(2)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.
s179(5)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.
s180(1), s180(2)	72. Service of Rate Notice 72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after: 72.1.1 the declaration of a rate; or 72.1.2 the imposition of a service charge; or 72.1.3 a change in the rates liability of land.
s181(2)	73. Payment of Rates - General Principles 73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.
s181(3)	73. Payment of Rates - General Principles 73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).
s181(4)(b)	73. Payment of Rates - General Principles 73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.



s181(5)	<p>73. Payment of Rates - General Principles 73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act: 73.4.1 the amount of the instalment, and 73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.</p>	
s181(7a)	<p>73. Payment of Rates - General Principles 73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.</p>	
s181(9)	<p>73. Payment of Rates - General Principles 73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.</p>	
s181(11)	<p>73. Payment of Rates - General Principles 73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage: 73.7.1 the payment of instalments of rates in advance; or 73.7.2 prompt payment of rates.</p>	
s181(12)(b)	<p>73. Payment of Rates - General Principles 73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.</p>	
s181(13)	<p>73. Payment of Rates - General Principles 73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.</p>	
s181(15)	<p>73. Payment of Rates - General Principles 73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case: 73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and 73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.</p>	



s182(1)	<p>74. Remission and Postponement of Payment</p> <p>74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:</p> <p>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or</p> <p>74.1.2 remit the rates in whole or in part.</p>
s182(2)	<p>74. Remission and Postponement of Payment</p> <p>74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:</p> <p>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>74.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).</p>
s182(3)	<p>74. Remission and Postponement of Payment</p> <p>74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:</p> <p>74.3.1 to assist or support a business in the Council's area; or</p> <p>74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.</p>
s182(4)	<p>74. Remission and Postponement of Payment</p> <p>74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).</p>
s182(5)	<p>74. Remission and Postponement of Payment</p> <p>74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.</p>
s182(6)	<p>74. Remission and Postponement of Payment</p> <p>74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).</p>
s182A(2)	<p>75. Postponement of Rates - Seniors</p> <p>75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.</p>



s182A(3)	<p>75. Postponement of Rates - Seniors 75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:</p> <p>75.2.1 reject an application for the postponement of rates; or</p> <p>75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.</p>	
s183	<p>76. Application of money in respect of rates 76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.</p>	
s184(1)	<p>77. Sale of Land for Non-Payment of Rates 77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.</p>	
s184(2)	<p>77. Sale of Land for Non-Payment of Rates 77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:</p> <p>77.2.1 stating the period for which the rates have been in arrears; and</p> <p>77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and</p> <p>77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.</p>	
s184(3)	<p>77. Sale of Land for Non-Payment of Rates 77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act.</p> <p>77.3.1 to any owner of the land who is not the principal ratepayer; and</p> <p>77.3.2 to any registered mortgagee of the land; and</p> <p>77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.</p>	
s184(2), s184(3)	<p>77. Sale of Land for Non-Payment of Rates 77.4 If:</p> <p>77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or</p> <p>77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,</p> <p>the power pursuant to Section 184(4) of the Act to effect service of the notice by:</p> <p>77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>77.4.4 leaving a copy of the notice in a conspicuous place on the land.</p>	



s184(5)	77. Sale of Land for Non-Payment of Rates 77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.
s184(6)	77. Sale of Land for Non-Payment of Rates 77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.
s184(8)	77. Sale of Land for Non-Payment of Rates 77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.
s184(9)	77. Sale of Land for Non-Payment of Rates 77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.
s184(10)	77. Sale of Land for Non-Payment of Rates 77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.
s184(11)	77. Sale of Land for Non-Payment of Rates 77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.
s184(12)	77. Sale of Land for Non-Payment of Rates 77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.
s186(3), s186(4), s186(5)	78. Objection, Review or Appeal 78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act. 78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or 78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.



s187(1)	<p>79. Certificate of Liabilities</p> <p>79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:</p> <p>79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and</p> <p>79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.</p>	<p>80. Investigation by Ombudsman</p> <p>80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:</p> <p>80.1.1 the Ombudsman; and</p> <p>80.1.2 if relevant, the person who made the complaint.</p>	<p>80. Investigation by Ombudsman</p> <p>80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.</p>	<p>81. Fees and Charges</p> <p>81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:</p> <p>81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;</p> <p>81.1.2 for services supplied to a person at his or her request;</p> <p>81.1.3 for carrying out work at a person's request;</p>	<p>81. Fees and Charges</p> <p>81.2 The power pursuant to Section 188(3) of the Act to provide for:</p> <p>81.2.1 specific fees and charges;</p> <p>81.2.2 maximum fees and charges and minimum fees and charges;</p> <p>81.2.3 annual fees and charges;</p> <p>81.2.4 the imposition of fees or charges according to specified factors;</p>
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s188(3)	81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for: 81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) - (c) of the Act inclusive; and
s188(3)	81. Fees and Charges
s188(5)	81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges. 81. Fees and Charges 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
s188(6)	81. Fees and Charges 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
s188(7)	81. Fees and Charges 81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, update the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.
s190	82. Acquisition of Land by Agreement 82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.
s191(1)	83. Compulsory Acquisition of Land 83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.
s191(2)	83. Compulsory Acquisition of Land 83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.
s192(1)	84. Assumption of Care, Control and Management of Land 84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
s192(4)	84. Assumption of Care, Control and Management of Land 84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.
s193(6)	85. Classification 85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution: 85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or 85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.



s194(2)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:</p> <p>86.1.1 prepare and make publicly available a report on the proposal containing:</p> <p>86.1.1.1 a summary of reasons for the proposal; and</p> <p>86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and</p> <p>86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</p> <p>86.1.2 follow the relevant steps set out in the Council's public consultation policy.</p>
s194(2)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.</p>
s194(4)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.</p>
s195(2)	<p>87. Effect of Revocation of Classification</p> <p>87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General.</p>
s196(1), s196(2), s196(3), s196(7).	<p>88. Management Plans</p> <p>88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:</p> <p>88.1.1 identifies the land to which it applies; and</p> <p>88.1.2 states the purpose for which the land is held by the Council; and</p> <p>88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and</p> <p>88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</p>



s196(4)	<p>88. Management Plans</p> <p>88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:</p> <p>88.2.1 identify the owner of the land; and</p> <p>88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p> <p>88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</p>
s196(5)	<p>88. Management Plans</p> <p>88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.</p>
s197(1)	<p>89. Public Consultation on Proposed Management Plan</p> <p>89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:</p> <p>89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and</p> <p>89.1.2 follow the relevant steps set out in Council's public consultation policy.</p>
s197(3)	<p>89. Public Consultation on Proposed Management Plan</p> <p>89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.</p>
s198(1)	<p>90. Amendment or Revocation of Management Plan</p> <p>90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.</p>
s198(2), s198(3)	<p>90. Amendment or Revocation of Management Plan</p> <p>90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.</p>
s198(4)	<p>90. Amendment or Revocation of Management Plan</p> <p>90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.</p>
s199	<p>91. Effect of Management Plan</p> <p>91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.</p>
s200(1), s200(2), s200(3)	<p>92. Use of Community Land for Business Purposes</p> <p>92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.</p>

s201(1)	<p>93. Sale or Disposal of Local Government Land</p> <p>93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:</p> <p>93.1.1 vested in the Council in fee simple; or</p> <p>93.1.2 vested in the Council as lessee.</p>	
s201(2)	<p>93. Sale or Disposal of Local Government Land</p> <p>93.2 The power pursuant to Section 201(2) of the Act to:</p> <p>93.2.1 grant an easement (including a right of way) over community land; and</p> <p>93.2.2 grant an easement (excluding a right of way) over a road or part of a road.</p>	
s202(1)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for:</p> <p>94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>94.1.3 any other matter relevant to the use or maintenance of the land.</p>	
s202(2)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:</p> <p>94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</p> <p>94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</p>	
s202(4)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.</p>	
s202(6)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.</p>	



s207(1)	95. Register 95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.
s207(2)(a), s207(2)(b)	95. Register 95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register: 95.2.1 contains the information required by the Regulations; and 95.2.2 contains copies of current management plans.
s207(2)(c)	95. Register 95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.
s207(3), s207(4)	95. Register 95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
s208(4)	96. Ownership of Public Roads 96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.
s209(3)	97. Ownership of Fixtures and Equipment Installed on Public Roads 97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.
s210(1)(b)	98. Conversion of Private Road to Public Road 98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.
s210(2)	98. Conversion of Private Road to Public Road 98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to: 98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and 98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and 98.2.3 give public notice of the proposed declaration.
s210(5)	98. Conversion of Private Road to Public Road 98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.



s210(7)	98. Conversion of Private Road to Public Road 98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.
s211(1)(a)	99. Highways 99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.
s212(1)	100. Power to Carry Out Roadwork 100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.
s212(3)	100. Power to Carry Out Roadwork 100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that: 100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and 100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and 100.2.3 the roadwork in relation to a private road is only carried out if: 100.2.3.1 the owner agrees; or 100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or 100.2.3.3 the identity or whereabouts of the owner is unknown; and 100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).
s213(1)	101. Recovery of Cost of Roadwork 101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement. 101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from: 101.2.1 the person who caused the damage; or 101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object - the person who is the owner, or who has control of that infrastructure. 101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.



s214	<p>102. Contribution Between Councils where Road is on Boundary Between Council Areas</p> <p>102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is sought.</p>
s215(1)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:</p> <p>103.1.1 ensure that adjoining properties have adequate access to the road; and</p> <p>103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.</p>
s215(2)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:</p> <p>103.2.1 there is no significant risk of damage to the adjoining property, or</p> <p>103.2.2 the road work does not significantly increase the risk of damage to adjoining property.</p>
s215(4)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.</p>
s216(1)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>104.1 The power pursuant to Section 216(1) of the Act, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.</p>
s216(2)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</p> <p>104.2.1 any proposal to make an order; and</p> <p>104.2.2 if an order is made, any order, under Section 216(1) of the Act.</p>
s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:</p> <p>105.1.1 to carry out specified work by way of maintenance or repair; or</p> <p>105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.</p>



s217(1)	105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work. 105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.
s218(1)	106. Power to Require Owner of Adjoining Land to Carry Out Specific Work 106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
s218(2)	106. Power to Require Owner of Adjoining Land to Carry Out Specific Work 106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: 106.2.1 any proposal to make an order; and 106.2.2 if an order is made, any order under Section 218(1) of the Act.
s219(1)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.
s219(1a)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.
s219(2)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to: 107.3.1 give the adjoining council at least 2 months notice of the proposed change; and 107.3.2 consider any representations made by the adjoining council in response to that notice.
s219(3)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.4 The duty pursuant to Section 219(3) of the Act to: 107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and 107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.
s219(4)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.



s219(5)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.
s219(6)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.
s219(7)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:  107.8.1 in the Gazette; and  107.8.2 in a newspaper circulating in the area of the council; and  107.8.3 on a website determined by the Chief Executive Officer.
s220(1)	108. Numbering of Premises and Allotments 108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.
s220(1a)	108. Numbering of Premises and Allotments 108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.
s220(1b)	108. Numbering of Premises and Allotments 108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.
s220(2)	108. Numbering of Premises and Allotments 108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.
s220(3)	108. Numbering of Premises and Allotments 108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.
s220(4)	108. Numbering of Premises and Allotments 108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.
s220(6)	108. Numbering of Premises and Allotments 108.7 The power pursuant to Section 220(6) of the Act to request an 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 Delegate.



s221(1)	<p>109. Alteration of Road 109.1 The power pursuant to Section 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:</p> <p>109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or</p> <p>109.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p> <p>109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.</p>	
s221(2)(b)	<p>109. Alteration of Road 109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:</p> <p>109.2.1 unduly obstruct the use of the road; or</p> <p>109.2.2 unduly interfere with the construction of the road; or</p> <p>109.2.3 have an adverse effect on road safety.</p>	
s221(6)	<p>109. Alteration of Road 109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:</p> <p>109.3.1 for a particular act or occasion; or</p> <p>109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.</p>	
s222(1)	<p>110. Permits for Business Purposes 110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.</p>	
s222(2)	<p>110. Permits for Business Purposes 110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.</p>	
s222(3)	<p>110. Permits for Business Purposes 110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.</p>	

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s223(1)	<p>111. Public Consultation</p> <p>111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:</p> <p>111.1.1 that confers a right of exclusive occupation; or</p> <p>111.1.2 that would have the effect of restricting access to a road; or</p> <p>111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.</p>	
s223(2)	<p>111. Public Consultation</p> <p>111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.</p>	
s224	<p>112. Conditions of Authorisation or Permit</p> <p>112.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.</p>	
s225(1)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</p> <p>113.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or</p> <p>113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.</p>	
s225(2)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:</p> <p>113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and</p> <p>113.2.2 consider any representations made in response to the notice.</p>	
s225(3)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</p>	
s225(4)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.</p>	

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s225A(1)	113A Location Rules – General 113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.
s225A(4)	113A Location Rules – General 113A.2 The power pursuant to Section 225A(4) of the Act to: 113A.2.1 from time to time amend the Council's location rules; 113A.2.2 amend its location rules in order that the rules comply with: 113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or 113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.
s231(1)	114. Register 114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which: 114.1.1 includes the information required by regulation; and 114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.
s231(3)	114. Register 114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
s232	115. Trees The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement): 115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account – 115.1.1 environmental and aesthetic issues; and 115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and 115.1.3 road safety matters; and 115.1.4 other matters (if any) considered relevant by the Delegate; and 115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.
s233(1), s233(2)	116. Damage 116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.



s234(1)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:</p> <p>117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act, or</p> <p>117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.</p>
s234(2)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.</p>
s234(3)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.</p>
s236(2)	<p>119. Abandonment of Vehicles and Farm Implements</p> <p>119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.</p>
s237(4)	<p>120. Removal of Vehicles</p> <p>120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:</p> <p>120.1.1 by written notice in the prescribed form:</p> <p>120.1.1.1 served on the owner personally, or</p> <p>120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle, or</p> <p>120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.</p>
s237(5)	<p>120. Removal of Vehicles</p> <p>120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.</p>
s237(6)	<p>120. Removal of Vehicles</p> <p>120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:</p> <p>120.3.1 the vehicle is offered for sale but not sold; or</p> <p>120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.</p>



s237(7)	<p>120. Removal of Vehicles 120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows: 120.4.1 firstly, in payment of the costs of and incidental to the sale; 120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act; 120.4.3 thirdly, in payment of the balance to the owner of the vehicle.</p>
s237(8)	<p>120. Removal of Vehicles 120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.</p>
s237(9)	<p>120. Removal of Vehicles 120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.</p>
s242(1), s242(2)	<p>121. Time Limits for Dealing with Certain Applications 121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.</p>
s242(3)	<p>121. Time Limits for Dealing with Certain Applications 121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.</p>
s243(1)	<p>122. Registrar-General to Issue Certificate of Title 122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.</p>
s243(2)	<p>122. Registrar-General to Issue Certificate of Title 122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows: 122.2.1 in a manner and form approved by the Registrar-General; and 122.2.2 accompanied by: 122.2.2.1 Deliberately left blank. 122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and 122.2.2.3 a fee fixed by the Registrar-General.</p>
s245	<p>123. Liability for Injury, Damage or Loss Caused by Certain Trees 123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).</p>

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s245A	<p>124. Council May Require Bond or Other Security in Certain Circumstances 124.1 Subject to Section 245A of the Act, if,</p> <p>124.1.1 a person has approval to carry out development under the Development Act 1993; and</p> <p>124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,</p> <p>the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.</p>	
s37(b)	<p>124. Council May Require Bond or Other Security in Certain Circumstances 124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.</p>	
s246(4a)	<p>125. Power to Make By-Laws 125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.</p>	
s249(1)	<p>126. Passing By-Laws 126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:</p> <p>126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the internet; and</p> <p>126.1.2 by notice in a newspaper circulating in the area of the Council:</p> <p>126.1.2.1 inform the public of the availability of the proposed by law; and</p> <p>126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.</p>	
s249(4)	<p>126. Passing By-Laws 126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:</p> <p>126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and</p> <p>126.2.2 the by-law is not in conflict with the Act.</p>	
s249(5)	<p>126. Passing By-Laws 126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.</p>	



s249(7)	126. Passing By-Laws 126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.
s250(5)	127. Model By-Laws 127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.
s250(7)	127. Model By-Laws 127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.
s252(1)	128. Register of By-Laws and Certified Copies 128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.
s252(3)	128. Register of By-Laws and Certified Copies 128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
s252(5)	128. Register of By-Laws and Certified Copies 128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.
s254	129. Power to Make Orders 129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.
s255(1)	130. Procedures to be Followed 130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing: 130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and 130.1.2 stating the reasons for the proposed action; and 130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).
s255(2)	130. Procedures to be Followed 130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.



s255(3)	<p>130. Procedures to be Followed</p> <p>130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:</p> <p>130.3.1 to make an order in accordance with the terms of the original proposal; or</p> <p>130.3.2 to make an order with modifications from the terms of the original proposal; or</p> <p>130.3.3 to determine not to proceed with an order.</p>	
s255(5)	<p>130. Procedures to be Followed</p> <p>130.4 The power pursuant to Section 255(5) of the Act to:</p> <p>130.4.1 include two or more orders in the same instrument;</p> <p>130.4.2 direct two or more persons to do something specified in the order jointly.</p>	
s255(6)	<p>130. Procedures to be Followed</p> <p>130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:</p> <p>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p> <p>130.5.2 states the reasons for the order.</p>	
s255(7)	<p>130. Procedures to be Followed</p> <p>130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.</p>	
s255(8)	<p>130. Procedures to be Followed</p> <p>130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.</p>	
s255(11)	<p>130. Procedures to be Followed</p> <p>130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.</p>	
s255(12)	<p>130. Procedures to be Followed</p> <p>130.9 If the Delegate, in the circumstances of a particular case, considers:</p> <p>130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or</p> <p>130.9.2 that an emergency situation otherwise exists,</p> <p>the Delegate has the power pursuant to Section 255(12) of the Act to:</p> <p>130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and</p> <p>130.9.4 require immediate compliance with an order despite Section 255(6)(a).</p>	



s256(1) and (2)	131. Rights of Review 131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek review of the order under the Act, and to include the information specified by the Regulations to the Act.
s257(1)	132. Action on Non-Compliance 132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.
s257(2)	132. Action on Non-Compliance 132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.
s257(3)	132. Action on Non-Compliance 132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.
s257(5)	132. Action on Non-Compliance 132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period: 132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and 132.4.2 if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.
s259(1)	133. Councils to Develop Policies 133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.
s259(2)	133. Councils to Develop Policies 133.2 The power and duty pursuant to Section 259(2) of the Act to: 132.2.1 prepare a draft of a Policy; and 132.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).
s259(3)	133. Councils to Develop Policies 133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.
s259(4)	133. Councils to Develop Policies 133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.

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s259(5)	133. Councils to Develop Policies 133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.
s259(6), s259(7)	133. Councils to Develop Policies 133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
s259(8)	133. Councils to Develop Policies 133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.
s260(1)	134. Appointment of Authorised Persons 134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.
s260(2)	134. Appointment of Authorised Persons 134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.
s260(3)	134. Appointment of Authorised Persons 134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card: 134.3.1 containing a photograph of the authorised person; and 134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.
s260(5)	134. Appointment of Authorised Persons 134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.
s270(a1)	135. Procedures for Review of Decisions and Requests for Services 135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with: 135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and 135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.
s270(a2)	135. Procedures for Review of Decisions and Requests for Services 135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards: 135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and 135.0.2 using information gained from the Council's community to improve its services and operations.



<p>s270(a1) s270(a2)</p>	<p>135. Procedures for Review of Decisions and Requests for Services 135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</p> <p>135.1.1 the Council;</p> <p>135.1.2 employees of the Council;</p> <p>135.1.3 other persons acting on behalf of the Council.</p>	
<p>s270(2)</p>	<p>135. Procedures for Review of Decisions and Requests for Services 135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):</p> <p>135.2.1 the manner in which an application for review may be made;</p> <p>135.2.2 the assignment of a suitable person to reconsider a decision under review;</p> <p>135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;</p> <p>135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</p> <p>135.2.4 the notification of the progress and outcome of an application for review;</p> <p>135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.</p>	
<p>s270(4)</p>	<p>135. Procedures for Review of Decisions and Requests for Services 135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:</p> <p>135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>135.3.2 it appears that the application is frivolous or vexatious; or</p> <p>135.3.3 the applicant does not have a sufficient interest in the matter.</p>	
<p>s270(5)</p>	<p>135. Procedures for Review of Decisions and Requests for Services 135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>	



s270(6)	135. Procedures for Review of Decisions and Requests for Services 135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.
s270(8)	135. Procedures for Review of Decisions and Requests for Services 135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:  135.6.1 the number of applications for review made under Section 270; and 135.6.2 the kinds of matters to which the applications relate; and 135.6.3 the outcome of applications under this Section; and 135.6.4 such other matters as may be prescribed by the Regulations.
s270(9)	135. Procedures for Review of Decisions and Requests for Services 135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.
s271(1)	136. Mediation, Conciliation and Neutral Evaluation 136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.
s271(2)	136. Mediation, Conciliation and Neutral Evaluation 136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.
s271A	136A. Provision of Information to Minister 136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.
s271A(3)	136A. Provision of Information to Minister 136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if: 136AA.2.1 the information was given to the Council in confidence; or 136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
s272(3)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.
s272(5)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.



s273(3)	136C. Action on a Report 136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.
136D.	136D. Deliberately left blank 136D. Deliberately left blank
s275(2)	136E. Action on a Report 136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.
s276(1), s276(2)	137. Special Jurisdiction 137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council: 137.1.1 proceedings to try the title of a member to an office; 137.1.2 proceedings to try the right of a person to be admitted or restored to an office; 137.1.3 proceedings to compel restoration or admission; 137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment; 137.1.5 proceedings to try the validity of a rate or service charge; 137.1.6 proceedings to try the validity of a by-law; 137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.
s279	138. Service of Documents by Councils etc 138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.
s280(1)	139. Service of Documents on Councils 139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.
s281(1)	140. Recovery of Amounts from Lessees or Licensees 140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.
s282(1)	141. Ability of Occupiers to Carry out Works 141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.
s294(1a)	142. Power to Enter and Occupy Land in Connection with an Activity 142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.



s294(3)	<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.2 The duty pursuant to Section 294(3) of the Act.</p> <p>142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and</p> <p>142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and</p> <p>142.2.3 within 6 months of ceasing to occupy the land:</p> <p>142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</p> <p>142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;</p>
s294(5)	<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner of occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.</p>
s296(1)	<p>143. Reclamation of Land</p> <p>143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.</p>
s296(2)	<p>143. Reclamation of Land</p> <p>143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.</p>
s296(3)	<p>143. Reclamation of Land</p> <p>143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.</p>
s296(5)	<p>143. Reclamation of Land</p> <p>143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.</p>
s297	<p>144. Property in Rubbish</p> <p>144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.</p>
s298(1)	<p>145. Power of Council to Act in Emergency</p> <p>145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.</p>



146	146. Deliberately left blank 146.1 Deliberately left blank.
146.	146. Deliberately left blank 146.2 Deliberately left blank.
s300(1)	147. Costs of Advertisements 147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.
s302B	148. Deliberately left blank
c13, Schedule 1A	148A Use of Facilities 148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.
c13(4), Schedule 1A	149. Deliberately left blank
c14, Schedule 1A	150. Deliberately left blank
c16(4), Schedule 1A	151. Deliberately left blank 151.1 Deliberately left blank
c16(5), Schedule 1A	151. Deliberately left blank 151.2 Deliberately left blank
c16(6), Schedule 1A	151. Deliberately left blank 151.3 Deliberately left blank
C17(1), Schedule 1A	151A Preparation of Stormwater Management Plans by Councils 151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.
c20(5), Schedule 1A	151B Authority May Issue Order 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.
c20(6), Schedule 1A	151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).
c21(1), Schedule 1A	152.1 Deliberately left blank
c21(2), Schedule 1A	152. Deliberately left blank 152.2 Deliberately left blank
c22(2), Schedule 1A	153.1 Deliberately left blank



c22(3), Schedule 1A	153. Deliberately left blank	
c22(4), Schedule 1A	153.2 Deliberately left blank 153.3 Deliberately left blank	
c24(1), Schedule 1A	154. Special Powers in Relation to Land 154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to: (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and (d) inspect, examine or survey any land and for that purpose: (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis. (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and (f) hold any water in a watercourse or lake or by any other means; and (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and (j) undertake any testing, monitoring or evaluation; and (k) undertake any other activity of a prescribed kind.	
c24(2)(b) and 25, Schedule 1A	154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	
c25(2), Schedule 1A	155. Entry and Occupation of Land Other Than Council Land 155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.	
c25(3)(b), Schedule 1A	155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.	
c26(3), Schedule 1A	156. Vesting of Infrastructure, etc 156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.	



c2(1), Schedule 1B	<p>157. Building Upgrade Agreement (May only be delegated to CEO)</p> <p>157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:</p> <p>157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and</p> <p>157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and</p> <p>157.1.3 the Council agrees:</p> <p>157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and</p> <p>157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).</p>	<p>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>
c2(3), Schedule 1B	<p>157. Building Upgrade Agreement (May only be delegated to CEO)</p> <p>157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.</p>	<p>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>
c2(4), Schedule 1B	<p>157. Building Upgrade Agreement (May only be delegated to CEO)</p> <p>157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.</p>	<p>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>
c4, Schedule 1B	<p>158. Variation or Termination of Agreement (May only be delegated to CEO)</p> <p>158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.</p>	<p>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>



c5(1), Schedule 1B	<p>159. Contents of Agreement (May only be delegated to CEO)</p> <p>159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:</p> <p>159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and</p> <p>159.1.2 the amount of money to be advanced by the finance provider under the agreement; and</p> <p>159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and</p> <p>159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and</p> <p>159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and</p> <p>159.1.6 any prescribed matters.</p>	<p>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>
c5(2), Schedule 1B	<p>159. Contents of Agreement (May only be delegated to CEO)</p> <p>159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:</p> <p>159.2.1 provide for the early repayment of any amount payable under the agreement; and</p> <p>159.2.2 include and agree to other provisions.</p>	<p>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>
c6(1), Schedule 1B	<p>160. Declaration of Building Upgrade Charge (May only be delegated to CEO)</p> <p>160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).</p>	<p>The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>
c6(2), Schedule 1B	<p>160. Declaration of Building Upgrade Charge (May only be delegated to CEO)</p> <p>160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:</p> <p>160.2.1 the name and address of the building owner; and</p> <p>160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and</p> <p>160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and</p> <p>160.2.4 the amount for which the building owner is liable; and</p> <p>160.2.5 the manner of payment of the amount; and</p> <p>160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and</p> <p>160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and</p> <p>160.2.8 any prescribed matters.</p>	<p>The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.</p>



c6(4), Schedule 1B	160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.	The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c7(2), Schedule 1B	161. Payment of Building Upgrade Charge 161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	
c7(3), Schedule 1B	161. Payment of Building Upgrade Charge 161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council, 161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider, and 161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.	
c9(1), Schedule 1B	162. Sale of Land for Non-payment of Building Upgrade Charge 162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.	
c9(2), Schedule 1B	162. Sale of Land for Non-payment of Building Upgrade Charge 162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows: 162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act; 162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge); 162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge; 162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land; 162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges; 162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice; 162.2.7 seventhly – in payment to the owner of the land.	
c9(3), Schedule 1B	162. Sale of Land for Non-payment of Building Upgrade Charge 162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.	



c10(2), Schedule 1B	163. Repayment of Advances to Finance Provider 163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to: 163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and 163.1.2 give the building owner written notice of the adjustment	
c10(3), Schedule 1B	163. Repayment of Advances to Finance Provider 163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act: 163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and 163.2.2 the excess amount has been paid by the Council to the finance provider, to refund the building owner the excess amount paid.	
c13(1), Schedule 1B	164. Register of Building Upgrade Agreements 164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	
c13(3), Schedule 1B	164. Register of Building Upgrade Agreements 164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).	



	<b>APPENDIX [ 21 ]</b>  <b>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT REGULATIONS 2008 AND (WASTE REFORM) VARIATION REGULATIONS 2019</b>		TRIM Doc Ref:  Delegation Made:	AR13/35025 (V7)  17/12/2019

**Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.**

Section	Delegation Source	Item Delegated / Authorisation	Conditions and Limitations
s6(3)	Development Act 1993	1. Concept of Change in the Use of Land 1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more.  1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and	
s6(3)	Development Act 1993	1. Concept of Change in the Use of Land 1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more.  1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.	
s18(1)	Development Act 1993	2. Appointment of Authorised Officers 2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.	
s18(2)	Development Act 1993	2. Appointment of Authorised Officers 2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	
s18(3)	Development Act 1993	2. Appointment of Authorised Officers 2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	
s18(5)	Development Act 1993	2. Appointment of Authorised Officers 2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	

s20(8)	Development Act 1993	3. Delegations 3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	
s24(1)(a)(i)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	
s24(1)(b)(i)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	
s24(1)(b)(ii)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	
s24(1a)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	
s24(1)(a)(iva)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	
s 24(1b)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	
s24(2a)	Development Act 1993	4. Council or Minister May Amend a Development Plan 4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	
s 25(1)	Development Act 1993	5. Amendments by a Council 5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	
s25(1)	Development Act 1993	5. Amendments by a Council 5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	
s25(4) and 25(5)	Development Act 1993	5. Amendments by a Council 5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:  5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if	

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	<p>any) as the Council or the Delegate thinks fit;</p> <p>5.3.2 the DPA must include an assessment of the extent to which the proposed amendment:</p> <p>5.3.2.1 accords with the Planning Strategy; and</p> <p>5.3.2.2 accords with the Statement of Intent; and</p> <p>5.3.2.3 accords with other parts of the Development Plan; and</p> <p>5.3.2.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.3.2.5 satisfies the matters prescribed in the Regulations;</p> <p>5.3.3 the DPA must include:</p> <p>5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and</p> <p>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and</p> <p>5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);</p> <p>5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;</p> <p>5.3.5 the DPA must include any other matter prescribed by the Regulations.</p>		
s25(3)(a)	Development Act 1993	5. Amendments by a Council	
s25(4)	Development Act 1993	5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.	
s25(5)	Development Act 1993	5. Amendments by a Council 5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications. 5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.	



s25(6)	Development Act 1993	5. Amendments by a Council 5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	
s25(6)	Development Act 1993	5. Amendments by a Council 5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	
s25(7)(a)	Development Act 1993	5. Amendments by a Council 5.9 Process A 5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	
s25(7)(b)	Development Act 1993	5. Amendments by a Council 5.9 Process A 5.9.2 The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	
s 25(7)(c)	Development Act 1993	5. Amendments by a Council 5.9 Process A 5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	
s25(7)(c)(i)	Development Act 1993	5. Amendments by a Council 5.9 Process A 5.9.4 The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.	
s25(10), 25(11), 25(12) and 25(12a)	Development Act 1993	5. Amendments by a Council 5.9 Process A 5.9.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.	
s25(8)(a)	Development Act 1993	5. Amendments by a Council 5.10 Process B 5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.	

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		<p>5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.</p> <p>5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.</p> <p>5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.10.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.</p>	
s25(9)(a)	Development Act 1993	<p>5. Amendments by a Council</p> <p>5.11 Process C</p> <p>5.11.1 The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.11.2 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.</p> <p>5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:</p> <p>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and</p> <p>5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment,</p> <p>a written notice in accordance with the Regulations.</p> <p>5. Amendments by a Council</p> <p>5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:</p>	
s25(10)	Development Act 1993		



		<p>5.12.1 accords with the Planning Strategy; and</p> <p>5.12.2 accords with the Statement of Intent; and</p> <p>5.12.3 accords with other parts of the Development Plan; and</p> <p>5.12.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.12.5 satisfies the matters prescribed in the Regulations.</p>	
s25(11)	Development Act 1993	<p>5. Amendments by a Council</p> <p>5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:</p> <p>5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and</p> <p>5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,</p> <p>5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.</p>	
s25(12)	Development Act 1993	<p>5. Amendments by a Council</p> <p>5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:</p> <p>5.14.1 informing the owner of the proposed amendment, and</p> <p>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>	
s25(12a)	Development Act 1993	<p>5. Amendments by a Council</p> <p>5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:</p> <p>5.15.1 informing the owner of the proposed amendment, and</p>	



			5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.
s25(13)(a)	Development Act 1993		5. Amendments by a Council 5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.
s25(13)(b)	Development Act 1993		5. Amendments by a Council 5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.
s25(13)(a);	Development Act 1993		5. Amendments by a Council 5.18 The duty to send to the Minister:
			5.18.1 a copy of a report under Section 25(13)(a); and
			5.18.2 a certificate from the Chief Executive Officer, pursuant to and in accordance with Section 25(14) of the Act and the Regulations.
s25(15)(d) and 25(15)(f)	Development Act 1993		5. Amendments by a Council 5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.
s25(21)	Development Act 1993		5. Amendments by a Council 5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.
s25(23)	Development Act 1993		5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.
s26(5)(d)(i)	Development Act 1993		6. Amendments by the Minister 6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
s26(5a)(a)	Development Act 1993		6. Amendments by the Minister 6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
s26(5b)(a)	Development Act 1993		6. Amendments by the Minister 6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.
s26(12)	Development Act 1993		6. Amendments by the Minister 6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.
s26(12)	Development Act 1993		6. Amendments by the Minister 6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.

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s27(6)	Development Act 1993	7. Parliamentary Scrutiny 7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.	
s30(1)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.1 The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:</p> <p>8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:</p> <p>8.1.1.1 the Planning Strategy; and</p> <p>8.1.1.2 any other policy or document prescribed by the regulations; and</p> <p>8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and</p> <p>8.1.3 sets out the Council's priorities for:</p> <p>8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and</p> <p>8.1.3.2 the integration of transport and land-use planning within its area; and</p> <p>8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and</p> <p>8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and</p> <p>8.1.3.5 infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and</p> <p>8.1.3.6 other projects or initiatives considered to be relevant by the Council; and</p> <p>8.1.4 contains such other material as may be:</p> <p>8.1.4.1 prescribed by the regulations; or</p> <p>8.1.4.2 required by the Minister.</p>	



s30(2)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.2 The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act.</p> <p>8.2.1 within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:</p> <p>8.2.1.1 the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and</p> <p>8.2.1.2 the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and</p> <p>8.2.2 in any event, within 5 years after the completion of the last report under Section 30 of the Act.</p>
s30(3)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:</p> <p>8.3.1 by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and</p> <p>8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.</p>
s30(4)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.</p>
s30(5)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.</p>
s30(6)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:</p> <p>8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and</p> <p>8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.</p>
s30(7)	Development Act 1993	<p>8. Strategic Directions Reports</p> <p>8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.</p>

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s30(8)	Development Act 1993	8. Strategic Directions Reports 8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).
s30(9)	Development Act 1993	8. Strategic Directions Reports 8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council: 8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or 8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.
s30(12)	Development Act 1993	8. Strategic Directions Reports 8.10 The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.
s30(13)	Development Act 1993	8. Strategic Directions Reports 8.11 The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.
s30(14)	Development Act 1993	8. Strategic Directions Reports 8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.
s30(15)	Development Act 1993	8. Strategic Directions Reports 8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.
s31(3)	Development Act 1993	9. Copies of Plans to be Made Available to the Public 9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.
s33(1)(a)	Development Act 1993	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;
s33(1)(b)	Development Act 1993	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters

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			(insofar as they are relevant to that development): 10.1.2 the provisions of the Building Rules;	
s33(1)(c)	Development Act 1993		10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	
s33(1)(d)	Development Act 1993		10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	
s33(1)(e)	Development Act 1993		10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner, and	
s33(1)(f)	Development Act 1993		10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.	
s33(3)	Development Act 1993		10.Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	
s33(1)	Development Act 1993		10.Matters Against Which Development Must be Assessed 10.3 if: 10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and 10.3.2 the Council: 10.3.2.1 is the relevant authority; and 10.3.2.2 is to make the assessment under that paragraph; and	



		10.3.3 the Council determines to grant consent under that paragraph, the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.	
s34(1)(b)(iii)	Development Act 1993	11. Determination of Relevant Authority 11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.	
s34(1a)	Development Act 1993	11. Determination of Relevant Authority 11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	
s34(8a)	Development Act 1993	11. Determination of Relevant Authority 11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	
s34(21)	Development Act 1993	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	
34(27)(a) 34(23)	Development Act 1993	11. Determination of Relevant Authority 11.5 The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	
34(27)(b) 34(27)(a)	Development Act 1993	11. Determination of Relevant Authority 11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	
s35(1)	Development Act 1993	12. Special Provisions Relating to Assessment Against Development Plans 12.1 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	
s35(1b)	Development Act 1993	12. Special Provisions Relating to Assessment Against Development Plans 12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	
s35(1d)	Development Act 1993	12. Special Provisions Relating to Assessment Against Development Plans 12.3 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the	



		development being complying development accordingly and to assess the balance of the development as merit development.	
s35(2)	Development Act 1993	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	
s35(3)(a)	Development Act 1993	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	
35(6)	Development Act 1993	12. Special Provisions Relating to Assessment Against Development Plans 12.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	
s36(1)	Development Act 1993	13. Special Provisions Relating to Assessment Against the Building Rules 13.1 The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	
s36(2)	Development Act 1993	13. Special Provisions Relating to Assessment Against the Building Rules 13.2 The power pursuant to and in accordance with Section 36(2) of the Act 13.2.1 to assess whether a development is at variance with the Building Rules; 13.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent; 13.2.3 to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that: 13.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or 13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	
s36(3)	Development Act 1993	13. Special Provisions Relating to Assessment Against the Building Rules 13.3 The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	



s36(3a) 36(3)	Development Act 1993	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.4 The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.</p>
s36(4)(a) 36(4)(b)	Development Act 1993	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.5 The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that</p> <p>13.5.1 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>13.5.2 such compliance is certified by a private certifier.</p>
s36(6)	Development Act 1993	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.6 The power pursuant to Section 36(6) of the 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>
37(1)(a) 37(1)(b)	Development Act 1993	<p>14. Consultation With Other Authorities or Agencies</p> <p>14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:</p> <p>14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and</p> <p>14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).</p>
s37(5)(a)	Development Act 1993	<p>14. Consultation With Other Authorities or Agencies</p> <p>14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.</p>
s37(6)	Development Act 1993	<p>14. Consultation With Other Authorities or Agencies</p> <p>14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.</p>
37AA(2)(e) 37AA(2)(c)	Development Act 1993	<p>15. Preliminary Advice and Agreement</p> <p>15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied</p>



			that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.
s37AA(4)	Development Act 1993		15. Preliminary Advice and Agreement 15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.
s37A(1)	Development Act 1993		16. Proposed Development Involving Creation of Fortifications 16.1 The duty pursuant to Section 37A(1) of the Act where 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’).
s37A(2)(b)	Development Act 1993		16. Proposed Development Involving Creation of Fortifications 16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner’s written determination under Section 37A(2)(a) of the Act.
s37A(5)	Development Act 1993		16. Proposed Development Involving Creation of Fortifications 16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:  16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or  16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.
s37A(6)	Development Act 1993		16. Proposed Development Involving Creation of Fortifications 16.4 The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) 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 37A of the Act.
s38(3)	Development Act 1993		17. Public Notice and Consultation 17.1 The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate’s own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.
s38(3a)(a)	Development Act 1993		17. Public Notice and Consultation 17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -  17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:  17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or



		<p>occupier of each piece of adjoining land; and</p> <p>17.2.1.2 give any other person of a prescribed class, notice of the application; and</p> <p>17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:</p> <p>17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and</p> <p>17.2.2.2 forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and</p> <p>17.2.3 if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.</p>
s38(4)	Development Act 1993	<p>17. Public Notice and Consultation</p> <p>17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.</p>
s38(5)	Development Act 1993	<p>17. Public Notice and Consultation</p> <p>17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.</p>
s38(8)	Development Act 1993	<p>17. Public Notice and Consultation</p> <p>17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.</p>
s38(10)(a)	Development Act 1993	<p>17. Public Notice and Consultation</p> <p>17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.</p>
s38(10)(b)	Development Act 1993	<p>17. Public Notice and Consultation</p> <p>17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.</p>
s38(11)	Development Act 1993	<p>17. Public Notice and Consultation</p> <p>17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.</p>



s38(12)	Development Act 1993	17. Public Notice and Consultation 17.9 The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	
s38(17)	Development Act 1993	17. Public Notice and Consultation 17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	
s38(18)	Development Act 1993	17. Public Notice and Consultation 17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	
s39(2)	Development Act 1993	18. Application and Provision of Information 18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:  18.1.1 provide such additional documents or information to enable assessment of the application;  18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;  18.1.3 consult with an authority or body prescribed by the Regulations;  18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and  18.1.5 comply with any other requirement prescribed by the Regulations.	
s39(2a)	Development Act 1993	18. Application and Provision of Information 18.2 If:  18.2.1 a development is of a kind that is complying development; and  18.2.2 the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act, and  18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d), the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.	
s39(2b)	Development Act 1993	18. Application and Provision of Information 18.3 If:	

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		<p>18.3.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and</p> <p>18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act; to;</p> <p>18.3.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only, and the duty pursuant to Section 39(2b)(d) of the Act; to;</p> <p>18.3.4 make that request within a period prescribed by the Regulations.</p>
s39(3)	Development Act 1993	<p>18. Application and Provision of Information</p> <p>18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:</p> <p>18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and</p> <p>18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).</p>
39(3a)	Development Act 1993	<p>18. Application and Provision of Information</p> <p>18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.</p>
s39(3b)	Development Act 1993	<p>18. Application and Provision of Information</p> <p>18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.</p>
s39(4)(a) s39(5)	Development Act 1993	<p>18. Application and Provision of Information</p> <p>18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.</p>
s39(4)(b) s39(5)	Development Act 1993	<p>18. Application and Provision of Information</p> <p>18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.</p>
s39(4)(c) s39(5)	Development Act 1993	<p>18. Application and Provision of Information</p> <p>18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of</p>

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		whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	
s39(4)(d)	Development Act 1993	18. Application and Provision of Information 18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	
s39(4)(e)	Development Act 1993	18. Application and Provision of Information 18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	
s39(7)	Development Act 1993	18. Application and Provision of Information 18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	
s39(7)(c)	Development Act 1993	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	
s39(7)(d)	Development Act 1993	18. Application and Provision of Information 18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	
s39(7a)	Development Act 1993	18. Application and Provision of Information 18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	
s39(8)	Development Act 1993	18. Application and Provision of Information 18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	
s39(9)	Development Act 1993	18. Application and Provision of Information 18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	
s40(1)	Development Act 1993	19. Determination of Application 19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)	



s40(3)	Development Act 1993	19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	
s41(1)	Development Act 1993	20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.	
s41(1)	Development Act 1993	20. Time Within Which Decision Must be Made 20.2 If: 20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and 20.2.2 the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made, the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.	
s42(1)	Development Act 1993	21. Conditions 21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	
s42(4)	Development Act 1993	21. Conditions 21.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	
s42(6) s42(4)	Development Act 1993	21. Conditions 21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	
s42(8)(b)	Development Act 1993	21. Conditions 21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	



s43	Development Act 1993	22. Cancellation by a Relevant Authority 22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.
s45A(2)	Development Act 1993	23. Investigation of Development Assessment Performance 23.1 The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.
s45A(14)	Development Act 1993	23. Investigation of Development Assessment Performance 23.2 The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.
s45A(12) 45A(11)	Development Act 1993	23. Investigation of Development Assessment Performance 23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.
s49(4a)	Development Act 1993	24. Crown Development and Public Infrastructure 24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
s49(5)	Development Act 1993	24. Crown Development and Public Infrastructure 24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.
s49(9)	Development Act 1993	24. Crown Development and Public Infrastructure 24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.
s49A(4a)	Development Act 1993	25. Electricity Infrastructure Development 25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
s49A(5)	Development Act 1993	25. Electricity Infrastructure Development 25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.
s49A(9)	Development Act 1993	25. Electricity Infrastructure Development 25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.



s50(1)	Development Act 1993	<p>26. Open Space Contribution System</p> <p>26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require.</p> <p>26.1.1 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>26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or</p> <p>26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.</p>
s50(1)	Development Act 1993	<p>26. Open Space Contribution System</p> <p>26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.</p>
s50(3)	Development Act 1993	<p>26. Open Space Contribution System</p> <p>26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.</p>
s50(3a)	Development Act 1993	<p>26. Open Space Contribution System</p> <p>26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.</p>
s50(10)	Development Act 1993	<p>26. Open Space Contribution System</p> <p>26.5 The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.</p>
s50(11)	Development Act 1993	<p>26. Open Space Contribution System</p> <p>26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.</p>
s50A(1)	Development Act 1993	<p>27. Carparking Fund</p> <p>27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.</p>



s50A(1)	Development Act 1993	27. Carparking Fund 27.2 The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.
s50A(5)(c)	Development Act 1993	27. Carparking Fund 27.3 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.
s50A(5)(d)	Development Act 1993	27. Carparking Fund 27.4 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.
s50A(5)	Development Act 1993	27. Carparking Fund 27.5 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.
s50A(6)	Development Act 1993	27. Carparking Fund 27.6 The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.
s50A(7)	Development Act 1993	27. Carparking Fund 27.7 The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.
s50A(8)	Development Act 1993	27. Carparking Fund 27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.
s50B(1)	Development Act 1993	28. Urban Trees Fund 28.1 The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).
s50B(2)	Development Act 1993	28. Urban Trees Fund 28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.
s50B(3)	Development Act 1993	28. Urban Trees Fund 28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.
s50B(5)	Development Act 1993	28. Urban Trees Fund 28.4 The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.
s50B(6)	Development Act 1993	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:

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		28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act, or	
s50B(6)	Development Act 1993	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:	
s50B(7)	Development Act 1993	28.5.2 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 Act. 28. Urban Trees Fund 28.6 The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act: 28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act; 28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.	
s51(2)	Development Act 1993	29. Certificate in Respect of the Division of Land 29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.	
s52(4)	Development Act 1993	30. Saving Provisions 30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.	
s52A(2)(a)	Development Act 1993	31. Avoidance of Duplication of Procedures Etc 31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	
s52A(2)(b)	Development Act 1993	31. Avoidance of Duplication of Procedures Etc 31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	



s52A(2)(c)	Development Act 1993	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.</p>
s52A(5)	Development Act 1993	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>
s52A(6)(a)	Development Act 1993	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:</p> <p>31.5.1 in circumstances where:</p> <p>31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and</p> <p>31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;</p> <p>the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and</p>
s52A(6)(b)	Development Act 1993	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:</p> <p>31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>



s53A(1)	Development Act 1993	32. Requirement to Upgrade Building in Certain Cases 32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent 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.
s53A(2)	Development Act 1993	32. Requirement to Upgrade Building in Certain Cases 32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code.
s54(2)(d)	Development Act 1993	33. Urgent Building Work 33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.
s55(1)	Development Act 1993	34. Action if Development Not Substantially Completed 34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.
s55(5)	Development Act 1993	34. Action if Development Not Substantially Completed 34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the 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 cost of that work as a debt from the person.
s55(6)	Development Act 1993	34. Action if Development Not Substantially Completed 34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, 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.
s56(1)	Development Act 1993	35. Completion of Work 35.1 The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.
s56(2)	Development Act 1993	35. Completion of Work 35.2 The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.



s56(3)	Development Act 1993	35. Completion of Work 35.3 The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.
s56(4)	Development Act 1993	35. Completion of Work 35.4 The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.
s56A(3)	Development Act 1993	36. Council to Establish Development Assessment Panels 36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.
s56A(3)	Development Act 1993	36. Council to Establish Development Assessment Panels 36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.
s56A(3)(d)	Development Act 1993	36. Council to Establish Development Assessment Panels 36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.
s56A(3)(e)	Development Act 1993	36. Council to Establish Development Assessment Panels 36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.
s56A(3)(f)	Development Act 1993	36. Council to Establish Development Assessment Panels 36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.
s56A(3)(g)	Development Act 1993	36. Council to Establish Development Assessment Panels 36.6 The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:  36.6.1 breach of, or failure to comply with, the conditions of appointment; or 36.6.2 misconduct; or 36.6.3 neglect of duty; or 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or 36.6.5 failure to carry out satisfactorily the duty of his or her office; or



			36.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.
s56A(5)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.
s56A(15)(b)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.
s56A(20)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.
s56A(22)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).
s56A(23)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.
s56A(27)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.
s56A(28)	Development Act 1993		36. Council to Establish Development Assessment Panels 36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.
s56B(2)	Development Act 1993		37. Building Rules Assessment Audits 37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.
s56B(5)	Development Act 1993		37. Building Rules Assessment Audits 37.2 The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.
s56B(10)	Development Act 1993		37. Building Rules Assessment Audits 37.3 The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.
s56B(14)	Development Act 1993		37. Building Rules Assessment Audits 37.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).



s56B(16)	Development Act 1993	37. Building Rules Assessment Audits 37.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).
s56C(2)	Development Act 1993	37A. Development Plan Assessment Audits 37A.1 The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.
s56C(10)	Development Act 1993	37A. Development Plan Assessment Audits 37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.
s56C(14)	Development Act 1993	37A. Development Plan Assessment Audits 37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.
s56C(15) 56C(12)(a)	Development Act 1993	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and
s56C(15)	Development Act 1993	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister.
s57(2) and 57(2a)	Development Act 1993	38. Land Management Agreements 38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.
s57(2c)	Development Act 1993	38. Land Management Agreements 38.2 The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).
s57(2e)	Development Act 1993	38. Land Management Agreements 38.3 The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.
s57(3)	Development Act 1993	38. Land Management Agreements 38.4 The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.
s57(5)	Development Act 1993	38. Land Management Agreements 38.5 The power pursuant to Section 57(5) of the 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.	
s57(8)	Development Act 1993	38. Land Management Agreements 38.6 The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	
s57(11)	Development Act 1993	38. Land Management Agreements 38.7 The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	
s57A(1)	Development Act 1993	39. Land Management Agreements - Development Applications 39.1 The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	
s57A(3)	Development Act 1993	39. Land Management Agreements - Development Applications 39.2 The duty pursuant to Section 57A(3) of the Act to have regard to: 39.2.1 the provisions of the appropriate Development Plan. 39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	
s57A(5)	Development Act 1993	39. Land Management Agreements - Development Applications 39.3 The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	
s57A(6)	Development Act 1993	39. Land Management Agreements - Development Applications 39.4 The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	
s57A(7)	Development Act 1993	39. Land Management Agreements - Development Applications 39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	
s57A(8)	Development Act 1993	39. Land Management Agreements - Development Applications 39.6 The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	
s57A(14)	Development Act 1993	39. Land Management Agreements - Development Applications 39.7 The power pursuant to Section 57A(14) of the 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.	



s57A(16)	Development Act 1993	39. Land Management Agreements - Development Applications 39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.
s57A(18)	Development Act 1993	39. Land Management Agreements - Development Applications 39.9 The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).
s59(3)	Development Act 1993	40. Notification During Building 40.1 The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.
s66(2)	Development Act 1993	41. Classification of Buildings 41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.
s67(2), (3), (4), (5) (6)	Development Act 1993	42. Certificates of Occupancy 42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.
s67(3)(a)	Development Act 1993	42. Certificates of Occupancy 42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.
s67(10)	Development Act 1993	42. Certificates of Occupancy 42.3 The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.
s67(13)	Development Act 1993	42. Certificates of Occupancy 42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.
s68(1),(2)	Development Act 1993	43. Temporary Occupation 43.1 The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.
s68(3)	Development Act 1993	43. Temporary Occupation 43.2 The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.
s69(1)	Development Act 1993	44. Emergency Orders 44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act.
		44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out;



		and	
s71(18), (19)	Development Act 1993	44A Fire Safety 44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.
s71(19)(a)(i)	Development Act 1993	44A Fire Safety 44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	
s71(19)(a)(ii)	Development Act 1993	44A Fire Safety 44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Councils area(s)).	
s71(19)(a)(iii)	Development Act 1993	44A Fire Safety 44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.	
s71(19)(a)(iv)	Development Act 1993	44A Fire Safety 44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	
s71(19)(b)	Development Act 1993	44A Fire Safety 44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	
s71(19)(d)	Development Act 1993	44A Fire Safety 44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	
s71(19)(e)	Development Act 1993	44A Fire Safety 44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	
s71A	Development Act 1993	45. Building Inspection Policies 45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.	
s74(1)	Development Act 1993	46. Advertisements 46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:	46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and



			46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).
s74(3)	Development Act 1993		46. Advertisements 46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.
s84(2)	Development Act 1993		47. Enforcement Notices 47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.
s84(3)	Development Act 1993		47. Enforcement Notices 47.2 The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.
s84(2)(b)	Development Act 1993		47. Enforcement Notices 47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:
			47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and
			47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.
s85(1)	Development Act 1993		48. Applications to Court 48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.
s85(6)(d)	Development Act 1993		48. Applications to Court 48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.
s86(1)(e)	Development Act 1993		49. General Right to Apply to Court 49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.
s93(1)(b)(iii)	Development Act 1993		50. Authority to be Advised of Certain Matters 50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.
s94	Development Act 1993		51. Referrals 51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.



s101(1)	Development Act 1993	52. Professional Advice to be Obtained in Relation to Certain Matters 52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.
s101(2)	Development Act 1993	52. Professional Advice to be Obtained in Relation to Certain Matters 52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.
Schedule 1	Development (Development Plans) Amendment Act 2006	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment. 53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1.2 constitute a breach of any other law; or
r8A(1)(a)	Development Regulations 2008	53A. Complying Development – Development Plan Consent 53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to: 53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and 53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).



r8A(1)(b)	Development Regulations 2008	<p>53A. Complying Development – Development Plan Consent</p> <p>53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:</p> <p>53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and</p> <p>53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from complying development'.</p>
r8B(1)	Development Regulations 2008	<p>53B. Complying Building Work – Building Rules</p> <p>53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the Building Code referred to in Schedule 4 Part 2).</p>
r9A(1)	Development Regulations 2008	<p>54. Infrastructure Planning</p> <p>54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.</p>
r10A(1)	Development Regulations 2008	<p>55. Consultation with Government Departments or Agencies</p> <p>55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.</p>
s25.26	Development Regulations 2008	<p>56. Public Consultation - Section 25 &amp; 26</p> <p>56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:</p> <p>56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and</p> <p>56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and</p> <p>56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(1)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and</p> <p>56.1.4 providing information about when and where any public meeting is proposed to be held for</p>



			the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).
s25,26	Development Regulations 2008		56. Public Consultation - Section 25 & 26 56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).
s25,26	Development Regulations 2008		56. Public Consultation - Section 25 & 26 56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.
s25,26	Development Regulations 2008		56. Public Consultation - Section 25 & 26 56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.
r12	Development Regulations 2008		57. Public Meeting 57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.
r12(4)	Development Regulations 2008		57. Public Meeting 57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.
r15(1)(c)	Development Regulations 2008		58. Application to Relevant Authority 58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.
r15(4)	Development Regulations 2008		58. Application to Relevant Authority 58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.
r15(5)	Development Regulations 2008		58. Application to Relevant Authority 58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission.
r15(7)(b)	Development Regulations 2008		58. Application to Relevant Authority 58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to



		receive written documentation instead of electronic access to the relevant documents and information via the Internet.	
r15(7b)	Development Regulations 2008	58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:  58.4A.1 the Development Assessment number assigned to the development proposed under the application; and  58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant  58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and  58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.  58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.	
r15(8)	Development Regulations 2008	58. Application to Relevant Authority 58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	
r15(10)(c)	Development Regulations 2008	58. Application to Relevant Authority [City of Tea Tree Gully only] 58.6 If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the Development Assessment Commission within 5 business days after receipt of the application:  58.6.1 a copy of the application; and  58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.	



r15(11)	Development Regulations 2008	<p>58. Application to Relevant Authority</p> <p>58.7 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:</p> <p>58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;</p> <p>58.7.2 in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).</p>
r15(12)	Development Regulations 2008	<p>58. Application to Relevant Authority</p> <p>58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.</p>
r16(1)	Development Regulations 2008	<p>59. Nature of Development</p> <p>59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.</p>
r16(2)	Development Regulations 2008	<p>59. Nature of Development</p> <p>59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.</p>
r16(3)	Development Regulations 2008	<p>59. Nature of Development</p> <p>59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.</p>
r16(4)	Development Regulations 2008	<p>59. Nature of Development</p> <p>59.4 The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.</p>
r17(3)	Development Regulations 2008	<p>60. Non-Complying Development</p> <p>60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:</p>



		60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	
r17(3)	Development Regulations 2008	60. Non-Complying Development	
		60.1.2 resolve to proceed with an assessment of the application.	
r17(4)	Development Regulations 2008	60. Non-Complying Development	
		60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	
r17	Development Regulations 2008	60. Non-Complying Development	
		60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	
r18	Development Regulations 2008	61. Notification of Application for Tree-Damaging Activity to Owner of Land	
		61.1 Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:	
		61.1.1 to give the owner of land notice of the application; and	
		61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.	
r20(4)	Development Regulations 2008	62. Amended Applications	
		62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	
r20(5)	Development Regulations 2008	62. Amended Applications	
		62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	
r22(1)	Development Regulations 2008	63. Withdrawing/Lapsing Application	
		63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.	
r22(2)	Development Regulations 2008	63. Withdrawing/Lapsing Application	
		63.2 Where at least two years have passed since the date on which an application for development	



r22(2)	Development Regulations 2008	<p>authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.</p> <p>63. Withdrawing/Lapsing Application</p> <p>63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:</p> <p>63.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.</p>
r23(2)	Development Regulations 2008	<p>64. Contravening Development</p> <p>64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.</p>
r24(1)	Development Regulations 2008	<p>65. Referrals</p> <p>65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.</p>
r25	Development Regulations 2008	<p>66. Procedure Where Concurrence Required</p> <p>66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.</p>
r27(1)	Development Regulations 2008	<p>67. Additional Information or Amended Plans</p> <p>67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.</p>
r28(3)	Development Regulations 2008	<p>68. Special Provisions - Referrals</p> <p>68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:</p> <p>68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority, or</p> <p>68.1.2 the proposed development is at variance with a performance requirement of the Building</p>



		Code which provides for fire fighting operations of a fire authority, or 68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.	
r28(4)	Development Regulations 2008	68. Special Provisions - Referrals 68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	
r28	Development Regulations 2008	68. Special Provisions - Referrals 68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority: 68.3.1 recommends against the granting of building rules consent; or 68.3.2 concurs in the granting of consent on conditions specified in its report, but the Delegate; 68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or 68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent, the duty pursuant to Regulation 28(5a) of the Regulations to: 68.3.5 refer the application to the Building Rules Assessment Commission; and 68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	
r28(6)	Development Regulations 2008	68. Special Provisions - Referrals 68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.	
r28(7)	Development Regulations 2008	68. Special Provisions - Referrals 68.5 The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.	
r29(1)	Development Regulations 2008	69. Land Division Applications 69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates	



r29(1)	Development Regulations 2008	to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.
r30(1)	Development Regulations 2008	69. Land Division Applications 69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.
r30(2)	Development Regulations 2008	70. Underground Mains Area 70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.
r30(4)	Development Regulations 2008	70. Underground Mains Area 70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.
s37AA	Development Regulations 2008	70. Underground Mains Area 70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.
s37AA	Development Regulations 2008	71. Preliminary Advice and Agreement - Section 37AA 71.1 The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.
	Development Regulations 2008	71. Preliminary Advice and Agreement - Section 37AA 71.2 The power pursuant to Regulation 31A(6) of the Regulations if: 71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and 71.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body; 71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or 71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.
	Development Regulations 2008	71. Preliminary Advice and Agreement - Section 37AA 71.3 The power pursuant to Regulation 31A(7) of the Regulations if: 71.3.1 an application is withdrawn by the Applicant; and 71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection

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r31A(8)	Development Regulations 2008	with the application, to notify the relevant prescribed body of the withdrawal of an application. 71. Preliminary Advice and Agreement - Section 37AA 71.4 The power pursuant to Regulation 31A(8) of the Regulations if: 71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and 71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application. 71. Preliminary Advice and Agreement - Section 37AA 71.5 The power pursuant to Regulation 31A(9) of the Regulations if: 71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and 71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.
r31A(9)	Development Regulations 2008	71A. Public Notice Categories 71A.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements. 72. Public Inspection of Certain Applications 72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge). 72. Public Inspection of Certain Applications 72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.
r32(5)	Development Regulations 2008	72. Public Inspection of Certain Applications 72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.
r34(1)	Development Regulations 2008	72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other
r34(2)	Development Regulations 2008	
r34(3)	Development Regulations 2008	
r34(4)	Development Regulations 2008	



		documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	
r36	Development Regulations 2008	73. Response by Applicant 73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	
s34(1)(b)	Development Regulations 2008	74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:  74.1.1 in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and	
s34(1)(b)	Development Regulations 2008	74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:  74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).	
s34(1)(b)(iv)	Development Regulations 2008	74. Determination of Commission as Relevant Authority 74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.	
r39	Development Regulations 2008	75. Assessment in Respect of Building Rules Referred to the Council 75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.	
r42	Development Regulations 2008	76. Notification of Decision to Applicant (Including Conditions) 76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).	
r43	Development Regulations 2008	77. Notification of Decision to a Prescribed Body 77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	
r43(3)	Development Regulations 2008	77. Notification of Decision to a Prescribed Body 77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a	



			copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.
r44	Development Regulations 2008		78. Notification of Decision to Owner of Land 78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.
r45(2)	Development Regulations 2008		79. Scheme Description - Community Titles 79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:  79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. OR No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description. Signed: Dated:
r45(2)	Development Regulations 2008		79. Scheme Description - Community Titles 79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.
r46(1)	Development Regulations 2008		80. Special Provisions Relating to Staged Consents 80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.
r47	Development Regulations 2008		81. Endorsed Plans 81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.
r47A	Development Regulations 2008		81A. Minor Variation of Development Authorisation 81A.1 The power pursuant to Regulation 47A(1) of the Regulations, 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



		that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	
r48(2)	Development Regulations 2008	82. Lapse of Consent or Approval 82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	
r51(4)	Development Regulations 2008	83. Width of Roads and Thoroughfares 83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	
r51(6)	Development Regulations 2008	83. Width of Roads and Thoroughfares 83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	
r52(1)	Development Regulations 2008	84. Road Widening 84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	
r53(1), (2)	Development Regulations 2008	85. Requirement as to Forming of Roads 85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	
r53(4)	Development Regulations 2008	85. Requirement as to Forming of Roads 85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	
r53(6)	Development Regulations 2008	85. Requirement as to Forming of Roads 85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	
r54(1)	Development Regulations 2008	86. Construction of Roads, Bridges, Drains and Services 86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	
r55(1)	Development Regulations 2008	87. Supplementary Provisions 87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	
r55(2)	Development Regulations 2008	87. Supplementary Provisions 87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	



r55(4)	Development Regulations 2008	87. Supplementary Provisions 87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.
r58(1)	Development Regulations 2008	88. General Land Division 88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.
r58(2)	Development Regulations 2008	88. General Land Division 88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act
r59(1)	Development Regulations 2008	89. Division of Land by Strata Title 89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.
r60(1)	Development Regulations 2008	90. General Provisions 90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.
r60(7)	Development Regulations 2008	90. General Provisions 90.2 The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.
r60(9)	Development Regulations 2008	90. General Provisions 90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.
s46	Development Regulations 2008	91. Declaration by The Minister - Section 46 91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.
s46	Development Regulations 2008	91. Declaration by The Minister - Section 46 91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the



		Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).	
s46	Development Regulations 2008	<p>91. Declaration by The Minister - Section 46</p> <p>91.3 Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.</p>	
s48	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.</p>	
r64(1)	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p>	
r64(1)	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.1 provide the certification in the form set out in Schedule 12A; and</p>	
r64(1)	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.2 to the extent that may be relevant and appropriate:</p>	
r64(1)	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.2 to the extent that may be relevant and appropriate:</p> <p>92.2.2.1 provide the certification in the form set out in Schedule 12A; and</p>	



r64(1)	Development Regulations 2008	<p>92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and</p> <p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.2.2 assign a classification to the building under the Regulations; and</p>
r64(1)	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.</p>
r64(3)(a)	Development Regulations 2008	<p>92. Referral of Assessment of Building Work</p> <p>92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.</p>
r74(1)(b)	Development Regulations 2008	<p>93. Notifications During Building Work</p> <p>93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.</p>
r74(1)(c)	Development Regulations 2008	<p>93. Notifications During Building Work</p> <p>93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.</p>
r74(4)	Development Regulations 2008	<p>93. Notifications During Building Work</p> <p>93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.</p>
r76(4)	Development Regulations 2008	<p>94. Essential Safety Provisions</p> <p>94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.</p>



r76(10)	Development Regulations 2008	<p>94. Essential Safety Provisions</p> <p>94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.</p>
r76D(4a)	Development Regulations 2008	<p>94A Swimming Pool Safety</p> <p>94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.</p>
r78(1)	Development Regulations 2008	<p>95. Building Rules: Bushfire Prone Areas</p> <p>95.1 Where:</p> <p>95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and</p> <p>95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and</p> <p>95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),</p> <p>the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.</p>
r79(2)	Development Regulations 2008	<p>96. Construction Industry Training Fund</p> <p>96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.</p>
r79(4)	Development Regulations 2008	<p>96. Construction Industry Training Fund</p> <p>96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.</p>
r79(5)(b)	Development Regulations 2008	<p>96. Construction Industry Training Fund</p> <p>96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.</p>
r80(1a)	Development Regulations 2008	<p>96A Requirement to Up-grade Building in Certain Cases</p> <p>96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building</p>



		constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:  96A.1.1 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; or  96A.1.2 that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).
r82(3)(b)(i)	Development Regulations 2008	97. Classification of Buildings 97.1 The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.
r82(4)	Development Regulations 2008	97. Classification of Buildings  97.2 The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.
r82(4a)	Development Regulations 2008	97. Classification of Buildings  97.2A The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).
r82(5)	Development Regulations 2008	97. Classification of Buildings 97.3 The power pursuant to Regulation 82(5) of the 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 66(4) of the Act –  97.3.1 the maximum number of persons who may occupy the building (or part of the building); and  97.3.2 if the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.
r83(2)(c)	Development Regulations 2008	98. Certificates of Occupancy 98.1 The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.



r83(2)(d)	Development Regulations 2008	<p>98. Certificates of Occupancy</p> <p>98.2 The power pursuant to Regulation 83(2)(d) of the Regulations where an 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, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.</p>
r83(3)	Development Regulations 2008	<p>98. Certificates of Occupancy</p> <p>98.3 The power pursuant to Regulation 83(3) of the 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 the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if 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(s) and it appears to the Delegate that the relevant building is suitable for occupation.</p>
r83(4)	Development Regulations 2008	<p>98. Certificates of Occupancy</p> <p>98.4 Where:</p> <p>98.4.1 a building is required by the Building Rules:</p> <p>98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or</p> <p>98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and</p> <p>98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,</p> <p>the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.</p>
r83(5)	Development Regulations 2008	<p>98. Certificates of Occupancy</p> <p>98.5 The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.</p>
r83(6)	Development Regulations 2008	<p>98. Certificates of Occupancy</p> <p>98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.</p>
r83(9)	Development Regulations 2008	<p>98. Certificates of Occupancy</p> <p>98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.</p>



r98(3)	Development Regulations 2008	99. Certificate of Independent Technical Expert in Certain Case 99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.
r95(2)	Development Regulations 2008	100. Fees 100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.
r95(3)	Development Regulations 2008	100. Fees 100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.
r95(4)	Development Regulations 2008	100. Fees 100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.
r95(5)	Development Regulations 2008	100. Fees 100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:  100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment, and  100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.
r98	Development Regulations 2008	101. Register Of Applications 101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.
r98(3)	Development Regulations 2008	101. Register Of Applications 101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).
r99(2)	Development Regulations 2008	102. Registration of Land Management Agreements 102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.
r99(3)	Development Regulations 2008	102. Registration of Land Management Agreements 102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.



r100(2)	Development Regulations 2008	103. Land Management Agreements - Development Applications 103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act
r100(3)	Development Regulations 2008	103. Land Management Agreements - Development Applications 103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.
r100(5)	Development Regulations 2008	103. Land Management Agreements - Development Applications 103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.
r100(6)	Development Regulations 2008	103. Land Management Agreements - Development Applications 103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.
r100(9)	Development Regulations 2008	103. Land Management Agreements - Development Applications 103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.
r101(a1)	Development Regulations 2008	104. Documents to be Preserved by a Council 104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.
r101(1)	Development Regulations 2008	104. Documents to be Preserved by a Council 104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.
r101(1a)	Development Regulations 2008	104. Documents to be Preserved by a Council 104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.
r101(2)	Development Regulations 2008	104. Documents to be Preserved by a Council 104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.
r101(3)	Development Regulations 2008	104. Documents to be Preserved by a Council 104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.
r101(4)	Development Regulations 2008	104. Documents to be Preserved by a Council 104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.



r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1 for inspection under Regulation 101(4)(a) if to do so would:
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1.2 constitute a breach of any other law; or
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2 for copying under Regulation 101(4)(b) if to do so would:
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.2 involve an infringement of copyright in matter contained in a document; or
r101(5)	Development Regulations 2008	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.3 constitute a breach of any other law.
r102(2)	Development Regulations 2008	104A Documents to be Provided by Private Certifier 104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document



r104	Development Regulations 2008	105. Transfer of Development Potential 105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.
Section 115(1)(a)	Development Regulations 2008	106. System Indicators 106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.
115(1)(b)	Development Regulations 2008	106. System Indicators 106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.
r115(2)	Development Regulations 2008	106. System Indicators 106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.
Schedule 1A	Development Regulations 2008	107. Schedule 1A - Demolition 107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.
Schedule 1A	Development Regulations 2008	107. Schedule 1A - Demolition 107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.
cl 2B(4)(b)Schedule 4	Development Regulations 2008	108. Schedule 4 - New Dwellings 108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.
Schedule 6	Development Regulations 2008	109. Schedule 6 - Fees 109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.
Schedule 8	Development Regulations 2008	110. Schedule 8 - Development Near The Coast 110.1 The power pursuant to item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.
Schedule 8	Development Regulations 2008	111. Schedule 8 - Development Adjacent To Main Roads 111.1 The power pursuant to item 3 of Clause 2 of Schedule 8 of the Regulations to form the



		<p>opinion that development is likely to:</p> <p>111.1.1 alter an existing access; or</p> <p>111.1.2 change the nature of movement through an existing access; or</p> <p>111.1.3 create a new access; or</p> <p>111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).</p>	
Schedule 8	Development Regulations 2008	112. Schedule 8 - State Heritage Places 112.1 The power pursuant to item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	
Schedule 8	Development Regulations 2008	113. Schedule 8 - Mining - General 113.1 The power pursuant to and in accordance with item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	
Schedule 8	Development Regulations 2008	114. Schedule 8 - Activity of Environmental Significance 114.1 The power pursuant to item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	
Schedule 8	Development Regulations 2008	115. Schedule 8 - Aquaculture Development 115.1 The power pursuant to and in accordance with item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	
Schedule 8	Development Regulations 2008	116. Schedule 8 - Development Within the River Murray Floodplain Area 116.1 The power pursuant to and in accordance with item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	
Schedule 8	Development Regulations 2008	117. Schedule 8 - Development Within the River Murray Tributaries Area 117.1 The power pursuant to and in accordance with item 20(a) of Clause 2 of Schedule 8 of the	



		Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	
Schedule 9	Development Regulations 2008	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	
Schedule 9	Development Regulations 2008	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	
Schedule 9	Development Regulations 2008	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:  118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);  118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).	
Schedule 9	Development Regulations 2008	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:  118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and	
Schedule 9	Development Regulations 2008	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:  118.4.2 whether the division will change the nature or function of an existing road.	
Schedule 9	Development Regulations 2008	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.	



Schedule 9	Development Regulations 2008	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <p>118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and</p>
Schedule 9	Development Regulations 2008	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <p>118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and</p>
Schedule 9	Development Regulations 2008	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <p>118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.</p>
Schedule 9	Development Regulations 2008	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:</p> <p>118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and</p>
Schedule 9	Development Regulations 2008	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:</p> <p>118.7.2 whether the proposed division will change the nature or function of an existing road.</p>
Clause 2(2) Schedule 1	Development (Waste Reform) Variation Regulations 2019	<p>120. Development Authorisations to Continue</p> <p>120.1 The power pursuant to clause 2(2) of Schedule 1 of the Development (Waste Reform) Variation Regulations 2019 ('the Waste Reform Regulations'), to, on the Delegate's own initiative or on application by an existing authorisee:</p> <p>120.1.1 grant a new development authorisation to the person; or</p> <p>120.1.2 revoke an existing development authorisation; or</p> <p>120.1.3 by notice in writing to the authorisee given within 2 years after the commencement of</p>



		<p>clause 2 of Schedule 1 of the Waste Reform Regulations:                  120.1.3.1 vary the terminology or numbering in the existing development authorisation; or                  120.1.3.2 impose or vary a condition of the existing development authorisation,                  if, in the opinion of the Delegate, it is necessary or desirable to do so as a consequence of the                  variation of Schedule 21 or 22 of the principal regulations by the Waste Reform Regulations.</p>	
<p>Clause 2(3)                  Schedule 1</p>	<p>Development (Waste                  Reform) Variation                  Regulations 2019</p>	<p>120. Development Authorisations to Continue                  120.2 The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the                  relevant authority takes action under clause 2(2) of Schedule 1 of the Waste Reform Regulations,                  to, dispense with the requirement for applications and payment of fees as the Delegate considers                  appropriate.</p>	

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	APPENDIX [ 35 ]  <b><u>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016</u></b>		TRIM Doc Ref:	AR17/07321 [V2]
			Delegation Made:	17/12/2019

**Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.**

Section	Item Delegated / Authorisation	Conditions and Limitations
s5(5)(b)	1. Planning Regions and Greater Adelaide  1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	
s6(3)(b)	2. Subregions  2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.	
s7(5)(b)	3. Environment and Food Production Areas – Greater Adelaide  3.1 The power pursuant to Section 7(5)(b) 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 1 or more additional allotments to concur in the granting of the development authorisation to the development.	
s22(4)(a)(i)	4. Functions  4.1 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.	
s35(1)(a)	5. Planning Agreements  5.1 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.	
s35(3)	5. Planning Agreements  5.2 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.  5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement, and	



s35(4)	<p>5. Planning Agreements</p> <p>5.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p>5.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>5.2.2.4 the terms of office of members; and</p> <p>5.2.2.5 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>5.2.2.6 the appointment of deputy members; and</p> <p>5.2.2.7 the procedures of the board; and</p>
s35(4)	<p>5. Planning Agreements</p> <p>5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>
s35(4)	<p>5. Planning Agreements</p> <p>5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>
s35(4)	<p>5. Planning Agreements</p> <p>5.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p>5.2.5.1 the formulation and implementation of budgets; and</p> <p>5.2.5.2 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</p>
s35(4)	<p>5. Planning Agreements</p> <p>5.2.6 such other matters as the Delegate thinks fit.</p>
s35(5)(a)	<p>5. Planning Agreements</p> <p>5.3 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).</p>



s35(5)(b)	5. Planning Agreements 5.4 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.
s41(2)(a)	6. Appointment of Administrator 6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.
s44(6)(a)	7. Community Engagement Charter 7.1 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).
s44(9)(b)	7. Community Engagement Charter 7.2 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.
s44(10)	7. Community Engagement Charter 7.3 The power pursuant to Section 44(10) of the PDI Act to: 7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the Charter; and 7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the Charter.
s45(2)(c)	8. Preparation and Amendment of Charter 8.1 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.
s73(2)(b)(iv)	9. Preparation and Amendment 9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to: 9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and 9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.
s73(6)	9. Preparation and Amendment 9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the



	<p>PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:</p> <p>9.2.1 to prepare a draft of the relevant proposal; and</p> <p>9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>9.2.3 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 – to consult with the joint planning board; and</p> <p>9.2.4 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 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:</p> <p>9.2.4.1 an owner or occupier of the land; and</p> <p>9.2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>9.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>9.2.7 to comply with any requirement prescribed by the regulations.</p>
s73(7)	<p>9. Preparation and Amendment</p> <p>9.3 The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.</p>
s73(8)	<p>9. Preparation and Amendment</p> <p>9.4 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.</p>
s73(9)	<p>9. Preparation and Amendment</p> <p>9.5 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 the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).</p>



s74(8)	<p>10. Parliamentary Scrutiny</p> <p>10.1 The power pursuant to Section 74(8) 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 comment and a response within the period of 2 weeks.</p>
s82(d)	<p>11. Entities Constituting Relevant Authorities</p> <p>11.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.</p>
s83(1)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.1 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>12.1.1 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>12.1.2 determine:</p> <p>12.1.2.1 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>12.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>12.1.2.3 the terms of office of members; and</p> <p>12.1.2.4 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>12.1.2.5 the appointment of deputy members; and</p> <p>12.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>
s83(1)(h)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.2 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.</p>
s83(1)(i)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.3 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.</p>
s83(2)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.4 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.</p>



s84(1)(c)(ii)(A)	13. Panels Established by Minister 13.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other councils.
s84(1)(c)(ii)(B)	13. Panels Established by Minister 13.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other councils (or parts of such areas).
s86(2)(a)	14. Substitution of Local Panels 14.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.
s89(b)	15. Notification of Acting 15.1 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.
s130(6)	16. Essential Infrastructure – Alternative Assessment Process 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.
s130(14)	16. Essential Infrastructure – Alternative Assessment Process 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.
s163(3)(b)	17. Initiation of Scheme 17.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.
s163(10)	17. Initiation of Scheme 17.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.
s166(1)(c)	18. Consideration of Proposed Scheme 18.1 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.
s167(7)	19. Adoption of Scheme 19.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.



s169(2)(b)	<p>20. Funding Arrangements</p> <p>20.1 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 prescribed person or body as part of a periodic review of the levels and amounts of those contributions.</p>
s169(9)	<p>20. Funding Arrangements</p> <p>20.2 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.</p>
s177(4)	<p>21. Contributions by Constituent Councils</p> <p>21.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.</p>
s177(5)	<p>21. Contributions by Constituent Councils</p> <p>21.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.</p>
s180(7)	<p>22. Imposition of Charge by Councils</p> <p>22.1 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.</p>
s187(1)	<p>23. Authorised Works</p> <p>23.1 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 do so by or under the PDI Act or any other Act.</p>
s187(5)	<p>23. Authorised Works</p> <p>23.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:</p> <p>23.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>23.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>23.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>



s187(5)(b)	23. Authorised Works 23.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the relevant road maintenance authority in relation to the matter.
s187(6)	23. Authorised Works 23.4 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.
s188(1)	24. Entry onto Land 24.1 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: 24.1.1 enter and pass over any land; and 24.1.2 bring onto any land any vehicles, plant or equipment; and 24.1.3 temporarily occupy land; and 24.1.4 do anything else reasonably required in connection with the exercise of the power.
s188(4)	24. Entry onto Land 24.2 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.
s189(1)	25. Acquisition of Land 25.1 The power pursuant to Section 189(1) of the PDI Act, to: 25.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and 25.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.
s210(1)	26. Appointment of Authorised Officers 26.1 The power pursuant to Section 210(1) of the PDI Act to: 26.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and 26.1.2 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.



s210(2)	<p>26. Appointment of Authorised Officers</p> <p>26.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.</p>
s210(3)	<p>26. Appointment of Authorised Officers</p> <p>26.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>26.3.1 containing a photograph of the authorised officer, and</p> <p>26.3.2 stating any conditions of appointment limiting the authorised officer's appointment.</p>
s210(5)	<p>26. Appointment of Authorised Officers</p> <p>26.4 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>
s213(1)	<p>27. Enforcement Notices</p> <p>27.1 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>27.1.1 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>27.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>27.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>
s213(2)	<p>27. Enforcement Notices</p> <p>27.2 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>
s213(5)	<p>27. Enforcement Notices</p> <p>27.3 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.</p>
s213(6)	<p>27. Enforcement Notices</p> <p>27.4 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 action.</p>



s213(7)	27. Enforcement Notices 27.5 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.
s214(1)	28. Applications to Court 28.1 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 (whether or not any right of that person has been or may be infringed by or as a consequence of that breach).
s214(2)	28. Applications to Court 28.2 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.
s214(4)	28. Applications to Court 28.3 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.
s214(6)	28. Applications to Court 28.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.
s214(9)	28. Applications to Court 28.5 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.
s214(10)	28. Applications to Court 28.6 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.
s214(11)	28. Applications to Court 28.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.
s214(12)	28. Applications to Court 28.8 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.



s214(13)	28. Applications to Court 28.9 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.
s214(17)	28. Applications to Court 28.10 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.
s219(1)	29. Proceedings for Offences 29.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.
s223(2)	30. Adverse Publicity Orders 30.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.
s223(4)	30. Adverse Publicity Orders 30.2 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: 30.2.1 take the action or actions specified in the order, and 30.2.2 authorise a person in writing to take the action or actions specified in the order.
s223(5)	30. Adverse Publicity Orders 30.3 The power pursuant to Section 223(5) of the PDI Act, if: 30.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and 30.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the action or actions and to authorise a person in writing to take the action or actions.
s223(6)	30. Adverse Publicity Orders 30.4 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 action or actions, as a debt, due to the Council.



s225(1)	<p>31. Civil Penalties</p> <p>31.1 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.</p>
s225(2)	<p>31. Civil Penalties</p> <p>31.2 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.</p>
s225(3)	<p>31. Civil Penalties</p> <p>31.3 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.</p>
s225(13)	<p>31. Civil Penalties</p> <p>31.4 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.</p>
s225(17)	<p>31. Civil Penalties</p> <p>31.5 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.</p>
s228(7)	<p>32. Make Good Orders</p> <p>32.1 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.</p>
s229(5)	<p>33. Recovery of Economic Benefit</p> <p>33.1 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 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.</p>
s230(1)	<p>34. Enforceable Voluntary Undertakings</p> <p>34.1 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.</p>



s230(4)	34. Enforceable Voluntary Undertakings 34.2 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.
s230(7)	34. Enforceable Voluntary Undertakings 34.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: 34.3.1 vary the undertaking, or 34.3.2 withdraw the undertaking.
s230(11)	34. Enforceable Voluntary Undertakings 34.4 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.
s230(12)	34. Enforceable Voluntary Undertakings 34.5 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.
s230(14)	34. Enforceable Voluntary Undertakings 34.6 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.
s239(1)	35. Charges on Land 35.1 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.
s239(6)	35. Charges on Land 35.2 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.
s240(1)	36. Registering Authorities to Note Transfer 36.1 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.



Clause 3(3) Schedule 4	37. Review of Performance 37.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.
Clause 3(14) Schedule 4	37. Review of Performance 37.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.
Clause 3(15) Schedule 4	37. Review of Performance 37.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.
Clause 3(16) Schedule 4	37. Review of Performance 37.4 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.
Clause 9(6)(a) Schedule 8	38. Planning and Design Code 38.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act
Clause 30(3) Schedule 8	39. General Schemes 39.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.

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Last Updated 13 November 2019



 City of Mount Gambier	APPENDIX [ 37 ]  <b><u>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER                  UNDER THE                  PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSITIONAL PROVISIONS)                  REGULATIONS 2017</u></b>	TRIM Doc Ref:  AR19161344
		Delegation Made:  17/12/2019

Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

#	Section	Delegation Source	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
281921	r8(1)(c)	Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017	40. Adoption of DPAs  40.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.		

	APPENDIX [ 38 ]  <b><u>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE STATE RECORDS ACT 1997</u></b>		TRIM Doc Ref: AR19/61339
			Delegation Made: 17/12/2019

Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Section	Item Delegated / Authorisation	Conditions and Limitations
s 15(2)	1. Surveys of Official Records and Record Management 1.1 The power pursuant to Section 15(2) of the State Records Act 1997 (the Act) to, afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act.	
s 18(1)	2. Voluntary Transfer to State Records' Custody 2.1 The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, deliver any of the Council's records into the custody of State Records.	
s 19(1)	3. Mandatory Transfer to State Records' Custody 3.1 The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act): 3.1.1 when the Council ceases to require access to the record for current administrative purposes; or 3.1.2 during the year occurring 15 years after the record came into existence, whichever first occurs.	
s 19(3)	3. Mandatory Transfer to State Records' Custody 3.2 The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records. 3.2.1 in accordance with record management standards issued by the Manager, or 3.2.2 with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason.	
s 19(3)(c)	3. Mandatory Transfer to State Records' Custody 3.3 The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed.	
s 19(5)	3. Mandatory Transfer to State Records' Custody 3.4 The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.	
s 22(2)	4. Keeping of Official Records in Premises Other than State Records' Premises 4.1 The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.	

s 23(1)	5. Disposal of Official Records by Agency 5.1 The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.	
s 23(2)	5. Disposal of Official Records by Agency 5.2 The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records.	
s 23(4)	5. Disposal of Official Records by Agency 5.3 The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.	
s 24(3)	6. Disposal of Official Records by Manager 6.1 The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.	
s 25(1)	7. Agency's Access to Records in Custody of State Records 7.1 The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.	
s 25(3)	7. Agency's Access to Records in Custody of State Records 7.2 The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter.	
s 26(1)	8. Public Access to Records in Custody of State Records 8.1 The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager: 8.1.1 determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or 8.1.2 determine conditions excluding or restricting access to the record.	



	APPENDIX [ 39 ]  <b><u>INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE UNDER THE GAS ACT 1997</u></b>	TRIM Doc Ref: AR19/61347
		Delegation Made: 17/12/2019

Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Section	Item Delegated / Authorisation	Conditions and Limitations
S47(3)(b)	1. Power to Carry Out Work on Public Land 1.1 The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of.	
S47(4)	1. Power to Carry Out Work on Public Land 1.2 The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	
S47(7)	1. Power to Carry Out Work on Public Land 1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister.	
S47(9)	1. Power to Carry Out Work on Public Land 1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act: 1.4.1 to make representations to the Minister on the questions at issue in the dispute; and 1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	

**22.2 CHIEF EXECUTIVE OFFICER ABSENCE ARRANGEMENTS – REPORT NO. AR19/61923**

**Meeting:** Council  
**CM9 Reference:** AF18/441  
**Author:** Andrew Meddle, Chief Executive Officer  
**Authoriser:** Andrew Meddle, Chief Executive Officer

**REPORT RECOMMENDATION**

1. That Council Report No. AR19/61923 titled 'Chief Executive Officer Absence Arrangements' as presented on 17 December 2019 be noted.
2. That, having consulted with the Council, it is noted that the Chief Executive Officer appoints General Manager Community Wellbeing, Ms Barbara Cernovskis to act in the position of Chief Executive Officer during any planned or unplanned leave or absence of the Chief Executive Officer.
3. That the appointment in resolution (2) shall apply until Council has been consulted and notified of any alternative appointment.



## BACKGROUND

The Local Government Act 1999 states that:

**“S.102 – Person to act in absence of chief executive officer**

*In the absence of the Chief Executive Officer, the following provisions apply:*

*...(b) if there is no deputy or the deputy is absent – a suitable person appointed by the Chief Executive Officer after consultation with the council must act in the office;...”*

At the Council meeting held on 22 November 2018 the (former) Chief Executive Officer reported on the appointment of suitable persons to act in the office of Chief Executive Officer, and Council resolved as follows:

*(b) That the Chief Executive Officer shall periodically appoint (and shall notify the Mayor and Councillors of such appointment) any person holding one of the following Senior Officer positions to act in the office of Chief Executive Officer during any scheduled or unscheduled leave or absence of the Chief Executive Officer:*

- *General Manager – Community Wellbeing*
- *General Manager – City Infrastructure*
- *General Manager – City Growth*
- *General Manager – Council Business Services*

At that time General Manager City Growth, Dr Judy Nagy was noted as the current appointee to act in the office of Chief Executive Officer during any scheduled or unscheduled leave.

Noting the above, the Chief Executive Officer now proposes the appointment of General Manager Community Wellbeing, Ms Barbara Cernovskis to be the Acting Chief Executive Officer.

The Chief Executive Officer considers Ms Cernovskis has proven herself to be a very capable and dependable person and is clearly able to fulfil the duties and responsibilities associated with the role. Having consulted with the Council it is proposed that appointment be made to act in the role for any planned or unplanned leave or absence of the Chief Executive Officer, with such appointment to apply until Council has been consulted and notified of any alternative appointment.

Dates relating to the Chief Executive Officer’s planned leave will be provided separately in advance to Elected Members by Confidential Memo.

## ATTACHMENTS

Nil



**22.3 2020 STREET TREE PROGRAM – REPORT NO. AR19/64687**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 December 2019</b>
<b>Report No.:</b>	<b>AR19/64687</b>
<b>CM9 Reference:</b>	<b>AF18/441</b>
<b>Author:</b>	<b>Sinaway Georgiou, Engineering Technical Officer</b>
<b>Authoriser:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Summary:</b>	<b>As per Operational Services Report No 1/2016 Council resolved to make an annual allocation in its budget to plant street trees within the City of Mount Gambier until 2027 with the strategic objective of increasing the street tree population.</b>
<b>Community Plan Reference:</b>	<b>Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That Council Report No. AR19/64687 titled '2020 Street Tree Program' as presented on 17 December 2019 be noted.
  - (a) That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2020 Street Tree Program as outlined in policy T120 (Tree Policy).
  - (b) That Council notifies all residents and utilities affected by the plantings, and invite comment on same (in accordance with Councils Public Consultation Policy).
  - (c) That Council adopts the 2020 Street Tree Program as outlined in the discussion so that the proposed species of trees selected may be pre-ordered.



## BACKGROUND

Street trees are a valuable component of an urban environment, and in general are greatly appreciated by the community. The benefits that they provide include environmental, social, health and wellbeing, economic and visual amenity. They also assist in maintaining and enhancing biodiversity in an urban environment by providing habitat to bird life as well as improving our air quality. These characteristics support a number of objectives outlined in the Community Plan.

## DISCUSSION

In order for Council to receive specific tree species and cultivars for the 2020 Street Tree Program, it is necessary to reserve selected trees in advance. Without pre-ordering specific trees, there is no guarantee from nurseries that specific species, varieties or cultivars will be available in their preferred size and numbers when required.

All consultation to the public and utilities will be conducted closer to the date of planting as per Councils Policy P195 (Community Consultation & Engagement Policy). This will help residents become more aware of the program closer to the date of planting, hence, allowing Council to adopt a more concise list of non-participants. If residents choose not to take part in the program, we can list them immediately and remove them from having a Street Tree planted adjacent to their property.

Section 2 of Council's Street Tree Policy, outlines that Council has currently adopted to plant streets with the same species of tree, but tree species may vary from one side of the street to another as it is the case of the seven tree removals proposed for Cockburn Street and Heriot Street. The removal of the Street Trees in Edward Street and Victor Street are a result of these trees having poor health and structure as they have passed their Safe Useful Life Expectancy and their decline offers very little aesthetic value to the street. It should also be noted that a number of residents have approached Council asking for their removal and replacement.

Below is a summary table outlining the proposed 2020 Street Tree Program;

COMMON NAME	BOTANICAL NAME	STREET NAME	TREES BEING RETAINED	PROPOSED REMOVALS	PROPOSED PLANTINGS	NET GAIN
Australian Willow	<i>Geijera parviflora</i>	<b>Attamurra Road</b>	0	0	<b>30</b>	30
Blackwood	<i>Acacia melanoxylon</i>	<b>Attamurra Road</b>	0	0	<b>40</b>	40
Box Elder	<i>Acer negundo</i> sensation	<b>Greenridge Drive</b>	0	0	<b>22</b>	22
Gawler Hybrid Bottlebruch	<i>Callistemon viminalis</i> 'Harkness'	<b>Edward Street</b>	0	8	<b>21</b>	13
Gawler Hybrid Bottlebruch	<i>Callistemon viminalis</i> 'Harkness'	<b>Felicia Street</b>	1	0	<b>22</b>	22
Designer Cherry	<i>Prunus fruticosa</i> "Globasa"	<b>Heriot Street</b>	0	1	<b>21</b>	20
Dwarf Yellowgum	<i>Eucalyptus leucoxylon</i> subsp.'Euky Dwarf'	<b>Creek Street</b>	0	0	<b>44</b>	44
Little Leaf Linden	<i>Tilia cordata</i> 'Greenspire'	<b>Magnolia Court</b>	<b>0</b>	<b>0</b>	<b>23</b>	23
Purple Leaf Cherryplum	<i>Prunus cerasifera</i> 'nigra'	<b>Cockburn Street</b>	5	6	<b>40</b>	34
Purple Leaf Cherryplum	<i>Prunus cerasifera</i> 'nigra'	<b>Victor Street</b>	0	19	<b>37</b>	18
			<b>6</b>	<b>34</b>	<b>300</b>	<b>266</b>



## **CONCLUSION**

In keeping with Council's strategic objective of increasing the street tree population by a net gain of 250 trees per year, Council adopt the proposed 2020 Street Tree program as discussed with a net tree gain in 2020 of 266 Street Trees assuming all residents par take in the program.

## **ATTACHMENTS**

Nil



**22.4 RAIL CORRIDOR LAND TENURE – REPORT NO. AR19/63945**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 December 2019</b>
<b>Report No.:</b>	<b>AR19/63945</b>
<b>CM9 Reference:</b>	<b>AF18/441</b>
<b>Author:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report discusses the opportunity for Council to enter into negotiations with the Department of Planning, Transport and Infrastructure to lease or purchase sections of land adjacent to the railway trail and Hastings Cunningham Reserve.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That Council Report No. AR19/63945 titled 'Rail Corridor Land Tenure' as presented on 17 December 2019 be noted.
2. Council endorse the Chief Executive Officer to enter into negotiations with the Department of Planning, Transport & Infrastructure for the potential lease or purchase of portions of land contained in Certificate of Title Volume 5962 Folio 699.
3. As part of negotiations with the Department of Planning, Transport & Infrastructure Council seek the full disclosure of historical land use and tenure information associated with the land parcels contained in CT5962/699, including copies of all relevant historical documentation held or assessable by the department that pertain to the condition (including any contamination) of the subject land.
4. That any 'market value' envisaged for the lease or purchase of the land parcels contained in CT5962/699 be as assessed by an independent valuer taking into account the condition (including any contamination) of the subject land, any development constraints associated with the physical attributes and location of the subject land, and the intended holding and use of the subject land by Council as community land.
5. The Chief Executive Officer be authorised to engage the services of suitably qualified contractors and consultants to research or review any information considered prudent and necessary to ensure an appropriate level of due diligence with regard to the subject land.
6. A further report be presented to the People and Place Committee regarding the outcomes of the negotiation prior to any lease or purchase being authorised.



## BACKGROUND

This report has been prepared in response to a Question With Notice, as raised at the November 2019 Council meeting. The Question was as follows:

*“What agreement, contracts or leases are in place regarding the Rail Trail and what risks and liability does Council hold on using these areas. What issues are also considered with staff and contractors working in these areas.”*

This report also addresses the fact that at the March 2019 Council meeting, Council resolved:

*“(a) That a letter be written to DPTI, as the owner of approximately 14 acres of former railway land adjoining Hastings Cunningham Reserve, seeking clarification on:*

- 1. The intended use of the land;*
- 2. The department’s commitment towards maintaining the land in a clean and tidy manner; and*
- 3. The potential for the land to be placed under the care and control of Council.”*

A letter was sent to DPTI as per the resolution and a response was received (please see **Attachment 7**). The response from DPTI indicated that the future use of the land is under review, which will include a determination as to whether any lots are surplus to requirement and that DPTI are happy to discuss with the City of Mount Gambier any interest it may have in the land moving forward.

Cr Jenner and the General Manager City Infrastructure met with Mr Daniel Luscombe, Team Leader Property Projects from DPTI on 23 August 2019. At this meeting, Mr Luscombe indicated DPTI would be willing to enter into further discussions with Council regarding either the lease or sale at market value of the land to the City of Mount Gambier.

## DISCUSSION

In September 2015 the City of Mount Gambier Chief Executive Officer signed an offer to lease (AR15/34827) for stage one of the rail trail from DPTI (from Pick Avenue to White Avenue). The offer to lease was followed by several right of entry documents (AR15/34350 and AR16/8478) allowing various works to commence on the rail trail. The offer to lease and two right of entry documents are included with this report as **Attachments 1, 2 and 3**.

In July 2017 the Manager Engineering and Contract Management forwarded a copy of the lease plans for stage two (extensions to Jubilee Highway West and to the end of Telford Street) to DPTI and requested an update on the progress of the lease. DPTI responded that the extension would be included in the lease when finalised.

Following a request for an update on the progress of the lease in October 2018, again from the Manager Engineering and Contract Management, DPTI responded that the lease would be prepared when all three stages of the rail trail were complete. Stage three (from Jubilee Highway West to Wandilo Road) is due for completion in the 2019/2020 financial year. A map showing all three stages of the rail trail that has been sent to DPTI is included with this report as **Attachment 4**.

In July 2019, the General Manager Community Wellbeing signed a Right of Entry agreement with DPTI to allow the planting of approved plants in a small section of land abutting Hammer Court and the existing rail trail. This right of entry is included with this report as **Attachment 5**.

Council is covered under the Mutual Liability Scheme for any public liability associated with people using the rail trail. The main liability that comes with the lease of the rail trail is the cost associated with removing the path and any other site improvements if demanded by DPTI on termination of the lease (the offer to lease includes a right to terminate with twelve (12) months notice to the lessee).



Any works undertaken by Council Staff and Contractors is administered in accordance with Council procedures, particularly Work Health and Safety documentation, and an Environmental Management Plan (EMP) for the rail trail, a copy of which is included with this report as **Attachment 6**.

**Attachment 8** to this report shows the land referenced in the March 2019 resolution consisting of a number of separate allotments contained in a single Certificate of Title Volume 5962 Folio 699. Two of these allotments are currently leased by DPTI to commercial businesses based in Mount Gambier.

These land parcels are located immediately adjacent to the Council owned/controlled Hastings Cunningham Reserve and rail trail. The Community Land Management Plan for Hastings Cunningham Reserve states the purpose of that land is

*“To provide for passive and active recreation for the benefit of the community. To provide for structured sporting activities (e.g. tennis, soccer, BMX) and land for community organisations to construct storage sheds/clubrooms.”*

The City of Mount Gambier having care and control of the additional land parcels could facilitate greater connection between the rail trail and Hastings Cunningham Reserve.

It is anticipated that the subject land would have existing areas of contamination arising from the historic land use and that there would be restrictions on the types of development and uses that can occur. Consequently, there would be ongoing liabilities associated with the management of the site.

During the 23 August 2019 meeting, DPTI indicated any sale of the land would be expected to realise a market price.

An alternative to the City of Mount Gambier purchasing these land parcels would be to include it as part of a combined lease incorporating all sections of the east-west rail corridor/shared use path from the Showgrounds to Wandilo Road.

In determining whether to pursue interest in any of these land parcels, it is recommended that Council give consideration to its Prudential Management (P415) and Risk Management Framework (R305) policies, taking into account the costs and learnings from the previous Railway Lands project.

Council Policy P415 Prudential Management, as required to be adopted under s48 of the Local Government Act 1999, has the objective of ensuring an appropriate level of due diligence is applied to Council decision making, and in particular for decision makers to indicate:

- the specific benefits or needs to be addressed by a proposed project
- the extent to which the proposed project may be substantially similar to other past projects
- the expected whole of life costs of the proposed project; and
- what, if anything, is known about the levels of financial risk that may be involved.

Further, that as a first step the decision-maker must ascertain:

- Whether funding of the whole-of-life costs of the proposed project will (or might) require additional allocations beyond those already accommodated in Council’s long term financial plan; and
- Whether the proposed project will (or might) generate any additional financial risk for the Council.

Council Policy R305 Risk Management Framework is focussed on the identification, assessment and preventions, mitigation (or management) of potential risks associated with significant decisions, recommendations, actions and contractual arrangements.

## CONCLUSION

Council may now consider whether it wishes to instruct the Chief Executive Officer to enter into further discussions with DPTI for the potential lease or purchase of additional rail corridor land adjacent Hastings Cunningham Reserve, without committing to any lease or purchase at this time.





In light of the numerous parcels and anticipated risks associated with ownership of former rail corridor land, it is recommended that Council pursue the inclusion of all land parcels in which it has an interest. These would then make a combined and consistent lease arrangement, whereby the underlying risk associated with the former use and condition of the land remains appropriately with the owner.

Council should also consider the extent of due diligence that it seeks to have undertaken as part of any negotiations and potential lease or purchase of the land, before committing to any contractual arrangements.

A further report regarding the outcomes of the negotiations, and any risks arising from a proposal, may then be presented for Council consideration.

## ATTACHMENTS

1. Offer to Lease - Mount Gambier Shared Cycling / Pedestrian Path - Department of Planning, Transport & Infrastructure [↓](#)
2. Right of Entry Agreement - Minister for Transport and Infrastructure - 16/09/2015 [↓](#)
3. Right of Entry Agreement - Minister for Transport and Infrastructure - 07/03/2016 [↓](#)
4. Railway Corridor Master Plan Stages 1-3 Site Plan [↓](#)
5. Right of Entry Agreement - Minister for Transport and Infrastructure - 01/08/2019 [↓](#)
6. Environmental Management Plan - Mount Gambier Rail Reserve [↓](#)
7. Response - Former Railway Land Management - Adjoining Hastings Cunningham Reserve [↓](#)
8. Department of Planning Transport and Infrastructure (DPTI) Land - Old Roundhouse Site Plan [↓](#)





Government of South Australia  
Department of Planning,  
Transport and Infrastructure

*In reply please quote*  
2014/20874/01  
*Enquiries to Maria Kollar*  
*Telephone 08 8204 1228*

The City of Mount Gambier  
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10 Tasman Terrace  
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Attn: Mr Mark McShane

PROPERTY DIRECTORATE

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ABN 92 366 288 135

Dear Mark,

MOUNT GAMBIER SHARED CYCLING/PEDESTRIAN PATH – OFFER OF LEASE

We refer to previous correspondence and discussions in relation to the creation of a shared cycling/pedestrian path (Stage 1) over the former rail corridor between White Avenue and Pick Avenue, Mount Gambier.

Subject to obtaining the Minister for Transport and Infrastructure's formal consent to the peppercorn lease, the Department of Planning, Transport and Infrastructure is prepared to enter into a formal Lease Agreement, subject to the following terms and conditions:

Area: Approximately 6.45 hectares of former rail corridor land being:

- D32346/A2 in CT 5962/700;
- D32346/A9 in CT 5962/700;
- D32346/A10 in CT 5962/700;
- D22618/A100 in CT 5962/700;
- F194010/A208 in CT 5962/700;
- D48960/A6 in CT 5962/700;
- F193614/A622 in CT 5962/700;
- F194415/A613 in CT 5962/699;
- F194416/A614 in CT 5962/699;
- F194417/A615 in CT 5962/699;
- F194418/A616 in CT 5962/699;
- F206483/A93 in CT 5962/699;
- D32683/A4 in CT 5962/699;
- F194632/A6; in CT 5962/699;
- F171490/A92 in CT 5962/699;
- D49151/A26 in CT 5962/699;
- F194377/A575 in CT 5962/699.

Description of Lessor: Minister for Transport and Infrastructure a body corporate pursuant to the *Administrative Arrangements Act 1994* (SA) of Level 12, Roma Mitchell House, 136 North Terrace, Adelaide, SA 5000.

Description of Lessee: City of Mount Gambier, Civic Centre, 10 Watson Terrace, SA 5290, ABN Number 17 330 264 425.

Permitted Use: Use of land for a shared cycling/pedestrian path, including vegetation clearance, path construction and site improvements in accordance with the environmental management plan.

Term of Lease: Five (5) years.

Right of Renewal: Not Applicable.

Lease Commencement Date: 1 October 2015.

Rent Commencement Date: 1 October 2015.

Commencement Rental: One off payment of one (\$1.00) dollar plus GST. The rent is to be payable upon the execution of the Lease agreement (but only if demanded).

Rent Reviews: Not Applicable.

Memorandum of Lease: The Crown Solicitor's Office will be instructed to prepare a draft copy of the Lease and this will be forwarded for your perusal.

Lease Documentation: The Lessee will be responsible for all costs associated with seeking its own legal advice regarding the Lease agreement.

Outgoings: Outgoings are not currently charged in respect to this land. The Lessee will be responsible for all rates, taxes, charges and expenses associated with the Leased premises should they be raised in the future. The Lessee will pay all fees and charges for the connection and use and consumption of utilities by the Lessee, if any. The Lessee will allow for accounts to be directly assessed and charged to the Lessee.

Insurance: The City of Mount Gambier warrants that it is a member of the Local Government Association Mutual Liability Scheme ("the Scheme") and is bound by the rules of the Scheme and in the event that the Council ceases to be a member of the Scheme it will immediately effect public liability insurance to a minimum level of cover of Fifty Million Dollars (\$50,000,000) in respect of any one claim.

Special Conditions:

Whilst the Minister is aware of the proposed path a briefing will be sent to the Minister for his consent as is required for peppercorn leases.

The Minister reserves the right to terminate this Lease agreement over the land by giving twelve (12) months notice to the Lessee.

Once executed this Lease includes provision for path construction and site improvements with all associated costs being borne by the Lessee.

Upon termination the Lessee will be responsible for all costs associated with removing the path and any other site improvements (if demanded).

All necessary statutory approvals are to be obtained and all statutory notices shall be complied with.

The City of Mount Gambier shall comply with DPTI environmental advice and the Environmental Management Plan prepared by the Council as accepted by DPTI.

Would you please confirm your acceptance of this offer by signing the enclosed 'Acceptance of Offer' and returning it together with a copy of this letter to this office.

If you wish to discuss any aspect of the offer in further detail, please do not hesitate to contact Maria Kollar on 8204 1228.

Yours sincerely,



Paul Sallis  
Manager,  
Property Management Services  
17 September 2015

Attention: Paul Sallis

Manager,  
Property Management Services  
Property Directorate  
Development Division  
Department of Planning, Transport and Infrastructure  
Level 2, 211 Victoria Square,  
Adelaide, SA 5000.

Dear Sir,

RE: ACCEPTANCE OF LETTER OF OFFER FOR LEASE OVER FORMER RAIL  
CORRIDOR LAND FOR MOUNT GAMBIER SHARED CYCLING/PEDESTRIAN PATH

On behalf of The City of Mount Gambier, I hereby accept the terms and conditions of the offer to Lease the abovementioned property as detailed in the attached copy of the Letter of Offer dated 17 September 2015. I confirm the land will be used for a shared cycling/pedestrian path, including vegetation clearance and site improvements in accordance with DPTI environmental advice and the Environmental Management Plan prepared by the Council as accepted by DPTI

LESSEE

**COMMON SEAL** of the  
**THE CITY OF MOUNT GAMBIER** was  
affixed in the presence of:

  
.....  
Mayor

  
.....  
Chief Executive Officer

18/9/15  
.....  
Date

## RIGHT OF ENTRY

**TO: MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**FROM: City of Mount Gambier, Civic Centre, 10 Watson Terrace, Mount Gambier  
SA 5290**

**THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE (Minister)**, shall permit, subject to the following conditions, the party named in Item 1 of the Schedule (Grantee) to enter upon the Land identified in Item 2 of the Schedule (the Land) for the purpose set out in Item 3 of the Schedule (Permitted Use) at the cost in all things of the Grantee without recompense from the Minister.

The Grantee and any of the Grantee's employees, servants, agents, contractors, workers, invitees and/or licensees shall enter the Land at their own risk and the Grantee acknowledges that the Minister makes no representation of any kind whatsoever concerning the nature or condition of the Land.

**IN CONSIDERATION** of such permission and for no monetary consideration the Grantee (and if more than one jointly and severally) **HEREBY** indemnifies and will keep indemnified the Minister and the Minister's employees officers servants agents contractors workers and/or licensees from and against all actions claims demands damages losses costs and expenses (including any costs and expenses of investigating defending or settling any action claim or demand including legal fees on a solicitor-client basis) which may be suffered by or may be brought commenced or prosecuted against the Minister or any of the Minister's employees officers servants agents contractors workers and/or licensees (whether the Minister is legally responsible for or liable to indemnify any such of its employees officers servants agents contractors workers and/or licensees or not) arising from the entry to or the presence on the Land of the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees by reason of:

- i. death injury loss damage or expenses sustained by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- ii. death or injury of any of the employees officers servants agents contractors workers and/or licensees of the Minister while on or about the Land caused by anything done or omitted to be done by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- iii. damage to property of the Minister or any of the Minister's employees officers servants agents contractors workers and/or licensees caused by anything done or omitted to be done by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- iv. damage to property of the Grantee or of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- v. death injury damage loss expense or inconvenience whatsoever caused to any other person whether on the Land or not; or
- vi. contamination caused or contributed to by the Grantee.





## SCHEDULE

<p><b>Item 1</b>                  Grantee</p>	<p>City of Mount Gambier                  Civic Centre                  10 Watson Terrace SA 5290                  ABN Number 17 330 264 425.</p>
<p><b>Item 2</b>                  Land</p>	<p>Rail Corridor between White Avenue and Pick Avenue Mount Gambier being:</p> <ul style="list-style-type: none"> <li>• D32346/A2;</li> <li>• D32346/A9;</li> <li>• D32346/A10;</li> <li>• D22618/A100;</li> <li>• F194010/A208;</li> <li>• F193614/A622;</li> <li>• F194415/A613;</li> <li>• F194416/A614;</li> <li>• F194417/A615;</li> <li>• F194418/A616;</li> <li>• F206483/A93;</li> <li>• D32683/A4;</li> <li>• F194632/A6;</li> <li>• F171490/A92;</li> <li>• D49151/A26;</li> <li>• F194377/A575;</li> <li>• D48960/A6.</li> </ul>
<p><b>Item 3</b>                  Permitted Use</p>	<p>To undertake preliminary site investigations including surveys and project scoping works that do not involve any soil disturbance or physical works.</p>
<p><b>Item 4</b>                  Commencement Date</p>	<p>16 September 2015.</p>
<p><b>Item 5</b>                  Termination Date</p>	<p>Upon execution of the lease over the above land.</p>





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## RIGHT OF ENTRY

**TO: MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**FROM: City of Mount Gambier, Civic Centre, 10 Watson Terrace, Mount Gambier  
SA 5290**

**THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE (Minister)**, shall permit, subject to the following conditions, the party named in Item 1 of the Schedule (Grantee) to enter upon the Land identified in Item 2 of the Schedule (the Land) for the purpose set out in Item 3 of the Schedule (Permitted Use) at the cost in all things of the Grantee without recompense from the Minister.

The Grantee and any of the Grantee's employees, servants, agents, contractors, workers, invitees and/or licensees shall enter the Land at their own risk and the Grantee acknowledges that the Minister makes no representation of any kind whatsoever concerning the nature or condition of the Land.

**IN CONSIDERATION** of such permission and for no monetary consideration the Grantee (and if more than one jointly and severally) **HEREBY** indemnifies and will keep indemnified the Minister and the Minister's employees officers servants agents contractors workers and/or licensees from and against all actions claims demands damages losses costs and expenses (including any costs and expenses of investigating defending or settling any action claim or demand including legal fees on a solicitor-client basis) which may be suffered by or may be brought commenced or prosecuted against the Minister or any of the Minister's employees officers servants agents contractors workers and/or licensees (whether the Minister is legally responsible for or liable to indemnify any such of its employees officers servants agents contractors workers and/or licensees or not) arising from the entry to or the presence on the Land of the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees by reason of:

- i. death injury loss damage or expenses sustained by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- ii. death or injury of any of the employees officers servants agents contractors workers and/or licensees of the Minister while on or about the Land caused by anything done or omitted to be done by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- iii. damage to property of the Minister or any of the Minister's employees officers servants agents contractors workers and/or licensees caused by anything done or omitted to be done by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- iv. damage to property of the Grantee or of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- v. death injury damage loss expense or inconvenience whatsoever caused to any other person whether on the Land or not; or
- vi. contamination caused or contributed to by the Grantee.



**AND** the Grantee **HEREBY AGREES** to comply with any and all instructions, whether written or verbal, given to the Grantee by the Minister, the Chief Executive Officer of the Department of Planning, Transport and Infrastructure or any other authorised delegate thereof in relation to access to the Land and the undertaking of the Permitted Use.

**AND** the Grantee **HEREBY AGREES** that it will not without the prior written consent of the Minister remove any fixtures or fittings or improvements on the Land (including Track Infrastructure if any) and will not do or cause or permit to be done any activity which damages the fixtures fittings or improvements on the Land (including Track Infrastructure).

**AND** the Grantee **HEREBY AGREES** to notify the Minister of any loss or damage and shall make good any loss or damage sustained to the Land or buildings or the Minister's property, real or personal, or its employees and agents, from any cause whatsoever to the satisfaction of the Minister.

**AND FURTHER** the Grantee **ACKNOWLEDGES** that no grant, reservation, easement or right of way, either express or implied or by prescription is created by virtue of this Right of Entry.

**AND FURTHER** the Grantee **HEREBY AGREES** that the Grantee shall at its sole cost at the expiration or termination of this Right of Entry remove any items brought onto the Land by the Grantee if the Lease is not executed for any reason whatsoever.

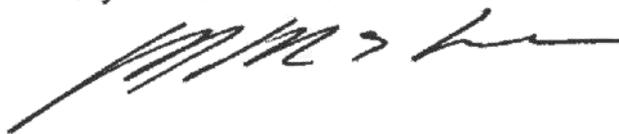
**THE GRANTEE** warrants that it is a member of the Local Government Association Mutual Liability Scheme ("the Scheme") and is bound by the rules of the Scheme and in the event that the Council ceases to be a member of the Scheme it will immediately effect public liability insurance to a minimum level of cover of Fifty Million Dollars (\$50,000,000) in respect of any one claim.

This Right of Entry shall commence on the Commencement Date set out in Item 4 of the Schedule and will terminate on the Termination Date set out in Item 5 of the Schedule or sooner at the sole discretion of the Minister.

This Right of Entry shall be read as a whole and shall not be varied without the written consent of the Minister.

Dated this 8 day of MARCH 2016.

SIGNED FOR AND ON BEHALF OF  
City of Mount Gambier

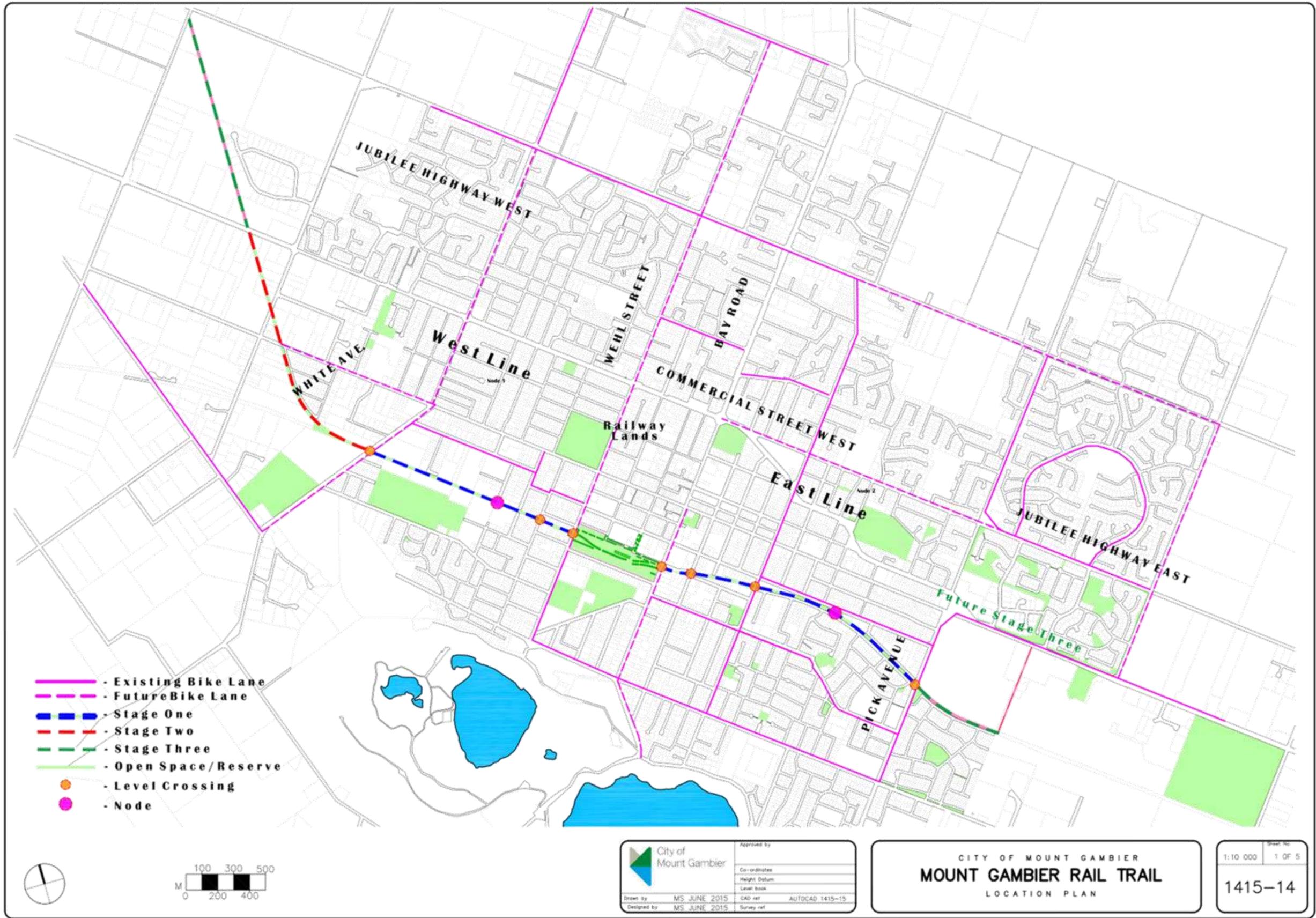


**Mark McShane**  
Chief Executive Officer

### SCHEDULE

<p><b>Item 1 Grantee</b></p>	<p>City of Mount Gambier                  Civic Centre                  10 Watson Terrace SA 5290                  ABN Number 17 330 264 425.</p>
<p><b>Item 2 Land</b></p>	<p>Rail Corridor between White Avenue and Pick Avenue Mount Gambier being:</p> <ul style="list-style-type: none"> <li>• D32346/A2;</li> <li>• D32346/A9;</li> <li>• D32346/A10;</li> <li>• D22618/A100;</li> <li>• F194010/A208;</li> <li>• F193614/A622;</li> <li>• F194415/A613;</li> <li>• F194416/A614;</li> <li>• F194417/A615;</li> <li>• F194418/A616;</li> <li>• F206483/A93;</li> <li>• D32683/A4;</li> <li>• F194632/A6;</li> <li>• F171490/A92;</li> <li>• D49151/A26;</li> <li>• F194377/A575;</li> <li>• D48960/A6.</li> </ul>
<p><b>Item 3 Permitted Use</b></p>	<p>To undertake construction of the shared cycling pedestrian path from White Avenue to Pick Avenue Mount Gambier.</p>
<p><b>Item 4 Commencement Date</b></p>	<p>7 March 2016.</p>
<p><b>Item 5 Termination Date</b></p>	<p>Upon execution of the lease over the above land.</p>





## RIGHT OF ENTRY



**FROM: MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**

**TO: CITY OF MOUNT GAMBIER  
ABN: 17 330 264 425**

**THE MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT (Minister)**, shall permit, subject to the following conditions, the party named in Item 1 of the Schedule (Grantee) to enter upon the Land identified in Item 2 of the Schedule (the Land) for the purpose set out in Item 3 of the Schedule (Permitted Use) at the cost in all things of the Grantee without recompense from the Minister.

The Grantee and any of the Grantee's employees, servants, agents, contractors, workers, invitees and/or licensees shall enter the Land at their own risk and the Grantee acknowledges that the Minister makes no representation of any kind whatsoever concerning the nature or condition of the Land.

**IN CONSIDERATION** of such permission and for no monetary consideration the Grantee (and if more than one jointly and severally) **HEREBY** indemnifies and will keep indemnified the Minister and the Minister's employees officers servants agents contractors workers and/or licensees from and against all actions claims demands damages losses costs and expenses (including any costs and expenses of investigating defending or settling any action claim or demand including legal fees on a solicitor-client basis) which may be suffered by or may be brought commenced or prosecuted against the Minister or any of the Minister's employees officers servants agents contractors workers and/or licensees (whether the Minister is legally responsible for or liable to indemnify any such of its employees officers servants agents contractors workers and/or licensees or not) arising from the entry to or the presence on the Land of the Grantee or any of the Grantee's employees, servants, agents, contractors, workers, invitees and/or licensees by reason of:

- i. death injury loss damage or expenses sustained by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- ii. death or injury of any of the employees officers servants agents contractors workers and/or licensees of the Minister while on or about the Land caused by anything done or omitted to be done by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- iii. damage to property of the Minister or any of the Minister's employees officers servants agents contractors workers and/or licensees caused by anything done or omitted to be done by the Grantee or any of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- iv. damage to property of the Grantee or of the Grantee's employees servants agents contractors workers invitees and/or licensees;
- v. death injury damage loss expense or inconvenience whatsoever caused to any other person whether on the Land or not; or
- vi. contamination caused or contributed to by the Grantee.



**AND** the Grantee **HEREBY AGREES** to comply with any and all instructions, whether written or verbal, given to the Grantee by the Minister the Chief Executive Officer of the Department for Planning, Transport and Infrastructure or any other authorised delegate thereof in relation to access to the Land and the undertaking of the Permitted Use.

**AND** the Grantee **HEREBY AGREES** that it will not without the prior written consent of the Minister remove any fixtures or fittings or improvements on the Land (including Track Infrastructure if any) and will not do or cause or permit to be done any activity which damages the fixtures fittings or improvements on the Land (including Track Infrastructure).

**AND** the Grantee **HEREBY AGREES** that it will not without the prior written consent of the Minister remove any fixtures or fittings or improvements on the Land and will not do or cause or permit to be done any activity which damages the fixtures fittings or improvements on the Land.

**AND** the Grantee **HEREBY AGREES** to notify the Minister of any loss or damage and shall make good any loss or damage sustained to the Land or buildings or the Minister's property, real or personal, or its employees and agents, from any cause whatsoever to the satisfaction of the Minister.

**AND FURTHER** the Grantee **ACKNOWLEDGES** that no grant, reservation, easement or right of way, either express or implied or by prescription is created by virtue of this Right of Entry.

**AND FURTHER** the Grantee **HEREBY AGREES** that the Grantee shall at its sole cost at the expiration or termination of this Right of Entry remove any items brought onto the Land by the Grantee.

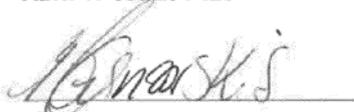
**THE GRANTEE** shall keep current during the term of this Right of Entry a policy of public liability insurance in an amount not less than Twenty Million Dollars (\$20,000,000) in respect of any one claim. A copy of the policy wording and certificate of currency shall be supplied to the Minister upon demand.

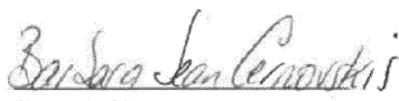
This Right of Entry shall commence on the Commencement Date set out in Item 4 of the Schedule and will terminate on the Termination Date set out in Item 5 of the Schedule or sooner at the sole discretion of the Minister.

This Right of Entry shall be read as a whole and shall not be varied without the written consent of the Minister.

Dated this 31 day of July 2019

**IN WITNESS WHEREOF**  
Representative of  
**CITY OF MOUNT GAMBIER**  
ABN: 17 330 264 425

  
Signature of Authorised Officer

  
Please print full name



## SCHEDULE

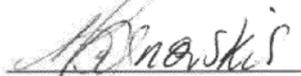


<p><i>Item 1</i> <b>GRANTEE</b></p>	<p><b>CITY OF MOUNT GAMBIER</b> <b>ABN: 17 330 264 425</b> <b>Civic Centre 10 Watson Terrace</b> <b>Mount Gambier SA 5290</b></p>
<p><i>Item 2</i> <b>LAND</b></p>	<ul style="list-style-type: none"> <li>• Whole of the land comprised in Allotment 92 Filed Plan 171490 in CT Volume 5962 Folio 699.</li> <li>• Whole of the land comprised in Allotment 26 Deposited Plan 49151 in CT Volume 5962 Folio 699.</li> <li>• Whole of the land comprised in Allotment 24 Deposited Plan 49151 in CT Volume 5962 Folio 699.</li> <li>• Portion of the land comprised in Allotment 17 Filed Plan 217337 in CT Volume 5962 Folio 699.</li> <li>• Portion of the land comprised in Allotment 1 Deposited Plan 22507 in CT Volume 5962 Folio 699.</li> </ul> <p>as outlined in red on the attached plan (Licence Area).</p>
<p><i>Item 3</i> <b>PERMITTED USE</b></p>	<p>Beautification subject to Special Conditions set out below.</p>
<p><i>Item 4</i> <b>COMMENCEMENT DATE</b></p>	<p>1 August 2019</p>
<p><i>Item 5</i> <b>TERMINATION DATE</b></p>	<p>Upon execution of a licence agreement for the Licence Area unless terminated by the Minister upon providing the Grantee with one month's written notice.</p>
<p><i>Item 6</i> <b>SPECIAL CONDITIONS</b></p>	<p>The Grantee acknowledges and agrees that:</p> <ul style="list-style-type: none"> <li>• This Right of Entry is for ground area only.</li> <li>• The Permitted Use excludes the planting of edible plants and the construction or use of seating, barbeques, shelters, picnic areas or anything that would indicate that the Licenced Area can be used for recreational purposes.</li> <li>• No planting is permitted of any vegetation that requires approval to remove under the <i>Native Vegetation Act 1991</i> (SA).</li> <li>• Any vegetation planted must be screening vegetation only, and the border of such screening vegetation must be a safe distance from the edge of the road and utilities (overhead and underground).</li> <li>• No trees are permitted to be planted.</li> <li>• A thick layer of mulch will be laid before planting.</li> <li>• The Grantee will be responsible to maintain the Licence Area and maintain vegetation.</li> </ul>



	<ul style="list-style-type: none"> <li>• Any landscaping may only involve minimal ground breaking, and the Minister makes no warranty as to the suitability of the soil of the Licenced Area for landscaping purposes.</li> <li>• The soil has not been tested and no representations or warranties are provided by the Minister regarding the extent of any contamination in the soil and whether it presents a risk to human or plant health.</li> <li>• The Grantee must satisfy itself regarding any potential contamination and must adhere to all relevant requirements set out in its Site Environmental Management Plan.</li> <li>• People engaged to do the planting would wear gloves and other protective clothing / equipment as required.</li> <li>• The Minister reserves his right to remove any plantings / vegetation should it be necessary to facilitate any future rail operations and no compensation will be payable to the Grantee.</li> </ul>
<p><i>Item 7</i> <b>FEE</b></p>	<p>\$200 plus GST administration fee in line with Schedule of Charges</p>

Representative of  
**CITY OF MOUNT GAMBIER**  
 ABN: 17 330 264 425

  
 Signature of Authorised Officer

  
 Please print full name



# PLAN







## **Site Environmental Management Plan**

### **Mount Gambier Rail Reserve**

City of Mount Gambier  
10 Watson Terrace  
Mount Gambier SA, 5290

#### **Site Environmental Management Plan – Overview**

This Site Environmental Management Plan (EMP) has been prepared to manage site activities associated with installing and maintaining a shared cycling and walking path along the Mount Gambier Rail Reserve running from White Avenue to Pick Avenue (excluding the Railway Lands area – from Wehl St to Bay Rd). The EMP subject area is made up of the following parcels of land:

- D32346/2;
- D32346/9;
- D32346/10;
- D22618/100;
- F194010/208;
- F193614/622;
- F194415/613;
- F194416/614;
- F194417/615;
- F194418/616;
- F206483/93;
- D32683/4;
- F194632/6;
- F171490/92;
- D49151/26;
- F194377/575;
- D48960/6.

Record: AR15/29292(v2)



The rail reserve runs from west to east through Mount Gambier, as detailed in Figure 1 below.



Figure 1: Mount Gambier Rail Reserve running from White Avenue in the west to Pick Avenue in the east – indicated by the yellow lines.

This EMP outlines:

- Considerations for the design of the proposed path to ensure minimal contact occurs between users and site soils;
- The precautions to be taken during the construction of the walkway and other actions which results in intrusive earthworks or disturbance of the soil across the site; and
- The ongoing management of the site.

Major items to be implemented as part of this EMP include the following:

#### Site Environmental Issue

Contaminated soil is most likely present across surface and sub-surface areas of the site, particularly directly beneath and within 10m of the rail line ballast. No site specific soil sampling has been undertaken to date. The development of the proposed shared path and any intrusive works (such as excavation for the development of the path, landscaping or installation of fencing) within the subject area are to be managed in accordance with this EMP.

#### Site Environmental Procedures

The shared path for the site has been designed to ensure that minimal contact will occur between path users and contaminated soils across the surface of the site.

All persons handling the soils at the site shall be appropriately trained (including wearing appropriate personal protective equipment such as gloves) to minimise skin contact.

NO soils from the EMP Area are to be disposed of off-site.



No excavated soils generated from the subject area shall be disposed off-site without prior approval from the Department of Planning, Transport and Infrastructure (DPTI), and the Environment Protection Authority (EPA).

All excavation works and design of the path are to be undertaken with consideration of environmental risks including stormwater, sediment runoff/erosion, dust, odours etc.

#### **Site EMP Induction Form**

All employees and contractors working in the subject area must read the EMP and sign a copy of the Site EMP Induction form, indicating that they have read and understood the EMP. The signature indicates acceptance and compliance with the requirements of the EMP. The form can be found in Appendix A.

Signed forms are to be scanned and filed in Trim (in folder AF15/343).

#### **Purpose**

The purpose of this EMP is to provide information and outline management required for the construction of a shared cycling and walking path along the Mount Gambier Rail Reserve, from White Avenue to Pick Avenue. Given that rail lines are located within the rail reserve contamination issues are most likely present. Contamination is most likely to occur directly underneath and within 10m of the edge of the rail ballast. This EMP outlines construction and ongoing management procedures to be implemented to ensure that contamination at the site does not represent an unacceptable risk to site users or the environment.

#### **Background**

The Mount Gambier Rail Reserve from White Avenue to Pick Avenue will be leased from DPTI by the City of Mount Gambier (CMG). The lease will exclude the Railway Lands area – from Wehl St to Bay Rd, as this has already been given to Council, and has been turned into parkland. This parkland includes a shared path along its length, which will connect with the proposed rail trail. The purpose of the lease is to allow the installation of a 3m wide asphalt surfaced shared cycling/walking path along the length of the reserve. The path will be constructed on top of the existing rail line. The following details how the path will be constructed:

- 4.0m wide at base.
- Constructed on top of the existing rail line. All track, sleepers and ballast to remain in place.
- 150mm layer of 20mm Class 2 crushed limestone – compacted to 96% MDD.
- 100mm layer of Class 2 crushed rock – compacted to 96% MDD.
- Bitumen tack coat over crushed rock.
- 30mm asphalt (AC7) as final layer – at least 3.0m wide.

See attached cross section for more details.

#### **Responsibilities**

All employees and contractors working at the site are responsible for understanding and implementing the actions and principles of this EMP.

The EMP Manager is required to verify on completion of any works within the EMP Area that they were undertaken in accordance with the EMP.



Any concerns or complaints should be directed to the EMP Manager. All formal concerns or complaints should be documented as a non-conformance and corrective action implemented (A Corrective Action Request / Complaint Form is included in Appendix A of this EMP).

### **Personnel and Responsibilities**

The Mount Gambier Rail Reserve from White Avenue to Pick Avenue will be leased from DPTI by CMG. Under the lease conditions CMG will be responsible for the implementation of the EMP. DPTI maintain ownership of the site.

Any change in ownership or operation of the site may require that a new EMP Manager be nominated.

A number of personnel will be responsible for the implementation of the EMP, including:

- EMP Manager; and
- Contractors and Employees.

### **EMP Manager**

Designated EMP Manager: Engineering Manager, City of Mount Gambier  
(at time of formulation of the EMP: Daryl Morgan).

The EMP Manager shall be responsible for ensuring compliance with the EMP by all employees and contractors during the construction of the path and document progress in terms of compliance as required.

The EMP Manager will be responsible for ensuring that all site works adhere to the requirements outlined in the EMP and ensure that any activity on site involving exposure to potentially contaminated areas is undertaken in a controlled manner (including all necessary work health and safety (WHS) and environmental requirements).

This will be achieved by:

- Ensuring the EMP Manager is on-site/contactable for the duration of the construction works and the EMP document is available at all times;
- Ensuring relevant parties are made aware of the content and requirements of the EMP, including the site procedures and forms;
- Undertaking site induction with all contractors and personnel involved in the construction of the walkway; and
- Implementing a formal process of approval and documentation.

### **Employees and Contractors**

Each employee and contractor is responsible for working within the requirements of the EMP, endeavouring to avoid work practices that are damaging to the environment, and identifying and reporting any environmental problems to the EMP Manager.

Anyone undertaking intrusive works on the site such as excavation, installation of fencing, constructing the path or landscaping works in the area will be required to:

- Be appropriately inducted as to how the issue of exposure to any contamination will be managed (including any WHS and environmental precautions); and



- Report any incidents that occur during the works to the EMP Manager and implement and document any corrective action required.

A Site Induction Checklist is included in Appendix A. The Checklist and Site Induction Form must be completed before any works occur, and should be filed on Trim once completed.

### **EMP Induction**

All personnel that plan to work on site with potential exposure to contaminated soil should be aware of the requirements of the EMP and prior to commencing site works should complete an induction from the EMP Manager and sign a Site Induction Checklist contained in Appendix A.

Copies of the EMP should be made available by the EMP Manager and accessible to all site personnel for reference and review.

The purpose of the induction is to ensure that employees and contractors are made aware of the environmental and health risks associated with intrusive activities on the site, and how best to manage these risks. Records detailing training attendees and the content of the training/induction are to be kept and filed on Trim.

A Site Induction Checklist sheet (Appendix A) should be completed by the inductee and should cover, though may not be limited to:

- Schedule of activities and personnel responsibilities;
- Site control procedures;
- Contaminants and hazard identification;
- Exposure risk;
- Protective equipment usage;
- Decontamination procedures;
- Prohibitions (e.g. smoking, eating without washing hands etc.); and
- Emergency response.

The EMP Manager is responsible for ensuring that all employees and contractors are inducted to the environmental aspects of the EMP including protective equipment usage, decontamination and emergency response. The EMP Manager is also responsible to keep records of all inductions (in Trim).

### **Public Complaints**

The nature of construction works may cause some concern to nearby residents and the general public and any concerns or complaints should be directed to the EMP Manager.

All complaints will be documented as a non-conformance and an appropriate corrective action implemented. The register of complaints will be made available to DPTI upon request.

Site personnel should endeavour to avoid anything that may give rise to a public complaint through adherence to procedures detailed in the EMP. A proforma to detail public complaints is provided in Appendix A.



### Construction Procedures

The following section outlines environmental procedures that are to be undertaken at the site to manage risks presented by potentially contaminated soil at the site. These procedures should be updated where applicable, based on current site conditions.

### Development of Shared Path

The proposed extent of the shared path is illustrated in Figure 1. It is proposed the path will transect the site in a west to east direction being aligned to the former rail line.

Development of the path should take into account the following:

- Ensure that the site path be aligned to existing site topography without the requirement to excavate soils to establish base-level for the path;
- Ensure suitable thickness and suitable grade of clean fill is used to establish the path, recommended there is at least 150mm of compacted clean fill established on the sites surface (compacted using a roller or other suitable methodology). Refer to cross section profile of path;
- Entire length of path is to be sealed with bitumen;
- Ensure suitable width of path, recommend a path width of at least 3,000mm;
- Installation of bollards or similar devices at the start and ends of each section of the path to ensure the use of the path is restricted to cyclists and pedestrians;
- Ensure there is suitable signage indicating to site users to stay within the path area and not to deviate over the surface of the site;
- Consider installing obstructions in some areas of the site to reduce access by motorbikes and other vehicles which may damage the integrity of the path; and
- Ensure the track is designed to prevent the accumulation and ponding of any rainfall which may erode and damage the path.

CMG will prepare a brief construction plan outlining their proposed path design and how they will address the aforementioned points.

During construction works the site should be closed to visitors and the EMP kept onsite for the induction of all site contractors.

### Imported Fill

It is important no contaminated fill material is inadvertently brought onto the site for use in establishing the shared path.

The recreational trail path will be made up of "clean" material (i.e. to provide a protective layer between the user and the potentially contaminated material beneath), any imported fill onto the site should be assessed against the SA EPA (2010) Waste Fill criteria to ensure it is suitable for use. This is an industry standard, in particular given the importance of this material in establishing a contact barrier at the site between users and underlying contaminated soil.

Designated important fill stockpile areas should be established to ensure no contaminated material is inadvertently used in the construction of the walk way. Stockpile areas should be lined with a plastic layer or the last 0.05 m of the stockpiled material should remain in the stockpile area to ensure that no contaminated material is excavated with the clean imported fill.

No fill material (soil) shall be imported to the site without approval from the EMP Manager.



### Excavation Management

All surface and immediate sub-surface soils across the site within 10m of the edge of the ballast should be considered to be contaminated. No exposure of these soils shall occur without consideration of this plan. No excavation shall occur across the site without consultation with the EMP Manager.

### Excavation of Impacted Soils

1. All persons handling the excavated soils should adhere to appropriate WHS standards to minimise exposure, wearing appropriate personal protective equipment including gloves and adequate clothing to minimise skin contact.
2. No soils shall be removed from the site without being assessed against the SA EPA (2010) Waste Fill criteria by a suitable qualified environmental consultant.
3. Contractors shall minimise the extent and duration of disturbance by carefully planning the method and timing of excavation works.
4. Excavated soils shall be placed on a sealed area and wetted or covered to ensure control of dust and stormwater run-off. Where possible, stockpiling of soils shall be avoided. Excavated areas shall be backfilled as soon as practicable.
5. Carting of soils shall avoid any cross contamination of clean material (e.g. soil, stormwater) and undisturbed areas adjacent the excavation works.
6. Contractors are made aware of the environmental and health risks associated with intrusive activities on the site and how best to manage these risks, prior to commencement of works. The induction should cover:
  - Schedule of activities and personnel responsibilities;
  - Site control procedures;
  - Contaminants and hazard identification;
  - Exposure risk;
  - Protective equipment usage;
  - Decontamination procedures;
  - Designated areas and other requirements (e.g. parking, site access, etc.);
  - Prohibitions (e.g. smoking, eating, etc); and
  - Emergency response.

**ACTION:** EMP Manager to approve any plans for excavation of any impacted soils at the site.

### Cross Contamination

It is important that contaminated material does not come into contact with and potentially compromise clean material (e.g. soil, stormwater runoff, etc.) prior to final placement of fill material (i.e. placement to construct path) otherwise clean material becomes contaminated and must be managed as such. Personnel undertaking intrusive works should take all reasonable measures to ensure that cross contamination does not occur as a result of site operations. All surface soils across the site within 10m of the edge of the rail ballast are a potential source of contamination and for the purposes of this EMP should be considered to be contaminated.



Should any excavation be required, management to prevent spilling of contaminated material onto surrounding areas should be undertaken and segregating contaminated soils from clean soils e.g. placement of plastic liners and barriers, or over excavating clean soils so they do not come in contact with contaminated soils.

Earthworks should be carefully planned and staged to ensure no cross contamination occurs.

### **Signage**

The following signage should be placed within areas adjacent the proposed path:

- Signage should encourage site users to remain within the extent of the path and not deviate across the surface of the site; and
- Signage should raise awareness of potential trip and other hazards including railway lines/sleepers and other obstacles across areas of the site.

### **Dust Mitigation**

Visual monitoring of dust conditions during the construction phase should be undertaken by the EMP Manager. Construction works being undertaken on site should cease during dusty/ windy conditions unless water is used to suppress dust.

## **ONGOING ENVIRONMENTAL MANAGEMENT PROCEDURES**

### **Monitoring Walkway Surface**

Ongoing monitoring and maintenance of the path within the EMP Area is required to ensure that the surface provides adequate protection from exposure to contaminated soil.

The condition of the walking trail should be monitored on a 12-monthly basis (or more frequently where site conditions warrant) to ensure its integrity. Monitoring should be undertaken through periodic visual inspection of the site to identify any areas of erosion, excavations or other damage to the site surface. Photographic evidence of the walkway condition should be documented by CMG and kept on record.

**ACTION:** CMG is required to monitor and maintain the site surface. This will be captured as part of the overall maintenance of the site.

### **Future Site Works**

In the event that future works are required to maintain the pathway and associated facilities, all activities will adhere to the specification/details provide in this plan (where relevant).

Major works such as the use of a civil contractor to maintain the pathway should result in the closure of the section of the path being worked on to site visitors during the duration of the works.

It is the responsibility of the EMP Manager to ensure future site works are undertaken within the direction provided in this plan and to ensure where appropriate, site closure occurs to allow the implementation of works.



### Document Control

The EMP document should be reviewed and updated (if required) annually by the EMP Manager. This includes reviewing the effectiveness of the EMP. This control ensures that:

- The EMP document is updated (including Figures and plans) to reflect the current condition at the site; and
- Obsolete documents/forms are promptly removed from all points of issue or use.

### Non-conformances

A register of non-conformances should be established and maintained for all active and resolved non-conformances. All non-conformances should be reviewed and corrective actions developed to prevent recurrence. Site specific construction plans should be revised wherever appropriate to reflect these corrective actions.

### Complaints

All complaints should be referred to the EMP Manager and should be recorded with the following details:

- Date of complaint;
- Name, address and telephone number of complainant;
- Nature of complaint; and
- Response action taken and date.

Where appropriate the complainant should be notified of action taken. Complaints can be recorded on a Corrective Action Request / Complaint Form as contained in Appendix A, or other suitable form. A register of complaints will be maintained by CMG and made available to DPTI upon request.

### Record Keeping

Records should be kept of the following:

- Changes to the EMP;
- Minutes of meetings relating to reviewing and/or updating the EMP;
- EMP induction register;
- Completed induction forms;
- Inspection/survey/quarry certificates;
- Non-conformances and complaints;
- Approvals, certification and licences issued by statutory authorities;
- Specialist consultants reports; and
- Results of all audits.

All documents should be numbered to identify their revision status.

### Audit Review

An internal (CMG) review process should be carried out to verify compliance to and effectiveness of the EMP. The audit program should be managed by the EMP Manager who should:



- Maintain a forward schedule of audits planned annually;
- Undertake the audits or make arrangements for the audits to be carried out by a suitably qualified professional;
- Maintain records of all audits; and
- Ensure corrective actions are promptly implemented.

An example Audit Checklist Form is contained in Appendix A.

## **WORK HEALTH AND SAFETY**

The WHS procedures outlined below only apply to inducted site users including civil contractors, it does not apply to site visitors. The site surface soils may be contaminated in places by heavy metals at concentrations in excess of generic health based guidelines used to assess contaminated soil for open space land use.

Soil assessment guidelines have been conservatively derived based on chronic exposure (i.e. over a lifetime) and assuming a certain level of soil intake based on infant behaviour (i.e. eating soil), home grown vegetable consumption and no professional WHS procedures being undertaken.

On this basis, the contaminants identified on site do not represent a significant risk to the health of workers at the site associated with the scope of work of the EMP, however basic WHS procedures as outlined herein should be adopted, and should be consistent with current WHS legislation and practices.

The following standard WHS procedures shall be implemented for the duration of any intrusive maintenance works:

- WHS induction for all Contractor personnel;
- Workers are made aware of the contamination status of the site;
- Appropriate personal protection equipment should be worn including:
  - Gloves worn if soil is being handled;
  - Long sleeve shirts and pants worn to minimise skin contact with soils;
- Dust generation is minimised during excavation activities. However, dusk masks may be required by some personnel depending on the conditions at the faces of excavations;
- Smoking is prohibited within designated intrusive work zones;
- Workers should not eat or drink without first washing their hands;
- Workers should wash their hands at the end of the working day; and
- Any environmental or WHS incidents shall be reported immediately and a stop work implemented at the site.



**Attachment A**

**EMP Forms**

Note: All completed forms are to be scanned and filed in Trim (in folder AF15/343).



**Site Induction Checklist – Mount Gambier Rail Reserve Shared Path**

All employees and contractors working in the subject area must sign the master copy of this document, indicating they have read and understand it. The signature indicates acceptance and compliance with the requirements of the EMP

**Outline of Construction Works**

.....  
.....

**Conditions of the Site Specific EMP**

- Aware of potential site contaminant issues e.g. Soil: lead, copper, cadmium and zinc.
- No excavation of site soils should be undertaken without the approval of the EMP Manager.
- Handling of impacted site soils:
  - All persons handling the impacted soils should adhere to appropriate WHS standards outlined below.
  - No soils shall be removed from the site without testing by an appropriate Environmental Professional.
  - Contractors shall minimise the extent and duration of disturbance by carefully planning the method and timing of excavation works.
  - Impacted soils shall be placed on a sealed area and wetted or covered to ensure control of dust and stormwater run-off. Where possible, stockpiling of soils shall be avoided.
  - Carting of soils shall avoid any cross contamination of clean material (e.g. soil, stormwater) and undisturbed areas adjacent the excavation works.
  - Contractors are made aware of the environmental and health risks associated with intrusive activities on the site and how best to manage these risks, prior to commencement of works.
- Imported fill should be validated and the EMP Manger informed. Imported fill should be stockpiled in designated areas and in a way to ensure no cross contamination.
- No on site generated material should be taken off site with out the approval of the EMP Manager.
- Site works should not be undertaken during dusty/windy conditions.
- Contractors adopt appropriate Work Health and Safety measures including but not limited to:
  - Workers made aware of the potential contaminant status of site;
  - Appropriate personal protection equipment should be worn during site works;
    - Gloves worn if soil is being handled.
    - Long sleeve shirts and pants worn to minimise skin contact with soils.
  - Dust generation is minimised during excavation activities. However, dusk masks may be required by some personnel depending on the conditions (activities should cease if dusty conditions exist);
  - Smoking is prohibited within designated intrusive work zones;
  - No eating or drinking without prior washing of hands;
  - Workers should wash their hands at the end of the working day; and
  - Any environmental or OH&S incidents shall be reported immediately and a stop work implemented at the site.
- Any not compliance issues or complaints should be directed to the EMP Manager immediately.

Name:

Company:

Signature:

Date:





**Corrective Action Request / Complaint Form – Mount Gambier Rail Reserve Shared Path**

Report No: ..... Date: .....

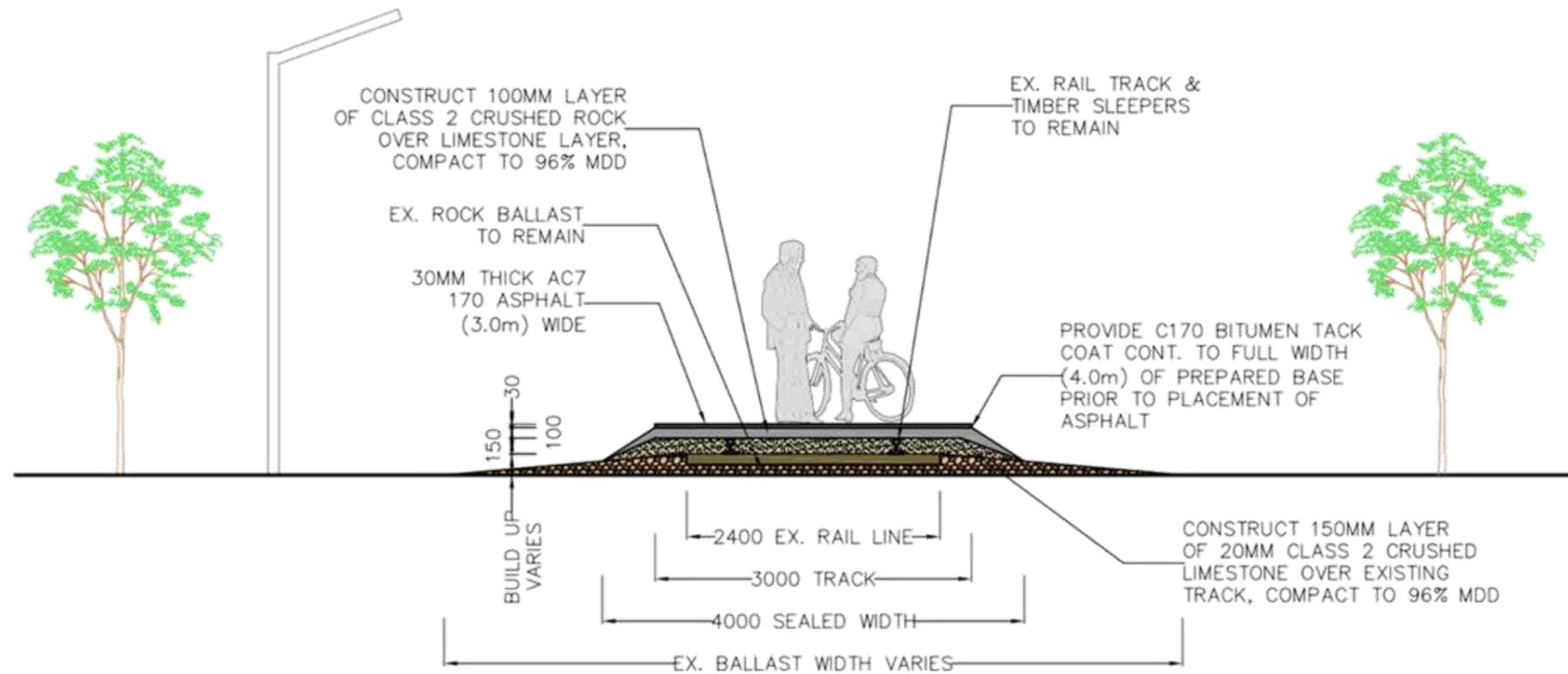
<b>Report type (circle):</b> Complaint      WHS incident      Environmental incident Other (describe): .....
<b>Reported by:</b> <b>Name:</b> ..... <b>Telephone: (W)</b> ..... Other Contact Details: Report taken by: ..... <b>Date:</b> ..... <b>Time:</b> .....
Description: ..... ..... ..... Is the problem occurring now?    Y / N      Has it been lodged previously?    Y / N
Immediate action taken (if any): ..... .....
Investigation (describe cause of incident): ..... ..... Investigation by: ..... <b>Date:</b> .....
Corrective/preventative action taken ( if any ): ..... ..... Taken by: ..... <b>Date:</b> .....
Complainant response: Is a complainant response required?    Y / N      Completed:    Y / N <b>Date:</b> .....
Review: ..... ..... Reviewed and Signed off by: ..... <b>Date:</b> .....



**Audit Checklist Form – Mount Gambier Rail Reserve Shared Path**

Audit No: .....		Auditor: .....		Date: .....
Item No.	Item to be Assessed	Complies? (Y/N)	Evidence / Required Actions	Responsibility





**typical  
SECTION**  
 SCALE 1:50

CONSTRUCTION NOTES:

NO EXISTING MATERIAL TO BE REMOVED FROM SITE.  
 CONTRACTOR TO ADHERE TO ALL ENVIRONMENTAL CONTROLS.  
 WORKS SHALL BE CONFINED TO 4.0m WIDE CORRIDOR ONLY.

 City of Mount Gambier	Approved by	
	Co-ordinates	
	Height Datum	
	Level book	
Drawn by	MS JUNE 2015	CAD ref AUTOCAD 0304-33
Designed by	MS JUNE 2015	Survey ref

CITY OF MOUNT GAMBIER  
**MOUNT GAMBIER RAIL TRAIL**  
 SHARED PATH DETAILS

Scale	Sheet No
as shown	1 OF 1
Plan No	
1415-14	





**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

*In reply please quote 2014/20874/01  
Enquiries to Dan Luscombe  
Telephone 08 71097735*

24 April 2019

**ACROSS GOVERNMENT  
SERVICES**

50 Flinders Street  
Adelaide SA 5000

GPO Box 1533  
Adelaide SA 5001

Telephone: 08 8343 2222  
Facsimile: 08 8343 2768

ABN 92 366 288 135

Mr N Serle  
General Manager City Infrastructure  
City of Mount Gambier  
PO Box 56  
MOUNT GAMBIER SA 5290

Dear Nick,

**RE: MANAGEMENT OF FORMER RAILWAY LAND**

Thank you for your correspondence of 24 April 2019 in regard to the future management of the former railway land located between Bertha Street and White Avenue, Mount Gambier.

The land in question consists of a number of separate lots under a single Certificate of Title, with 2 of these lots currently leased to commercial businesses based in Mount Gambier.

Future use of the land is currently under review, which will include a determination as to whether any of the lots are surplus to requirement.

It is considered by the Department that they are currently managed to our maintenance standard, however we would be happy to meet to discuss City of Mount Gambier Council interest in the land moving forward.

Dan Luscombe, Team Leader Property Projects will be in contact with you shortly to arrange a suitable time to meet and discuss this matter further. His contact details are email [Daniel.luscombe@sa.gov.au](mailto:Daniel.luscombe@sa.gov.au) or phone 08 7109 7735.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Jackel', written over a large, light-colored oval scribble.

Peter Jackel  
Manager Portfolio, Strategy and Delivery



Plan showing five parcels under consideration to Council

Leased parcels



Plan	Parcel	Title	Crown Ref.	Property Unit	Property St. No.	Property St. Name	Property St. Type	Property Suburb	Valuation No.
	D141158411	CT5982/699		40a	40a	RFTTHA	CT	MOUNT GAMBIER	395955001
	D141158411	CT5982/699		54a	54a	SHEPHERDSON	RD	MOUNT GAMBIER	385982003
	D141158411	CT5982/699		LOT 575	LOT 575	WHITE	AV	MOUNT GAMBIER	395934701
	D22507411	CT5982/699		9	9	HAMMER	CT	MOUNT GAMBIER	385972503
	D22507411	CT5982/699		20	20	WERRI	ST	MOUNT GAMBIER	3959746108

**22.5 CAROLINE LANDFILL GATE AND WASTE TRANSFER STATION FEES – REPORT NO. AR19/66026**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 December 2019</b>
<b>Report No.:</b>	<b>AR19/66026</b>
<b>CM9 Reference:</b>	<b>AF18/441</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>A report to seek confirmation of the charges expected to be levied at Caroline Landfill and</b>
<b>Community Plan Reference:</b>	<b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That Council Report No. AR19/66026 titled 'Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 17 December 2019 be noted.
2. That Council endorse the pricing schedule laid out in Table 1 / Table 2 & 3, as presented in this report, effective from 1 January 2020 and authorise administration to:
  - (a) Notify all known regular users of the facility; and
  - (b) Update the fees and charges register.



## BACKGROUND

In November, the Economic and Environment Committee and Council both considered reports dealing with the setting of gate fees for the Caroline Landfill and the Council's Waste Transfer Station. The Council resolution was made without an understanding of the full impacts of the decision and demonstrates the danger of making policy without a breadth of information.

The Council decision had a far wider impact than the table of fees provided in Table 3 of the Economic and Environment Committee report. These were only the items that were directly impacted by the Solid Waste Levy increase from 1 January 2020. The Council resolution affects **all** fees at the Waste Transfer Station, which can be found in Council's endorsed Fees and Charges document.

Many of these lines are simply cost recovery for a service provided to the Council and community by a third party. The reduction of 40% of these fees will also mean that for a number of services the Council will be subsidising those, as well as taking a financial hit from the reduction in other fees. Those fees are highlighted in **yellow** in **Table 1**. The original proposal put to the Economic and Environment Committee for the Caroline Landfill Gate Fees can be found in **Table 2**. The original proposal put to the Economic and Environment Committee simply identified the changes needed as a result of the impost of the Solid Waste Levy can be found in **Table 3**.

Given the wide-ranging impact of this decision, which has an impact far beyond simply an adjustment to existing tonnages, it is not possible for the Council Administration to provide any accurate financial model of the impact.

Since the Council meeting, contact has been received regarding the unilateral setting of fees and the adverse impact this will have on other Councils in our region. The approach taken in the Chamber is felt to have demonstrated a clear lack of collaboration and has undermined the close relationship the seven Limestone Coast Councils have on waste matters. The budget impact of this decision will be noted in the last two quarters of 2019/20 and will form part of the budget review process report to Council later in the year.

The impact of the change has already been picked up by Wattle Range Council and the District Council of Grant. Council will also note that there is a deputation on this matter in this agenda and that there has been press coverage. The impact of the City of Mount Gambier's change on our neighbouring councils is expected to be around \$32k for Wattle Range Council and \$14k for the District Council of Grant, based upon 2018/19 tonnages.

Other users will also feel the impost from 1 January 2020 as the commercial waste operators (Veolia, Cleanaway, etc.) pass on the cost to local businesses in Mount Gambier and the region. This will be another impact following on from the recent collapse of the cardboard / paper recycling market and the impact of China Sword on the waste / recycling industry.



<b>Table 1: Caroline Landfill gate fee and Waste Transfer Station fees as a result of the Council decision on 19 November 2019 – with rounding - (all prices include GST)</b>					
<b>DESCRIPTION AND COMMENTS</b>	<b>UNITS</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>Council Resolution</b>	<b>With Rounding</b>
<b>General Public</b>					
Single garbage bag	per bag	\$5.50	\$6.00	\$3.60	<b>\$4.00</b>
Car boot load	per load	\$24.00	\$26.00	\$15.60	<b>\$16.00</b>
Small trailer or utility (standard)	per load	\$43.00	\$47.00	\$28.20	<b>\$30.00</b>
Small trailer or utility (heaped)	per load	\$63.00	\$69.00	\$41.40	<b>\$45.00</b>
Small trailer or utility (caged)	per load	\$83.00	\$91.00	\$54.60	<b>\$55.00</b>
Tandem trailer (standard)	per load	\$68.00	\$74.00	\$44.40	<b>\$45.00</b>
Tandem trailer (heaped)	per load	\$90.00	\$99.00	\$59.40	<b>\$60.00</b>
Tandem trailer (caged)	per load	\$112.00	\$123.00	\$73.80	<b>\$75.00</b>
Truck or large trailer	per tonne	\$155.00	\$170.00	\$102.00	<b>\$105.00</b>
Mattresses (regardless of size)	per mattress	\$28.00	\$28.00	\$16.80	<b>\$17.00</b>
Arm chair	each		\$35.00	\$21.00	<b>\$25.00</b>
Lounge	each		\$48.00	\$28.80	<b>\$30.00</b>
Cooking Oil	per litre	\$0.30	\$0.30	\$0.18	<b>\$0.20</b>
Fridges and other appliances that require degassing or deoiling	per item	\$66.00	\$72.00	\$43.20	<b>\$45.00</b>
Car tyre	each		\$6.50	\$3.90	<b>\$4.00</b>
Truck tyre	each		\$19.50	\$11.70	<b>\$12.00</b>
<b>Senior's Card/Aged Pensioners Card - must present valid Seniors / Aged Pensioners / Health card</b>					
Single garbage bag	per bag	\$4.30	\$4.70	\$2.82	<b>\$3.00</b>
Limit car boot load only	per load	\$17.00	\$18.00	\$10.80	<b>\$11.00</b>
<b>eWaste and Recycling</b>					
CDs, discs, USBs, calculators, household batteries etc	each	Free of charge	Free of charge	Free of charge	<b>Free of charge</b>
Small light globes - Compact fluoro lights (CFLs)	per item	\$0.50	\$0.50	\$0.30	<b>\$0.50</b>
Larger light globes - Fluoro tubes, high density lamps	per item	\$1.00	\$1.00	\$0.60	<b>\$1.00</b>
Keyboards, toaster, frypans, lamps, etc	per item	\$6.00	\$6.00	\$3.60	<b>\$4.00</b>
Microwaves, vacuums, DVDs, small printers, etc	per item	\$15.00	\$15.00	\$9.00	<b>\$10.00</b>
Medium items - Computer package, large TVs, medium printers, etc*	per item	\$25.00	\$25.00	\$15.00	<b>\$15.00</b>



<b>Table 1: Caroline Landfill gate fee and Waste Transfer Station fees as a result of the Council decision on 19 November 2019 – with rounding - (all prices include GST)</b>					
<b>DESCRIPTION AND COMMENTS</b>	<b>UNITS</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>Council Resolution</b>	<b>With Rounding</b>
Extra large items i.e. photocopiers etc	per kg	\$1.20	\$1.20	\$0.72	<b>\$1.00</b>

[NB prices have been rounded to the nearest 50c for lower prices and nearest \$5.00 (upwards) for the higher prices over \$20.00

\* free for Mount Gambier residents and small businesses only].

<b>Table 2: Current and proposed Caroline Landfill Gate Fees) [* Price as at 01/01/2020]</b>								
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Current Price	\$136.50	\$150	\$164.50					
New Price			\$179*	\$189	\$200	\$211	\$224	\$238
% increase			9%	6%	6%	5%	6%	6%
<b>Average price of neighbouring Landfill's = \$180.64 in 2020</b>								

<b>Table 3: Caroline Landfill gate fee and Waste Transfer Station fees (original settings as per the Economic and Environment Committee on 4 November 2019 [all prices include GST])</b>		
<b>Fee or Charge</b>	<b>Current Price [\$] (from 01/07/2019)</b>	<b>New Price [\$] (from 01/01/2020)</b>
Single garbage bag (concession)	4.70	5.00
Single garbage bag	6.00	6.50
Car boot load (concession)	18.00	19.50
Car boot load	26.00	28.50
Small trailer or utility (standard)	47.00	51.00
Small trailer or utility (heaped)	69.00	75.00
Small trailer or utility (caged)	91.00	99.00
Tandem trailer (standard)	74.00	81.00
Tandem trailer (heaped)	99.00	108.00
Tandem trailer (caged)	123.00	134.00
Truck or large trailer	170.00	185.00
Disposal by arrangement	245.00	267.00

[N.b. prices have been rounded to the nearest 50c for lower prices and nearest \$1.00 for the higher prices].

## CONCLUSION

Council have indicated that they wish to set the Caroline Landfill gate fee at \$190 and indicated a 40% reduction in the Council's Waste Transfer Station fees, which have then been rounded up. Council need to endorse specifically the figures they wish to apply from 1<sup>st</sup> January 2020.

## ATTACHMENTS

Nil





## 23 MOTIONS WITH NOTICE

### 23.1 NOTICE OF MOTION - 125 YEAR ANNIVERSARY OF WOMEN'S SUFFRAGE IN SOUTH AUSTRALIA

**Meeting:** Council  
**CM9 Reference:** AF18/441  
**Member:** Sonya Mezinec, Councillor

I, Councillor Sonya Mezinec, give notice that at the next Ordinary Meeting of Council to be held on 17 December 2019, I intend to move the following motion:

#### MOTION

1. That Council Report No. AR19/67994 titled 'Notice of Motion - 125 Year Anniversary of Women's Suffrage in South Australia' as presented on 17 December 2019 be noted.
2. That Council acknowledges:
  - (a) The 125<sup>th</sup> anniversary of the passing of the Adult Suffrage Bill on 18 December 1894, that enabled women in South Australia - for the first time anywhere in Australia - to vote in general elections and to stand as members of Parliament.
  - (b) The hard work of the Women Suffrage League, the Women's Temperance Union and key suffragists including Mary Lee, Catherine Helen Spence, Elizabeth Webb Nicholls, Mary Colton, Serena Thorn Lake, Rose Birks and Augusta Zadow who campaigned to achieve this goal.
  - (c) Susan Grace Benny who was the first woman politician to be elected to any level of Government in Australia when on 22 December 1919, she was elected as a Councillor for the Seacliff Ward on Brighton Council.

#### RATIONALE

I commend this Notice of Motion to Council.

#### ATTACHMENTS

Nil



**24 URGENT MOTIONS WITHOUT NOTICE**



## 25 CONFIDENTIAL ITEMS OF COMMITTEES

### 25.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 2 DECEMBER 2019

#### 25.2 CONDITION OF THE PROPERTY – REPORT NO. AR19/62472

##### 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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR19/62472 Condition of the property.

The Council is satisfied that, pursuant to section 90(3) (g), (h) and (i) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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
- legal advice
- 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

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 This reports is the commencement of legal action pursuant to the Local Nuisance and Litter Control Act 2016.

##### 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 8.1 AR19/62472 Condition of the property 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) (g), (h) and (i) be kept confidential and not available for public inspection until This should be reviewed at the completion of action before the Environment, Resources and Development Court.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.



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**25.3 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 DECEMBER 2019**

**25.4 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240**

**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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

The Council is satisfied that, pursuant to section 90(3) (b) 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.

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 discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Councils negotiating position to obtain best value and best outcomes for 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 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier.  
Resolutions 1 and 2((d), (e) and (f) to be released immediately upon determination of the matter by Council.



2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.



**25.5 COMMUNITY AND RECREATION HUB TENANCIES - MOUNT GAMBIER AND DISTRICT NETBALL ASSOCIATION – REPORT NO. AR19/66183**

**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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR19/66183 Community and Recreation Hub Tenancies - Mount Gambier and District Netball Association.

The Council is satisfied that, pursuant to section 90(3) (b) 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.

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 discussed relates to demolition and civil works and associated budget that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Council's negotiating position to obtain best value and best outcomes for 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 7.2 AR19/66183 Community and Recreation Hub Tenancies - Mount Gambier and District Netball Association 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each component of the proposed works, or until 12 months have elapsed, whichever is the earlier.

Resolutions 1, 4, 5 and 6 to be released immediately upon determination of the matter by Council.



2. Further that Council delegates the power to review, revoke, but not extension of 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 NEW CONFIDENTIAL ITEMS

### 26.1 NOTICE OF RESCISSION/AMENDMENT - ITEM 25.9 COUNCIL AGENDA 19/11/2019 – REPORT NO. AR19/63592

#### 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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR19/63592 Notice of Rescission/Amendment - Item 25.9 Council Agenda 19/11/2019.

The Council is satisfied that, pursuant to section 90(3) (b) 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

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 Notice of Motion to Rescind or Amend relates to an item previously considered by Council in-confidence that remains subject to a confidentiality order to ensure that the commercial position of the Council is not disadvantaged by third parties understanding the scale of financial delegations relating to this project..

#### 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 AR19/63592 Notice of Rescission/Amendment - Item 25.9 Council Agenda 19/11/2019 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) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of 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 NOTICE OF MOTION - MOUNT GAMBIER COMMUNITY AND RECREATION HUB – REPORT NO. AR19/65340**

### **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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR19/65340 Notice of Motion - Mount Gambier Community and Recreation Hub.

The Council is satisfied that, pursuant to section 90(3) (b), (g) and (k) 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
- 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
- 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 information to be discussed may include detailed specifications, plans and costings associated with a tender process that has not yet closed and which are subject to existing orders to be kept confidential or should otherwise be kept confidential to ensure Councils negotiating position is not jeopardised. The discussion or release by Council of such information, prior to the finalisation of the tender process or expiry/review/release of relevant confidentiality orders, would be a breach of Council's own confidence and duty to keep confidential information subject to a confidentiality order or that should reasonably be known as information that is confidential.

### **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 AR19/65340 Notice of Motion - Mount Gambier Community and Recreation Hub 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), (g) and (k) be kept confidential and not available for public inspection until the

existing confidentiality orders associated with these matters have expired or met conditions for release and/or the information is no longer reasonably considered as being confidential, with any non-confidential aspects of discussion or resolution to be released immediately upon consideration by Council.

2. Further that Council delegates the power to review, revoke, but not extension of 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 BLUE LAKE GOLF CLUB - KPI REPORT SEPTEMBER QUARTER 2019 – REPORT  
NO. AR19/68347**

**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 Mayor L Martin, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, A Watson M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR19/68347 Blue Lake Golf Club - KPI Report September Quarter 2019.

The Council is satisfied that, pursuant to section 90(3) (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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

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 provided for consideration has been stated as containing commercial information on the operations of the Blue Lake Golf Course the disclosure of which could prejudice the commercial position of the Golf Club and/or confer a commercial advantage on other third party competitors.

The success of the Blue Lake Golf Club public golf club operations being in the interests of the City and community of Mount Gambier it is considered that, on balance, the potential implications associated with disclosing this information would be contrary to the public interest.

**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 AR19/68347 Blue Lake Golf Club - KPI Report September Quarter 2019 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) (d) be kept confidential and not available for public inspection until 12 months have elapsed or the Blue Lake Golf Clubs lease and operations of the Blue Lake Golf Course have ceased, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extension of 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, 19 NOVEMBER 2019 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Acting General Manager Council Business Services	- Mr J Zwijnenburg
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Mrs A Watson
	Building Officer	- Mr P Gibbs
	Executive Administration Officer	- Mrs F McGregor

## 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 2019/291

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the apology(ies) from Cr Sonya Mezinec be received.

**CARRIED**

## 3 LEAVE OF ABSENCE

Nil

## 4 CONFIRMATION OF COUNCIL MINUTES

### RESOLUTION 2019/292

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

That the minutes of the Ordinary Council meeting held on 15 October 2019 be confirmed as an accurate record of the proceedings of the meeting.

That the minutes of the Confidential Council meeting held on 15 October 2019 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 5 MAYORAL REPORT

- The Ultimate Renewable Forest Learning Pathway Program – Collaborative Learning Centre
- Mayor's Christmas Appeal Launch
- UniSA Networking Event
- Welcome speech to 1st ANZ Biochar Study Tour
- Media Opportunity at Works Depot – New Float for Christmas Parade
- Members Briefing with Member for Mount Gambier Mr Troy Bell MP
- Members Briefing on Community and Recreation Hub
- Chamber of Commerce Breakfast Meeting
- 2019 South East Primary Schools Music Festival Concert Series
- Members Briefing on Signage Strategy
- 2019 LGA Conference and AGM
- Women's Veterans Network South East SA Group Luncheon (as part of Veterans Health Month)
- Environment Resources and Development Committee - Recycling Industry Inquiry
- Members Briefing, Member for Barker Mr Tony Pasin MP
- Economic and Environment Committee Meeting
- Christmas Appeal Advisory Group Meeting
- Stand Like Stone AGM
- Meeting with Business SA
- Science Alive! – Schools Promotion
- Citizenship Ceremony
- Flag Off – Legends of the Lake Hill Climb
- Official Opening of Time Capsule and Hand Over of Bienvenu Stone to Mrs Joan Aikmann and family
- Mount Gambier St John Cadet Division Presentation Evening
- Remembrance Day Ceremony and Wreath Laying
- Members Briefing on Strategic Plan Themes and Projects
- Launch of Mount Gambier Gold Cup
- Regional Sport and Recreation Centre Committee Meeting
- Women's Employment and Leadership in Mount Gambier Forum
- K-Mart Wishing Tree Appeal Launch
- LCLGA Mayors Informal Gathering & Presentation of LCLGA Strategic Plan
- Mount Gambier Christmas Parade
- Official Opening of Science Alive!
- Chamber Visit – McDonald Park School Students
- High Tea at South East Junction

### **RESOLUTION 2019/293**

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral report made on 19 November 2019 be received.

<b>CARRIED</b>
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## 6 REPORTS FROM COUNCILLORS

Cr Amoroso	Mount Gambier Show, Christmas Parade.
Cr Hood	Mount Gambier Show book reading, Josh Fanning City Mag, Remembrance Day, Kmart Wishing Tree Appeal launch
Cr Jenner	Public Lighting Group, Mayors Christmas Appeal, Chamber Of Commerce Breakfast Meeting, Senior Citizens Public Meeting, Camp Quality Car Parade, Drift Car Challenge, Mount Gambier A & H Show, Mount Gambier Band Hall – Art And Craft Fair, Mount Gambier Unique And Classic Car Club, Local Government Association SA AGM, Australian Disc Gold Championship, State Government Environment Resources Development Committee Enquiry, Public Lighting Customer Forum, Public Lighting Webinar, Australian Citizenship Ceremony, Time Capsule and hand over of Bienvenu, Legends of the Lakes Hill Climb, Public Lighting Group, First anniversary of the ReUse market, Mount Gambier 60 <sup>th</sup> Anniversary Christmas Parade, Party in the Park, Survivors of Suicide Day – Stand By
Cr Morello	Time Capsule Launch, Mount Gambier Christmas Pageant, Book Launch Of Jim Ewing

### RESOLUTION 2019/294

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 19 November 2019 be received.

<b>CARRIED</b>
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## 7 QUESTIONS WITH NOTICE

### 7.1 RAIL TRAIL AGREEMENTS, CONTRACTS, LEASES

#### REPORT RECOMMENDATION

THAT the response to the question regarding Rail Trail Agreements, Contracts and Leases raised by Councillor Jenner be received and noted.

## 8 QUESTIONS WITHOUT NOTICE

Nil recorded

## 9 PETITIONS

Nil

**10 DEPUTATIONS**

Nil

**11 NOTICE OF MOTION TO RESCIND OR AMEND**

Nil

Mayor Martin was presented with the Local Government Association Work Cover Scheme Regional Merit award from the recent Local Government Association Gala Dinner.

**12 ELECTED MEMBERS WORKSHOPS****12.1 ELECTED MEMBER WORKSHOPS****RESOLUTION 2019/295**

Moved: Cr Christian Greco

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/60660 titled 'Elected Member Workshops' as presented on 19 November 2019 be noted, noting the change of time to Cr Greco's attendance to 7.40 p.m., not leaving at 7.40 p.m. as is recorded in the Community and Recreation Hub Record of Proceedings held on 22/10/2019 at 6.30 p.m.
2. Council write to the Member for Mount Gambier Mr Troy Bell MP and the Member for Barker Mr Tony Pasin MP thanking them both for a productive meeting and seeking to schedule another meeting in March 2020.

**CARRIED**

Cr Hood left the Chamber at 6.26 p.m.

Cr Hood returned to the meeting at 6.27 p.m.

**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT****13.1 CR PERRYMAN REQUEST FOR ACCOMMODATION RELATED TO STATE PLANNING COMMISSION TRAINING****RESOLUTION 2019/296**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/60976 titled 'Cr Perryman request for accommodation related to State Planning Commission training' as presented on 19 November 2019 be noted.
2. That, having considered the cost and benefit to Council, support the attendance of Cr Perryman to attend the State Planning Commission Training Event on 5 December 2019, with his accommodation costs to be borne by Council.
3. Cr Perryman to submit a report for presentation at the Member Reports agenda item at the January 2020 Council meeting, in accordance with Council Policy M500.

**CARRIED**

**14 COUNCIL ACTION ITEMS****14.1 COUNCIL ACTION ITEMS****RESOLUTION 2019/297**

Moved: Cr Frank Morello  
Seconded: Cr Christian Greco

1. That Council Report No. AR19/61372 titled 'Council Action Items' as presented on 19 November 2019 be noted.

**CARRIED**

**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS****15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 4 NOVEMBER 2019****RESOLUTION 2019/298**

Moved: Cr Christian Greco  
Seconded: Cr Max Bruins

That the Minutes of the Economic and Environment Committee meeting held on 4 November 2019 as attached be noted.

**CARRIED**

**15.2 CAROLINE LANDFILL GAS COLLECTION AND UTILISATION – REPORT NO. AR19/48837****MOTION**

Moved: Cr Christian Greco  
Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR19/48837 titled 'Caroline Landfill Gas Collection and Utilisation' as presented on 04 November 2019 be noted.
2. That the Chief Executive Officer, or his delegates, be authorised to enter into negotiations and subsequently a contract with Tenderer 1 in relation to gas collection and utilisation at Caroline Landfill.

**AMENDMENT**

Moved: Cr Paul Jenner  
Seconded: Cr Kate Amoroso

1. That Economic and Environment Committee Report No. AR19/48837 titled 'Caroline Landfill Gas Collection and Utilisation' as presented on 04 November 2019 be noted.
2. That the Chief Executive Officer, or his delegates, be authorised to enter into negotiations and subsequently a contract with Tenderer 1 in relation to gas collection and utilisation at Caroline Landfill.

3. Council authorise a tender process for solar generation and connection to SA Power Networks powerlines at and around the Caroline Landfill.
4. Submission to be considered at a future meeting of Economic and Environment Committee.

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss Item 15.2

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6.48 p.m.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 6.50 p.m.

#### **RESOLUTION 2019/299**

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Economic and Environment Committee Report No. AR19/48837 titled 'Caroline Landfill Gas Collection and Utilisation' as presented on 04 November 2019 be noted.
2. That the Chief Executive Officer, or his delegates, be authorised to enter into negotiations and subsequently a contract with Tenderer 1 in relation to gas collection and utilisation at Caroline Landfill.
3. Council authorise a tender process for solar generation and connection to SA Power Networks powerlines at and around the Caroline Landfill.
4. Submission to be considered at a future meeting of Economic and Environment Committee.

**CARRIED**

**15.3 REVIEW OF CAROLINE LANDFILL GATE AND WASTE TRANSFER STATION FEES  
– REPORT NO. AR19/48869****MOTION**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Economic and Environment Committee Report No. AR19/48869 titled 'Review of Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 04 November 2019 be noted.
2. That Council adopt recommended gate price for Caroline Landfill of \$190 effective from 1 January 2020 and authorise administration to:
  - (a) Notify all known regular users of the facility; and
  - (b) Update the fees and charges register.
3. That Council adopt a decrease of 40% Waste Transfer Station fees effective from 1 January 2020 and authorise administration to:
  - (a) Notify the public who may use the facility; and
  - (b) Update the fees and charges register.
4. A further report be written for Council's consideration on implementing a separation of waste charge on Council's rate notices for 2020/2021.

**AMENDMENT**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/48869 titled 'Review of Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 04 November 2019 be noted.
2. That Council adopt recommended gate price for Caroline Landfill of \$190 effective from 1 January 2020 and authorise administration to:
  - (a) Notify all known regular users of the facility; and
  - (b) Update the fees and charges register.
3. That Council maintain the Waste Transfer Station fees at the current level until 30 June 2020 and consider the fees and category of fees as part of the 2020/21 Budget Process.
4. A further report be written for Council's consideration on implementing a separation of waste charge on Council's rate notices for 2020/2021.

The Amendment was put and

LOST

The original Motion was put and

CARRIED

**RESOLUTION 2019/300**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Economic and Environment Committee Report No. AR19/48869 titled 'Review of Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 04 November 2019 be noted.
2. That Council adopt recommended gate price for Caroline Landfill of \$190 effective from 1 January 2020 and authorise administration to:
  - (a) Notify all known regular users of the facility; and
  - (b) Update the fees and charges register.
3. That Council adopt a decrease of 40% Waste Transfer Station fees effective from 1 January 2020 and authorise administration to:
  - (a) Notify the public who may use the facility; and
  - (b) Update the fees and charges register.
4. A further report be written for Council's consideration on implementing a separation of waste charge on Council's rate notices for 2020/2021.

**CARRIED**

Cr Bruins left the Chamber at 7.07 p.m.

Cr Bruins returned to the meeting at 7.10 p.m.

**15.4 STREET TREE PROGRAM OVERVIEW – REPORT NO. AR19/48845****MOTION:**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Economic and Environment Committee Report No. AR19/48845 titled 'Street Tree Program Overview' as presented on 04 November 2019 be noted.
2. That Council approve the annual planting of 150 advanced mature street trees instead of the current 300 standard sized street trees.
3. That Council allow the implementation of a rolling street tree planting program instead of the current street methodology to allow Council Officers the flexibility of meeting an annual gain of 150 mature sized street trees on an annual basis.
4. That Council update its Land Division Policy (L130) to include a standard condition that a street tree be planted adjacent to each vacant lot as part of that development and that the Policy be returned to Council for endorsement.

**AMENDMENT**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR19/48845 titled 'Street Tree Program Overview' as presented on 04 November 2019 be noted.
2. That Council approve the annual planting of 250 advanced mature trees instead of the current 300 standard sized trees.

3. That Council allow the implementation of a rolling tree planting program instead of the current street methodology to allow Council Officers the flexibility of meeting an annual gain of 250 mature sized trees on an annual basis.
4. That Council update its Land Division Policy (L130) to include a standard condition that a street tree be planted adjacent to each vacant lot as part of that development and that the Policy be returned to Council for endorsement. The tree policy T120 also be updated and returned to Council for endorsement.
5. The General Manager City Infrastructure provide to the Economic and Environment Committee on a 6 monthly basis a summary and location of the trees removed, lost from disease, storm or other reasons.
- 6 Officers continue to provide to Council on an annual basis a tree planting program.

The Amendment became the Motion and was put and  
CARRIED

### **RESOLUTION 2019/301**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR19/48845 titled 'Street Tree Program Overview' as presented on 04 November 2019 be noted.
2. That Council approve the annual planting of 250 advanced mature trees instead of the current 300 standard sized trees.
3. That Council allow the implementation of a rolling tree planting program instead of the current street methodology to allow Council Officers the flexibility of meeting an annual gain of 250 mature sized trees on an annual basis.
4. That Council update its Land Division Policy (L130) to include a standard condition that a street tree be planted adjacent to each vacant lot as part of that development and that the Policy be returned to Council for endorsement. The tree policy T120 also be updated and returned to Council for endorsement.
5. The General Manager City Infrastructure provide to the Economic and Environment Committee on a 6 monthly basis a summary and location of the trees removed, lost from disease, storm or other reasons.
- 6 Officers continue to provide to Council on an annual basis a tree planting program.

**CARRIED**

**15.5 COUNCIL PRIORITISATION OF WORKS TO DPTI ROADS AND PLEC UPDATE –  
REPORT NO. AR19/55582****RESOLUTION 2019/302**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Economic and Environment Committee Report No. AR19/55582 titled 'Council Prioritisation of Works to DPTI Roads and PLEC Update' as presented on 04 November 2019 be noted.
2. That Council note the list of priorities for interventions on DPTI roads and agrees equal priority for them and that the Chief Executive Officer write to DPTI to this effect.
3. The General Manager City Infrastructure provide a report to the Economic & Environment Committee for review in the final quarter of each calendar year. This report is to include recommendations on additional locations to add to the priority works list, and recommendations for budget consideration for the following financial year.
4. Council endorse the projects contained in Operational Standing Committee Report AR19/10220 titled 'Future PLEC Schemes', (received by council in March 2019) with the amended order of priority as listed below, and the additional section on Wehl St (Margaret St to 74 Wehl St South):
  1. 2020/2021 - O'Halloran Tce, Bay Road, Wehl St, Margaret St - details to be confirmed in report from PLEC
  2. 2021/2022 - Wehl Street South [Wehl St (south of James St to Margaret St), Eleanor St (full length)]
  3. 2022/2023 - Bay Road – Heriot St [Bay Rd (south of Sturt St to Margaret St), Heriot St (Bay Rd to Ferrers St), Ferrers St (south of Sturt St to south of Heriot St)]
  4. 2023/2024 - Railway Tce – Elizabeth St [Railway Tce (Elizabeth St to Bay Rd), Elizabeth St (south of Helen St to Railway Tce)]
  5. 2024/2025 - Commercial St East [East of Crouch St to Mark St]
  6. 2025/2026 - Crouch St – Sturt St [Crouch St (south of Commercial St to Heriot St), Sturt St (Anthony St to Krummel St)]
  7. 2026/2027 - Percy St – Crouch St [Percy St (Hedley St to Crouch St), Crouch St (Percy St to John St)]

**CARRIED****Item 15.6 is superseded by Item 22.8 and was not discussed.**

### 15.6 REMOVAL OF PARKING SPACES AND INSTALLATION OF NO STOPPING AREAS ON FERRERS STREET AND COMPTON STREET – REPORT NO. AR19/56020

#### RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/56020 titled 'Removal of parking spaces and installation of No Stopping areas on Ferrers Street and Compton Street' as presented on 04 November 2019 be noted.
2. The Traffic Impact Statement attached to the Economic and Environment Committee Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage;
  - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
 

Prohibited area	NO STOPPING
1.1.505	
  - (b) FERRERS STREET (Western Side) – From 44 metres to 75 metres south of the intersection with Commercial Street East- to apply at all times.
 

Prohibited area	NO STOPPING
1.1.506	
  - (c) FERRERS STREET (Eastern Side) - From 71 metres to 82 metres south of the intersection with Commercial Street East-to apply at all times.
 

Prohibited area	NO STOPPING
1.1.507	
  - (d) COMPTON STREET (Western Side) - From 97metres to 152 metres south of the intersection with Commercial Street East-to apply at all times.

### 15.7 RED BULL WORLD CUP QUALIFIER EVENT – REPORT NO. AR19/57120

#### RESOLUTION 2019/303

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

1. That Economic and Environment Committee Report No. AR19/57120 titled 'Red Bull World Cup Qualifier Event' as presented on 04 November 2019 be noted.
2. That Council support the Red Bull World Cup qualifier event to be hosted in Mount Gambier to the value of \$18,000 cash and up to the value of \$5,000 in kind.
3. That endorsed fund allocation be presented as a variation in the next budget review.
4. That an evaluation report be provided to Council.

**CARRIED**

### 16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

**17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS****17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 12 NOVEMBER 2019****RESOLUTION 2019/304**

Moved: Cr Ben Hood  
Seconded: Cr Christian Greco

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 12 November 2019 as attached be noted.

**CARRIED**

**17.2 COMMUNITY AND RECREATION HUB TENANCIES - GIRL GUIDES RELOCATION – REPORT NO. AR19/54195****RESOLUTION 2019/305**

Moved: Cr Ben Hood  
Seconded: Cr Frank Morello

1. That Regional Sport and Recreation Centre Committee Report No. AR19/54195 titled 'Community and Recreation Hub Tenancies - Girl Guides Relocation' as presented on 12 November 2019 be noted.
2. That an amount of up to \$37,000 be allocated as a capital works variation in the 2019/2020 Budget to accommodate the Girl Guides in the former ParaQuad Clubrooms at Hastings Cunningham Reserve.
3. That the expenditure determined in resolution (2) be conditional upon the Girl Guides relocation to clubrooms at Hastings Cunningham Reserve, which occupancy may commence on the execution of an agreement to surrender the Girl Guides Hall on O'Halloran Terrace in January 2020.
4. That rental for the Girl Guides initial term in the Hastings Cunningham Reserve facility be waived in accordance with Council Policy R200 in light of the exceptional circumstances associated with the relocation for a period of 2 years from execution.
5. That the Girl Guides be granted salvage rights to any fixtures and fittings located within the O'Halloran Terrace Hall for re-use in the clubrooms at Hastings Cunningham Reserve.

**CARRIED**

**18 COUNCIL ASSESSMENT PANEL MINUTES****RESOLUTION 2019/306**

Moved: Cr Paul Jenner  
Seconded: Cr Max Bruins

The Minutes of the Council Assessment Panel meeting held on 17 October 2019 be received and noted.

**CARRIED****19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**21 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

**22 COUNCIL REPORTS****22.1 REVOCATION OF COMMUNITY LAND CLASSIFICATION INCLUDING A LAND TRANSFER AT LOT 204 WEHL STREET NORTH, MOUNT GAMBIER AND A LAND SWAP AT LOT 1107 WOODLANDS GROVE, MOUNT GAMBIER - MR VINCE VERSACE****RESOLUTION 2019/307**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR19/58005 titled 'Revocation of community land classification including a land transfer at Lot 204 Wehl Street North, Mount Gambier and a land swap at Lot 1107 Woodlands Grove, Mount Gambier - Mr Vince Versace' as presented on 19 November 2019 be noted.
2. That, having considered the submission received in response to public consultation, Council proceed with submitting a proposal to the Minister seeking approval for the revocation and transfer of portion of Allotment 204 (Reserve) in Deposited Plan 93348.
3. That, having considered the submission received in response to public consultation, Council proceed with submitting a proposal to the Minister seeking approval for the revocation and transfer of portion of Allotment 1107 (Reserve) in Deposited Plan 82423.

**CARRIED**

Cr Amoroso left the Chamber at 7.35 p.m.

Cr Amoroso resumed the meeting at 7.38 p.m.

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 22.2:

*"Member of C.A.P. (Mt. Gambier)".*

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 22.2.

Cr Jenner left the meeting at 7.42 p.m.

**22.2 COUNCIL ASSESSMENT PANEL REQUEST FOR ADVICE****RESOLUTION 2019/308**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Council Report No. AR19/57346 titled 'Council Assessment Panel Request for Advice' as presented on 19 November 2019 be noted.
2. That the Chief Executive Officer also provide this advice to the Presiding Member of the Council Assessment Panel.

**CARRIED**

Cr Jenner returned to the meeting at 7.51 p.m.

Cr Perryman left the Chamber at 7.52 p.m.

Cr Perryman returned to the meeting at 7.54 p.m.

**22.3 CITY OF MOUNT GAMBIER ANNUAL REPORT 2018/2019****RESOLUTION 2019/309**

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

1. That Council Report No. AR19/56776 titled 'City of Mount Gambier Annual Report 2018/2019' as presented on 19 November 2019 be noted.
2. That the City of Mount Gambier 2018/2019 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 2018/2019 Annual Report be made available to those bodies and persons referred to in Section 131 of the Local Government Act 1999.

**CARRIED**

Cr Greco left the Chamber at 7.57 p.m.

Cr Greco returned to the meeting at 8.00 p.m.

**22.4 BUDGET REVIEW QUARTER 1 FY2019-20****RESOLUTION 2019/310**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR19/57176 titled 'Budget Review Quarter 1 FY2019-20' as presented on 19 November 2019 be noted.
2. That the Quarter 1 Budget Review revisions be adopted for the FY2019-20 financial year reflecting:

- a (\$48,000) forecast operating deficit, representing a \$194,000 improvement from the original budget operating deficit of (\$367,000) including the \$125,000 operating carry over;”
- a (\$157,000) forecast net surplus, representing no change from the original budget net surplus;
- a \$12,700,000 forecast capital expenditure, representing a \$5,000 change from the original budget capital expenditure of \$12,695,000;

with all the above original budget amounts including taking into account a \$125,000 operating carry over and a \$2,201,000 capital carry over per the Economic and Environment Committee 2 September 2019 resolution Work in Progress budget carry overs from 2018/19 – Report No. AR19/41788.

**CARRIED**

## **22.5 CORRECTION OF TRAVEL AND TRAINING EXPENSES**

### **RESOLUTION 2019/311**

Moved: Cr Christian Greco

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/60411 titled 'Correction of Travel and Training Expenses' as presented on 19 November 2019 be noted.
2. That Council agree to pay Cr Jenner's air fare to attend the LGA Conference and AGM.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 22.6:

*"C.A.P. Member for Mount Gambier".*

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 22.6.

Cr Jenner left the meeting at 8.07 p.m.

**22.6 RESPONSE TO COUNCIL ASSESSMENT PANEL RESOLUTION RELATING TO THE TEMPORARY SITING OF A SHIPPING CONTAINER AND ADVERTISEMENT ADJACENT TO FREW PARK****MOTION:**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

1. That Council rejects the Report and conclusion in the report AR19/56380.
2. Council expresses its disappointment that the item was not recommended to be dealt with in confidence given that some Council staff may be identified given the small number of staff in the planning department.
3. Council is of the view that the CEO's Report was unnecessary given the referral was made directly to Council from the Council Assessment Panel.

**TIED VOTE**

Cr Perryman called for a division

In Favour: Crs Kate Amoroso, Christian Greco, Ben Hood and Steven Perryman

Against: Crs Max Bruins and Frank Morello

**CARRIED 4/2**

**RESOLUTION 2019/312**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

1. That Council rejects the report and conclusion in the report AR19/56380.
2. Council expresses its disappointment that the item was not recommended to be dealt with in confidence given that some Council staff may be identified given the small number of staff in the planning department.
3. Council is of the view that the CEO's Report was unnecessary given the referral was made directly to Council from the Council Assessment Panel.

**CARRIED**

Cr Jenner resumed the meeting at 8.23 p.m.

**22.7 REQUEST FOR FUNDING FROM THE ROYAL FLYING DOCTOR SERVICE****MOTION:**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/61211 titled 'Request for Funding from the Royal Flying Doctor Service' as presented on 19 November 2019 be noted.
2. That Council contribute \$10,000 to be used exclusively towards the RFDS Hangar Conversion at Mount Gambier Airport.
3. Council seek for its contribution to be acknowledged with appropriate signage at the site (at Council's cost)

**AMENDMENT**

Moved: Cr Kate Amoroso

Seconded: Cr Christian Greco

1. That Council Report No. AR19/61211 titled 'Request for Funding from the Royal Flying Doctor Service' as presented on 19 November 2019 be noted.
2. That Council contribute \$15,000 to be used exclusively towards the RFDS Hangar Conversion at Mount Gambier Airport.
3. Council seek for its contribution to be acknowledged with appropriate signage at the site (at Council's cost).

the Amendment became the Motion and as the Motion was put and

CARRIED

**RESOLUTION 2019/313**

Moved: Cr Kate Amoroso

Seconded: Cr Christian Greco

1. That Council Report No. AR19/61211 titled 'Request for Funding from the Royal Flying Doctor Service' as presented on 19 November 2019 be noted.
2. That Council contribute \$15,000 to be used exclusively towards the RFDS Hangar Conversion at Mount Gambier Airport.
3. Council seek for its contribution to be acknowledged with appropriate signage at the site (at Council's cost)

CARRIED

**REPORT RECOMMENDATION**

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

1. That Council Report No. AR19/61664 titled 'Removal of Parking Spaces and Installation of No Stopping Areas on Ferrers Street and Compton Street' as presented on 19 November 2019 be noted.
2. The Traffic Impact Statement attached to the Council Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage and supersede previous recommendations:
  - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

- Prohibited area NO STOPPING  
1.1.505
- (b) FERRERS STREET (Western Side) – From 44 metres to 75 metres south of the intersection with Commercial Street East- to apply at all times.  
Prohibited area NO STOPPING  
1.1.506
- (c) FERRERS STREET (Eastern Side) - From 71 metres to 82 metres south of the intersection with Commercial Street East-to apply at all times.  
Prohibited area NO STOPPING  
1.1.507
- (d) COMPTON STREET (Western Side) - From 48 metres to 70 metres south of the intersection with Commercial Street East-to apply at all times.  
Prohibited area NO STOPPING  
1.1.508
- (e) COMPTON STREET (Eastern Side) - From 42 metres to 56 metres south of the intersection with Commercial Street East-to apply at all times.  
Prohibited area NO STOPPING

**AMENDMENT**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/61664 titled 'Removal of Parking Spaces and Installation of No Stopping Areas on Ferrers Street and Compton Street' as presented on 19 November 2019 be noted.
2. The Traffic Impact Statement attached to the Council Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage and supersede previous recommendations:
  - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:  
Prohibited area NO STANDING  
1.1.505from 9.00 pm to 8.00 am
  - (b) FERRERS STREET (Western Side) – From 44 metres to 75 metres south of the intersection with Commercial Street East- to apply at all times.  
Prohibited area NO STANDING  
1.1.506from 9.00 pm to 8.00 am
  - (c) FERRERS STREET (Eastern Side) - From 71 metres to 82 metres south of the intersection with Commercial Street East-to apply at all times.  
Prohibited area NO STOPPING  
1.1.507
  - (d) COMPTON STREET (Western Side) - From 48 metres to 70 metres south of the intersection with Commercial Street East-to apply at all times.

Prohibited area NO STOPPING  
1.1.508

- (e) COMPTON STREET (Eastern Side) - From 42 metres to 56 metres south of the intersection with Commercial Street East-to apply at all times.

Prohibited area NO STANDING  
from 9.00 pm to 8.00 am

4. The CEO be instructed to write to Aldi and Coles advising them of this resolution, and that the resolution comes into effect on the 1<sup>st</sup> December, 2019.

The Amendment became the Motion and as the Motion was put and CARRIED

#### RESOLUTION 2019/314

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/61664 titled 'Removal of Parking Spaces and Installation of No Stopping Areas on Ferrers Street and Compton Street' as presented on 19 November 2019 be noted.
2. The Traffic Impact Statement attached to the Council Report be endorsed by Council.
3. That the following parking restrictions become effective upon the installation of appropriate signage and supersede previous recommendations:
  - (a) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
 

Prohibited area					NO STANDING
1.1.505	from	9.00	pm	to	8.00
					am
  - (b) FERRERS STREET (Western Side) – From 44 metres to 75 metres south of the intersection with Commercial Street East- to apply at all times.
 

Prohibited area					NO STANDING
1.1.506	from	9.00	pm	to	8.00
					am
  - (c) FERRERS STREET (Eastern Side) - From 71 metres to 82 metres south of the intersection with Commercial Street East-to apply at all times.
 

Prohibited area					NO STOPPING
1.1.507					
  - (d) COMPTON STREET (Western Side) - From 48 metres to 70 metres south of the intersection with Commercial Street East-to apply at all times.
 

Prohibited area					NO STOPPING
1.1.508					
  - (e) COMPTON STREET (Eastern Side) - From 42 metres to 56 metres south of the intersection with Commercial Street East-to apply at all times.
 

Prohibited area					NO STANDING
					from 9.00 pm to 8.00 am

4. The CEO be instructed to write to Aldi and Coles advising them of this resolution, and that the resolution comes into effect on the 1<sup>st</sup> December, 2019.

**CARRIED**

Cr Morello left the Chamber at 9.21 p.m.  
Cr Morello returned to the meeting at 9.25 p.m.

Cr Greco left the Chamber at 9.22 p.m.  
Cr Greco returned to the meeting 9.24 p.m.

## 23 MOTIONS WITH NOTICE

### 23.1 NOTICE OF MOTION - MFS EQUIPMENT

#### MOTION

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/58877 titled 'Notice of Motion - MFS Equipment' as presented on 19 November 2019 be noted.
2. That Council:
  - (a) Work with the Member for Mount Gambier, Troy Bell MP, to arrange meeting with the Minister and senior Emergency Services staff to secure new MFS appliances and related equipment with improved capacities and capabilities (including a pod truck and a 3000 litre urban interface pumper/rescue appliance or similar), which will improve the flexibility and range of services for the City of Mount Gambier; and
  - (b) Instruct the Chief Executive Officer arrange a delegation consisting of the CEO, the Mayor and Cr Jenner and request an urgent meeting with the Minister and Member for Mount Gambier, as a matter of urgency.
  - (c) All costs for travel to Adelaide for the meeting be met by council.

#### AMENDMENT

Moved: Mayor Lynette Martin

1. That Council Report No. AR19/58877 titled 'Notice of Motion - MFS Equipment' as presented on 19 November 2019 be noted.
2. That Council:
  - (a) Work with the Member for Mount Gambier, Troy Bell MP, to arrange meeting with the Minister and senior Emergency Services staff to secure new MFS appliances and related equipment with improved capacities and capabilities (including a pod truck and a 3000 litre urban interface pumper/rescue appliance or similar), which will improve the flexibility and range of services for the City of Mount Gambier; and
  - (b) Instruct the Chief Executive Officer arrange a delegation consisting of the CEO, the Mayor and Cr Jenner and request an meeting with the Minister and Member for Mount Gambier.
  - (c) That Council request Minister Wingard come to Mount Gambier to discuss the matter with Council and review the MFS Station and its equipment .

Amendment lapsed for want of a seconder

the original motion was put and

CARRIED

#### RESOLUTION 2019/315

Moved: Cr Paul Jenner

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/58877 titled 'Notice of Motion - MFS Equipment' as presented on 19 November 2019 be noted.
2. That Council:

- (a) Work with the Member for Mount Gambier, Troy Bell MP, to arrange meeting with the Minister and senior Emergency Services staff to secure new MFS appliances and related equipment with improved capacities and capabilities (including a pod truck and a 3000 litre urban interface pumper/rescue appliance or similar), which will improve the flexibility and range of services for the City of Mount Gambier; and
- (b) Instruct the Chief Executive Officer arrange a delegation consisting of the CEO, the Mayor and Cr Jenner and request an urgent meeting with the Minister and Member for Mount Gambier, as a matter of urgency.
- (c) All costs for travel to Adelaide for the meeting be met by council.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Ben Hood disclosed a material conflict of interest in Item 23.2:

*"Director – Stand Like Stone".*

In accordance with Section 74 of the Local Government Act 1999 Cr Hood did not participate in the meeting for Item 23.2.

Cr Hood left the meeting at 9.31 p.m.

### **23.2 NOTICE OF MOTION - 9 PENOLA ROAD - STAND LIKE STONE**

#### **RESOLUTION 2019/316**

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/61504 titled 'Notice of Motion - 9 Penola Road - Stand Like Stone ' as presented on 19 November 2019 be noted.
2. That the Chief Executive Officer be instructed to liaise with the Stand Like Stone Foundation to discuss if they are interested in occupying the building as per their "Expression of Interest" dated 13 January 2019 on the basis of a peppercorn lease for a period of five years with no right to renewal;
3. That the Chief Executive Officer write to the other six organisations who responded to the Expressions of Interest advising them of the offer to the Stand Like Stone Foundation;
4. That a lease to the Stand Like Stone Foundation include the following conditions:
  - a) Tenant to be fully responsible for the day to day operation and management of the building, including all building maintenance and upkeep;
  - b) Tenant responsibility for buildings and contents insurance and all outgoings, including any taxes, utilities or service costs incurred by Council;
  - c) The building management and use must accommodate other local community and / or Not For Profit organisations; and
  - d) Fees for other organisations to be nominal to cover administration for building management co-contribution towards taxes, utilities or service costs incurred.

**CARRIED**

Cr Amoroso left the meeting at 9.35 p.m.

Cr Hood returned to the meeting at 9.37 p.m.

Cr Amoroso returned to the meeting at 9.42 p.m.

**23.3 NOTICE OF MOTION - SIGNAGE STRATEGY EXPENDITURE****RESOLUTION 2019/317**

Moved: Cr Paul Jenner

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/61625 titled 'Notice of Motion - Signage Strategy Expenditure' as presented on 19 November 2019 be noted.
2. That:
  - (a) Council endorses the spending of up to \$100,000 - immediately for the most urgent and immediate works.
  - (b) Council instructs the CEO that the \$300,000 - budgeted for the signage strategy in the 2019/2020 Budget is for actual works not consultancy.
  - (c) If further Consultants are needed, the CEO is to prepare a report is to come to Council detailing what further Consultancy works is recommended and the costs.

**CARRIED**

**FORMAL MOTION****RESOLUTION 2019/318**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

Cr Steven Perryman moved Item 23.4 be deferred to the end of the meeting.

**CARRIED**

**24 URGENT MOTIONS WITHOUT NOTICE****24.1 ELECTED MEMBER TRAINING - MAYOR'S LEADERSHIP FORUM****RESOLUTION 2019/319**

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

Mayor Martin attend the Mayor's Leadership Forum on Wednesday, 4<sup>th</sup> of December at 4.00 p.m., with Council to cover the cost of attendance only which will be \$467.50.

**CARRIED**

Cr Amoroso left the Chamber at 9.59 p.m.

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss Item 25.1

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 10.01 p.m.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 10.02 p.m.

## **25 CONFIDENTIAL ITEMS OF COMMITTEES**

### **25.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 4 NOVEMBER 2019**

#### **MOTION**

#### **MOTION**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

That Item 25.2 be discussed in open session.

#### **TIED VOTE**

Mayor Martin exercised her right to a casting vote

**LOST**

Cr Amoroso returned the meeting at 10.07 p.m.

Cr Perryman made a personal statement – Cr Perryman was ambivalent as to whether this should be in confidence. Cr Perryman felt Cr Amoroso wanted to vote.

### **25.2 REVIEW OF COUNCIL KERBSIDE WASTE SERVICE – REPORT NO. AR19/48838**

#### **RESOLUTION 2019/320**

Moved: Cr Steven Perryman

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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR19/48838 Review of Council kerbside waste service.

The Council is satisfied that, pursuant to section 90(3) (b) 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.

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 To ensure that information that would prejudice the ability of the Council to make a future commercial decision is not released prematurely.

**CARRIED**

The meeting broke for recess at 10.20 p.m.

The meeting resumed at 10.33 p.m.

#### **RESOLUTION**

Moved: Cr Steven Perryman

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/48838 titled 'Review of Council kerbside waste service' as presented on 04 November 2019 be noted.
2. A Designated Informal Gathering be held to discuss waste management issues in the first quarter of 2020.

**CARRIED**

#### **RESOLUTION 2019/321**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

#### **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 costs contained in the report to Council having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until 30 June 2021 except the resolution which can be released at the end of the meeting.
2. Further that Council delegates the power to review, revoke, but not extension of 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 CONDITION AND USE OF THE PROPERTY – REPORT NO. AR19/56339**

**RESOLUTION 2019/322**

Moved: Cr Ben Hood  
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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR19/56339 Condition and use of the Property.

The Council is satisfied that, pursuant to section 90(3) (g), (h) and (i) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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
- legal advice
- 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

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 This matter may result in legal action before the Environment, Resources and Development Court.

**CARRIED**

**RESOLUTION 2019/323**

Moved: Cr Christian Greco  
Seconded: Cr Ben Hood

**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 7.2 AR19/56339 Condition and use of the Property 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) (g), (h) and (i) be kept confidential and not available for public inspection until At the satisfactory resolution of the matter.
2. Further that Council delegates the power to review, revoke, but not extension of 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****25.4 APPEAL TO THE ENVIRONMENT RESOURCES AND DEVELOPMENT COURT - DEVELOPMENT APPLICATION 381/053/2019 116 JUBILEE HIGHWAY WEST, MOUNT GAMBIER – REPORT NO. AR19/56264****RESOLUTION 2019/324**

Moved: Cr Christian Greco  
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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR19/56264 Appeal to the Environment Resources and Development Court - Development Application 381/053/2019 116 Jubilee Highway West, Mount Gambier.

The Council is satisfied that, pursuant to section 90(3) (i) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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

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 impending legal action.

**CARRIED****RESOLUTION 2019/325**

Moved: Cr Christian Greco  
Seconded: Cr Kate Amoroso

**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 7.3 AR19/56264 Appeal to the Environment Resources and Development Court - Development Application 381/053/2019 116 Jubilee Highway West, Mount Gambier 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) (i) be kept confidential and not available for public inspection until 20 October 2020.
2. Further that Council delegates the power to review, revoke, but not extension of 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**



**25.5 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 12 NOVEMBER 2019**

Cr Bruins left the Chamber at 11.13 p.m.

Cr Bruins returned to the Meeting at 11.16 p.m.

**25.6 SCOPE AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE COMMUNITY AND RECREATION HUB PROJECT. – REPORT NO. AR19/54112****RESOLUTION 2019/326**

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.6 AR19/54112 Scope and Specifications for the construction of the Community and Recreation Hub project.

The Council is satisfied that, pursuant to section 90(3) (b) and (k) 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.

- 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 This information provides the detail, which if released in advance, would adversely impact on the Council's ability manage the next stages in the tender process.

**CARRIED**

**RESOLUTION 2019/327**

Moved: Cr Christian Greco

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 7.1 AR19/54112 Scope and Specifications for the construction of the Community and Recreation Hub project. 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) and (k) be kept confidential and not available for public inspection until 2 December 2019.
2. Further that Council delegates the power to review, revoke, but not extension of 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****25.7 SUMMARY OF COSTING VARIATIONS – REPORT NO. AR19/56846****RESOLUTION 2019/328**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

**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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.7 AR19/56846 Summary of Costing Variations.

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 Confidential Item relating to tender.

**CARRIED****RESOLUTION 2019/329**

Moved: Cr Ben Hood

Seconded: Cr Christian Greco

#### **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 7.2 AR19/56846 Summary of Costing Variations 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 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

### **25.8 OPERATING MODEL SCENARIOS – REPORT NO. AR19/60159**

#### **RESOLUTION 2019/330**

Moved: Cr Christian Greco

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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.8 AR19/60159 Operating Model Scenarios.

The Council is satisfied that, pursuant to section 90(3) (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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

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.

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 has been supplied on a confidential basis by a third party.

**CARRIED**

#### **RESOLUTION 2019/331**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

**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 7.3 AR19/60159 Operating Model Scenarios 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) (d) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of 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****25.9 GOVERNANCE STRUCTURE AND FINANCIAL DELEGATIONS FOR THE COMMUNITY AND RECREATION HUB PROJECT – REPORT NO. AR19/54107****RESOLUTION 2019/332**

Moved: Cr Christian Greco

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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.9 AR19/54107 Governance Structure and Financial Delegations for the Community and Recreation Hub Project.

The Council is satisfied that, pursuant to section 90(3) (b) 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.

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 To ensure that the commercial position of the Council is not disadvantaged by third parties understanding the scale of financial delegations relating to this project.

**CARRIED**

**RESOLUTION 2019/333**

Moved: Cr Christian Greco

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 7.4 AR19/54107 Governance Structure and Financial Delegations for the Community and Recreation Hub Project 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) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of 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****25.10 UPDATE ON EXPRESSIONS OF INTEREST AND SELECT TENDER PROCESSES FOR THE CONSTRUCTION OF THE COMMUNITY AND RECREATION HUB – REPORT NO. AR19/54110****RESOLUTION 2019/334**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

**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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.10 AR19/54110 Update on Expressions of Interest and Select Tender processes for the construction of the Community and Recreation Hub.

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 information provided relates to an on-going two-stage procurement process, for which all who have participated to date are expected to continue their involvement.

**CARRIED**

**RESOLUTION 2019/335**

Moved: Cr Max Bruins  
 Seconded: Cr Kate Amoroso

**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 7.5 AR19/54110 Update on Expressions of Interest and Select Tender processes for the construction of the Community and Recreation Hub 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 On the completion of the contract.
2. Further that Council delegates the power to review, revoke, but not extension of 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**
**25.11 UPDATE ON THE COMMUNITY AND RECREATION HUB DEVELOPMENT  
 APPLICATION – REPORT NO. AR19/56713**
**RESOLUTION 2019/336**

Moved: Cr Kate Amoroso  
 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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.11 AR19/56713 Update on the Community and Recreation Hub Development Application.

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 Confidential Item relating to tender.

**CARRIED****RESOLUTION 2019/337**

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 7.6 AR19/56713 Update on the Community and Recreation Hub Development Application 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 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

## **25.12 PUBLIC WORKS COMMITTEE REPORT - STATE GOVERNMENT FUNDING FOR THE COMMUNITY AND RECREATION HUB – REPORT NO. AR19/56700**

### **RESOLUTION 2019/338**

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

#### **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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.12 AR19/56700 Public Works Committee Report - State Government Funding for the Community and Recreation Hub.

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 Information relating to confidential information.

**CARRIED**

### **RESOLUTION 2019/339**

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

#### **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 7.7 AR19/56700 Public Works Committee Report - State Government Funding for the Community and Recreation Hub 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 6 November 2020.

2. Further that Council delegates the power to review, revoke, but not extension of 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**

Cr Hood left the meeting at 11.51 p.m. and did not return.

## **26 NEW CONFIDENTIAL ITEMS**

Pursuant to Section 74 of the Local Government Act 1999, Cr Bruins disclosed a material conflict of interest in Item 26.1:

*"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 26.1.

Cr Bruins left the meeting at 11.51 p.m.

### **26.1 BLUE LAKE HOLIDAY PARK - PROPERTY MATTERS – REPORT NO. AR19/54537**

#### **RESOLUTION 2019/340**

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

#### **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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR19/54537 Blue Lake Holiday Park - Property Matters.

The Council is satisfied that, pursuant to section 90(3) (b) and (d) 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

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 relates to a proposal presented by a commercial tenant and discussion on including on potential commercial terms, the disclosure of which could give a commercial advantage to a 3rd party, prejudice the Council's position and reveal commercial in-confidence information regarding the tenants business activities.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 26.1:

*"I have a family member on the board of the QEPT".*

In accordance with Section 74 of the Local Government Act 1999 Cr Mayor Martin did not participate in the meeting for Item 26.1.

Mayor Martin left the meeting at 11.53 p.m.

#### **MOTION**

##### **RESOLUTION 2019/341**

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

That Cr Frank Morello be appointed Chair in Mayor Martin's absence.

**CARRIED**

##### **RESOLUTION 2019/342**

Moved: Cr Christian Greco

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 26.1 AR19/54537 Blue Lake Holiday Park - Property Matters 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) and (d) be kept confidential and not available for public inspection until 12 months have elapsed, or 12 months after an agreement has been entered into with the proponent, whichever is the later.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

Cr Bruins resumed the meeting at 11.55 p.m.

Mayor Martin resumed the meeting and took the chair at 11.55 p.m.

**26.2 BLUE LAKE GOLF COURSE - KPI REPORT SEPTEMBER QUARTER 2019 –  
REPORT NO. AR19/50348****RESOLUTION 2019/343**

Moved: Cr Christian Greco

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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR19/50348 Blue Lake Golf Course - KPI Report September Quarter 2019.

The Council is satisfied that, pursuant to section 90(3) (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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

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 provided for consideration has been stated as containing commercial information on the operations of the Blue Lake Golf Course the disclosure of which could prejudice the commercial position of the Golf Club and/or confer a commercial advantage on other third party competitors.

The success of the Blue Lake Golf Club public golf club operations being in the interests of the City and community of Mount Gambier it is considered that, on balance, the potential implications associated with disclosing this information would be contrary to the public interest.

**CARRIED****RESOLUTION 2019/344**

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

**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 AR19/50348 Blue Lake Golf Course - KPI Report September Quarter 2019 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) (d) be kept confidential and not available for public inspection until 12 months have

elapsed or the Blue Lake Golf Clubs lease and operations of the Blue Lake Golf Course have ceased, whichever is the earlier.

2. Further that Council delegates the power to review, revoke, but not extension of 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**

Pursuant to Section 74 of the Local Government Act 1999, Cr Morello disclosed a material conflict of interest in Item 26.3:

*"The proponent referred to in the report is a relative".*

In accordance with Section 74 of the Local Government Act 1999 Cr Morello did not participate in the meeting for Item 26.3.

Cr Morello left the meeting at 11.58 p.m.

### **26.3 BOOKMARK CAFE - EXPRESSIONS OF INTEREST AND REQUEST – REPORT NO. AR19/58946**

#### **RESOLUTION 2019/345**

Moved: Cr Kate Amoroso

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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, A Watson, T Tzioutziouklaris and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR19/58946 Bookmark Cafe - Expressions of Interest and Request.

The Council is satisfied that, pursuant to section 90(3) (b) and (d) 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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the report relates to the consideration of business operations and negotiations for the operation of the Library Cafe including a potential business model that has been presented confidentially to Council as well as a financial request from the current operator, all of which if considered in open could prejudice the position of Council

and could benefit and/or detrimental to 3rd parties with whom Council is proposing to do business and potential market competitors.

**CARRIED**

**RESOLUTION 2019/346**

Moved: Cr Christian Greco

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 26.3 AR19/58946 Bookmark Cafe - Expressions of Interest and Request 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) and (d) be kept confidential and not available for public inspection until Council has entered into a formal arrangements with regard to the subject matter and the Chief Executive has determined to publicly release details of such arrangements in anticipation of a proposed commencement date. All other details to be retained in-confidence until a period of 12 months has elapsed from the date of this report or any subsequent agreements arising from the subject matter, whichever is the later.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

Cr Morello returned to the Chamber at 12.07 a.m.

**23.4 NOTICE OF MOTION - CEO PERFORMANCE REVIEW COMMITTEE**

**MOTION**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/61631 titled 'Notice of Motion - CEO Performance Review Committee' as presented on 19 November 2019 be noted.
2. That a Special Meeting of Council be held 6:30pm Thursday 21st November 2019.

**23.4 CONSIDERATION FOR EXCLUSION OF PUBLIC**

**RESOLUTION 2019/347**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

Cr Steven Perryman moved

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor L Martin, Councillors – F Morello, S Perryman, P Jenner, C Greco, M Bruins and F Morello ) be excluded from the meeting in order for the Agenda Item Notice of Motion – CEO Performance Review Committee.

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

The tenders being considered contain pricing information and other competitive service information, the release of which would prejudice the position of the provider(s) and Council in negotiation and use of the services.

Item No.	Subject Matter	S90(3) Grounds
23.4	Notice of Motion – CEO Performance Review Committee	(a)

**CARRIED**

All Staff left the meeting at 12.16 a.m.

#### **23.4 MOTION TO GO BACK INTO OPEN SESSION**

##### **RESOLUTION 2019/348**

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

Cr Steven Perryman moved that Council go back into open session.

**CARRIED**

#### **27 MEETING CLOSE**

The Meeting closed at 12.31 a.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 December 2019.

.....  
**PRESIDING MEMBER**

**MINUTES OF CITY OF MOUNT GAMBIER  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON THURSDAY, 21 NOVEMBER 2019 AT 6.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

**OFFICERS**

**IN ATTENDANCE:** Mr A Meddle

**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 2019/385**

Moved: Cr Kate Amoroso

Seconded: Cr Christian Greco

That the apology from Cr Max Bruins be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to allow questions directed to the Chief Executive Officer, Mr Andrew Meddle.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6.32 p.m.

**4 QUESTIONS TO THE CEO**

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end, the CEO left the meeting and Meeting Procedures resumed at 7.55 p.m.

## 5 NEW CONFIDENTIAL ITEMS

### 5.1 CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD – REPORT NO. AR19/59690

#### RESOLUTION 2019/386

Moved: Cr Christian Greco

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 Mayor L Martin, Councillors S Meziniec, K Amoroso, C Greco, B Hood, P Jenner, F Morello and S Perryman be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.1 AR19/59690 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 This report deals with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

#### RESOLUTION 2019/387

Moved: Cr Ben Hood

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 AR19/59690 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 one year after the completion of the Chief Executive Officer's employment.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

## 6 MEETING CLOSE

**The Meeting closed at 8.55 p.m.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 17 December 2019.**

.....  
**PRESIDING MEMBER**

**MINUTES OF CITY OF MOUNT GAMBIER  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 3 DECEMBER 2019 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

**COUNCIL OFFICERS:** Mr M McCarthy

**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**

Nil

**4 NEW CONFIDENTIAL ITEMS**

**4.1 NOTICE OF RESCISSION/AMENDMENT - CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD – REPORT NO. AR19/64660**

**RESOLUTION 2019/352**

Moved: Cr Frank Morello  
Seconded: Cr Kate Amoroso

**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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR19/64660 Notice of Rescission/Amendment - 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 this subject matter of the item deals

with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss item 4.1

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 5:40 p.m.

A 25 minute recess was held from 5:50 p.m. until 6:17 p.m.

Cr Jenner left the meeting at 5:50 p.m. and did not return.

The meeting was relocated from the Council Chamber to the level 4 Committee Room,

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 6:34 p.m.

**RESOLUTION 2019/353**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

**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 4.1 AR19/64660 Notice of Rescission/Amendment - 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 4 December 2020.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

**4.2 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICERS PROBATIONARY PERIOD - REPORT NO. AR19/64665**

**RESOLUTION 2019/354**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR19/64665 Notice of Motion - Chief Executive Officers 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 subject matter of the item deals with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

#### **RESOLUTION 2019/355**

Moved: Cr Christian Greco

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 4.2 AR19/64665 Notice of Motion - Chief Executive Officers 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 4 December 2020.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

#### **4.3 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – REPORT NO. AR19/64920**

#### **RESOLUTION 2019/356**

Moved: Cr Christian Greco

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 Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.3 AR19/64920 Notice of Motion - Chief Executive Officer Performance Review Committee.

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 subject matter of the item deals with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

Moved: Cr Sonya Mezinac

Seconded: Cr Frank Morello

1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.
2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising all 9 Elected Members.
3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:
  - (a) Review Committee Terms of Reference;
  - (b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;
  - (c) Distribution and review of templates used for previous Chief Executive Officer reviews.

## **AMENDMENT**

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.
2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising the Mayor, Deputy Mayor and Presiding Members of the Economic and Environment and People and Place Committees.
3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:
  - (a) Review Committee Terms of Reference;
  - (b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;
  - (c) Distribution and review of templates used for previous Chief Executive Officer reviews.

The Amendment became the Motion, and as the Motion was put and

**CARRIED**

#### 4.3 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - REPORT NO. AR19/64920

##### RESOLUTION 2019/357

Moved: Cr Ben Hood  
 Seconded: Cr Max Bruins

1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.
2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising the Mayor, Deputy Mayor and Presiding Members of the Economic and Environment and People and Place Committees.
3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:
  - (a) Review Committee Terms of Reference;
  - (b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;
  - (c) Distribution and review of templates used for previous Chief Executive Officer reviews.

**CARRIED**

##### 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 4.3 AR19/64920 Notice of Motion - Chief Executive Officer Performance Review Committee 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 4 December 2020.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Order lapsed for want of a mover.

#### 5 MEETING CLOSE

The Meeting closed at 6:47 p.m.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 17 December 2019.

.....  
**PRESIDING MEMBER**

**MINUTES OF CITY OF MOUNT GAMBIER  
PEOPLE AND PLACE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON MONDAY, 2 DECEMBER 2019 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Sonya Meziniec, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Acting General Manager Council Business Services	- Mr J Zwijnenburg
	Executive Administration Officer	- Ms F McGregor
	Executive Administration Officer	- Ms E Solly

**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 APOLOGY(IES)**

Nil

**3 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

That the minutes of the People and Place Committee meeting held on 8 October 2019 be confirmed as an accurate record of the proceedings of the meeting.

That the minutes of the Confidential People and Place Committee meeting held on 8 October 2019 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

**4 QUESTIONS WITHOUT NOTICE**

Nil

**5        REPORTS**

The Presiding Member allowed item 5.3 to be moved on the agenda before item 5.1 following a presentation from Heath Mitchell relating to this item.

### 5.3 BLUE LAKE SPORTS PARK

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/62088 titled 'Blue Lake Sports Park' as presented on 02 December 2019 be noted.
2. That Council note the formation of the Blue Lake Sports Park Advisory Group (BLSPAG), together with its membership, Terms of Reference and aspirations.
3. That Council appoint the following as its member and proxy to support the work of this Group
  - (a) Member – Cr Greco
  - (b) Proxy – Cr Perryman and Cr Amoroso

### AMENDMENT

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR19/62088 titled 'Blue Lake Sports Park' as presented on 02 December 2019 be noted.
2. That Council note the formation of the Blue Lake Sports Park Advisory Group (BLSPAG), together with its membership, Terms of Reference and aspirations.
3. That Council appoint the following as its member and proxy to support the work of this Group
  - (a) Member – Cr Greco
  - (b) Proxy – Cr Perryman and Cr Amoroso
4. Amount of \$50,000 be referred to the 2020/21 budget for consideration. The Blue Lake Sports Park Advisory Group be advised of same, noting that this amount is not an actual allocation but a referral to be considered as part of Council's normal budgetary processes.

The Amendment became the Motion and as the Motion was put and

**CARRIED**

### COMMITTEE RESOLUTION

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR19/62088 titled 'Blue Lake Sports Park' as presented on 02 December 2019 be noted.
2. That Council note the formation of the Blue Lake Sports Park Advisory Group (BLSPAG), together with its membership, Terms of Reference and aspirations.
3. That Council appoint the following as its member and proxy to support the work of this Group
  - (a) Member – Cr Greco
  - (b) Proxy – Cr Perryman and Cr Amoroso
4. Amount of \$50,000 be referred to the 2020/21 budget for consideration. The Blue Lake Sports Park Advisory Group be advised of same, noting that this amount is not an actual allocation but a referral to be considered as part of Council's normal budgetary processes.

**CARRIED**

## 5.1 SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM 2019/2020 – APPLICATIONS

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

- That People and Place Committee Report No. AR19/60773 titled 'Sport and Recreation Major Capital Works Program 2019/2020 - Applications' as presented on 02 December 2019 be noted.
- That \$70,000 be endorsed for distribution for the 2019/2020 Sport and Recreation Major Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
East Gambier Cricket Club	5	\$ 11,000.00	\$ 10,500.00
Blue Lake Golf Club	4	\$ 48,690.00	\$ 10,500.00
South Gambier Football Club	6	\$ 27,800.00	\$ 6,000.00
West Gambier Football Club	8	\$ 13,102.50	\$ 6,000.00
Mount Gambier Cycling Club*	3	\$ 1,061.07	\$ 1,000.00
North Gambier Football / Netball Club	7	\$ 32,000.00	\$ 6,000.00
West Gambier Netball Club	1	\$ 32,958.50	\$ 15,000.00
Mount Gambier Netball Association	2	\$ 34,761.00	\$ 15,000.00
Mount Gambier Croquet Club**	9	\$ 25,000.00	-
		\$ 226,112.00	\$ 70,000.00

\*Contribution supports compliance with Building Fire Safety Regulations    \*\* Ineligible Application

- 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

Seconded: Cr Kate Amoroso

- That People and Place Committee Report No. AR19/60773 titled 'Sport and Recreation Major Capital Works Program 2019/2020 - Applications' as presented on 02 December 2019 be noted.
- That \$100,000 be endorsed for distribution for the 2019/2020 Sport and Recreation Major Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
East Gambier Cricket Club	5	\$ 11,000.00	\$ 10,500.00
Blue Lake Golf Club	4	\$ 48,690.00	\$ 10,500.00
South Gambier Football Club	6	\$ 27,800.00	\$ 6,000.00
West Gambier Football Club	8	\$ 13,102.50	\$ 6,000.00
Mount Gambier Cycling Club*	3	\$ 1,061.07	\$ 1,000.00
North Gambier Football / Netball Club	7	\$ 32,000.00	\$ 6,000.00

West Gambier Netball Club	1	\$ 32,958.50	\$ 15,000.00
Mount Gambier Netball Association	2	\$ 34,761.00	\$ 15,000.00
Mount Gambier Croquet Club**	9	\$ 25,000.00	-
		\$ 226,112.00	\$ 70,000.00

\*Contribution supports compliance with Building Fire Safety Regulations      \*\* Ineligible Application

**Final column to be adjusted to reflect the change to \$100,000.**

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.

The Amendment became the Motion and as the Motion was put and

**CARRIED**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Jenner  
 Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR19/60773 titled 'Sport and Recreation Major Capital Works Program 2019/2020 - Applications' as presented on 02 December 2019 be noted.
2. That \$100,000 be endorsed for distribution for the 2019/2020 Sport and Recreation Major Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
East Gambier Cricket Club	5	\$ 11,000.00	\$ 10,500.00
Blue Lake Golf Club	4	\$ 48,690.00	\$ 10,500.00
South Gambier Football Club	6	\$ 27,800.00	\$ 6,000.00
West Gambier Football Club	8	\$ 13,102.50	\$ 6,000.00
Mount Gambier Cycling Club*	3	\$ 1,061.07	\$ 1,000.00
North Gambier Football / Netball Club	7	\$ 32,000.00	\$ 6,000.00
West Gambier Netball Club	1	\$ 32,958.50	\$ 15,000.00
Mount Gambier Netball Association	2	\$ 34,761.00	\$ 15,000.00
Mount Gambier Croquet Club**	9	\$ 25,000.00	-
		\$ 226,112.00	\$ 70,000.00

\*Contribution supports compliance with Building Fire Safety Regulations      \*\* Ineligible Application

**Final column to be adjusted to reflect the change to \$100,000.**

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**

## 5.2 LOCAL HERITAGE RESTORATION FUND 2019/2020 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS

**COMMITTEE RESOLUTION**

Moved: Cr Paul Jenner  
 Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR19/61062 titled 'Local Heritage Restoration Fund 2019/2020 - Consideration of applications and distribution of funds' as presented on 02 December 2019 be noted.
2. That the Heritage Restoration Fund Grants for 2019/2020 be endorsed and funds distributed as noted in number 2 in the agenda.

**CARRIED**

Cr Greco left the meeting at 6.15 p.m.

Cr Greco returned to the meeting at 6.18 p.m.

#### **5.4 MOUNT GAMBIER OUT OF SCHOOL HOURS CARE FUNDING FOR A PLAY STRUCTURE IN THE RAILWAY LANDS**

##### **COMMITTEE RESOLUTION**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/62091 titled 'Mount Gambier Out of School Hours Care funding for a Play Structure in the Railway Lands' as presented on 02 December 2019 be noted.
2. That Council accept the offer from Mount Gambier Out of School Hours Care of approximately \$150,000 towards a play structure to be delivered in the Railway Lands.
3. That the Council appropriately commemorate the contribution made by Mount Gambier Out of School Hours Care to the project.
4. That the Chief Executive Officer advise Mount Gambier Out of School Hours Care of Council's decision, and express Council's deep appreciation for its very generous gift to the residents of Mount Gambier.

**CARRIED**

#### **5.5 REQUEST FOR FINANCIAL SUPPORT FOR THE ANGLICAN PASTORAL DISTRICT OF MOUNT GAMBIER RELATING TO THE PARISH CHURCH BELL TOWER**

##### **COMMITTEE RESOLUTION**

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinac

1. That People and Place Committee Report No. AR19/62164 titled 'Request for Financial Support for the Anglican Pastoral District of Mount Gambier relating to the Parish Church Bell Tower' as presented on 02 December 2019 be noted.
2. That Council contribute 50% of the costs of repairs to the bell tower at the Mount Gambier Parish Church, up to a maximum contribution by Council of \$8,000.
3. That the Anglican Pastoral District Council of Mount Gambier provide an acquittal for the works demonstrating the total cost of repairs to the bell tower, within three months of completion of the same.

**CARRIED**

#### **5.6 VALLEY LAKE CONSERVATION AREA SUPPORT**

##### **COMMITTEE RESOLUTION**

Moved: Mayor Lynette Martin

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/62286 titled 'Valley Lake Conservation Area Support' as presented on 02 December 2019 be noted.

2. That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA) and that this be considered as part of the Annual Business Plan and Budget setting process;
3. That Council allocate a further \$5,000 per year in the current year for project work at the VLCA and where the project work can vary from year to year;
4. That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties, but at no material cost to Cleland;
5. That Council consider a special one off allocation that would enable a study of the form and content of:
  - An educational/schools resource kit on the opportunities to learn about the Park
  - The use of mobile phone technology to enable visitors to understand as they explore the Park
  - Naming plates at specific plants featured in the Park
 and that this be considered as part of the Annual Business Plan and Budget setting process;
6. That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper through inclusion in the Council's Strategic Plan Review.
7. That Council express its deep gratitude to the volunteers of the Valley Lake Conservation Area Support Group for their contribution and maintenance to the area.

**CARRIED**

#### 5.7 STREET NAMING - PROMINENT WOMEN AND MIGRANTS

##### **COMMITTEE RESOLUTION**

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR19/63081 titled 'Street Naming - Prominent Women and Migrants' as presented on 02 December 2019 be noted.
2. That Council endorse that in situations where new street names require consideration Councils Policy - S135 - Streets - Naming is to be used to provide guidance on the selection of street names.
3. That Council note the list of names for migrants of Mount Gambier and prominent women of Mount Gambier be noted.

**CARRIED**

#### 5.8 WINTV UPDATE

##### **COMMITTEE RESOLUTION**

Moved: Cr Frank Morello

Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR19/63609 titled 'WINTV Update' as presented on 02 December 2019 be noted.
2. That Council grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.

3. The Chief Executive Officer be authorised to negotiate, have prepared, and to affix the Council Seal to any documents necessary to give effect to the right of way referred to in 2 above.
4. The cost of the right of way to be valued at \$8,500 and transactional and legal costs required to give effect to 2 and 3 above be at no cost to Council.
5. That negotiations continue in good faith with WINTV to secure a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically).

**CARRIED**

## **5.9 REQUEST TO INSTALL MEMORIAL SEAT AND PLAQUE AT "ARCHERY PARK"**

### **COMMITTEE RESOLUTION**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/64352 titled 'Request to install memorial seat and plaque at "Archery Park"' as presented on 02 December 2019 be noted.
2. That Council;
  - (a) approve the installation of a memorial seat and plaque at "Archery Park" with the cost of the seat and installation being met by Council and the cost of the memorial plaque to be met by Ms Vicki Maney.
3. Council may at its discretion remove or relocate the seat and plaque.

**CARRIED**

## **6 MOTIONS WITH NOTICE**

### **6.1 NOTICE OF MOTION - WRAPPING OF FLEET VEHICLES**

#### **COMMITTEE RESOLUTION**

Moved: Cr Steven Perryman

Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR19/62587 titled 'Notice of Motion - Wrapping of Fleet Vehicles' as presented on 02 December 2019 be noted.
2. Council endorse the 'wrapping' all fleet vehicles as they are replaced.
3. Costs to be incorporated into budget estimates for vehicles from the 2020/2021 year.
4. A further 2 designs be developed, in addition to the existing 2 developed for the mobile tourism vehicles, along the same theme of activities to do in Mount Gambier.

**CARRIED**

## **7 URGENT MOTIONS WITHOUT NOTICE**

Nil

## 8 CONFIDENTIAL ITEMS

### 8.1 CONDITION OF THE PROPERTY – REPORT NO. AR19/62472

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello  
Seconded: Cr Christian Greco

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Mayor L Martin, Councillors F Morello, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Meziniec and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, F McGregor and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 8.1 AR19/62472 Condition of the property.

The People and Place Committee is satisfied that, pursuant to section 90(3) (g), (h) and (i) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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
- legal advice
- 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

The People and Place Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because This reports is the commencement of legal action pursuant to the Local Nuisance and Litter Control Act 2016.

**CARRIED**

#### COMMITTEE RESOLUTION

Moved: Cr Christian Greco  
Seconded: Cr Max Bruins

#### 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 8.1 AR19/62472 Condition of the property 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) (g), (h) and (i) be kept confidential

and not available for public inspection until This should be reviewed at the completion of action before the Environment, Resources and Development Court.

2. Further that Council delegates the power to review, revoke, but not extension of 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**

## **9 MEETING CLOSE**

**The Meeting closed at 6.46 p.m.**

**The minutes of this meeting were confirmed at the People and Place Committee held on 3 February 2020.**

.....  
**PRESIDING MEMBER**

**16.2 SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM 2019/2020 - APPLICATIONS – REPORT NO. AR19/60773**

**Committee:** People and Place Committee  
**Meeting Date:** 2 December 2019  
**Report No.:** AR19/60773  
**CM9 Reference:** AF19/326  
**Author:** Ashlee Lavia, Executive Administration Officer  
**Authoriser:** Barbara Cernovskis, General Manager Community Wellbeing  
**Summary:** The enclosed applications have been received, to seek Council endorsement for the distribution of funds for the 2019/2020 Sport and Recreation Major Capital Works Program 2019/2020.  
**Community Plan Reference:** Goal 1: Our People  
Goal 3: Our Diverse Economy

**REPORT RECOMMENDATION**

- That People and Place Committee Report No. AR19/60773 titled 'Sport and Recreation Major Capital Works Program 2019/2020 - Applications' as presented on 02 December 2019 be noted.
- That \$70,000 be endorsed for distribution for the 2019/2020 Sport and Recreation Major Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
East Gambier Cricket Club	5	\$ 11,000.00	\$ 10,500.00
Blue Lake Golf Club	4	\$ 48,690.00	\$ 10,500.00
South Gambier Football Club	6	\$ 27,800.00	\$ 6,000.00
West Gambier Football Club	8	\$ 13,102.50	\$ 6,000.00
Mount Gambier Cycling Club*	3	\$ 1,061.07	\$ 1,000.00
North Gambier Football / Netball Club	7	\$ 32,000.00	\$ 6,000.00
West Gambier Netball Club	1	\$ 32,958.50	\$ 15,000.00
Mount Gambier Netball Association	2	\$ 34,761.00	\$ 15,000.00
Mount Gambier Croquet Club**	9	\$ 25,000.00	-
		\$ 226,112.00	\$ 70,000.00

\* Contribution supports compliance with Building Fire Safety Regulations

\*\* Ineligible Application

- 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.

**BACKGROUND**


Council resolved to provide an allocation in the annual budget for ongoing support for a Sport and Recreation Major Capital Works Program and to publically call for applications. The 2019/2020 Budget provides an amount of \$70,000 for this Program.

The Sport and Recreation Major Capital Works Program was publicly advertised during October and November 2019 and at close of business 15 November 2019 the following applications were received:

#### Applications Received – Overview

1. East Gambier Cricket Club
 

Project Title:	Scott Park Canteen Shelter
Total Project Cost:	\$ 17,000.00
Contribution Requested:	\$ 11,000.00 (65% of project)
  
2. Blue Lake Golf Club Inc
 

Project Title:	Redevelopment of existing driving range
Total Project Cost:	\$ 88,590.00
Contribution Requested:	\$ 48,690.00 (55% of project)
  
3. South Gambier Football Club Inc
 

Project Title:	Relocate and Modernise Umpires Change Room
Total Project Cost:	\$ 44,300.00
Contribution Requested:	\$ 27,800.00 (63% of project)
  
4. West Gambier Football Club Inc
 

Project Title:	Building Fire Safety Upgrades
Total Project Cost:	\$ 17,272.50
Contribution Requested:	\$ 13,102.50 (75% of project)
  
5. Mount Gambier Cycling Club Inc
 

Project Title:	Building Fire Safety Upgrades
Total Project Cost:	\$ 1,561.07
Contribution Requested:	\$ 1,061.07 (68% of project)
  
6. North Gambier Football / Netball Club
 

Project Title:	Netball Changeroom Facility
Total Project Cost:	\$ 324,500.00
Contribution Requested:	\$ 32,000.00 (10% of project)
  
7. West Gambier Netball Club
 

Project Title:	Court Redevelopment - Stage 1
Total Project Cost:	\$ 44,368.50
Contribution Requested:	\$ 32,958.50 (74% of project)
  
8. Mount Gambier Netball Association
 

Project Title:	Installations of new LED light fittings
Total Project Cost:	\$ 44,761.00
Contribution Requested:	\$ 34,761.00 (74% of project)
  
9. Mount Gambier Croquet Club Inc
 

Project Title:	Repair / Replace Retaining Fence
Total Project Cost:	\$ 25,000.00
Contribution Requested:	\$ 25,000.00 (100% of project)



## DISCUSSION

The criteria developed for the Program Guidelines includes the following (in brief);

- as a general rule, a minimum total project cost of \$10,000
- preference to high incidence of self help
- preference to matching funds or significant in-kind contribution by the applicant (minimum 25% of total project costs)
- priority for capital renewal or upgrade of existing assets rather than enhancement/additions or new assets
- for projects aimed at increasing community usage of sport and recreation facilities
- not for operating costs, the purchase of land or repayment of loans
- not for projects already commenced or completed
- not for projects submitted by individuals
- projects completed and claims for payment to be submitted by 14 June 2019 to enable the release of funds before the end of financial year.

A copy of the guidelines (Attachment 1) and application form (Attachment 2) developed for the 2019/2020 Program are provided for further information.

### Section 1: Membership Details

		Junior		Senior		Total		Grand Total
		M	F	M	F	M	F	
1	East Gambier Cricket Club	30	3	36	0	66	3	<b>69</b>
2	Blue Lake Golf Club	7	1	183	37	190	38	<b>228</b>
3	South Gambier Football Club	250	10	50	30	300	40	<b>340</b>
4	West Gambier Football Club	110	90	260	200	370	290	<b>660</b>
5	Mount Gambier Cycling Club	8	10	40	5	48	15	<b>63</b>
6	North Gambier Football / Netball Club	150	80	60	70	210	150	<b>360</b>
7	West Gambier Netball Club	0	50	0	22	0	72	<b>72</b>
	(Multi-purpose courts including Tennis)	19	32	10	13	29	45	<b>74</b>
8	Mount Gambier Netball Association	5	363	0	260	5	623	<b>628</b>
9	Mount Gambier Croquet Club	0	0	4	16	4	16	<b>20</b>



## Section 2: The Project ✓

	Community Benefit	High	Average	Low
1	East Gambier Cricket Club		✓	
2	Blue Lake Golf Club		✓	
3	South Gambier Football Club		✓	
4	West Gambier Football Club	✓		
5	Mount Gambier Cycling Club	✓		
6	North Gambier Football / Netball Club		✓	
7	West Gambier Netball Club		✓	
8	Mount Gambier Netball Association	✓		
9	Mount Gambier Croquet Club		✓	

## Location

1	East Gambier Cricket Club	McDonald Park Sporting Complex (Council owned)
2	Blue Lake Golf Club	Corner Orchard Road & Grant Avenue (Council owned)
3	South Gambier Football Club	Blue Lake Sports Park (Council owned)
4	West Gambier Football Club	Malseed Park (Council owned)
5	Mount Gambier Cycling Club	Blue Lake Sports Park (Council owned)
6	North Gambier Football / Netball Club	Vansittart Park (Council owned)
7	West Gambier Netball Club	Malseed Park (Council owned)
8	Mount Gambier Netball Association	Olympic Park (Council owned)
9	Mount Gambier Croquet Club	Malseed Park (Council owned)



## Section 3: Project Funding

	Funding Breakdown	Cash	In Kind	Voluntary	Grant Funding	Grant Requested	Total
1	East Gambier Cricket Club	\$ 2,000.00	-	\$ 2,000.00	\$ 2,000.00	\$ 11,000.00	<b>\$ 17,000.00</b>
2	Blue Lake Golf Club	\$ 2,500.00	\$ 2,500.00	\$ 34,900.00	-	\$ 48,690.00	<b>\$ 88,590.00</b>
3	South Gambier Football Club	\$ 10,000.00	-	\$ 6,500.00	-	\$ 27,800.00	<b>\$ 44,300.00</b>
4	West Gambier Football Club	\$ 1,500.00	\$1,470.00	\$1,200.00	-	\$13,102.50	<b>\$ 17,272.50</b>
5	Mount Gambier Cycling Club	\$ 260.00	-	\$ 240.00	-	\$ 1061.07	<b>\$ 1,561.07</b>
6	North Gambier Football / Netball Club	\$ 20,000.00	\$40,000.00	\$19,500.00	\$ 213,000.00	\$ 32,000.00	<b>\$ 324,500.00</b>
7	West Gambier Netball Club	\$ 10,000.00	-	\$ 1,410.00	-	\$ 32,958.50	<b>\$ 44,368.50</b>
8	Mount Gambier Netball Association	\$ 12,000.00	-	-	-	\$ 34,761.00	<b>\$ 46,761.00</b>
9	Mount Gambier Croquet Club	-	-	-	-	\$ 25,000.00	<b>\$ 25,000.00</b>

	Funding Breakdown	Cash	In Kind	Voluntary	Grant Funding	Total
1	East Gambier Cricket Club	12 %	-	12 %	12 %	<b>36 %</b>
2	Blue Lake Golf Club	3 %	3 %	39 %	-	<b>45 %</b>
3	South Gambier Football Club	22 %	-	15 %	-	<b>37 %</b>
4	West Gambier Football Club	9 %	9 %	7%	-	<b>25 %</b>
5	Mount Gambier Cycling Club	17 %	-	15 %	-	<b>32 %</b>
6	North Gambier Football / Netball Club	6 %	12 %	6 %	66 %	<b>90 %</b>
7	West Gambier Netball Club	23 %	-	3 %	-	<b>26 %</b>
8	Mount Gambier Netball Association	26 %	-	-	-	<b>26 %</b>
9	Mount Gambier Croquet Club	-	-	-	-	<b>0 %</b>



		Star Club Rating	Financial Statements	Current Bank Statements	Quotations Received	Financial Capacity (to proceed with reduced funding)
1	East Gambier Cricket Club	3	✓	✓	✓	No
2	Blue Lake Golf Club	3	✓	✓	✓	Yes
3	South Gambier Football Club	5	✓	✓	✓	Yes
4	West Gambier Football Club	1	✓	✓	-	No
5	Mount Gambier Cycling Club	3	✓	✓	✓	Yes
6	North Gambier Football / Netball Club	2	✓	✓	-	Yes
7	West Gambier Netball Club	5	✓	✓	✓	Yes
8	Mount Gambier Netball Association	4	✓	✓	✓	Yes
9	Mount Gambier Croquet Club	1	-	-	-	No

Section 4: Selection Rationale

The following application assessment rationale has been developed (based on the program guidelines) which in turn has influenced the recommended grant allocations.

ASSESSMENT RATIONALE LEGEND								
Rating Legend	High 3	Renew of Existing 3	50% + 3	Yes 1	Provided 1	Provided 1	None Previously 3	Rating 5 4
	Average 2	Enhance/Add to Existing 2	26-50% 2	No 0	Not Provided 0	Not Provided 0	Moderate previously 2	Rating 4 3
	Low 1	New 1	25% 1				Significant previously 1	Rating 3 2
								Rating 2 1



ASSESSMENT									
	Community Benefit	Infrastructure Assessment	Contribution of Club/ Other Contributions		Guidelines Compliance				Score
Application		Infrastructure Priority	% Club Contribution	Other Contributions	Financial/Bank Statements	Quotations Provided	Previous / Level of Grants	Star Club Rating	
East Gambier Cricket Club	2	2	2	1	1	1	3	2	14
Blue Lake Golf Club	2	3	2	0	1	1	3	2	14
South Gambier Football Club	2	2	2	0	1	1	1	4	13
West Gambier Football Club	3	3	1	0	1	0	1	0	9
Mount Gambier Cycling Club	3	3	2	0	1	1	3	2	15
North Gambier Football / Netball Club	2	1	3	1	1	0	1	1	10
West Gambier Netball Club	2	3	2	0	1	1	3	4	16
Mount Gambier Netball Association	3	3	2	0	1	1	2	3	15
Mount Gambier Croquet Club	2	3	0	0	0	0	2	0	7

## CONCLUSION

A copy of the list of previous recipients of the funding has been attached (Attachment 3) to this report for Elected Members information.

## ATTACHMENTS

1. Sport and Recreation Major Capital Works Program 2019/2020 - Guidelines [↓](#)
2. Sport and Recreation Major Capital Works Program 2019/2020 - Application Form [↓](#)
3. Sport and Recreation Major Capital Works Program - Projects Previously Funded [↓](#)





## **SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM 2019/2020 GUIDELINES**

The aim of the City of Mount Gambier Sport and Recreation Major Capital Works Program is to foster and assist in the development and/or capital renewal of Sport and Recreation infrastructure, within the City.

For the 2019/2020 year, Council will again make available significant funds for allocation to eligible Sport and Recreation groups and organisations.

Applications for funding under the Sport and Recreation Major Capital Works Program, as a general rule, should be for projects with a minimum total project cost of \$10,000. An allocation of \$70,000 has been made in Council's 2019/2020 budget for distribution in this annual program.

As a general rule, preference will be given to applications which can demonstrate a high incidence of self help as evidenced by matching funds or significant in kind contributions by the organisation, towards the project evidenced by bank statements or written commitment from funding partner/s.

The applicant's contributions for this purpose may include cash from the organisation's own resources, grants or funds from sponsors or other sources or in kind support in the form of labour or services. If the applicant's contribution includes a grant from another source, the applicant must provide evidence that the grant has been awarded or confirmed with an application under this program.

The Applicants 'Self Help' contribution, as defined, must equate to a minimum contribution of at least 25% of the total project costs.

The following guidelines are provided to assist in the preparation of applications.

### **What Types of Projects are eligible for Program Funding?**

The types of projects which would be considered appropriate for Sport and Recreation Major Capital Works Program funding include:

- Capital renewal of existing asset infrastructure e.g. replace lighting, pitches, upgrade courts, capital repair of buildings, grounds etc.
- Capital upgrades to enhance existing asset infrastructure e.g. building extensions, rebuild structures, upgrade lighting, additional new facilities etc.
- New capital assets - to build/develop assets not previously provided e.g. new clubrooms, toilets, lighting, change rooms etc.
- Projects which are aimed at increasing the community usage of specific sport or recreation facilities.

In respect of projects involving buildings or infrastructure, preference will be given to applications which aim to renovate, overhaul or repair existing buildings or facilities, rather than the construction of new or additional facilities.

### **What is not eligible for Program Funding?**

Grants will not be awarded to fund:

- Routine or ongoing operating costs (staff wages, rent, electricity, water, insurance etc), the purchase of land or the repayment of financial loans.

- 2 -

- Projects which have already been commenced or completed prior to grants being awarded.
- Projects submitted by individuals.

#### **Who can apply for Grant Funding?**

In recognition of Council's support of the Office of Recreation and Sport Starclub Program to be eligible grant applicants must:

- Be an existing Starclub Member - minimum 4\* with commitment to achieving 5\* rating as pre-condition for release of funds, or
- Be a new Starclub Member - registered prior to closing date for applications with commitment to achieving 2\* rating as a pre-condition for release of funds.
- Any Sport or Recreation organisation, which is based in the City of Mount Gambier area and who's activities are predominantly conducted within the City of Mount Gambier.
- Applicants **must** have a current Australian Business Number (**ABN**) issued by the Australian Taxation Office (ATO). Applications will not be considered unless the applicant has an ABN at the time of submitting the grant application.

Any individual or organisation can apply for an ABN very easily on-line via the Australian Business Register at <http://www.abr.gov.au/>

An organisation may only submit one application per annum.

Primary and Secondary schools are generally excluded from applying, unless they can demonstrate that their project is predominantly for the benefit of the wider community.

#### **Assessment:**

Council grant funding is subject to landowner/council consent including any engineering/building requests.

Council may seek additional information and support from Local or Regional Association or equivalent when and if required for assessment of application.

#### **Payment Conditions of Grants:**

Grant funds will be paid to successful applicants following receipt by Council of evidence clearly demonstrating that the project has been completed that include:

- Written Quotes – x 2 for works >\$5,000, x3 for works >\$20,000
- Invoices for completed works
- Development approvals / landowner consent
- Evidence of completed works (ie. Photos, Certificate/Statement of Completion, Electrical or Plumbing Certificates)
- Warranty Certificates/documentation
- As-Constructed plans including specifications and service locations
- Financial summary of completed project
- Payment will not be made for a completed project which is not the project detailed in the grant application.



- If the grant recipient is registered for GST, a tax invoice must accompany the Claim for payment.

Acquittal documentation must be submitted by 12 June 2020 to enable the release of funds before the end of the financial year.

Funds that are not acquitted by 30 June 2020 will be forfeited unless an extension has been sought and granted in writing by 31 May 2020. The applicant must demonstrate that the project is substantively complete at the time of submitting an extension request.

Claims for payment of a Grant which are received by Council after 30 June 2020 will not be considered under any circumstances.

Applications must be received by the Chief Executive Officer, City of Mount Gambier by 5.00 p.m. on the advertised closing date for the program.

**Andrew MEDDLE**  
CHIEF EXECUTIVE OFFICER  
City of Mount Gambier  
Civic Centre  
10 Watson Terrace  
(P O Box 56)  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)





**SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM  
2019/2020 APPLICATION**

**SECTION 1 - INFORMATION ABOUT YOUR ORGANISATION**

1. **Name of Organisation**

2. **ABN (Mandatory)**

3. **Registered for GST?** Yes  No

4. **Address of Organisation**  
 Street Address :   
 Suburb/Town :  Postcode :

5. **Postal Address**  
 (If different to Street Address)  
 Address :   
 Suburb/Town :  Postcode :

6. **Contact Person**  
 Title : Mr  Mrs  Miss  Ms  Dr   
 First Name :   
 Surname :   
 Position :   
 Phone :   
 Mobile :   
 Email :

7. **Is your Club/Association registered for the StarClub Development Program**  
 Yes  No

8. **Is your Club/Association registered as a Good Sports Club?**  
 Yes  No   
 If yes, which Level: Level 1  Level 2  Level 3   
 Level 0  (accreditation Level for clubs without a Liquor Licence)

9. **About Your Membership**  
 (Indicate numbers under each heading)

	Junior	Senior	Total
<b>Male</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Female</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Total</b>			<input type="text"/>



**SECTION 2 - INFORMATION ABOUT YOUR PROJECT**

*(Please attach extra pages if insufficient space is provided)*

**1. Title of your Project**

--

**2. Describe what you are planning to do**


**3. Describe why you are doing it**


**4. Will the wider community benefit from your project, and how will they benefit?**


**5. Where will the project be conducted?** (If the project involves construction)

If the construction is to occur on land owned by City of Mount Gambier, you MUST obtain approval from Council PRIOR to submitting this application, or your application will not be considered.

Address:



### SECTION 3 - PROJECT COSTS, FUNDING SOURCES AND GRANT SOUGHT

#### PROJECT COSTS

##### A. Project Cash Expenses

Item (List all items and expenses you will have to pay for with cash)	Amount (Inc GST)
	\$
	\$
	\$
	\$
	\$
	\$
	\$

**Sub Total (A)**

\$

##### B. Project In Kind Contributions

Item (List all items which are to be provided IN KIND toward your Project)	Estimated Value
	\$
	\$
	\$
	\$
	\$
	\$
	\$

**Sub Total (B)**

\$

##### C. Project Voluntary Labour Contributions

Item (Provide an estimate of any voluntary labour directly involved in your Project)			Estimated Value
Skilled (Trade) Voluntary Labour	(hours)	X \$45/hour =	\$
Unskilled Voluntary Labour	(hours)	X \$20/hour =	\$

**Sub Total (C)**

\$

##### D. Total Project Cost (A + B + C)

\$



**PROJECT FUNDING**

	Amount
<b>E. Your Organisation's Cash Contribution</b>	\$
<b>F. Grant/s from other sources</b> (Attach evidence that other grants have been awarded)	\$
<b>G. Value of In Kind Contributions</b> (Sub Total <b>B</b> from previous page)	\$
<b>H. Value of Voluntary Labour</b> (Sub Total <b>C</b> from previous page)	\$
<b>I. Value of Grant Requested from Council</b>	\$
<b>J. Total Project Funding (E + F + G + H + I)</b>	\$

[ The Total Costs at (D) must equal the Total Funding at (J) ]  
 [ Please ensure that the total of (e), (f), (g) and (h) equate to at least 25% of (j) ].

Applications which are not accompanied by the following documents will not be considered.

The following documents for your organisation must be attached to this application:

1. Most recent annual financial statements (do not have to have been audited).
2. All bank statements for the last 3 months up to the current date.
3. Starclub Membership of minimum 4\* (with commitment to achieving 5\* rating), or
4. Starclub Membership registered prior to closing date for applications with evidence of commitment to achieving 2\* rating

**REDUCED GRANT VALUE**

1. Will your Organisation be able to proceed with the Project if Council awards a Grant of a lower value than that requested in (I) above? Yes  No
2. If your Project can still proceed with a lower value Grant, how will you meet the funding shortfall for the Project?


Signature :

Name :

Position :

Date :

Applications may be lodged at the Council Office, Civic Centre, 10 Watson Terrace, posted to PO Box 56, Mount Gambier SA 5290 or emailed to [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au) but must be received by Council by **5:00 pm on Friday, 15 November 2019.**





**SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM  
PROJECTS PREVIOUSLY FUNDED**

Year	Organisation	Project Description	Allocation \$	Total Annual Allocation \$
2010	MG Little Athletics	Purchase of timing gate	10,000	45,000
	Basketball Mount Gambier	Canteen/viewing area upgrade (stage 1)	20,000	
	Suttontown Tennis	Court fencing upgrade	15,000	
2011	Apollo Soccer	Fencing	12,242	100,000
	MG Softball League	Fencing	25,000	
	Basketball Mount Gambier	Clubroom upgrade (stage 2)	31,046	
	West Gambier Cricket	Turf wicket development	22,312	
	MG Tennis Club	Kitchen upgrade	9,400	
2012	LSE Hockey Association	Upgrade/replace playing surface	40,000	100,000
	MG Croquet	Upgrade kitchen & watering system	10,000	
	MG Netball Association	Netball shelters	20,000	
	Basketball Mount Gambier	Clubroom upgrade (stage 3)	30,000	
2013	West Gambier Football Club	Clubroom air-conditioning	11,000	100,000
	MG Greyhound	Well construction	11,000	
	MG Softball League	Clubroom upgrade	18,000	
	MG Tennis Club	Safety fencing / sun shelters	10,000	
	North Gambier Football/Netball	Vansittart Park Infrastructure Upgrades (Special Allocation)	50,000	
2014	West Gambier Football Club	Purchase/Install Rainwater Tanks	10,000	70,000
	East Gambier Sportsmen's Club	Re-roof Clubrooms	20,000	
	North Gambier Football Club	Upgrade Canteen/BBQ Shed	8,000	
	Mount Gambier Little Athletics	Upgrade Athletic Track	24,000	
	Blue Lake BMX Club	Re-roof Clubrooms	8,000	
2015	Apollo Soccer Club	Water Reduction Program	15,000	70,000
	MG Harness Racing Club	Lighting Upgrade	20,000	
	MG Cricket Association	Sight Screens & Covers Upgrade	30,000	
	East Gambier Netball Club	Resurfacing of courts	5,000	
2016	West Gambier Football Club	Upgrade Flood Lighting and Tower	40,000	70,000
	South Gambier Football Club	Renovation Public Toilet Block	9,000	
	MG District Baseball League	Lighting Upgrade	14,000	
	Blue Lake Soccer Club	Storage Shed (Extension)	7,000	
2017	South Gambier Football Club	Home Change Room Renovations	15,000	56,450
	Mil-Lel Cricket Club	Upgrade Frew Park Nets	6,360	
	MG Harness Racing Club	Lighting and PA system upgrade	20,000	
	Basketball Mount Gambier	Upgrade Entrance	15,090	
2018	South Gambier Netball Club	Resurfacing of courts and new shelters	27,000	81,000
	Blue Lake Sports Club Inc.	Upgrade fences, seating, lighting and security	17,000	
	South Gambier Football Club	Modernise Change Rooms	15,500	
	MG District Baseball League	Upgrade of Batting Cages	10,500	
	Mount Gambier Golf Club	Construction of pathways	11,000	

AF18/216  
31 October 2019

**16.3 LOCAL HERITAGE RESTORATION FUND 2019/2020 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS – REPORT NO. AR19/61062**

**Committee:** People and Place Committee

**Meeting Date:** 2 December 2019

**Report No.:** AR19/61062

**CM9 Reference:** AF19/326

**Author:** Jessica Porter, Planning Officer

**Authoriser:** Judy Nagy, General Manager City Growth

**Summary:** An outline and summary of the applications received as part of the 2019/2020 Local Heritage Restoration Fund. A total of fifteen applications were received for this round of funding. It is recommended that the available restoration funds be distributed across all fifteen applicants.

**Community Plan Reference:** Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- That People and Place Committee Report No. AR19/61062 titled 'Local Heritage Restoration Fund 2019/2020 - Consideration of applications and distribution of funds' as presented on 02 December 2019 be noted.
- That the Heritage Restoration Fund Grants for 2018/2019 be endorsed and funds distributed as follows:

APPLICATION NO.	APPLICANT	DESCRIPTION OF WORK	RECOMMENDED VALUE OF GRANT
1	B Gregory	Removal of existing roofing nails and replace with tech screws, re-fit ridges where required	\$750
2	C & K Ind	Repair and replacement of gutters.	\$1,500
3	K Fleming	Exterior Painting	\$1,500
4	St Martins Lutheran Church	Painting of Southern and eastern walls of church	\$1,500
5	Mount Gambier Club Inc.	Ongoing maintenance – painting exterior of sash windows, make good timbers etc.	\$1,500
6	M & M Gazzard	External painting – woodwork and windows, Roof repairs and repainting	\$1,500
7	C & C Marsh	Long term work – repairing walls, fascia, deteriorated ornate wood work on southern walls and repair, paint and restore 2 x gables	\$1,500



<b>8</b>	R Schubert	Replacement wooden gates in keeping with wooden fretwork on verandahs. Current gates will have to be removed, important feature of property	\$750
<b>9</b>	D Burt	Window repair – 12 Windows	\$500
<b>10</b>	A & H Haig	Roof repairs and replacement of gutters	\$1,500
<b>11</b>	R & I Williamson	Repair work – repaint, roofing, re-establishment of fences etc	\$1,500
<b>12</b>	J & J Turner	Erect heritage style (emu wire/red gum posts) fence and gate	\$1,500
<b>13</b>	G Jones	Re-development of rear garden and storm damage (fallen tree and repairs from that)	\$1,300
<b>14</b>	K & R Turner	Concrete front verandah – install period correct tessalated tiling, plus stone piers, pathway to front verandah and steps/borders from gate to pavers. Lamp post and lighting to front of house.	\$1,500
<b>15</b>	J & E Prohini	Re-tar/paint roof gullies as they have rusted	\$200
<b>16</b>	S Webster	Repairs to veranda, replace wood rot	\$1,500
			\$20,000

That Council staff advise successful applicants of the outcome of their applications.



## BACKGROUND

As part of Council's commitment to the conservation and management of the City's heritage assets, a Local Heritage Restoration Fund has been established by Council. Each financial year, the owners of a Local Heritage Place can apply to Council for a grant, to contribute towards conservation works on the property, which may include:

- Painting and repairs of woodwork and windows,
- Repair or replacement of heritage fences,
- Re-roofing and new gutters,
- Stonework restoration and salt damp repairs, or
- Verandah repairs or reconstruction.

The application form and guidelines can be found as **Attachment 1**.

The value of each grant is dependent on the number of applications received and the budget allocation by Council. The 2019/2020 budget for the Local Heritage Restoration Fund is \$20,000. In the past, Council has set a maximum amount of \$2,000 per grant. However, this amount has varied depending upon number of applications received and the types of restoration/conservation works to be completed.

Funding will be issued to successful applicants upon completion of the restoration/conservation works. All restoration/conservation works are required to be completed within six months of approval of the grant. In certain circumstances where works may be urgent, retrospective approval may be granted; and are subject to discussion with Council staff and Council's Local Heritage Advisor, to ensure that appropriate evidence is provided and works have been completed to a satisfactory standard. A copy of the Local Heritage Restoration Fund application criteria and information can be found as **Attachment 2**.

## DISCUSSION

All 127 Local Heritage Place property owners were notified of the Local Heritage Restoration Fund in September 2019. Council received a total of 16 applications, seeking funding for restoration/conservation works. All the applications vary, in both conservation works proposed and in value. A summary table of applicants and their proposed works and estimated cost of the project has been attached for the Members further information.

All of the applications seeking a grant from the Local Heritage Restoration Fund were considered by Council's Local Heritage Advisor. A summary of applications received, including the recommendations made by the Local Heritage Advisor, has been attached to this report.

## CONCLUSION

The Local Heritage Restoration Fund continues to be a well supported Council initiative. It is recommended that Council support and endorse the issuing of the 2019/2020 Local Heritage Restoration Fund, in accordance with the funding advice provided by Council's Local Heritage Advisor.

## ATTACHMENTS

1. Application Form & Guidelines - Local Heritage Restoration Fund 2019/2020 [↓](#)
2. 2019/2020 Local Heritage Restoration Fund - Summary of applications and Recommended Grants [↓](#)





## Heritage Restoration Fund Application Form

<b>Applicant Details:</b>	
Name:	
Postal Address:	
Email:	
Mobile:	

<b>Property Details:</b>			
Address of Property:			
Property Details:	Lot No:	Certificate of Title: Volume	Folio
Policy Area:			

<b>Development Details:</b>			
Has the Heritage Adviser inspected and advised on the proposed works? YES / NO			
Proposed Development Description:			
Development Application No. (If applicable)		Estimated cost of development:	\$

**Signature:**

**Date:**

**Please note:**

All applications must be accompanied by relevant supporting information, please see over for a checklist of plans and supporting information that is required to be submitted to Council.

Please return completed form via email [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au) or contact 8721 2555

AR11/16400[v3]



## Heritage Restoration Fund Application Form

**Checklist for Supporting Information:**

- Site Plan:  \_\_\_\_\_
- Floor Plan:  \_\_\_\_\_
- Elevations:  \_\_\_\_\_
- Materials:  \_\_\_\_\_
- Colour Scheme:  \_\_\_\_\_
- Photographs: Current  \_\_\_\_\_
- Photographs: Historical  \_\_\_\_\_
- Pamphlets:  \_\_\_\_\_
- Quotes:  
(minimum of two)  \_\_\_\_\_
- Expected Commencement Date: \_\_\_\_\_
- Anticipated Completion Date: \_\_\_\_\_

<b>Office Use Only:</b>			
Date Received:		Date Considered:	
Officer's Name:		Title:	
Signature:		Date:	
<b>The application has been:</b> <input type="checkbox"/> <b>approved</b> <input type="checkbox"/> <b>declined</b> <i>reason:</i>			

Please return completed form via email [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au) or contact 8721 2555

AR11/16400[v3]





## Heritage Restoration Fund Guidelines

The City of Mount Gambier's Development Plan has contained heritage policies since 1999. The Plan contains a list of Local Heritage Places, a list of State Heritage Places, six principal Local Heritage Policy Areas and a list of Contributory Places.

The objectives of Council's heritage policies:

- To retain and conserve buildings and features of historical and / or architectural value
- Preserve the character of heritage areas
- Demolition control over local heritage places
- Encourage new development which is compatible with existing development and will preserve the historic character of a place and / or area

As part of Council's commitment to the conservation and management of the City's heritage assets, a Heritage Restoration Fund has been established by Council. An owner of a local heritage property can apply to Council for a grant to be used for the following conservation work:

- Painting and repairs of heritage woodwork and windows
- Repair or replacement of heritage fences
- Re-roofing and new gutters
- Stonework restoration and salt damp repairs
- Verandah repairs or reconstruction

The value of the grant will be dependant on the number of applications and current budget allocation by Council. All applications will be considered and the amount of funding provided will be determined by the committee within the limits of available funds. The grant will be issued to successful applicants after the work is completed. All works should be completed within six months of the approval and requires applicants to at least match the cash contribution made by Council.

In certain circumstances where works may be urgent, retrospective approval may be granted. These circumstances require discussion with Council staff to ensure appropriate evidence is provided for reimbursement.

The application form for the Heritage Restoration Fund contains further details regarding the information to be provided with any application for a grant. Council's Heritage Adviser is available for free on-site consultations.

There is a range of information available to assist in the conservation of heritage properties, which includes:

1. City of Mount Gambier Heritage Survey, August 1994. McDougall & Vines Conservation and Heritage Consultants.
2. Mount Gambier Residential Conservation Guidelines, 1998. McDougall & Vines Conservation and Heritage Consultants.
3. Australian Icomos – The Illustrated Burra Charter, 2013. Peter Marquis-Kyle & Meredith Walker.
4. Heritage Conservation – Alterations and additions 2-4, October 1997. Department of Environment and Natural Resources.
5. Heritage Conservation – Painting of Older Buildings in South Australia 3-7, March 2000. Heritage South Australia.

Please return completed form via email to [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au) or contact 8721 2555



## Heritage Restoration Fund Guidelines

6. Heritage Conservation – Early Roofing and Roof Materials in South Australia 3-10, June 1999. Heritage South Australia. Heritage Conservation – Early Bricks and Brickwork in South Australia 3-3, April 1998. Department for Environment Heritage and Aboriginal Affairs.
7. Heritage Conservation – Rising Damp and Salt Attack 3-8, May 1995. Department of Environment and Natural Resources.
8. Heritage Conservation – Fences in South Australian 2-3, May 1995. Department of Environment and Natural Resources.
9. Heritage Conservation – Gardens in South Australia 2-5, May 1998. Department for Environment Heritage and Aboriginal Affairs.
10. Heritage Conservation Practice Notes – Heritage Development Guideline 2.2, Advertising Signs on Heritage Buildings in South Australia, September 1992. Department of Environment and Planning.
11. Les Hill Photographic Collection, Mount Gambier Public Library.
12. Other information / material as it becomes available.

Copies of the above booklets are available in the reference collection of the Mount Gambier Public Library. Should you require any additional information or assistance in relation to Council's Heritage Restoration Fund, please contact:

City of Mount Gambier  
Planning Department  
Telephone: (08) 8721 2555  
Fax: (08) 8724 9791  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)  
Web: [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)

Please return completed form via email to [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au) or contact 8721 2555



## 2019/20 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

APPLICATION NO.	APPLICANT	PROPERTY	DESCRIPTION OF WORK	ESTIMATED COST	RECOMMENDED VALUE OF GRANT	DATE APPLICANT RECEIVED FUNDING
1	Beatrice Gregory	47 Ehret Street	Removal of existing roofing nails and replace with tech screws, re-fit ridges where required	Quote - \$1360	750	
2	Chris & Kylie Ind	36 Margaret Street	Repair and replacement of gutters.	Quote 1- \$28,890	1,500	
3	*Kiri Fleming	35 Jubilee Highway West	Exterior Painting	(No Quote) \$12,000	1,500	
4	St Martins Lutheran Church	11 Edward Street	Painting of Southern and eastern walls of church	Quote 1 - \$4,011 Quote 2 - \$4,400	1,500	
5	*Mount Gambier Club Inc.	7 Penola Road	Ongoing maintenance – painting exterior of sash windows, make good timbers etc.	Quote - \$6,300	1,500	
6	Matt & Marika Gazzard	68 Bay Road	External painting – woodwork and windows, Roof repairs and repainting	(No Quote) \$15,000	1,500	
7	Craig and Cathy Marsh	52 Bay Road	Long term work – repairing walls, fascia, deteriorated ornate wood work on southern walls and repair, paint and restore 2 x gables	Quote 1 - \$6165	1,500	
8	Ruth Schubert	61 Penola Road	Replacement wooden gates in keeping with wooden fretwork on verandahs. Current gates will have to be removed, important feature of property	Quote 1 - \$1,133 Quote 2 - \$1,308	750	
9	David Burt	101 Gray Street	Window repair – 12 Windows	Quote 1 \$946	500	
10	AR & HM Haig	12 Bay Road	Roof repairs and replacement of gutters	Quote 1- \$3973	1,500	
11	R & I Williamson (late application/ looking to purchase property –going through DA assessment)	29 Ferrers Street	Repair work – repaint, roofing, re-establishment of fences etc	No Quote – \$100,000	1,500	

\* These Applicants received funding as part of the 2018/2019 Local Heritage Restoration Fund

**2019/20 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS**

	before purchase).							
<b>12</b>	Jasmine & Joel Turner (late application)	79 Bay Road	Erect heritage style (emu wire/red gum posts) fence and gate	Quote 1 – \$3,817	1,500			
<b>13</b>	*Georgina Jones (late application)	12 Canavan Road	Re-development of rear garden and storm damage (fallen tree and repairs from that)	Quote 1 – \$8,894.50	1,300			
<b>14</b>	*Kirsty & Ryan Turner (late application)	58 Bay Road	Concrete front verandah – install period correct tessalated tiling, plus stone piers, pathway to front verandah and steps/borders from gate to pavers. Lamp post and lighting to front of house.	Quote 1 – \$12,600	1,500			
<b>15</b>	Joseph & Ezter Prolini (late application)	89 Bay Road	Re-tar/paint roof gullies as they have rusted	Quote 1 - \$460	200			
<b>16</b>	Sam Webster (late application)	65 Bay Road	Repairs to veranda, replace wood rot	No Quote - \$2,788	1,500			
					20,000			

\* These Applicants received funding as part of the 2018/2019 Local Heritage Restoration Fund

Page 2

**16.4 BLUE LAKE SPORTS PARK – REPORT NO. AR19/62088**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/62088</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>A report to support the future direction and improvement of the Blue Lake Sports Park following a request from a newly formed group aspiring to the above.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62088 titled 'Blue Lake Sports Park' as presented on 02 December 2019 be noted.
2. That Council note the formation of the Blue Lake Sports Park Advisory Group (BLSPAG), together with its membership, Terms of Reference and aspirations.
3. That Council appoint the following as its member and proxy to support the work of this Group
  - (a) Member –
  - (b) Proxy –



## BACKGROUND

The Council received an email on 14 November 2019, regarding the Blue Lake Sports Park. This email was sent on behalf of the newly formed Blue Lake Sports Park Advisory Group (BLSPAG), which is a collective of the relevant stakeholders within the complex.

The email requested Council support for this group, in terms of a member and proxy to attend their meetings. For Council consideration, you find as attachments to this report, the following:

- A letter regarding the potential for redevelopment of the Blue Lake Sports Park complex (**Attachment 1**);
- A preliminary matrix of current and proposed stakeholder facilities (**Attachment 2**); and
- The BLSPAG terms of reference (**Attachment 3**).

Further to the above, the BLSPAG are collating stakeholder participation numbers (past, present and predicted) and have commenced efforts to seek formal support from each stakeholders relevant state &/or national body (e.g. SACA, SANFL, Hockey SA, etc.). Their proactive and collaborative approach is commendable and worthy of Council support.

The Mayor and Chief Executive Officer met with Wayne Glynn in June 2019 and set out a potential approach. This was followed up by a meeting called by the Member for Mount Gambier, Troy Bell MP, in August 2019. Councillors Greco and Perryman have also attended meetings with representatives of this facility.

## DISCUSSION

A strategic approach is needed to facilitate improvement at the Blue Lake Sports Park and a number of the Council's sporting facilities as has been discussed by Elected Members on a number of occasions. The Strategic Plan can put sports upgrades as the forefront of future budget considerations, noting that there will be a significant investment in indoor sports in 2019-21.

A strategic approach will enable Council to consider:

- What locations require upgrades;
- What upgrades are required;
- What these upgrades are likely to cost;
- What the priority for these upgrades is likely to be;
- What the funding model for each upgrade could be; and
- What form of response (or if) a letter of support would take.

At the current time, the Council has no sport, recreation or open space strategy and thus no hierarchy for considering investment or interventions.

Given the intent here to lift the facility and to make it fit for purpose for a variety of users, it would be of value to have a representative on the BLSPAG, who could formally report to Council and provide insight to the BLSPAG as to Council activities.

## CONCLUSION

Council should consider supporting the BLSPAG and provide a nomination and proxy for membership of the BLSPAG.

## ATTACHMENTS

1. Blue Lake Sports Park Stakeholder Committee letter to COGM [↓](#)



2. Blue Lake Sports Park Facility Matrix [↓](#)
3. Terms of Reference - BLue Lake Sports Park [↓](#)



Thursday, 14 November 2019

City of Mt Gambier  
Attention: Mrs Lynette Martin OAM & Members of the City of Mount Gambier  
PO Box 56  
Mount Gambier SA 5290

#### REDEVELOPMENT OF BLUE LAKE SPORTS PARK

Dear Mayor Martin & Members

I write this letter on behalf of the newly formed Blue Lake Sports Park Advisory Group (BLSPAG). Our group has met on several occasions recently to discuss the current state of the Park's facilities and what can be done to improve them.

We believe there exists a tremendous opportunity for a major redevelopment of what was once the State's leading outdoor sports park. We suggest the redeveloped park will be an unparalleled beneficial community asset and attract State and National events at a frequency not previously experienced by Mount Gambier.

Attached to this document is a matrix showing each sport's current facilities and proposed future improvements, as well as a copy of the accepted Terms of Reference for the BLSPAG

We extend an invitation to Council to appoint a representative to assist the Working Party, and a proxy, on the occasion the Council representative is unavailable to attend meetings.

The BLSPAG would also like to request to meet with Council's Economic & Environment Committee to discuss this initiative directly with Councillors.

Kind regards,



Tony Elletson  
Chairman  
BLSP Working Group



<b>BLUE LAKE SPORTS PARK FACILITY MATRIX</b>		
<b>CLUB</b>	<b>CURRENT FACILITIES</b>	<b>PROPOSED FACILITIES</b>
Saints United Tennis Club	<ul style="list-style-type: none"> <li>• Club rooms with toilet &amp; kitchen</li> <li>• <b>No change rooms</b></li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• Courts surfaced to as national standard</li> <li>• Courts adequately lit</li> <li>• Unisex change rooms</li> </ul>
SE Women's Football Association	<ul style="list-style-type: none"> <li>• <b>No female or child facilities (players get changed in cars)</b></li> <li>• Share softball facilities</li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• All weather pitch &amp; lighting</li> <li>• Unisex change rooms</li> <li>• Spectator facilities</li> </ul>
Mt Gambier Softball League	<ul style="list-style-type: none"> <li>• Club room with toilets &amp; kitchen</li> <li>• <b>No female or child change rooms (players get changed in toilet)</b></li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• Upgrade 1 pitch for night games</li> <li>• Potential to share facilities with baseball</li> <li>• Unisex change rooms</li> <li>• Spectator facilities</li> </ul>
LSE Hockey Association	<ul style="list-style-type: none"> <li>• Club room with toilets &amp; kitchen</li> <li>• Male &amp; female change rooms</li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• State &amp; National standard pitch &amp; lighting</li> <li>• Second turf pitch and lighting</li> </ul>
Mt Gambier Cycling Club	<ul style="list-style-type: none"> <li>• Club room with toilets &amp; kitchen needs upgrading</li> <li>• Track need resurfacing</li> <li>• <b>No male, female or child change rooms</b></li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• Upgraded club room</li> <li>• Upgraded change rooms</li> <li>• Track resurfaced to National standard</li> </ul>
South Gambier Cricket Club	<ul style="list-style-type: none"> <li>• Training nets</li> <li>• Sub-let oval with turf pitch</li> <li>• Oval with turf pitch</li> <li>• 2 x ovals with hard wicket</li> <li>• <b>No change room or toilet facilities</b></li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• Oval with hard wicket pitch</li> <li>• Oval with turf pitch</li> <li>• Training nets</li> <li>• Double story viewing area and change rooms with unisex toilets and change rooms between the 2 pitches</li> <li>• SACA indoor facility &amp; nets</li> </ul>
Mt Gambier & Districts Baseball League	<ul style="list-style-type: none"> <li>• Club room with toilets &amp; kitchen</li> <li>• <b>No change rooms</b></li> <li>• 1 diamond suitable for State or National</li> </ul>	<ul style="list-style-type: none"> <li>• Move more pitches around club room</li> <li>• Potential to share facilities with softball</li> <li>• Double story club room to provide viewing areas, change rooms and toilets in lower level</li> </ul>
South Gambier Netball Club	<ul style="list-style-type: none"> <li>• 2 recently resurfaced courts with shelters</li> <li>• Inadequate lighting</li> <li>• <b>No change rooms</b></li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• 3 courts surfaced to National standard</li> <li>• All courts adequately lit</li> </ul>
South Gambier Football Club	<ul style="list-style-type: none"> <li>• Inadequate change rooms (partial upgrade imminent)</li> <li>• 1 oval insufficient for current male, female and increasing junior numbers</li> <li>• Inadequate lighting</li> <li>• Inadequate spectator areas</li> <li>• <b>Facilities not suitable for State or National competition</b></li> </ul>	<ul style="list-style-type: none"> <li>• 2 x ovals</li> <li>• Both ovals adequately lit</li> <li>• Upgraded spectator areas</li> </ul>

**BLUE LAKE SPORTS PARK  
ADVISORY GROUP  
Terms of Reference**



**1. Name**

The name of the Committee shall be the Blue Lake Sports Park Advisory Group (BLSPAG)

**2. Background**

The Blue Lake Sports Park (BLSP) was a visionary project 45 years ago, with approximately 32 hectares of land dedicated to multipurpose sporting reserves in Mount Gambier. It is currently home to 9 sports, facilities include football and social clubroom, two cricket ovals, netball, tennis, cycling velodrome and clubrooms, five baseball diamonds and clubrooms, two softball diamonds, one artificial turf hockey field and clubrooms, open playing fields for hockey and softball, extensive landscaping and public areas. Unfortunately, BLSP is becoming tired and out of date, with unsuitable and unsafe facilities impacting on the users of these facilities

**3. Membership**

It is envisaged that the BLSPAG will have a representative from all users of the Blue Lake Sports Park facilities

**4. Term of Office**

- The BLSP Advisory Group will review the Terms of Reference annually
- Membership of the Advisory Group shall be for a 2-year term, with a maximum of 3 terms
- The Chair shall be nominated from membership of the Advisory Group

**5. Roles and Responsibilities of the BLSPAG Group**

The BLSP Advisory Group has no binding decision making authority or executive function in the context of governing the Blue Lake Sport Park. Roles and responsibilities of the BLSPAG will include:

- Investigating ways to reinvigorate the Blue Lake Sport Park
- Advocate for the redevelopment of the BLSP
- Liaise and lobby Local, State & Federal Government for the upgrading and improvement of facilities
- Investigate funding sources
- Encourage the development of a governance framework that enables continued growth of the BLSP
- Encourage and support the exploration of new ideas
- Create a “learning forum”

**6. Administrative Support**

The Starclub Field Officer of the LCLGA shall ensure administrative support is available to the Advisory Group.

**7. Calling and Timing of Meetings**

- Meetings will be held as required to achieve the purpose of the Group
- The location of the meetings will reflect membership of the Advisory Group

**8. Proceedings of Meetings**

- All members of the Advisory Group will have equal voting rights in respect of all motions put to a Meeting.
- No business can be transacted at a Advisory Group meeting unless a quorum is present.
- A quorum is ascertained by dividing the total number of Members of the Committee by two, ignoring any fraction resulting from the division, and adding one.

**BLUE LAKE SPORTS PARK  
ADVISORY GROUP  
Terms of Reference**



- If at any meeting there is not a quorum present within 30 minutes after the time appointed for the commencement of the meeting, or if at any time after the meeting has commenced and before any business to be transacted is completed, there is not a quorum present, the meeting shall be adjourned to another time and date

**9. Members to Disclose Interest**

- A Member of the Advisory Group has an interest in a matter before the Committee if the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary or non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary or non-pecuniary detriment.
- A Member of the Advisory Group who has an interest in a matter before the Advisory Group of which he or she is a member must declare the interest to the Advisory Group.
- A disclosure made must be recorded in the minutes of the Advisory Group.
- A Member of the Advisory Group who has an interest in a matter before the Advisory Group must not :-
  - i. Propose or second a motion relating to the matter
  - ii. Take part in discussion by the Advisory Group relating to that matter.
  - iii. While such discussion is taking place, be in, or in the close vicinity of the room in which the matter is being discussed.
  - iv. Vote in relation to the matter.
- A Member of the Advisory Group who has disclosed an interest in a matter may, by permission of the Advisory Group, attend during proceedings of the Advisory Group on the relevant matter in order to ask or answer questions, provided that the meeting is open to the public, the Member withdraws from the room after asking or answering the questions, and the Member does not in any other way take part in any debate or vote on the matter.

**10. Reporting**

The Advisory Group will provide Minutes for endorsement and/or consideration.

**11. Financial Responsibility**

The Advisory Group has no authority to expend funds unless

**12. Dissolution**

The Advisory Group may be dissolved at the completion of the project/purpose

**16.5 MOUNT GAMBIER OUT OF SCHOOL HOURS CARE FUNDING FOR A PLAY STRUCTURE IN THE RAILWAY LANDS – REPORT NO. AR19/62091**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/62091</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>Support for a play structure from the disbursement of Mount Gambier OSHC funds</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62091 titled 'Mount Gambier Out of School Hours Care funding for a Play Structure in the Railway Lands' as presented on 02 December 2019 be noted.
2. That Council accept the offer from Mount Gambier Out of School Hours Care of approximately \$150,000 towards a play structure to be delivered in the Railway Lands.
3. That the Council appropriately commemorate the contribution made by Mount Gambier Out of School Hours Care to the project.
4. That the Chief Executive Officer advise Mount Gambier Out of School Hours Care of Council's decision.



## **BACKGROUND**

The Council have been advised of funding being made available because of the closure of the Mount Gambier Out of School Hours Care (MGOSHC) service. There is approximately \$150,000 to be disbursed. Following discussions around funding activities and equipment at the Community and Recreation Centre and works in the Railway Lands, the MGOSHC have settled on the latter as a project they would like to support, as be seen in **Attachment 1**.

## **DISCUSSION**

Council have a clear offer from MGOSHC, which is to provide a play structure (not including exercise equipment), which is to be clear commemorated as funded by MGOSHC. The design of the facility has been left to the discretion of Council. Whilst there were clear place-making principles that underpinned the Railway Lands development, it is not believed that these would be an impediment to the successful implementation of a co-designed facility. Co-designed facility in this case being the potential users and the Council. The 2011 Design Brief clearly articulated the expectations of a place space.

If Council decide to support the use of these funds from MGOSHC, it would undertake the community engagement works and commemoration from its own funds and would use the MGOSHC funding to pay for the play structure.

## **CONCLUSION**

It is recommended that the offer from Mount Gambier OSHC be accepted and that work commence in early 2020 to co-design a facility in accordance with the place-making principles for the Railway Lands and which has an appropriate commemoration.

## **ATTACHMENTS**

Nil



**16.6 REQUEST FOR FINANCIAL SUPPORT FOR THE ANGLICAN PASTORAL DISTRICT OF MOUNT GAMBIER RELATING TO THE PARISH CHURCH BELL TOWER – REPORT NO. AR19/62164**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/62164</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>A report providing a request for support from the Anglican Pastoral District of Mount Gambier to enable works to be undertaken to the Parish Church.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62164 titled 'Request for Financial Support for the Anglican Pastoral District of Mount Gambier relating to the Parish Church Bell Tower' as presented on 02 December 2019 be noted.
2. That Council contribute 50% of the costs of repairs to the bell tower at the Mount Gambier Parish Church, up to a maximum contribution by Council of \$8,000.
3. That the Anglican Pastoral District Council of Mount Gambier provide an acquittal for the works demonstrating the total cost of repairs to the bell tower, within three months of completion of the same.



## BACKGROUND

The Chief Executive Officer received a request to meet with members of the Anglican Pastoral District of Mount Gambier, which took place on 28 October 2019. At that meeting, the representatives sought financial support from the Council to undertake restoration works to the Mount Gambier Parish Church. The representatives were advised to put a formal request to Council in writing, providing a summary of their request and some context. This letter was received on 12 November 2019 and can be found as **Attachment 1**.

## DISCUSSION

The Parish Church is a prominent building in Mount Gambier and is in need of restoration. Regrettably, those responsible for the upkeep of the building are not its owner. They also believe they have invested significantly in the restoration or improvement of the building fabric and are not able to do this currently.

The area requiring intervention is the bell tower, which is probable the most prominent part of the building. It is understood that the bell cannot be used without further remedial works.

As part of Council's commitment to the conservation and management of the City of Mount Gambier's heritage assets, a Local Heritage Restoration Fund has been established. Each year, owners of Local Heritage Places are invited to apply for a grant to be used in relation to restoration and conservation works at their property (i.e. painting, repairs, fencing, extensions, re-roofing). The fund does not apply to State Heritage or Contributory Places. Therefore, as the Parish Church is a State Heritage Place, it is ineligible for the aforementioned funding.

The Council does not have a specific budget for repairs to buildings that it does not own or where they fall outside of the above grant funding. However, there is no reason why a donation or grant towards the works could not be made as an one off. If Council are minded to support the restoration works towards, it is suggested that they make a contribution of 50% of the cost (up to \$8,000) towards the total cost of the works, which are expected to be \$16,000. That this offer be subject to an acquittal demonstrating the total cost of the repair works to the bell tower.

## CONCLUSION

In the absence of a policy or specific funding stream, this request is a matter for the individual conscience of Elected Members.

## ATTACHMENTS

1. Request - Donation - Assistance - Anglican Pastoral District of Mount Gambier [↓](#)





# Anglican Pastoral District of Mount Gambier

## Diocese of The Murray

11/11/2019

PO Box 1357  
MT GAMBIER

The Chief Executive Officer  
City of Mt Gambier  
Mr Andrew Smeddle

Dear Andrew

Following a meeting recently with Mr Brian Smith & Mr David Glover from our church, I am pleased to be able to provide the following information for you in relation to the proposed restoration of the Bell Tower on our church building.

The building itself is over 130 years old and like many structures of this age it requires regular maintenance to ensure it remains structurally sound for future generations. The parish has always gone to great lengths to ensure all our buildings are kept safe and in good condition, often at considerable expense to the parish.

Some of the projects we have embarked upon in recent years include the following:

In the year **2000** the pipe organ in the church was completely restored at a cost of \$131,000. Public support was sought to meet the cost of this project from local businesses & the general public. The cost of this work was paid in full on the completion of the work required.

In **2011** the old toilets in our church complex were replaced. The Ashworth Room ( meeting room with small kitchen facilities) and toilets were constructed annexed to the existing hall complex. Richard Woods (Heritage advisor) was heavily involved in discussions and decisions about the type and style of structure that was to be built to ensure the structure complied with heritage requirements. The cost of work on this project was \$320,000. Assistance from parishioners was sought to meet this cost and was finalised in a four year period.

In **2011** restorative work was carried out on the stonework around our hall complex under the direction once again of Richard Woods. An amount of \$9000 was required for this project and was again met by members of the parish family.

In October **2018**, Richard Woods examined the tower and suggested it be assessed by a heritage experienced engineer. Gene Lassaline of Tonkin Consulting, Mt Gambier was recommended and subsequently engaged to carry out an assessment. The report cost the parish approximately \$2500. From the report a staged project was drafted, the first stage of which has been completed at a cost of \$7000. This was to re-establish safe access inside the bell tower.

The second stage of the process will stabilise and repair loose and fretting stonework both inside and outside the tower. This will stop further degradation and enable the bell to be rung. A crane will be required to access the outside of the tower and a specialist heritage crew will be needed to carry out this work. It is anticipated that the total cost for this stage will be in the vicinity of \$16,000.

---

**Fr Neil Fernando**

Address: 26 Bay Road, Mt Gambier, SA, 5290  
Postal Address: PO Box 1357, Mt Gambier, SA, 5290  
Church e-mail: [churchan@bigpond.net.au](mailto:churchan@bigpond.net.au)

**Mobile: 0478 085 894**  
Phone/Fax: (08) 8723 1353

ABN : 49 553 127 396

Also in **2018** the parish applied for a heritage grant from the Mt Gambier City Council. Unfortunately the application was unsuccessful.

The Parish does not own the property but we are custodians and have the financial responsibility of maintaining this heritage property for The Diocese of the Murray. Regrettably there are no funds available from the Diocese to assist with this project.

Consequently we are seeking support from the City of Mt Gambier to assist us to do this very important work. The church building is a major landmark in the city & we believe it is critical that we maintain the building not just for its use as a place of worship but also as an attraction to visitors in our city.

Any help that you might be able to provide to us for this project would be greatly appreciated.

I look forward to hearing from you in the near future.

Yours sincerely



**Jeff Bowman**  
**Warden**  
**Christ Church Anglican Church**  
**Mt Gambier**  
**Mobile 0487486260**

---

**Fr Neil Fernando**  
Address: 26 Bay Road, Mt Gambier, SA, 5290  
Postal Address: PO Box 1357, Mt Gambier, SA, 5290  
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**16.7 VALLEY LAKE CONSERVATION AREA SUPPORT – REPORT NO. AR19/62286**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/62286</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>A report in response to a request from volunteers involved in the Valley Lakes Conservation Area.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/62286 titled 'Valley Lake Conservation Area Support' as presented on 02 December 2019 be noted.
2. That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA) and that this be considered as part of the Annual Business Plan and Budget setting process;
3. That Council allocate a further \$5,000 per year in the current year for project work at the VLCA and where the project work can vary from year to year;
4. That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties, but at no material cost to Cleland;
5. That Council consider a special one off allocation that would enable a study of the form and content of:
  - An educational/schools resource kit on the opportunities to learn about the Park
  - The use of mobile phone technology to enable visitors to understand as they explore the Park
  - Naming plates at specific plants featured in the Park
 and that this be considered as part of the Annual Business Plan and Budget setting process;
6. That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper through inclusion in the Council's Strategic Plan Review.



## BACKGROUND

The Valley Lake Conservation Area (VLCA) within the Crater Lakes precinct is cared for by a group of passionate volunteers and supported by Council Officers. Following an open invitation to the Chief Executive Officer to meet with the volunteers, this happened on Friday, 15 November 2019, correspondence was received on behalf of this group. An open invitation to meet with the volunteers has been extended to all Elected Members, when the group meeting mid-morning on a Friday to undertake tasks in the VLCA.

The conservation volunteers are seeking support from Council in five areas, as set out in their discussion paper (**Attachment 1**), which are:

1. That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA);
2. That Council allocate a further \$5,000 per year for project work at the VLCA and where the project work can vary from year to year;
3. That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties but at no material cost to Cleland;
4. That Council consider a special one off allocation that would enable a study of the form and content of:
  - An educational/schools resource kit on the opportunities to learn about the Park
  - The use of mobile phone technology to enable visitors to understand as they explore the Park
  - Naming plates at specific plants featured in the Park;
5. That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper.

The VLCA have also forwarded a draft letter that they have suggested Council sends to the Director of Cleland Wildlife Park (**Attachment 2**), seeking support from the Department of Environment and Water.

## DISCUSSION

Recently, the VLCA received the following from Council. Since July 2019, the Council has paid:

- \$6,350 in cash to A.B.O.C. Sustainable Systems for various maintenance tasks (at a rate of \$40/hr).
- \$600 of other direct costs (Materials, Vet etc).
- \$2,750 of council services (people and plant)
- **\$9,700 in total for the 4 months (equating to \$29,100 per annum)**

In 2018/19 the Council paid:

- \$14,900 to A.B.O.C.
- \$7,200 of other direct costs
- \$5,800 of council services
- **\$27,900 in total for 12 months**

In terms of addressing the request from the volunteers, it is believed that:

- Items 1 and 4 should be considered through the Annual Business Plan and Budget process in 2020/21;
- Item 5 will require a longer-term approach and will need to form part of any masterplanning exercise for this precinct; and
- Items 2 and 3 can be agreed at this time.



## CONCLUSION

It is recommended to Council that they make a decision on the five elements raised by the volunteers as per the statement above, reflecting a planned approach to improvement in this precinct. This would appear as:

1. That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA) and that this be considered as part of the Annual Business Plan and Budget setting process;
2. That Council allocate a further \$5,000 per year in the current year for project work at the VLCA and where the project work can vary from year to year;
3. That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties, but at no material cost to Cleland;
4. That Council consider a special one off allocation that would enable a study of the form and content of:
  - An educational/schools resource kit on the opportunities to learn about the Park
  - The use of mobile phone technology to enable visitors to understand as they explore the Park
  - Naming plates at specific plants featured in the Parkand that this be considered as part of the Annual Business Plan and Budget setting process;
5. That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper through inclusion in the Council's Strategic Plan Review.

## ATTACHMENTS

1. Discussion Paper - Future Directions of the Valley Lake Conservation Park [↓](#)
2. Letter - Cleland Wildlife Park [↓](#)



## **DISCUSSION PAPER**

### FUTURE DIRECTIONS OF THE VALLEY LAKE CONSERVATION PARK - FROM THE VOLUNTEERS PERSPECTIVE

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#### **BACKGROUND**

This discussion paper has been prepared by the volunteers who provide regular maintenance services at the Park and who have over a long period of time developed a deep appreciation of the Park's value as a community asset and a place of learning.

The volunteers provide some 800 volunteer hours per annum (and some resources) and are very proud of what they do and the outcomes that now present.

The volunteers are committed to:

- (i) The maintenance of the Park to a high (defined) level;
  - (ii) Ensuring that at all times the presentation of the Park doesn't compromise the overall objective of being NATURAL;
  - (iii) The Park's ethos of being as endemic and organic as it can be and where the flora and fauna hold greater value in the Park's evolution than the human visitor;
  - (iv) Making certain that the Park attempts always to represent an environment that existed pre-European settlement;
  - (v) Maintaining a place of learning and understanding of our unique landscapes and habitats, and featuring our flora and fauna.
- 

#### **To Present Time**

The volunteers have achieved significant outcomes in the overall maintenance of the Park at no material cost to Council.

Through effort and enthusiasm, the Park is presented to the visitor as a place of tranquil beauty where the emphasis is on the environment and local endemic flora and fauna.

Most of the volunteer's efforts are directed at maintenance i.e. invasive weed control, pathway repairs, preservation of plantings, watering of plants, upkeep of lookouts, fences, bridges, creeks and ponds.

From time to time some project work is undertaken i.e. build creek bridges, build work compound, build bird-hides, rebuild internal display enclosures, repair boardwalks, extensive plantings, high pressure wash timber boardwalks, lookouts etc.

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Overall the Park is significantly better for the efforts of the volunteers in their nurturing of the many spaces within the overall Park area.

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#### Volunteer Observations

The Park is maintained to a high level with well delineated paths.

The volunteers are flexible in their work hours and the camaraderie amongst the group is exceptional.

The general public are not fully aware that the Park exists.

The boardwalk pond may need to be reconstructed/relined to prevent water loss through seepage.

Most visitors want to see more fauna in the Park.

Greater awareness through promotion of the Park's existence.

Council annual funding needs to be guaranteed and gradually increased.

Use of contractors to undertake "broad-acre" weed control is essential.

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#### Where to From Here

The need to maintain the various spaces will always be the number one priority for the volunteers, however the volunteers believe that Council needs to encourage and resource the next step in the Park's progression.

These steps are described as follows:

- (i) Maintain existing budget allocations to ensure minimum standards of presentation.

These annual budget allocations would include elements for:

- Some continuing contract labour
- Some day labour from Council's workforce
- Utility costs
- Annual plantings to develop habitats and attract birdlife
- Purchase of goods and services for repairs and maintenance
- Some continuing contract weed control services;

- (ii) Council and its administration to be active in its understanding of the Park's needs and supportive always of the volunteers and the work that they do and be committed to the Park's ethos and directions;
- 



- (iii) The volunteers do not believe any further external strategic plans or studies are necessary.

The expertise within the Council and especially amongst the volunteers is more than capable in driving the vision and the required directions for the Park.

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#### Opportunities

The volunteers believe that to maximise the Park's value, the time has arrived to address some opportunities that will require Council's direct involvement and positive/active participation.

These opportunities are described as follows:

- (i) Initiate a strategic long term relationship with an agency whereby a greater range of endemic fauna is sourced and featured at the Park and maintained (and numbers better managed as and when required);
  - (ii) Develop a more informed educational/schools resource kit that will encourage school visits to the Park and for students to explore and learn;
  - (iii) Use social media and mobile phone applications where the visitor is able to learn as they walk through the Park;
  - (iv) Higher level tertiary/educational research on the Park;
  - (v) The Scope for guided tours through the Park (day or night) is a matter for future consideration.
- 

#### Future Projects

The following are ideas of simple projects that should be undertaken at the Park in the next five years and which the volunteers could do:

- (i) Continual ongoing supply of mulch for weed control;
  - (ii) Rebuild existing internal compounds, plant habitats ready for specific fauna display e.g.:
    - Compound under boardwalk overpass
    - Compound below T-lookout
  - (iii) Build a new internal compound, plant habitats below the SQUARE lookout, ready for specific fauna display;
  - (iv) Rebuild timber floor at the Des Lattin lookout;
- 



- (v) Replace timbers at the remaining “bridges” over creeks;
- (vi) Selective removal off site of any cut timber i.e. trees that have been cut down (not fallen naturally);
- (vii) Continual annual supply of endemic flora for planting at the Park.
- (viii) Construct an “in and out” public pathway within the Tea-Tree paddock (open area up for public access to this space).  
Build crushed rock pathways and small boardwalks where needed.
- (ix) Research and document all of the rare, threatened and endangered species that were planted at the Display Garden originally.  
Obtain replacement seedlings for those species that did not survive the original planting so as to preserve the overall aims of this special area.

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#### RECOMMENDATIONS OF THE VOLUNTEERS

Noting all of the above, the volunteers recommend to Council:

- (i) That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA);
- (ii) That Council allocate a further \$5,000 per year for project work at the VLCA and where the project work can vary from year to year;
- (iii) That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties but at no material cost to Cleland;
- (iv) That Council consider a special one off allocation that would enable a study of the form and content of:
  - An educational/schools resource kit on the opportunities to learn about the Park
  - The use of mobile phone technology to enable visitors to understand as they explore the Park
  - Naming plates at specific plants featured in the Park;
- (v) That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper.

Date: 9<sup>th</sup> June 2019



Professor Chris Daniels  
Director  
Cleland Wildlife Park  
Email: [clelandwildlifepark@sa.gov.au](mailto:clelandwildlifepark@sa.gov.au) , [DEWNR.ClelandEducation@sa.gov.au](mailto:DEWNR.ClelandEducation@sa.gov.au)

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Dear Professor Daniels,

Council writes to extend its congratulations on your appointment as Director of Cleland and to provide some background on a long-standing relationship that has existed between Council and your facility.

Over many years your staff have provided advices to Council in respect of our Valley lake Conservation Park (VLCA) which is a precinct within the Mount Gambier Crater Lakes.

The advices go back some twenty years and whilst of a “casual nature”, those advices have guided Council in the redevelopment of the VLCA suitable to receive native animals indigenous to our area.

Your officers (who are probably not now located at Cleland) have in the past:

- (i) Visited Mount Gambier (at Council’s expense of travel, accommodation, meals etc.);
- (ii) Advised Council staff on the future directions it should aim for in respect of the VLCA;
- (iii) Advised Council staff on landscape, infrastructure, educational opportunities, tourism directions etc. to maximise the conservation values of the VLCA (both flora and fauna);
- (iv) Discussed opportunities for the VLCA to be an “outreach branch” of Cleland for research, staff development, sharing of resources and access to fauna suitable for the VLCA environment.

Council would be very keen to re-establish the strategic relationship between our two organisations, to reconnect at the strategic and operational levels.

Council extends in an invitation to you and/or your officers to visit our VLCA to view our advancements, receive your thoughts and ideas on improvements we could make, and whether a formal or informal relationship between our two organisations could be forged.

We do hope you can accept our invitation to visit Mount Gambier.

Kind Regards



**16.8 STREET NAMING - PROMINENT WOMEN AND MIGRANTS – REPORT NO. AR19/63081**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/63081</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Simon Wiseman, Senior Planning Officer</b>
<b>Authoriser:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Summary:</b>	<b>This report provides an update of the review of Council Policy S135 – Streets- Naming Of and provides updated lists of prominent women and migrants to Mount Gambier and a general discussion regarding the need for street naming lists.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/63081 titled 'Street Naming - Prominent Women and Migrants' as presented on 02 December 2019 be noted.
2. That Council endorse that in situations where new street names require consideration Councils Policy - S135 - Streets - Naming is to be used to provide guidance on the selection of street names.
3. That Council note the list of names for migrants of Mount Gambier and prominent women of Mount Gambier be noted.



## BACKGROUND

Council endorsed the Policy Review - S135 - Streets - Naming of report at its meeting on the 15th January 2019. The resolution by Council was the following:

- (a) That Council Report No. AR18/53462 titled 'Policy Review - S135 - Streets - Naming of' as presented to the Council on 15 January 2019 be noted.
- (b) That the updated Council Policy 'S135 - STREETS - Naming of' as attached to the Council Report No. AR18/53462 be adopted, with inclusion of the word migrants added as a dot point on page 2 section 3 item b under name sources iv in the policy.
- (c) The related documents to the Policy, AR14/25619 Suggested Historical Street Names prominent people and AR14/25616 Suggested Historical Street Names Mayors and Alderman be reviewed and a process for adding names to the lists be considered within 3 months.
- (d) Council adds the following related policy documents;
  - suggested historical street names of prominent migrants and suggested historical street names of prominent women.
- (e) Names be added to the new related documents, as per resolution (d) within 3 mon.

## DISCUSSION

The inclusion of the word migrants has been added as a dot point on page 2 section 3 item (b) under name sources (iv) in the reviewed policy.

The related documents to the Policy, AR14/25619 Suggested Historical Street Names prominent people and AR19/55114 Suggested Historical Street Names Mayors and Alderman, have been reviewed and updated. These have been attached for the Member's further information.

As part of the process of looking in to historical street names of prominent migrants and prominent women, Council engaged with several community groups/organisation's and experts in Mount Gambier. Such groups/organisations included the Soroptimists, Women in Business, Country Women's Association and a Local Heritage Expert.

A list of historic/prominent women of Mount Gambier has been created and is attached for the Members further information. A similar list has been created recognising migrants of Mount Gambier which is also attached for the Members further information. Further research may need to be done if a more extensive list of migrants to Mount Gambier is considered desirable.

Although Council has updated the lists of possible street names (including prominent women and migrants), providing lists of identified street names is not generally a common practice within Councils. As part of the investigations and research undertaken regarding this policy review it has been identified that other council's in South Australia (including city councils and regional councils) do not provide lists of suggested street names. They do have a street naming policy (similar to the City of Mount Gambier's) which guides the community/developers etc. when naming streets. Council policies reviewed included the District Council of Wattle Range, City of Port Adelaide Enfield, City of Onkaparinga, City of Charles Sturt and the City of Salisbury.

It is also considered inappropriate to include the names of living persons in the LGA Model Policy.

Historically when naming streets in the City of Mount Gambier developers and surveyors identify their own names for their developments in accordance with the Council Policy. All proposed street names should be in accordance with Council Policy (unless otherwise approved by Council) and are approved by Council as part of any Development Approval granted for a land division creating a new road.

It is not mandatory that Councils have a list of possible street names.



## CONCLUSION

Council Policy S135 Streets - naming of has been reviewed and updated and for street naming purposes, new lists of the names of prominent women and migrants to Mount Gambier have been created.

It should be noted that developers generally do not use the Council list of street names and prefer to create their own street names for their developments using the Council policy for guidance. For this reason, it is important to keep the policy updated and current.

As suggested in the above report other Council's within South Australia do not have a specific list of street names and simply allow those naming streets to be guided by their street naming policy.

## ATTACHMENTS

1. S135 - Streets - Naming Of [↓](#)
2. Migrants of Mount Gambier [↓](#)
3. Prominent women of Mount Gambier [↓](#)
4. Suggested Historical Street Names [↓](#)



 City of Mount Gambier	<b>S135 STREETS - NAMING OF</b>	<b>Version No:</b>	3
		<b>Issued:</b>	January 2019
		<b>Next Review:</b>	January, 2020

## 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for the naming of streets within the Council area.

The Local Government Act enables the delegation by Council of the authority to assign road names to the Council Administration, for example to the Chief Executive Officer.

Council has the power under section 219 of the *Local Government Act 1999* (the LG Act) to assign a name to, or change the name of:

- a public road;
- a private road; and
- a public place.

Council *must* assign a name to each public road created by land division.

It is Council's policy that all sealed public roads and all formed public roads within the Council area that are regularly accessed will be assigned a name.

All formed private roads that are accessible to the public (with the exception below) will also be assigned a name. This includes roads within complexes such as universities, hospitals, retirement villages, and roads in forests or parks etc. Private roads with five or less property addresses do not need to be named. In these cases address numbers will be assigned off the road that the private road exits on to.

All roads that can be used as part of an address for an address site will be assigned a name.

*Note: The naming of State roads is the responsibility of DPTI.*

Road name signs that identify each public road will, as far as practicable, be placed at every road intersection and will clearly indicate the road to which it applies.

## 2. INITIATING THE ROAD NAMING PROCESS

- (a) A road naming process may be initiated if:
- (i) a request is received by Council from an affected land owner or their agent;
  - (ii) Council resolves that a name change be investigated;
  - (iii) Council employees determine it is in the public interest to investigate a change in road name;
  - (iv) Council opens or forms a road; or
  - (v) Council receives an application for a land division.

## 3. ROAD NAMES

In the naming and renaming of public roads the following principles will be observed.

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## (a) Uniqueness

- (i) A road will have only one name.
- (ii) A road name will be unique within the Council area. Duplicate road names within the Council area will be resolved in order to avoid confusion (e.g. emergency services response).
- (iii) Roads that are maintained by the Department for Planning, Transport and Infrastructure (DPTI) will be named by DPTI. Council will consult with DPTI in relation to naming these roads.
- (iv) Duplicate names and similar sounding names (e.g. Paice, Payce or Pace Roads) will be avoided where possible.
- (v) If possible, duplication of names in proximity to the adjacent Council area will also be avoided. However, roads crossing Council boundaries should have a single and unique name.
- (vi) Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of Council boundaries, landforms and intersecting roads.

## (b) Name Sources

- (i) Where appropriate, proposed names for existing or new roads should have some historical significance to the actual parcel of land. Similarly any name associated with the overall land division (i.e. estate name, etc.) should also have some historical significance to the actual parcel of land.
- (ii) Should names with historical reference to the parcel of land not be available, names with historical significance to Mount Gambier and the region would be appropriate.
- (iii) Alternatives to historical names will be considered if an appropriate theme and associated names are developed for the subdivision and/or the surrounding locality.
- (iv) Sources for road names may also include:
  - Aboriginal names taken from the local Aboriginal language (and only with approval of the Aboriginal community);
  - early explorers, pioneers, and settlers;
  - eminent persons;
  - local history;
  - thematic names such as flora, fauna, ships etc;
  - war/casualty lists;
  - commemorative names;
  - migrants
- (v) Names will be selected so as to be appropriate to the physical, historical or cultural character of the area concerned.
- (vi) The origin of each name will be clearly stated and recorded as part of the Council's historical records.
- (vii) The local Aboriginal community will be consulted when choosing Aboriginal names or using words from relevant Aboriginal languages.
- (viii) Council's *Suggested Historical Street Names prominent people* and *Suggested Historical Street Names Mayors and Aldermen* lists are to be referred to during the selection of street names.

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## (c) Propriety

- (i) Names should generally not reflect the current owner and/or developer of the subdivision, or any composite names associated with the current owner and/or developer.
- (ii) In all cases, where a parcel of land is to be named after an individual and/or family, the individual and/or the family must have made an extraordinary contribution to the Council area in some clearly identified manner.
- (iii) Names of living persons will be avoided.
- (iv) Names, which are characterised as follows, will not be used.
  - Offensive or likely to give offence;
  - Incongruous - out of place; or
  - Commercial or company.

## (d) Communication

- (i) Names will be reasonably easy to read, spell and pronounce in order to assist service providers, emergency services and the travelling public.
- (ii) Street names should generally be single word only and be 'plain' English in terms of spelling and pronunciation to avoid any confusion, particularly in times of emergencies.
- (iii) Unduly long names and names composed of two or more words should be avoided:
  - a given name will only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names will generally be avoided;
  - whilst street and cul-de-sac names should have only one word, it is recognised that some roads require a two word name because of their geographic relationship e.g. Proof Range Road;
  - roads with double destination names will be avoided.

## (e) Spelling

- (i) Where it is intended that a road have the same name as a place or feature with an approved geographical name, particular care will be taken to ensure that the correct spelling of the official place name is adopted as shown in the State Gazette.
- (ii) Where the spelling of names has been changed by long established local usage, unless there is a particular request by the local community to retain the original name, the spelling that is sanctioned by general usage will be adopted.
- (iii) Generally road names proposed or approved will not contain abbreviations e.g. the "Creek" in "Wallaby Creek Road" must not be abbreviated.

## (f) Form

- (i) The apostrophe mark ' will be omitted in the possessive case e.g. "Smith's Road" will be "Smiths Road".
- (ii) Names will avoid the use of the possessive "s" unless the euphony becomes harsh e.g. "Devil Elbow".
- (iii) The use of hyphens will be avoided. However, hyphens may be used when naming a road after a person with a hyphenated name.

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## (g) Road Type

- (i) Road names will include an appropriate road type suffix conforming with the following guidelines:
- The suffix chosen will be compatible with the class and type of road. Assistance to both the motorists and pedestrians is a major consideration in choosing the suffix.
  - When a suffix with a geometric or geographic connotation is chosen it will generally reflect the form of the road, e.g.
    - Crescent - a crescent or half moon, rejoining the road from which it starts;
    - Esplanade - open, level and often along the seaside or a river.
    - For a cul-de-sac use Place, Close, Court or a suffix of similar connotation.
    - Highway (HWY) will be specifically reserved for roads associated with the state arterial road network. Its use will be restricted to roads of strategic importance constructed to a high standard.
- (ii) The following list of suitable road type suffixes is included as examples. [The list has been sourced from Australian Standards AS 1742.5 - 1997 and AS 4212 – 1994. An expanded road type list and acceptable abbreviations can be sourced from AS 4590:2006. In most instances the connotations are clear but where necessary a definition can be checked in a dictionary.]

Only road types shown in the standards documents will be used.

Alley	Avenue	Boulevard	Bypass
Circle	Circuit	Circus	Close
Court	Crescent	Drive	Arcade
Grove	Lane	Mews	Parade
Parkway	Place	Plaza	Promenade
Road	Row	Square	Street
Terrace	Walk	Way	

## (h) No Prefix or Additional Suffix

- (i) The use of a compass point prefix/suffix or an additional suffix such as “north” or “extension” will be avoided, particularly where new roads are to be named.
- (ii) Where an existing road is subsequently bisected as a result of traffic management planning or some other reason, it may be appropriate to delineate each half of the road by the addition of a compass point suffix for the purposes of assisting the community and the emergency services to locate the appropriate part of the road.

## (i) Disputes

- (i) In an instance when Council Officers and a proposer of a street name cannot agree on an appropriate name for a street, the matter be referred to Council for determination.

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#### 4. NAMING OF PRIVATE ROADS

This policy covers all formed roads that are regularly accessed and therefore includes private roads.

- (a) Private land owners are not obliged to seek Council approval for naming their roads. However, there is a public interest in encouraging private land owners and developers to select suitable names, preferably in accordance with this policy, and to obtain Council endorsement for the name.
- (b) Where Council proposes to assign a name to a private road it will consult with the owner of the land over the proposed name and the signage requirements for the road.
- (c) Signage of private roads are to be purchased and erected at the owners/developers costs but under the direction of Council.

#### 5. CONSULTATION WITH ADJOINING COUNCILS

- (a) If Council decides to change the name of a public road that runs into the area of the District Council of Grant, the Council will give the District Council of Grant at least two months notice of the proposed change.
- (b) Council will consider any representations made by the District Council of Grant in response to the notice. [Section.219(2) of the Local Government Act 1999]

#### 6. PUBLIC NOTICE OF NAME ASSIGNMENT OR CHANGE

- (a) Council will give public notice of the assigning or changing of a road name. This will be by publication in the Government Gazette and by notice in a newspaper circulating generally throughout the State, as required under the Local Government Act.
- (b) Public notice will include the date that the new name takes effect (see below) and notice will also be published on the Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

#### 7. ADVISE RELEVANT PARTIES OF NEW NAME OR NAME CHANGE

Council will provide written notice (e.g. by e-mail) of Council's decision on a new road name or name change to all relevant parties, including:

- Registrar-General;
- Surveyor-General; and
- Valuer-General [Section.219(3)(a) of the Local Government Act 1999]
- the owner of the road (if a private road);
- owners of abutting properties;
- Australia Post;
- Telstra;
- SA Water;

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- SA Power Networks;
- SA Police;
- SA Ambulance Service; and
- SA Metropolitan Fire Service and/or Country Fire Service.

#### 8. DATE OF EFFECT FOR NEW NAMES OR NAME CHANGES

- (a) The date of effect of the new or changed road name will be determined at the time the decision to assign the name so as to allow sufficient time for all stakeholders to make arrangements to ensure a smooth transition.
  - (b) The date of effect will be determined after considering:
    - (i) In respect of renaming an existing road, the impact on existing property owners, residents, tenants and occupiers. For example the time required to advise relevant parties to change letterhead stationary and advertising references;
    - (ii) Potential confusion for people using maps and street directories that effectively become out of date; and
    - (iii) The desire of some developers to sell property 'off the plan' and the opportunity for new owners to know their future address at an early stage.
- a) Council will update the Register of Public Roads as required by Section 231 of the Local Government Act.

#### 9. ROAD NAME SIGNAGE

- (i) Council will ensure road naming signage in accordance with the relevant Australian Standard (AS 1742.5 – 1997) is erected.
- (ii) Signage may be erected during construction of a sub-division.
- (iii) Signage of roads created as part of a sub-division are to be purchased and erected at the owners/developers costs but under the direction of Council.

*NOTE: Signage for State road names is the responsibility of DPTI*

#### 10. AVAILABILITY OF POLICY

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

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File Reference:	AF11/1746
Applicable Legislation:	Local Government Act 1999
Reference: Strategic Plan – Beyond 2015	Goal - Governance, Strategic Objective 5
Related Policies:	L130 Land Divisions
Related Procedures:	
Related Documents:	AF14/25619 Suggested Historical Street Names prominent people (compiled 1995) AF14/25616 Suggested Historical Street Names Mayors and Aldermen 1919-1930 Relevant Australian Standards

**DOCUMENT DETAILS**

Responsibility:	GENERAL MANAGER - CITY GROWTH
Version:	3.0
Last revised date:	15 January 2019
Effective date:	15 January 2019
Minute reference:	Council Meeting 15 January, 2019 - Item 14.18
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Reviewed/Amended:	19 <sup>th</sup> August, 2014, 15 <sup>th</sup> January, 2019

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## Migrants of Mount Gambier

(Compiled by Lynne Lowe – March 2019)

1. \*denotes name has been used for street naming purposes
2. BOLD text denotes names that have not been used for street naming purposes
3. Underline denotes similar street name existing (e.g. Andrews – St. Andrews Drive exists)

<b>MIGRANTS</b>	<b>COUNTRY OF ORIGIN</b>
<b>BRUINS</b>	DUTCH
<b>BUCHALKA</b>	POLAND
<b>BUETI</b>	ITALY – Businessman/Community identity – involved with a number of local community groups
<b>CASADIO</b> , Tony	ITALY – Killed in action Vietnam
<b>CHUCK</b> (CHUN CHEOCK)	CHINA
<b>DE BRUIN</b>	DUTCH
<b>DE NIJS</b>	DUTCH
<b>DE VALID</b>	NORWEGIAN – Opera Singer /Barman Mt. Gambier Hotel
<b>D’SOUZA</b>	INDIA
<b>HOLTJE</b>	GERMANY
<b>GENTILE</b>	ITALY
<b>GEROGIANIS</b>	GREEK – joint 1 <sup>st</sup> Naturalisation ceremony in Mt Gambier
<b>HEEMSKERK</b>	DUTCH
<b>HEINEMANN</b>	GERMANY
<b>JENS</b> , Johannes	GERMANY - Publican
<b>KANNENBURG</b> , Ben	GERMANY - Photographer
<b>KARKLINS</b> , Marians	LATVIA – joint 1 <sup>st</sup> Naturalisation ceremony in Mt Gambier
<b>KUMMEROW</b>	GERMAN – Lutheran Minister
*LEE, Andrew	HONG KONG – Businessman/Mayor of City of Mount Gambier
<b>LEHMANN</b>	GERMAN
<b>MICHIELAN</b> , *Clem & Luigi	ITALY - Businessmen
<b>MIESCHEL</b> , Reverend	GERMAN - Lutheran Minister



## Migrants of Mount Gambier

(Compiled by Lynne Lowe – March 2019)

1. \*denotes name has been used for street naming purposes
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<b>MOORS</b>	DUTCH
<b>PACE</b>	ITALY
<b>PANAGOPOULOS</b>	GREEK
<b>PASIN</b> , Louigi, Josephine, Tony	ITALY – Business Woman/Politician
<b>POST</b> , Henry	DUTCH - Jeweller
<b>RIQUIER</b> , Leon & Gerard	BELGIUM - Businessmen
<b>RISCHBEITH</b>	GERMAN
<b>SCUNGIO</b>	ITALY
<b>SIEGMUND</b>	GERMAN – Designed Centenary Tower/Wood Carver
<b>STOKKER</b>	DUTCH
<b>TADIC</b> , Ivo	- Sculptor
<b>VAN DEN HOOGEN</b>	DUTCH
<b>VAN DER SOMMEN</b>	DUTCH
<b>VAN SCHAIK</b>	DUTCH
<b>VERSACE</b>	ITALY
<b>VON MUELLER</b> , Baron Ferdinand	GERMAN
<b>WIN WAH</b> , Jimmy	CHINESE
<b>ZAADSTRA</b> family	DUTCH - Artists
<b>ZACCARDO</b>	ITALY

The above names are only a few families or individuals that have migrated to our area. There are many more.

Some of the suggested names are also currently living and not deceased.

There have also been migrants from many other countries such as the United Kingdom; Burma; Vietnam; Congo; South Africa; America; Canada etc., which require further research. The above list is but a sample.



## Prominent women of Mount Gambier

(Contributors to this list: Lynne Lowe – March 2019; Country Women’s Association; Christine Plunkett – June 2019; Di Ind – June 2019; Jessica Porter – August 2019)

1. \*denotes name has been used for street naming purposes
2. Underline denotes similar street name existing (e.g. Andrews – St. Andrews Drive exists)

NAME	RELEVANCE
ANASTASIA JENS (Dec 1908)	Hotelier
ANNIE BRICE (Dec 1931)	Aboriginal woman/women’s rights activist
AUDREY SCOTLAND (Dec 2015)	Long serving volunteer for Royal Society for the Blind Guide Dogs Association & Boandik Aged Care Facilities/Soroptimist
CATHLEEN ELIZABETH EDKINS (Dec 2008)	Artist
CLARA FLINT (Dec)	Chemist – 1 <sup>st</sup> in South Australia and possibly in Australia
ELIZABETH KNIGHT (Dec 1941)	Midwife
ELIZABETH (Betty) WALKER (Dec)	Founder of Playford Street Pals (children’s group) & Author
ENID WILLIS (Dec)	Podiatrist/Property Owner/Elected Member of Council/Soroptimist
JANE (JEAN) DALEY (Dec 1948)	Australian political organizer
JEANNIE LATTIN (Dec)	Life Member of Mount Gambier Netball Association/Lioness
JUNE ROGERS (Dec)	Long-serving volunteer and co-ordinator for St Johns.
CATHERINE (KITTY) TEMPLE (Dec 1907)	Hotelier/Infamous
Elizabeth (LIZ) Skipper PYNE (Dec 2019)	Nurse
LOIS JOAN FLORENCE DEAN (Dec 2014)	Author/Historian
LOUISA BORS – aka Annie BORS (Dec 1890)	Pioneer-Farmer
MARGARET BLAKESLEY (Dec 1894)	Pioneer
MARY BUCHAN (Dec 1875)	Murder Victim
MARY (MAY) GLYN (Dec)	Boating Accident Survivor (Her Brother Drowned)/Daughter of.....Pioneering Family of The South East
Dr MARY PATTERSON (Dec)	Gynaecologist in Mount Gambier for many years



## Prominent women of Mount Gambier

(Contributors to this list: Lynne Lowe – March 2019; Country Women’s Association; Christine Plunkett – June 2019; Di Ind – June 2019; Jessica Porter – August 2019)

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2. Underline denotes similar street name existing (e.g. Andrews – St. Andrews Drive exists)

MEREDITH MARTIN (Dec 2015)	Pharmacist/Girl Guide Commissioner
MIM INGHAM (Dec 1992)	Educator/Soroptimist
MINNIE HUNTER (Dec)	Daughter of Pioneering Family
FRANCES MARY (MOLLY) OGDEN (Dec 1996)	Nursing/Matron of Mount Gambier Hospital
PATRICIA (PAT) YVONNE GALPIN (Dec 2013)	Historian
SHIRLEY UNDERWOOD (Dec 2019)	Served in WWII/Long serving volunteer for Girl Guides & Legacy
Sister MARY IMMACULATOR (Dec)	Sister of Mercy/Teacher for Over 50 Years
Sister ELSIE MARY HOWARD-JONES (Dec 1967)	Midwife. Ran a private hospital from several locations within Mount Gambier between 1912 & 1945. She was considered the highest qualified Sister in Australia at that time (1912).
Sister NIGHTINGALE (Dec)	Nursing Sister
VIV MAHER (Dec 2017)	Aboriginal Woman/ Highly Respected Social Worker/Add Something Else Here....
ZELDA PARKER (Dec 1988)	Dance Teacher/Dance Academy

There will be many more names suitable for use after further research.



**CITY OF MOUNT GAMBIER****Updated Suggested Historical Street Names – previous Mayors and Alderman -1919 to 1930**

<b>1<sup>st</sup> December, 1919 – 30<sup>th</sup> November, 1920.</b>	
<b>Mayor:</b>	Mr. Charles Norman MacKenzie ( <i>Street</i> )
<b>Alderman:</b>	Ald. John Faull Palamountain ( <i>Street</i> ) Ald. Henry Lawrence ( <i>Street</i> ) <b>Ald. Frederick Webster</b>
<b>North Ward:</b>	Cr. Robert Marr Haig ( <i>Street</i> ) <b>Cr. John Millhouse</b>
<b>South East Ward:</b>	Cr. James Keengan ( <i>Street</i> ) <b>Cr. Alexander Cameron</b> (Court – to be used DA 381/0276/2016)
<b>South West Ward:</b>	Cr. William Hay Cr. Herbert James Wilson ( <i>Street</i> )

<b>1<sup>st</sup> December, 1920 – 30<sup>th</sup> November, 1921.</b>	
<b>Mayor:</b>	Mr. Carl Louis Spehr ( <i>Street</i> )
<b>Alderman:</b>	Ald. George Edward Truman ( <i>Street</i> ) <b>Ald. Frederick Webster</b> Ald. Henry Lawrence ( <i>Street</i> )
<b>North Ward:</b>	Cr. Robert Marr Haig ( <i>Street</i> ) Cr. John Davey Fyfe Harbison ( <i>Street</i> )
<b>South East Ward:</b>	Cr. James Keengan ( <i>Street</i> ) Cr. Paul Frederick Krummel ( <i>Street</i> )
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. Herbert James Wilson ( <i>Street</i> )

\*Names in **bold text** have not been used as a street name (as of 14/10/2019)



1 <sup>st</sup> December, 1921-30 <sup>th</sup> November, 1922	
<b>Mayor:</b>	Mr. Carl Louis Spehr <i>(Street)</i>
<b>Alderman:</b>	Ald. James Keegan <i>(Street)</i> Ald. George Edward Truman <i>(Street)</i> Ald. Henry Lawrence <i>(Street)</i>
<b>North Ward:</b>	Cr. Robert Marr Haig <i>(Street)</i> Cr. John Davey Fyfe Harbison <i>(Street)</i>
<b>South East Ward:</b>	Cr. Eric Fitzgerald Harbison <i>(Street)</i> Cr. Paul Frederick Krummel <i>(Street)</i>
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. Herbert James Wilson <i>(Street)</i>

1 <sup>st</sup> December, 1923-30 <sup>th</sup> November, 1924	
<b>Mayor:</b>	Mr. Carl Louis Spehr <i>(Street)</i>
<b>Alderman:</b>	Ald. James Keegan <i>(Street)</i> Ald. Robert Marr Haig <i>(Street)</i> Ald. Henry Lawrence <i>(Street)</i>
<b>North Ward:</b>	Cr. Lucas Adolphus DeGaris <i>(Street)</i> Cr. John Davey Fyfe Harbison <i>(Street)</i>
<b>South East Ward:</b>	Cr. Eric Fitzgerald Harbison <i>(Street)</i> Cr. Paul Frederick Krummel <i>(Street)</i>
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. William Hay

\*Names in **bold text** have not been used as a street name (as of 14/10/2019)



1 <sup>st</sup> December, 1924-30 <sup>th</sup> November, 1925	
<b>Mayor:</b>	Mr. Robert Marr Haig ( <i>Street</i> )
<b>Alderman:</b>	Ald. James Keegan ( <i>Street</i> ) Ald. Carl Louis Spehr ( <i>Street</i> ) Ald. Henry Lawrence ( <i>Street</i> )
<b>North Ward:</b>	Cr. Lucas Adolphus DeGaris ( <i>Street</i> ) Cr. Arthur Raymond Hill ( <i>Cres</i> )
<b>South East Ward:</b>	Cr. Eric Fitzgerald Harbison ( <i>Drive</i> ) Cr. Stanley Charles William Davis ( <i>Cres</i> )
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. William Hay

1 <sup>st</sup> December, 1925-30 <sup>th</sup> November, 1926	
<b>Mayor:</b>	Mr. Robert Marr Haig ( <i>Street</i> )
<b>Alderman:</b>	Ald. James Keegan ( <i>Street</i> ) Ald. Carl Louis Spehr ( <i>Street</i> ) Ald. John Davey Fyfe Harbison ( <i>Street</i> )
<b>North Ward:</b>	Cr. Henry Leo Kennedy ( <i>Avenue</i> ) Cr. Arthur Raymond Hill ( <i>Cres</i> )
<b>South East Ward:</b>	Cr. Eric Fitzgerald Harbison ( <i>Drive</i> ) Cr. Stanley Charles William Davis ( <i>Cres</i> )
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. William Hay

\*Names in **bold text** have not been used as a street name (as of 14/10/2019)



1 <sup>st</sup> December, 1926-30 <sup>th</sup> November, 1927	
<b>Mayor:</b>	Mr. John Davey Fyfe Harbison ( <i>Street</i> )
<b>Alderman:</b>	Ald. James Keegan ( <i>Street</i> ) Ald. Carl Louis Spehr ( <i>Street</i> ) Ald. Robert Marr Haig ( <i>Street</i> )
<b>North Ward:</b>	Cr. Henry Leo Kennedy ( <i>Ave</i> ) Cr. Arthur Raymond Hill ( <i>Cres</i> )
<b>South East Ward:</b>	Cr. Eric Fitzgerald Harbison ( <i>Drive</i> ) Cr. Stanley Charles William Davis ( <i>Cres</i> )
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. William Hay

1 <sup>st</sup> December, 1927-30 <sup>th</sup> November, 1928	
<b>Mayor:</b>	Mr. John Davey Fyfe Harbison ( <i>Street</i> )
<b>Alderman:</b>	Ald. James Keegan ( <i>Street</i> ) Ald. Carl Louis Spehr ( <i>Street</i> ) Ald. Robert Marr Haig ( <i>Street</i> )
<b>North Ward:</b>	Cr. Henry Leo Kennedy ( <i>Ave</i> ) Cr. Arthur Raymond Hill ( <i>Cres</i> )
<b>South East Ward:</b>	Cr. Paul Frederick Krummel ( <i>Street</i> ) Cr. Stanley Charles William Davis ( <i>Cres</i> )
<b>South West Ward:</b>	<b>Cr. Harrold Charles LeLeivre</b> Cr. William Hay

\*Names in **bold text** have not been used as a street name (as of 14/10/2019)



1 <sup>st</sup> December, 1928-30 <sup>th</sup> November, 1929	
<b>Mayor:</b>	Mr. William Hay
<b>Alderman:</b>	Ald. James Keegan ( <i>Street</i> ) Ald. Carl Louis Spehr ( <i>Street</i> ) Ald. Robert Marr Haig ( <i>Street</i> )
<b>North Ward:</b>	Cr. William Samuel Clark Cr. Henry Leo Kennedy ( <i>Avenue</i> )
<b>South East Ward:</b>	Cr. Paul Frederick Krummel ( <i>Street</i> ) Cr. Stanley Charles William Davis ( <i>Cres</i> )
<b>South West Ward:</b>	<b>Cr. Duncan John Fraser</b> Cr. Henry Lawrence ( <i>Street</i> )

1 <sup>st</sup> December, 1929-30 <sup>th</sup> November, 1930	
<b>Mayor:</b>	Mr. William Hay
<b>Alderman:</b>	Ald. James Keegan ( <i>Street</i> ) Ald. Carl Louis Spehr ( <i>Street</i> ) Ald. Robert Marr Haig ( <i>Street</i> )
<b>North Ward:</b>	Cr. William Samuel Clark Cr. Henry Leo Kennedy ( <i>Avenue</i> )
<b>South East Ward:</b>	Cr. John Davey Fyfe Harbison ( <i>Street</i> ) Cr. Stanley Charles William Davis ( <i>Cres</i> )
<b>South West Ward:</b>	<b>Cr. Duncan John Fraser</b> Cr. Henry Lawrence ( <i>Street</i> )

1 <sup>st</sup> December, 1929-30 <sup>th</sup> November, 1930	
<b>Mayor:</b>	Mr. William Hay
<b>Alderman:</b>	<b>Ald. Harrold Charles LeLeivre</b>

\*Names in **bold text** have not been used as a street name (as of 14/10/2019)



	Ald. Carl Louis Spehr <i>(Street)</i> Ald. Robert Marr Haig <i>(Street)</i>
<b>North Ward:</b>	Cr. William Samuel Clark Cr. Henry Leo Kennedy <i>(Avenue)</i>
<b>South East Ward:</b>	Cr. John Davey Fyfe Harbison <i>(Street)</i> Cr. Carl Heinrich Hirth <i>(Street)</i>
<b>South West Ward:</b>	<b>Cr. Duncan John Fraser</b> Cr. Henry Lawrence <i>(Street)</i>

\*Names in **bold text** have not been used as a street name (as of 14/10/2019)



**16.9 WINTV UPDATE – REPORT NO. AR19/63609**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/63609</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>To provide Council with an update on discussions and to seek authority to grant the Right of Way as progress has been made with the archiving element of the previous resolution.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. *That People and Place Committee Report No. AR19/63609 titled 'WINTV Update' as presented on 02 December 2019 be noted.*
2. *That Council grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.*
3. *The Chief Executive Officer be authorised to negotiate, have prepared, and to affix the Council Seal to any documents necessary to give effect to the right of way referred to in 2 above.*
4. *The cost of the right of way to be valued at \$8,500 and transactional and legal costs required to give effect to 2 and 3 above be at no cost to Council.*
5. *That negotiations continue in good faith with WINTV to secure a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically).*



## BACKGROUND

Council has previously considered reports in relation to a request for a grant of easement from WIN TV at the January 2019 Council meeting and the February 2019 Operational Standing Committee and Council meetings. A further decision was made at the June 2019 Council meeting declining to accede to the WINTV request. The matter was further discussed at the Economic and Environment Committee and Council in August 2019. The matter was brought back to Council via a motion at the October 2019 Council meeting, where it was resolved that:

*“That Council instruct the Chief Executive Officer to reopen discussions with WINTV, with the intent to:*

- (a) Request a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically);*
- (b) Grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.”*

Discussions were reopened with WINTV and the correspondence from the Chief Executive Officer and an email chain from/to WINTV can be found as **Attachments 1 and 2** respectively. **Attachment 3** is a draft order form and indemnification.

These discussions make it clear that there is an opportunity here to ensure negotiations continue in good faith, it is recommended that Council grant the right of way in accordance with the independent valuation to ascertain the value of the right of way, which was received from the valuers on 29 August 2019 and amounted to \$8,500. Council are reminded that they have already given in principle support for the Right of Way at their meeting on 18 June 2019.

Council are reminded that your administration have investigated alternative access solutions to this site. As a result of this work, it is not believed that a safer or more acceptable access can be created from this property that provides long term surety to current and future owners/occupiers and uses of the WINTV site than the proposed right of way.

It is normal practice that Council, in lieu of the short form set out in the Real Property Act, grant long forms of easements (or right of way) specifically drafted by Council's lawyer or conveyancer to address the specific circumstances in each case, ensuring that the instrument affords Council with appropriate protections in the form of indemnity, release, maintenance and make good provisions associated with the grantees use of Council land.

Council are again, recommended to make a decision which separates the two matters under consideration, noting that:

- The relevant value and process for the granting of the right of way can be progressed in a straightforward fashion, should Council so decide; and
- With regards to the archiving, progress has been made and WINTV are being positive in their approach to achieving a solution.

## CONCLUSION

It is recommended that Council enable the right of way to be granted in favour of WINTV at no cost to Council and that this process be completed. It is also recommended that work continue between WINTV and the Council to continue moving forward on access to the WINTV archive.

## ATTACHMENTS

1. Correspondence from CEO to Andrew Sculley WIN Television - WIN TV Easement Right of Way [↓](#)
2. Correspondence from Andrew Sculley WIN Television - WIN TV Easement Right of Way [↓](#)
3. Order Form Indemnification Against Liability [↓](#)







Reference: AF14/196; AR19/41034  
Enquiries to: Mr Andrew Meddle

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](mailto:city@mountgambier.sa.gov.au)

[mountgambier.sa.gov.au](http://mountgambier.sa.gov.au)

18<sup>th</sup> November 2019

Mr Andrew Sculley  
Operations / Production Manager  
WIN TELEVISION VIC Pty Ltd  
BY EMAIL TO: [sculleya@winvic.com.au](mailto:sculleya@winvic.com.au)

Dear Andrew

#### **WIN TV EASEMENT / RIGHT OF WAY REQUEST & COUNCIL ARCHIVING REQUEST**

I write further to our previous correspondence over the last few months on these matters. The matter was subject to a Motion With Notice at the Council meeting on 15 October 2019, which stated:

*"That Council instruct the Chief Executive Officer to reopen discussions with WINTV, with the intent to:*

- (a) Request a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically); and*
- (b) Grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier."*

The correspondence leading to the Motion referred to a separate document, which may provide some context for you. It can be found at:

[http://www.copyright.org.au/acc\\_prod/ACC/Information\\_Sheets/Assigning\\_Licensing\\_rights.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef](http://www.copyright.org.au/acc_prod/ACC/Information_Sheets/Assigning_Licensing_rights.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef)

These two matters are linked in Council's mind. I believe we have reached an agreement on the way to proceed on the second matter and are all ready to move forward on that. The first matter appears to have us on opposite sides of the argument. The Council firmly believe in the local and community value of the whole collection and wish to come to an arrangement whereby that information is available to the Council, solely for non-commercial purposes.

It is appreciated that this material has commercial value to you and that the archiving of this material is important to you, but – to a significant degree – out of your control. I would still like to explore whether a joint project could be developed to enable Council to assist in any way it can to expedite the archiving and gain non-commercial access to it.

I look forward to your response in due course, In the meantime, if you have any questions, please contact me.

Yours sincerely

A handwritten signature in black ink that reads "Meddle". The signature is stylized with a long horizontal stroke extending to the right.

**Andrew MEDDLE**  
CHIEF EXECUTIVE OFFICER

cc Manager – Executive Administration  
Kevin Cook – WIN NETWORK ([cookk@winnetwork.com.au](mailto:cookk@winnetwork.com.au))



**From:** [Andrew Sculley](#)  
**To:** [Andrew Meddle](#)  
**Cc:** [WIN Television](#); [Michael McCarthy](#)  
**Subject:** RE: HPE Content Manager Administration Record : AR19/62244 : Letter from CEO to Andrew Sculley WIN Television - WIN TV Easement Right of Way Request and Council Archiving Request  
**Date:** Friday, 22 November 2019 10:34:19 AM  
**Attachments:** [image002.png](#)  
[Order Form Indemnification Against Liability - WIN Bal News Dub.doc](#)

---

Andrew,

.. with regard to 'no-one taking advantage', I think the request mechanism through NSFA and review / approval from WIN will ensure that there is ongoing dialogue around the use and requirements for the archive.

In that way there is some governance over use of image and purpose, and we can work closely together through those conversations to get the right outcomes.

From experience we have found that it can be hard to control the distribution of content once released for a single application, content can be shared, and then a 3<sup>rd</sup> party could use the material in a way that it was not intended / approved.

Certainly to allow community enjoyment and for people to reminisce, a display is a safe and controlled way to allow access, social media is a great way to share but it's also a way for people to copy content.

So together we need to be responsible with how, when and where the material is used.

WIN Corporation have a very general indemnity form that members of the public would sign when purchasing a news story, or even when the dub was provided at no cost and this specifies some of the basic rules we have.

Moving forward we will be discussing use of the vision in a different context to this, but with correct controls should be able to come to a suitable arrangement.

Regards,

**Andrew Sculley**  
Operations / Production  
Manager Southern Region  
VIC, TAS & SA

03 5320 1350  
sculleya@winvic.com.au  
Walker Street, Ballarat VIC 3350

03 5333 1889  
0407 285 754

WIN WIN HD WIN BOLD WIN Peach sky NEWS on WIN

---

**From:** Andrew Meddle [mailto:AMeddle@mountgambier.sa.gov.au]

**Sent:** Thursday, 21 November 2019 5:14 PM

**To:** 'Andrew Sculley' <sculleya@winvic.com.au>  
**Cc:** WIN Television <cookk@winnetwork.com.au>; Michael McCarthy <MMcCarthy@mountgambier.sa.gov.au>  
**Subject:** RE: HPE Content Manager Administration Record : AR19/62244 : Letter from CEO to Andrew Sculley WIN Television - WIN TV Easement Right of Way Request and Council Archiving Request

Dear Andrew

Many thanks for your heartening correspondence. I look forward to hearing from you in due course. Do you have any ideas how to achieve your final point about no one taking advantage. In the meantime, I will draft a report for Council consideration in December advising of your response and seeking consent for the right of way.

Best wishes - Andrew

---

**From:** Andrew Sculley [<mailto:sculleya@winvic.com.au>]  
**Sent:** Monday, 18 November 2019 3:34 PM  
**To:** Andrew Meddle <[AMeddle@mountgambier.sa.gov.au](mailto:AMeddle@mountgambier.sa.gov.au)>  
**Cc:** WIN Television <[cookk@winnetwork.com.au](mailto:cookk@winnetwork.com.au)>; Michael McCarthy <[MMcCarthy@mountgambier.sa.gov.au](mailto:MMcCarthy@mountgambier.sa.gov.au)>  
**Subject:** RE: HPE Content Manager Administration Record : AR19/62244 : Letter from CEO to Andrew Sculley WIN Television - WIN TV Easement Right of Way Request and Council Archiving Request

Andrew,

.. I think we will be able to come to some arrangement regarding the archive.

But first we need to physically move the tapes and create a digital platform where they can live, capturing some limited metadata with the file.

We are currently working in the background on file formats that might suit our purposes and that of NSFA, to that end we have a test file with NSFA.

I'm also doing some extra work with NSFA on a specific arrangement where WIN could setup a process that allowed Mt Gambier Council to request of NSFA access to the digitized content, we can then discuss how that might work.

WIN would need to be in the loop with regard to the access and purpose, but in a non-commercial sense that's probably not going to be an issue, maybe some acknowledgment with logo of WIN providing vision if used on a display or social media.

Because NSFA would be doing some 'work' to provide clips to you, there may be some unavoidable costs relating to their man hours, I've asked for an indication of what that would be.

An aim that I have would be to try and get a broad sample of content and generate some material that might be suitable for a display, which we have discussed previously, and this might be a convenient way to display and share the heritage ... although everyone is going to have a different idea of what that should be.

( this may involve no cost to Council, but obviously some infrastructure could be required to play the media )



I think also that there might be some confusion in terms of 'commercial value' as stated the discussions and recent letter, the value we place on the archive is purely that of historical significance to the community and to WIN's broadcast history in Mt Gambier, its ownership being with WIN Corp.

Importantly we all need to ensure that the content is shared appropriately and no-one takes unfair commercial gain from access to the library, or extends the use of image beyond that of what it was intended, which largely centres around News, Sporting or Community events.

Look forward to talking further, I will give you an update on the progress of things as we move forward.

Regards,

**Andrew Sculley**  
Operations / Production  
Manager Southern Region  
VIC, TAS & SA

03 5320 1350  
sculleya@winvic.com.au  
Walker Street, Ballarat VIC 3350

03 5333 1889  
0407 285 754

WIN WIN HD WIN BOLD WIN Peach sky NEWS ON WIN

**From:** Lynne Dowling [<mailto:LDowling@mountgambier.sa.gov.au>]

**Sent:** Monday, 18 November 2019 9:37 AM

**To:** 'sculleya@winvic.com.au' <[sculleya@winvic.com.au](mailto:sculleya@winvic.com.au)>

**Cc:** Michael McCarthy <[MMcCarthy@mountgambier.sa.gov.au](mailto:MMcCarthy@mountgambier.sa.gov.au)>; WIN Television <[cookk@winnetwork.com.au](mailto:cookk@winnetwork.com.au)>; Andrew Meddle <[AMeddle@mountgambier.sa.gov.au](mailto:AMeddle@mountgambier.sa.gov.au)>

**Subject:** HPE Content Manager Administration Record : AR19/62244 : Letter from CEO to Andrew Sculley WIN Television - WIN TV Easement Right of Way Request and Council Archiving Request

Attention Mr Andrew Sculley

Dear Andrew

Please find attached correspondence from CEO Mr Andrew Meddle.

With regards

Lynne Dowling  
CEO & Mayoral Executive Support

Civic Centre 10 Watson Terrace Mount Gambier  
D 08 8721 2503 / T 08 8721 2555  
PO Box 56 Mount Gambier SA 5290

[www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)



## WIN NEWS DUB ORDER FORM AND INDEMNIFICATION

I \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

**Request the supply of a DVD of a television news report on the subject of:**

\_\_\_\_\_  
\_\_\_\_\_

**which was telecast on WIN Television (location) (date)** \_\_\_\_\_

I, the undersigned, agree with **WIN** that:

**1.** My request for the Footage is subject to acceptance by WIN, and WIN may reject my request in its sole and absolute discretion. WIN will not process or refund my payment in the event a request is rejected.

**2. COPYRIGHT WARNING AND TERMS AND CONDITIONS OF USE**

(1) WIN licences the Footage to me for private home use only. All other uses of the Footage are strictly prohibited unless expressly authorised in writing by WIN. Any unauthorized copying, editing, exhibition, renting, hiring, exchanging, public performance, diffusion, communication, broadcasting or commercial exploitation in whole or part, of the Footage is strictly prohibited. Any such action establishes liability for a civil action and may give rise to criminal prosecution.

(2) The Footage may be used by me or the applicant identified on this form on whose behalf I have made the application, without the need for further permission if such use is limited to use:

- (a) disclosed in this application form for a charitable website and for the Term specified in this Agreement;
- (b) disclosed in this application form for an academic assignment or presentation by a registered student; or
- (c) disclosed in this application form for in-house training by me or the applicant identified on this form, for my employees or employees of such applicant only, for the Term specified in this Agreement.

(3) Notwithstanding anything else in this Agreement, I must not, nor permit or allow any other person to, use the Footage for commercial purposes or in a manner that may harm, discredit or damage the reputation of WIN, its agents, employees, associated persons, related companies or affiliates (collectively referred to in this Agreement as "**WIN Entities**"), or that brings any member of the WIN Entities into disrepute.

(4) I must not, nor permit or allow any other person to, use the Footage in any way in or in connection with any:

- (a) complaint, action; demand; law suit; proceedings, or similar action against WIN or any of the WIN Entities; or
- (b) submission to any government or quasi-government department, authority or agency, industry association or industry body.

---

**WIN TELEVISION VIC PTY LTD**

Walker Street (PO Box 464) Ballarat VIC 3350 Australia 03 5320 1366 www.wintv.com.au ABN 49 004 441 561





- (5) WIN reserves the right to limit any time period and/or to terminate or revoke any permission, licence or authority granted under this Agreement immediately should the use of the Footage not conform to the purpose stated, or otherwise not comply with the terms and conditions of use, in this application form.

### 3. RELEASE AND INDEMNITY

**I HEREBY RELEASE, INDEMNIFY AND KEEP INDEMNIFIED** (on my own behalf and on behalf of any person for whom I act as agent, whether or not their existence or identity has been disclosed) WIN and the WIN Entities from and against all losses, costs, damages, expenses and claims, however arising (and whether or not as a result of negligence, defamation or other act or omission on the part of WIN or the WIN Entities or any of them) as a result or in connection with;

- (a) the supply to me of the Footage; or  
 (b) any use of the Footage

#### PLEASE SPECIFY INTENDED PURPOSE FOR THE USE OF THIS FOOTAGE

---



---

**AND the required time period of use of this Footage** \_\_\_\_\_ (**"Term"**)

**SIGNED:** \_\_\_\_\_

**Dated this** \_\_\_\_\_ **day of** \_\_\_\_\_ **200**\_\_\_\_\_

**ENCLOSED IS A CHEQUE FOR \$80.00 including GST made payable to WIN Television**

**OR**

**Please debit my credit card account as per details below:**

Credit Card No. \_\_\_\_\_ Amount \$80.00

Type of Card \_\_\_\_\_ Expiry Date: / /

Name on Card \_\_\_\_\_

Signature \_\_\_\_\_

**(All major credit cards accepted other than American Express / Diners)**

**Issued: June 2010**

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#### WIN TELEVISION VIC PTY LTD

Walker Street (PO Box 464) Ballarat VIC 3350 Australia 03 5320 1366 www.wintv.com.au ABN 49 004 441 561



**16.10 REQUEST TO INSTALL MEMORIAL SEAT AND PLAQUE AT "ARCHERY PARK" –  
REPORT NO. AR19/64352**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 December 2019</b>
<b>Report No.:</b>	<b>AR19/64352</b>
<b>CM9 Reference:</b>	<b>AF19/326</b>
<b>Author:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>Council has received a request to install a memorial seat and plaque at "Archery Park"</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR19/64352 titled 'Request to install memorial seat and plaque at "Archery Park"' as presented on 02 December 2019 be noted.
2. That Council;
  - (a) approve the installation of a memorial seat and plaque at "Archery Park" with the cost of the seat and installation being met by Council and the cost of the memorial plaque to be met by Ms Vicki Maney, or
  - (b) do not approve the installation of a memorial seat and plaque at "Archery Park".



## BACKGROUND

Council has received a request from Ms Vickie Maney to place a garden seat and plaque in memory of her father Mr John Cox at the former Archery Park (the corner of Bay Road and John Watson Drive opposite the Blue Lake Holiday Park).

## DISCUSSION

Mr John Cox made a significant contribution to the Blue Lake Archers Club over a 50 year period and in recognition of his contribution was awarded with life membership. The vast majority of Mr Cox's involvement was when the Blue Lake Archers were active at the old "Archery Park" at Corporation Reserve B therefore it is fitting that a memorial plaque, if installed, is at this location.

There is an existing memorial seat and plaques for Ulysses Club Limestone Coast Branch "Members who have ridden on" at the same location (see attachment 2)

Ms Maney has visited the site with the General Manager City Infrastructure and identified that an identical memorial seat matching one already installed that could be placed nearby. The intention is that the seat and memorial post be used to honour past members of the Blue Lake Archers Club in a similar way to the Ulysses Club memorial.

It is estimated that the cost of installing the seat and minor landscaping works would be less than \$2,000.

## CONCLUSION

Council consider the request from Ms Vickie Maney to place a garden seat and plaque in memory of her father Mr John Cox at the former Archery Park (the corner of Bay Road and John Watson Drive opposite the Blue Lake Holiday Park).

## ATTACHMENTS

1. Request (PDF format) - Memorial Garden Seat - Archery Park or Corriedale Park - John Cox [↓](#)
2. Ulysses Club - Photographs of Memorial Seat and Plaque [↓](#)



**From:** [kvmaney@gmail.com](mailto:kvmaney@gmail.com)  
**To:** [City Emails](#)  
**Subject:** memorial garden seat  
**Date:** Monday, 12 August 2019 10:34:01 AM

---

I am writing to ask what is involved in placing a garden seat and plaque on the back rest at either Archery Park or Corriedale Park or both in memory of my father John Cox who passed away very recently. He was a life member of the Archery club and this would mean a lot to our family and the Archery club if we could do this in honour of him. I know he would be very thrilled if this could happen and we feel it is the last loving, cherished connection we could have to him and do for him.

Just wondering the cost involved and how it all works.

In anticipation to your reply

Vickie Maney









**16.11 NOTICE OF MOTION - WRAPPING OF FLEET VEHICLES**

**Meeting:** People and Place Committee

**CM9 Reference:** AF19/326

**Member:** Steven Perryman, Councillor

I, Councillor Steven Perryman, give notice that at the next Ordinary Meeting of the People and Place Committee to be held on 2 December 2019, I intend to move the following motion:

**MOTION**

1. That People and Place Committee Report No. AR19/62587 titled 'Notice of Motion - Wrapping of Fleet Vehicles' as presented on 02 December 2019 be noted.
2. Council endorse the 'wrapping' all fleet vehicles as they are replaced.
3. Costs to be incorporated into budget estimates for vehicles from the 2020/2021 year.
4. A further 2 designs be developed, in addition to the existing 2 developed for the mobile tourism vehicles, along the same theme of activities to do in Mount Gambier.

**RATIONALE**

I commend this Notice of Motion to Council.

**ADMINISTRATIVE COMMENT**

The Tourism and Events vehicles have recently been wrapped. The likely future cost is approximately \$2,300 per vehicle. It is assumed that the resolution applies to light fleet (cars and small vans) and not to our heavy fleet (trucks, garbage trucks, etc.). If this is the assumption, Council has 11 cars and 15 utilities / vans, which would be affected by this motion.

**ATTACHMENTS**

Nil



**MINUTES OF CITY OF MOUNT GAMBIER  
REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 10 DECEMBER 2019 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Sonya Meziniec, Cr Frank Morello, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Growth	- Dr J Nagy
	General Manager City Infrastructure	- Mr N Serle
	Manager Executive Administration	- Mr M McCarthy
	Community Development and Engagement Officer	- Mrs H Gajic

**NOMINATION OF ACTING PRESIDING MEMBER**

**COMMITTEE RESOLUTION**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

Mayor Lynette Martin be appointed as Acting Presiding Member for the meeting in the absence of Cr Ben Hood.

**CARRIED**

**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 APOLOGY(IES)**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Jenner  
Seconded: Cr Sonya Meziniec

That the apologies from Cr Ben Hood and Cr Kate Amoroso be received.

**CARRIED**

**3 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Sonya Mezinec  
Seconded: Cr Max Bruins

That the minutes of the Regional Sport and Recreation Centre Committee meeting held on 12 November 2019 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

#### **4 QUESTIONS WITHOUT NOTICE**

Nil

#### **5 REPORTS**

##### **5.1 COMMUNITY AND RECREATION HUB TENANCIES - 1ST MOUNT GAMBIER SCOUT GROUP**

###### **COMMITTEE RESOLUTION**

Moved: Cr Frank Morello  
Seconded: Cr Max Bruins

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66180 titled 'Community and Recreation Hub Tenancies - 1st Mount Gambier Scout Group' as presented on 10 December 2019 be noted.
2. That, noting the impact of the Community and Recreation Hub Project on and necessity to amend the lease area and storage arrangements associated with the lease to Scouts Association of Australia SA Branch, Council endorse for the amendment of the lease with Scouts:
  - (a) Provision of a temporary storage solution comprising a container located at the Scouts Margaret Street site (or similar storage solution at an alternate location) for a potential period up to 31 January 2022 (or such additional period as may be necessary associated with the works period associated with the Community and Recreation Hub Project), including expenditure of up to \$4,000+gst to purchase a Council owned container.
  - (b) The progression of formal correspondence and documentation for the amendment of the existing lease area for the Margaret Street premises at Olympic Park.

**CARRIED**

##### **5.2 COMMUNITY AND RECREATION HUB TENANCIES - OPEN DOOR BAPTIST CHURCH**

###### **COMMITTEE RESOLUTION**

Moved: Cr Paul Jenner  
Seconded: Cr Max Bruins

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66239 titled 'Community and Recreation Hub Tenancies - Open Door Baptist Church' as presented on 10 December 2019 be noted.

2. That, having agreement for an interim relocation arrangement for the Open Door Baptist Church at 42 James Street, Council endorse for the relocation of the Open Door Baptist Church:
- (a) Salvage rights for (non-structural) building materials, fixtures and fittings located within the O'Halloran Terrace building currently occupied by the group, at their own arrangement and cost and under appropriate supervision for the works to be undertaken.
  - (b) Relocation assistance up to the value of \$1,500 +gst (provided in-kind or at cost) to relocate items to 42 James Street or an identified storage location.
  - (c) Storage of salvaged items at a Council location for a licence period up to 31 January 2021 (or such additional period as may be negotiated to suit their relocation plans), including expenditure of up to \$5,000 +gst to purchase a Council owned container.
  - (d) The serving of formal notices and documentation for the relocation and termination and surrender of the existing licence for the O'Halloran Terrace premises at Olympic Park.

**CARRIED**

## 6 MOTIONS WITHOUT NOTICE

Nil

## 7 CONFIDENTIAL ITEMS

### 7.1 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER – REPORT NO. AR19/66240

#### COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Regional Sport and Recreation Centre Committee orders that all members of the public, except Mayor L Martin, Councillors M Bruins, C Greco, P Jenner, S Meziniec, F Morello and S Perryman and Council Officers A Meddle, J Nagy, B Cernovskis, N Serle, M McCarthy and H Gajic be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

The Regional Sport and Recreation Centre Committee is satisfied that, pursuant to section 90(3) (b) 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

The Regional Sport and Recreation Centre Committee 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 discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Council's negotiating position to obtain best value and best outcomes for the community.

**CARRIED**

#### **COMMITTEE RESOLUTION**

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 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier.  
Resolutions 1 and 2((d), (e) and (f) to be released immediately upon determination of the matter by Council.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

### **7.2 COMMUNITY AND RECREATION HUB TENANCIES - MOUNT GAMBIER AND DISTRICT NETBALL ASSOCIATION – REPORT NO. AR19/66183**

#### **COMMITTEE RESOLUTION**

Moved: Cr Steven Perryman

Seconded: Cr Max Bruins

#### **CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Regional Sport and Recreation Centre Committee orders that all members of the public, except Mayor L Martin, Councillors M Bruins, C Greco, P Jenner, S Meziniec, F Morello and S Perryman and Council Officers A Meddle, J Nagy, B Cernovskis, N Serle, M McCarthy and H Gajic be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.2 AR19/66183 Community and Recreation Hub Tenancies - Mount Gambier and District Netball Association.

The Regional Sport and Recreation Centre Committee is satisfied that, pursuant to section 90(3) (b) 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

The Regional Sport and Recreation Centre Committee 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 discussed relates to demolition and civil works and associated budget that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Councils negotiating position to obtain best value and best outcomes for the community.

**CARRIED**

### **COMMITTEE RESOLUTION**

Moved: Cr Sonya Mezinec

Seconded: Cr Christian Greco

### **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 7.2 AR19/66183 Community and Recreation Hub Tenancies - Mount Gambier and District Netball Association 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each component of the proposed works, or until 12 months have elapsed, whichever is the earlier.

Resolutions 1, 4, 5 and 6 to be released immediately upon determination of the matter by Council.

2. Further that Council delegates the power to review, revoke, but not extension of 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**

## **7.3 CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

### **COMMITTEE RESOLUTION**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

Pursuant to section 90(2) of the *Local Government Act 1999* the Regional Sport and Recreation Centre Committee orders that all members of the public, except Mayor L Martin, Councillors M Bruins, C Greco, P Jenner, S Mezinec, F Morello and S Perryman and Council Officers A Meddle, J Nagy, B Cernovskis, N Serle, M McCarthy and H Gajic be excluded from attendance at the

meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.3 Question Without Notice – Regional Sport and Recreation Centre Committee.

The Regional Sport and Recreation Centre Committee is satisfied that, pursuant to section 90(3) (b) 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

The Regional Sport and Recreation Centre Committee 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 discussed relates to works and associated budget that Council is considering to be undertaken, the release of which during the tender period could influence and jeopardise the Councils negotiating position to obtain best value and best outcomes for the community.

**CARRIED**

### **7.3 CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

#### **COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

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 7.3 Question Without Notice – Regional Sport and Recreation Centre Committee, 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each component of the proposed works, or until 12 months have elapsed, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extension of 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**

## **8 MEETING CLOSE**

**The Meeting closed at 6.18 p.m.**

**The minutes of this meeting were confirmed at the Regional Sport and Recreation Centre Committee held on 11 February 2020.**

.....  
**PRESIDING MEMBER**

<b>17.2</b>	<b>COMMUNITY AND RECREATION HUB TENANCIES - 1ST MOUNT GAMBIER SCOUT GROUP – REPORT NO. AR19/66180</b>
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<b>Committee:</b>	<b>Regional Sport and Recreation Centre Committee</b>
<b>Meeting Date:</b>	<b>10 December 2019</b>
<b>Report No.:</b>	<b>AR19/66180</b>
<b>CM9 Reference:</b>	<b>AF18/175</b>
<b>Author:</b>	<b>Heidi Gajic, Community Development and Engagement Officer</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, General Manager Community Wellbeing</b>
<b>Summary:</b>	<b>This report presents matters associated with the 1st Mount Gambier Scout Group for consideration in order to hand over a vacant development site for the Community and Recreation Hub project.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

#### **REPORT RECOMMENDATION**

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66180 titled 'Community and Recreation Hub Tenancies - 1st Mount Gambier Scout Group' as presented on 10 December 2019 be noted.
2. That, noting the impact of the Community and Recreation Hub Project on and necessity to amend the lease area and storage arrangements associated with the lease to Scouts Association of Australia SA Branch, Council endorse for the amendment of the lease with Scouts:
  - (a) Provision of a temporary storage solution comprising a container located at the Scouts Margaret Street site (or similar storage solution at an alternate location) for a potential period up to 31 January 2022 (or such additional period as may be necessary associated with the works period associated with the Community and Recreation Hub Project), including expenditure of up to \$4,000+gst to purchase a Council owned container.
  - (b) The progression of formal correspondence and documentation for the amendment of the existing lease area for the Margaret Street premises at Olympic Park.



## BACKGROUND

At the Council meeting held on 17 September 2019 Council considered Report No. AR19/49074 titled 'Community and Recreation Hub – Tenancy Matters' and resolved as follows:

1. *That Council Report No. AR19/49074 titled 'Community and Recreation Hub - Tenancy Matters' as presented on 17 September 2019 be noted.*
2. *That the Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to any tenancy arrangements arising from determinations in accordance with resolution (2) of Resolution 2019/160 associated with Report No. AR19/36022 titled 'Community and Recreation Hub – Tenancy Matters' as considered at the July 2019 Council meeting.*
3. *That regular updates be provided to Elected Members.*
4. *That any financial implications be presented to Council for inclusion in the final consideration to progress with the Community and Recreation Hub.*

Members have been provided with regular updates on tenancy discussions following the September Council meeting.

This report presents the anticipated financial implications of the Community and Recreation Hub Project on the adjacent parcel of land and shed located on Margaret Street that is currently leased to Scouts Association of Australia SA Branch.

## DISCUSSION

In accordance with the proposed tenancy relocation options discussed with Members in the period July to September 2019 the recommendation was to explore the possibilities available to replace the shed currently leased by Scouts Association of Australia SA Branch which is to be demolished as a result of the development of the Community and Recreation Hub.

The footprint of the Community and Recreation Hub and proposed inclusion of a service road on the eastern side of the Community and Recreation Hub between Margaret Street and O'Halloran Terrace will have a direct impact on a parcel of land currently leased by Council to the Scouts.

It is further proposed that, until the construction of the service road and storage shed is completed, that a container be provided for storage purposes for Scouts items currently located in the existing shed, with the container to be located at the rear of the Scout Hall upon Scouts land.

Financial implications associated with the temporary container storage solution are anticipated as being up to up to \$4,000 for the purchase and transport of a 20 foot container, which would remain a Council asset to be repurposed at the end of the storage period.

The service road for the Community and Recreation Hub (and shed demolition) will also require an amendment to the Scouts lease area.

It should be noted that the construction of a (permanent) replacement shed and replacement fencing and gating of the altered lease boundary have already been incorporated within the Community and Recreation Hub Project plans and costings, however the timing of the construction and occupation of this replacement shed remains unknown but is anticipated as potentially being late in the project construction period.

## CONCLUSION

The reaching of a mutually agreeable solution for interim and alternative ongoing storage associated with the Scouts lease as well as the alteration of the lease area will assist Council with meeting the timeframes for securing and handing over a vacated development site for the Community and Recreation Hub Project.

Upon confirmation by Council of its support for the abovementioned proposals formal documentation to amend the existing lease with the Scouts Association of Australia SA Branch for premises on Margaret Street at Olympic Park will be progressed to effect the amendments.



**ATTACHMENTS**

Nil



**17.3 COMMUNITY AND RECREATION HUB TENANCIES - OPEN DOOR BAPTIST CHURCH  
- REPORT NO. AR19/66239**

**Committee:** Regional Sport and Recreation Centre Committee  
**Meeting Date:** 10 December 2019  
**Report No.:** AR19/66239  
**CM9 Reference:** AF18/175  
**Author:** Heidi Gajic, Community Development and Engagement Officer  
**Authoriser:** Barbara Cernovskis, General Manager Community Wellbeing  
**Summary:** This report presents matters associated with the interim relocation of the Open Door Baptist Church for consideration in order to hand over a vacant development site for the Community and Recreation Hub project.  
**Community Plan Reference:** Goal 1: Our People

**REPORT RECOMMENDATION**

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66239 titled 'Community and Recreation Hub Tenancies - Open Door Baptist Church' as presented on 10 December 2019 be noted.
2. That, having agreement for an interim relocation arrangement for the Open Door Baptist Church at 42 James Street, Council endorse for the relocation of the Open Door Baptist Church:
  - (a) Salvage rights for (non-structural) building materials, fixtures and fittings located within the O'Halloran Terrace building currently occupied by the group, at their own arrangement and cost and under appropriate supervision for the works to be undertaken.
  - (b) Relocation assistance up to the value of \$1,500 +gst (provided in-kind or at cost) to relocate items to 42 James Street or an identified storage location.
  - (c) Storage of salvaged items at a Council location for a licence period up to 31 January 2021 (or such additional period as may be negotiated to suit their relocation plans), including expenditure of up to \$5,000 +gst to purchase a Council owned container.
  - (d) The serving of formal notices and documentation for the relocation and termination and surrender of the existing licence for the O'Halloran Terrace premises at Olympic Park.



## BACKGROUND

At the Council meeting held on 17 September 2019 Council considered Report No. AR19/49074 titled 'Community and Recreation Hub – Tenancy Matters' and resolved as follows:

1. *That Council Report No. AR19/49074 titled 'Community and Recreation Hub - Tenancy Matters' as presented on 17 September 2019 be noted.*
2. *That the Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to any tenancy arrangements arising from determinations in accordance with resolution (2) of Resolution 2019/160 associated with Report No. AR19/36022 titled 'Community and Recreation Hub – Tenancy Matters' as considered at the July 2019 Council meeting.*
3. *That regular updates be provided to Elected Members.*
4. *That any financial implications be presented to Council for inclusion in the final consideration to progress with the Community and Recreation Hub.*

Members have been provided with regular updates on tenancy discussions following the September Council meeting. This report presents the anticipated implications associated with the proposed relocation of the Open Door Baptist Church from their current Olympic park tenancy on O'Halloran Terrace.

## DISCUSSION

In accordance with the proposed tenancy relocation options discussed with Members in the period July to September 2019, the first Option A for the interim relocation of the Open Door Baptist Church was to explore the potential to relocate the church to 42 James Street, Mount Gambier. Through discussions with the Open Door Baptist Church and the Mount Gambier Senior Citizens, current tenants of the facility at 42 James Street, agreement has been reached on an interim co-location arrangement.

A separate report has been presented to address proposed works at 42 James Street to accommodate interim co-location at that site, and other building fire safety and DDA upgrades.

Discussions with the Open Door Baptist Church on their relocation have clearly indicated the 42 James Street site as an interim arrangement, with a necessity for the Open Door Baptist Church to investigate their own future occupancy arrangements in the medium term. In particular noting that the term of their current 5 year licence arrangement would, but for the relocation, expire on 31 January 2021.

In consideration of the likely further relocation of the Open Door Baptist Church to their own (non-Council) premises, their contribution to the upkeep of their current building at Olympic Park, and the impending demolition of that building, it is proposed that the Open Door Baptist Church be granted salvage rights to any useful (non-structural) building materials, fixtures and fittings located within the O'Halloran Terrace building for re-use when they have secured a more permanent location, noting that certain components are considered to be the tenants' own fixtures and fittings.

It is proposed that salvage would be undertaken by the Open Door Baptist Church under the supervision of suitably qualified/licensed contractors from within their congregation.

It is further proposed that, until the Open Door Baptist Church secures a new location, storage of salvaged items be on Council premises such as a container at the Council Depot, Shed No. 7 at Hastings Cunningham Reserve (which has been recently confirmed as vacant), or another suitable storage area that is able to be made available within the relevant timeframes.

A licence would be granted to the Open Door Baptist Church for storage purposes, for a proposed period being until no later than 31 January 2021, or such additional period as may be negotiated to suit their relocation plans.



Relocation assistance is also proposed in the form of suitable transport and human resources, comprising either Council vehicles and staff or contracted removalists for items to be moved to 42 James Street or a storage location.

Financial implications associated with the Open Door Baptist Church relocation are anticipated as being up to \$1,500 for transport/relocation of physical items and up to \$5,000 for the purchase and transport of a container, which would remain a Council asset as the end of the storage period.

## **CONCLUSION**

The relocation and associated relocation assistance contained in this report are consistent with and considered necessary to give effect to existing Licence Special Conditions whereby Council reserves the right to give notice to terminate and offer a new licence at an alternative location.

The reaching of a mutually agreeable solution to the termination and relocation of the Open Door Baptist Church will assist Council with meeting the timeframes for securing and handing over a vacant development site for the Community and Recreation Hub Project.

Upon confirmation by Council of its support for the abovementioned proposals formal notice and associated documentation to surrender the existing licence with the Open Door Baptist Church for premises on O'Halloran Terrace at Olympic Park will be served to give effect to the relocation.

## **ATTACHMENTS**

Nil

