

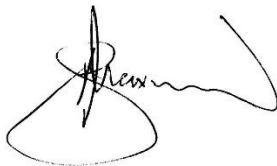
15 March 2019

**MAYOR  
COUNCILLORS  
CITY OF MOUNT GAMBIER**

1. **NOTICE** is given that a meeting of the Council of the City of Mount Gambier will be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier **on Tuesday, 19 March 2019 at 6.00 p.m.**
2. **NOTICE** is given that the Standing Committees (Committee Room and Level 1 Conference Room) and Council Assessment Panel (Level 1 Conference Room) will meet at the Civic Centre, 10 Watson Terrace, Mount Gambier on the days and dates as follows:

Strategic Standing Committee	<b>Monday, 8 April 2019</b>
Operational Standing Committee	<b>Tuesday, 9 April 2019</b>
Council Assessment Panel	<b>Thursday, 11 April 2019</b>

An agenda for the meeting is enclosed.



**Graeme MAXWELL**  
CHIEF EXECUTIVE OFFICER

## AGENDA INDEX

<b>1.</b>	<b>APOLOGY(IES)</b> .....	<b>1</b>
<b>2.</b>	<b>LEAVE OF ABSENCE</b> .....	<b>1</b>
<b>3.</b>	<b>CONFIRMATION OF COUNCIL MINUTES</b> .....	<b>1</b>
<b>4.</b>	<b>MAYORAL REPORT - Ref. AF11/881</b> .....	<b>2</b>
<b>5.</b>	<b>REPORTS FROM COUNCILLORS - Ref. AF19/72</b> .....	<b>2</b>
<b>6.</b>	<b>QUESTIONS</b> .....	<b>2</b>
	6.1. With Notice .....	2
	6.2. Without Notice .....	2
<b>7.</b>	<b>PETITIONS</b> .....	<b>2</b>
<b>8.</b>	<b>DEPUTATIONS</b> .....	<b>2</b>
<b>9.</b>	<b>NOTICE OF MOTION TO RESCIND</b> .....	<b>2</b>
<b>10.</b>	<b>ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83</b> .....	<b>2</b>
<b>11.</b>	<b>ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903</b> .....	<b>3</b>
	11.1. Attendance at LGA Training in Adelaide - Economic Development - Nurturing your Local Economy - Report No. AR19/7293 .....	3
<b>12.</b>	<b>COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228</b> .....	<b>5</b>
<b>13.</b>	<b>COMMITTEE MINUTES AND RECOMMENDATIONS</b> .....	<b>5</b>
	13.1. Minutes of Strategic Standing Committee - 12 March 2019 .....	5
	13.2. Review of Policy F140 - Flag Protocol - Report No. AR19/9039 .....	5
	13.3. Review of Council Policy C305 – Caretaker Policy - Report No. AR19/8184 .....	6
	13.4. Review of Council Policy M240 – Members Access to Information – Report No. AR19/8582 .....	6
	13.5. Review of Council Policy M405 – Members Allowances and Benefits – Report No. AR19/8664 .....	6
	13.6. Expressions of Interest for 9 Penola Road – Report No. AR19/9028.....	6
	13.7. Requests for Service and Complaints – Report No. AR19/9503 .....	7
	13.8. Policy Review – C200 – Request for Service and Complaint Policy - Report No. AR19/9529 .....	7
	13.9. Lady Nelson Precinct Mobile Unit - Report No. AR19/4250 .....	7
	13.10. Policy Review – O110 – Order Making Report No. AR19/4182 .....	7
	13.11. Non-Community Land and Buildings - Report No. AR19/9385.....	8
	13.12. Long Term Financial Plan 2018/2019 to 2027/2028 - Report No. AR19/9637.....	8



13.13.	Infrastructure Asset Management Plan 2019/2020 to 2028/2029 and Asset Management Policy .....	8
13.14.	Minutes of Operational Standing Committee - 12 March 2019 .....	9
13.15.	Works in Progress - City Infrastructure - Report No. AR19/9678 .....	9
13.16.	Quarter Two Budget Review for Financial Year Ending 30 June 2019 - Report No. AR19/6412 .....	9
13.17.	Council Assessment Panel - Expression of Interest to Fill Vacancy - Report No. AR19/9114 .....	9
13.18.	Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project Rotary - Report No. AR19/7887 .....	10
13.19.	Letter from Mount Gambier Agricultural and Horticultural Society - Report No. AR19/10237 .....	10
13.20.	Future PLEC Schemes - Report No. AR19/10220 .....	10
13.21.	Infrastructure - Committees - Limestone Coast Local Government Association - Roads and Transport Working Group - AF15/457 .....	11
13.22.	SA Power Networks - State Member for Mount Gambier - Liaison - AF11/953, AF11/2545.....	11
13.23.	Committees - Operational Standing Committee - Terms of Reference - AF17/225 ...	11
13.24.	Minutes of Council Assessment Panel - 21 February 2019.....	12
<b>14.</b>	<b>COUNCIL REPORTS .....</b>	<b>12</b>
14.1.	Review of Confidentiality Orders - Report No. AR19/6378.....	13
14.2.	Community and Recreation Hub Early Works Package - Report No. AR19/10796 ...	16
14.3.	Queen Elizabeth Park Trust Membership - Report No. AR19/11293 .....	19
14.4.	Annual Review of Delegations - Report No. AR19/6377 .....	22
14.5.	Live Streaming Council Meetings - Report No. AR19/11117.....	33
14.6.	Support for Parliamentary Inquiry Radiata Pine Exports - Report No. AR19/11703 ..	41
<b>15.</b>	<b>MOTION(S) - With Notice .....</b>	<b>43</b>
15.1.	Department of Planning, Transport and Infrastructure - Hastings Cunningham Reserve Adjoining Railway Land - Ref. AF11/2597 .....	43
<b>16.</b>	<b>URGENT MOTION(S) - Without Notice.....</b>	<b>43</b>
<b>17.</b>	<b>REPORT ATTACHMENTS.....</b>	<b>44</b>



## **AGENDA OF ORDINARY COUNCIL MEETING**

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 19 March 2019 at 6.00 p.m.

### **PRESENT**

Mayor Lynette Martin OAM

Cr Ben Hood  
Cr Steven Perryman  
Cr Sonya Mezinac  
Cr Kate Amoroso  
Cr Max Bruins  
Cr Christian Greco  
Cr Frank Morello  
Cr Paul Jenner

### **COUNCIL OFFICERS**

Chief Executive Officer	-	Mr G Maxwell
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Executive Administration Officer	-	Ms A Lavia

**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.**

### **1. APOLOGY(IES)**

Apology(ies) received from Cr

That the apology from Cr \_\_\_\_\_ be received.

Moved:

Seconded:

### **2. LEAVE OF ABSENCE**

Nil

### **3. CONFIRMATION OF COUNCIL MINUTES**

Ordinary Meeting held on 19 February 2019.

Special Meeting held on 7 March 2019.

That the minutes of the Ordinary Council meeting held on 19 February 2019 and the Special Council meeting held on 7 March 2019 as attached be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:



**4. MAYORAL REPORT - Ref. AF11/881**

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

Moved:

Seconded:

**5. REPORTS FROM COUNCILLORS - Ref. AF19/72**

Member

.....  
.....

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

Moved:

Seconded:

**6. QUESTIONS**

**6.1. With Notice**

Nil submitted.

**6.2. Without Notice**

**7. PETITIONS**

Nil

**8. DEPUTATIONS**

Nil

**9. NOTICE OF MOTION TO RESCIND**

Nil

**10. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83**

25/02/2019	Annual Business Plan and Budget 2019/2020, Long Term Financial Plan & Infrastructure and Asset Management Plan
26/02/2019	Community and Recreation Hub - Architect Workshop
01/03/2019	Strategic Planning Day
02/03/2019	Strategic Planning Day
06/03/2019	Queen Elizabeth Park Trust (QEPT) Leasing Matters

Records of proceedings are attached.

That the Record of Proceedings be received and the contents noted.

Moved:

Seconded:



**11. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903**

**11.1. Attendance at LGA Training in Adelaide - Economic Development - Nurturing your Local Economy - Report No. AR19/7293**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/7293
<b>RM8 REFERENCE</b>	AF11/903
<b>AUTHOR</b>	Lynne Dowling
<b>SUMMARY</b>	Elected Member request to attend training as part of continual professional development
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Report No. AR19/7293 titled ‘<i>Attendance at LGA Training in Adelaide - Economic Development - Nurturing your Local Economy</i>’ as presented to the Council on 19 March 2019 be noted.</p> <p>(b) To be determined at the meeting.</p>

Moved:

Seconded:



## Background

In accordance with Council Policy M500 - Members Training and Development, the City of Mount Gambier is committed to providing appropriate training and development activities for its Council Members relevant to their roles and functions.

## Discussion

The LGA Training - *Economic Development - Nurturing your Local Economy*, will inform Members of Local Government's role in economic development, including presentations on Investment Attraction and the China Engagement Strategy, Population Policy, Red Tape Reduction, Small Business, Smart Cities, Tourism and the Local Economy.

Cr Paul Jenner, Cr Kate Amoroso and Cr Ben Hood have requested approval for attendance at this Training Session, which is not available for participation via Webinar and will be held at Local Government House in Adelaide on Friday 24 May 2019. Estimated total cost, including travel and registration fees is \$2360.00

## Conclusion

This report is presented for Council to consider its endorsement of Cr Paul Jenner, Cr Kate Amoroso and Cr Ben Hood attending the Local Government Training - Economic Development - Nurturing your Local Economy, with Cr Jenner, Cr Amoroso and Cr Hood providing a written Evaluation Report for inclusion in the Friday Edition, on their return from the training.

## Attachments

[Attachment 1 \(AR19/6328\) LGA Education and Training Flyer - Economic Development - Nurturing your Local Economy.](#)

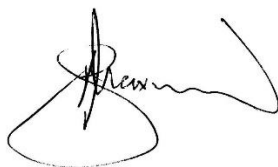
[Attachment 2 \(AR19/7361\) Travel Confirmation including cost - Cr Jenner](#)

[Attachment 3 \(AR19/8479\) Travel Confirmation including cost - Cr Amoroso](#)

[Attachment 4 \(AR19/8704\) Travel Confirmation including cost - Cr Hood](#)



**Lynne DOWLING**  
CEO & MAYORAL EXECUTIVE SUPPORT



**Graeme MAXWELL**  
CHIEF EXECUTIVE OFFICER

26 February 2019  
LD



**12. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228**

Items referred to the Council Meeting held 19 February 2019.

That the Action Items referred to the Council Meeting held 19 February 2019 be received.

Moved:

Seconded:

**13. COMMITTEE MINUTES AND RECOMMENDATIONS**

**13.1. Minutes of Strategic Standing Committee - 12 March 2019**

That the minutes of the Strategic Standing Committee meeting held 12 March 2019 as attached be noted.

Moved:

Seconded

**13.2. Review of Policy F140 - Flag Protocol - Report No. AR19/9039**

- (a) That Strategic Standing Committee Report No. AR19/9039 titled '*Review of Policy F140 – Flag Protocol*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That Council Policy F140 – Flag Protocol be readopted as attached to Report AR19/9039.
- (c) That the procedure of presenting flag flying requests to Council for resolution be continued in accordance with the guidelines in Strategic Standing Committee Report No. AR19/9039.
- (d) That a calendar of special days resolved by Council for periodical (i.e. annual) flying of flags (other than the Australian National Flag) be maintained, including the following special days:
  - a. 13 February – Anniversary of the Apology to Members of the Stolen Generation (Australian National Flag, Australian Aboriginal Flag, Torrens Strait Islander Flag)
  - b. 17 May - International Day Against Homophobia and Transphobia (Rainbow Flag)
  - c. 27 May – 2 June (check dates each year) – National Reconciliation Week (Aboriginal Flag, Torrens Strait Islander Flag)
  - d. 2-9 July (Check dates each year) – NAIDOC Week (Aboriginal & Torrens Strait Islander Flags)
  - e. 24 October – United Nations Day (United Nations Flag)
  - f. 11-26 November (check dates each year) – Feast Festival (Rainbow Flag)
  - g. 29 November – 3 December – Spirit of Eureka (Eureka Flag).

Moved:

Seconded:





**13.3. Review of Council Policy C305 – Caretaker Policy - Report No. AR19/8184**

- (a) That Strategic Standing Committee Report No. AR19/8184 titled '*Review of Council Policy C305 – Caretaker Policy*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Caretaker Policy Item 4(a) be amended such that the Caretaker period commence on the day when nominations close for the election.

Moved:

Seconded:

**13.4. Review of Council Policy M240 – Members Access to Information – Report No. AR19/8582**

- (a) That Strategic Standing Committee Report No. AR19/8582 titled '*Review of Council Policy M240 – Members Access to Information*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That Council Policy M240 – Members Access to Information be revoked as sufficient provisions are contained within the Local Government Act and Code of Conduct for Council Members dealing with matters within this policy.
- (c) We request the new CEO, when appointed, review the list of delegates to whom Council members may direct relevant and reasonable requests.

Moved:

Seconded:

**13.5. Review of Council Policy M405 – Members Allowances and Benefits – Report No. AR19/8664**

- (a) That Strategic Standing Committee Report No. AR19/8664 titled '*Review of Council Policy M405 – Members Allowances and Benefits*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the current policy M405 Member Allowances and Benefits remain unchanged.

Moved:

Seconded:

**13.6. Expressions of Interest for 9 Penola Road – Report No. AR19/9028**

- (a) That Strategic Standing Committee Report No. AR19/9028 titled '*Expressions of Interest for 9 Penola Road*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) A further report be presented to the Strategic Standing Committee informed by the outcomes of Council deliberations on the Strategic Standing Committee Report No. AR19/9385.

Moved:

Seconded:



**13.7. Requests for Service and Complaints – Report No. AR19/9503**

- (a) That Strategic Standing Committee Report No. AR19/9503 titled '*Request for Service and Complaints Report*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.

Moved:

Seconded:

**13.8. Policy Review – C200 – Request for Service and Complaint Policy - Report No. AR19/9529**

- (a) That Strategic Standing Committee Report No. AR19/9529 titled 'C200 – Request for Service and Complaint Policy' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the updated Council Policy 'C200 – Request for Service and Complaint Policy' as attached to the Strategic Standing Committee Report No. be adopted.

Moved:

Seconded:

**13.9. Lady Nelson Precinct Mobile Unit - Report No. AR19/4250**

- (a) That Strategic Standing Committee Report No. AR19/4250 titled '*The Lady Nelson Precinct Mobile Unit*' as presented to the Strategic Standing Committee on 11 February 2019 be noted.
- (b) A discussion paper be prepared detailing a range of vehicle options, design, function and costings up to \$60,000 and be presented to an Elected Member Informal Gathering.

Moved:

Seconded:

**13.10. Policy Review – O110 – Order Making Report No. AR19/4182**

- (a) That Strategic Standing Committee Report No. AR19/4182 titled '*Policy Review – O110 – Order Making*' as attached be noted.
- (b) That Council Policy O110 Order Making be amended based on the amendments to the Local Government Act 1999 with the introduction of the Local Nuisance and Litter Control Act 2016.
- (c) Proposed draft Council Policy O110 be publicly notified prior to it being formally adopted by Council as required by the Local Government Act 1999 as significant amendments to the Policy have been proposed.

Moved:

Seconded:



**13.11. Non-Community Land and Buildings - Report No. AR19/9385**

- (a) That Strategic Standing Committee Report No. AR19/9385 titled '*List of Operational Properties*' as attached be noted.
- (b) A Report be prepared on the disposal of 17 Elizabeth Street.
- (c) Hold an Informal Gathering to consider the long term strategic options for the Commerce Place car park precinct including 9 Penola Road and adjoining vacant allotments.

Moved:

Seconded:

**13.12. Long Term Financial Plan 2018/2019 to 2027/2028 - Report No. AR19/9637**

- (a) That Strategic Standing Committee Report No. AR19/9637 titled '*Long Term Financial Plan 2019/2020 to 2028/2029*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Long Term Financial Plan 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website.

Moved:

Seconded:

**13.13. Infrastructure Asset Management Plan 2019/2020 to 2028/2029 and Asset Management Policy - Report No. AR19/9661**

- (a) That Strategic Standing Committee Report No. AR19/9661 titled '*Infrastructure and Asset Management Plan 2019/2020 to 2028/2029*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Asset Management Policy be adopted, marked as final and uploaded to Council's website.
- (c) That the Infrastructure and Asset Management Plans for the ten year period 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website covering the following asset classes:
  - i. Asset Management Summary Plan 2020/2029
  - ii. Infrastructure (Roads) Asset Management Plan 2020/2029
  - iii. Building and Structures Asset Management Plan 2020/2029
  - iv. Plant and Equipment Asset Management Plan 2020/2029
  - v. Caroline Landfill Asset Management Plan 2020/2029
  - vi. Information Technology and Systems Asset Management Plan 2020/2029.

Moved:

Seconded:



**13.14. Minutes of Operational Standing Committee - 12 March 2019**

That the minutes of the Operational Standing Committee meeting held 12 March 2019 as attached be noted.

Moved:

Seconded:

**13.15. Works in Progress - City Infrastructure - Report No. AR19/9678**

- (a) That Council Report No. AR19/9678 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 March 2019 be noted.

Moved:

Seconded:

**13.16. Quarter Two Budget Review for Financial Year Ending 30 June 2019 - Report No. AR19/6412**

- (a) That Operational Standing Committee Report No. AR19/6412 titled '*Quarter Two Budget Review for Financial Year Ending 30 June 2019*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That the Quarter Two Budget Review (BR2) be adopted for the financial year 1 July 2018 to 30 June 2019 as detailed in Attachment 1 of the report titled '*Quarter One Budget Review for the Financial Year Ending 30 June 2019*' which reflects a \$632k forecast operating surplus representing a net change from the Original Budget forecast operating surplus of \$303k.

Moved:

Seconded:

**13.17. Council Assessment Panel - Expression of Interest to Fill Vacancy - Report No. AR19/9114**

- (a) That Operational Standing Committee Report No. AR19/9114 titled '*Council Assessment Panel - Expression of Interest to fill the vacancy*' as attached be noted.
- (b) That the Council Assessment Panel continue to operate with the current membership.

Moved:

Seconded:



**13.18. Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project Rotary - Report No. AR19/7887**

- (a) That Operational Standing Committee Report No. AR19/7887 titled '*Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That Council approve the installation of a seat and plaque to commemorate the fictional character, Sam McGregor and his horse Musket in the 1982 storybook "The Ballad of the Blue Lake Bunyip".
- (c) That the proposed location for the seat be between the pedestrian path and John Watson Drive at the eastern side of the Blue Lake between light poles 21 & 22 and be supplied and installed at the cost of Rotary Club of Mount Gambier West.
- (d) That endorsement be subject to achieving all necessary development approvals and State Heritage compliance.
- (e) Council reserves the right to remove any infrastructure involved in this project should it become historically or culturally sensitive.

Moved:

Seconded:

**13.19. Letter from Mount Gambier Agricultural and Horticultural Society - Report No. AR19/10237**

- (a) That Operational Standing Committee Report No. AR19/10237 titled '*Letter from Mount Gambier Agricultural and Horticultural Society*' as attached be noted.
- (b) That the Mount Gambier Agricultural and Horticultural Society be thanked for their letter received on 5 March 2019.
- (c) That the Mount Gambier Agricultural and Horticultural Society be asked to submit an application that includes their last audited financial statements and their forward strategic plan.
- (d) The Mount Gambier Agricultural and Horticultural Society be invited to attend the next meeting of the Operational Standing Committee.

Moved:

Seconded:

**13.20. Future PLEC Schemes - Report No. AR19/10220**

- (a) That Operational Standing Committee Report No. AR19/10220 titled '*Future PLEC Schemes*' as presented to the Operational Standing Committee on 12 March 2019 be noted.



- (b) That Council adopt the 6 projects as presented in this report as the future PLEC plan and commence relevant design works and discussions with PLEC representatives in order to realise the first project in the 2020/2021 financial year (subject to Council making the relevant budget allocation), and
- (c) That Council Officers invite the PLEC Committee to meet with the Operational Services Committee and to inspect the proposed future PLEC projects.

Moved:

Seconded:

**13.21. Infrastructure - Committees - Limestone Coast Local Government Association - Roads and Transport Working Group - AF15/457**

- (a) Council write to the Limestone Coast Local Government Association proposing that the City of Mount Gambier representative on the Roads and Transport Working Group be changed from Cr Kate Amoroso to Cr Paul Jenner.

Moved:

Seconded:

**13.22. SA Power Networks - State Member for Mount Gambier - Liaison - AF11/953, AF11/2545**

- (a) Council write to SA Power Networks thanking them for their presentation.
- (b) Council write to Mr Troy Bell MP expressing Council's support of the proposed legislative changes in the Electricity Act and the Electricity (Principles of Vegetation Clearance) Regulations.

Moved:

Seconded:

**13.23. Committees - Operational Standing Committee - Terms of Reference - AF17/225**

- (a) The Operational Standing Committee Terms of Reference be amended to include a provision that a letter of thanks from the Operational Standing Committee be sent to all organisations or individuals that make deputations to the Committee.

Moved:

Seconded:



**13.24. Minutes of Council Assessment Panel - 21 February 2019**

That the minutes of the Council Assessment Panel meeting held 21 February 2019 as attached be noted.

Moved:

Seconded:

**14. COUNCIL REPORTS**

Council Reports commence on the following page.



**14.1. Review of Confidentiality Orders - Report No. AR19/6378**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/6378
<b>RM8 REFERENCE</b>	AF13/64
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	A report to review all Confidentiality Orders that are currently in operation
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Report No. AR19/6378 titled '<i>Review of Confidentiality Orders</i>' as presented to the Council on 19 March 2019 be noted.</p> <p>(b) That the following Confidential Orders as specified in Attachment 1 to Report AR19/6378, having been reviewed by Council, be amended to alter the duration and release conditions:</p> <p>Nil</p> <p>(c) That the following Confidential Orders as specified in Attachment 1 to Report AR19/6378, having been reviewed by Council, be released immediately following the Council meeting on 19 March 2019:</p> <p>Nil</p> <p>(d) That all Confidential Orders as specified in Attachment 1 to Report AR19/6378, excluding those amended or released in resolutions (b) and (c) above, having been reviewed by Council remain in operation on the grounds provided.</p>

Moved:

Seconded:





## Background

At the December 2018 Council Meeting in consideration of Report No. AR18/49523 'Review of Confidentiality Orders' Council resolved as follows:

- (a) *That a more detailed report be presented to Council in confidence at the next periodic review.*
- (b) *That future reviews be presented directly to Council.*

This report presents all operating confidentiality orders for Council to review in detail.

## Discussion

Section 90(9) of the Local Government Act requires that any order to retain a matter 'in-confidence' that operates for a period exceeding 12 months must be reviewed at least once in every year.

Further, Section 91(9)(ab) provides that:

- (i) The duration of an order cannot be extended after the order has ceased to apply; and
- (ii) An order extending the duration of such an order cannot be delegated by the relevant Council or Council Committee.

A Register of Confidential Items, including web links to the released items is published on the Council website, including the grounds, duration and release conditions for items that remain subject to the operation of a Confidentiality Order.

The matters contained within the table in Attachment 1 to this Report are subject to Confidential Orders made previously by Council that remain operational and are presented for review in accordance with Section 90(9).

Upon review, Council may consider that the Confidential Orders for each of these matters should remain in operation and continue to be reviewed in accordance with the Local Government Act. No further action will be required for these existing Confidential Orders to continue in operation.

Alternatively, Council may determine that one or more of the Confidential Orders should be amended or cease to operate; and so Order that the Confidential Item be partially or fully released, or that conditions for release be amended.

The review of Confidentiality Orders being in a closed meeting, a further Confidentiality Order may be required to protect any tabled documents or discussion relating to the protected subject matter.

Alternatively, any questions regarding the content of the protected items may be addressed to the report author(s) prior to the meeting.

Should Council wish to review the confidential items in an open meeting care should be taken in discussing the subject matter of any items to avoid breaching the existing confidentiality orders.

## Conclusion

This report recommends that these Confidential Orders remain in operation until the specified release criteria, if any, have been met and for each to be reviewed at least once in every year in accordance with Section 90(9) of the Local Government Act 1999.



Council may determine to release any or all of the matters from confidence, in part or full, and in doing so should specify which parts of each Order are to be released or to remain in operation.

**Attachments**

[Attachment 1 \(AR19/8500\): Current In-Confidence Items](#)



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

25 February 2019  
MMcC



**14.2. Community and Recreation Hub Early Works Package - Report No. AR19/10796**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/10796
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Dr Judy Nagy
<b>SUMMARY</b>	Community and Recreation Hub preliminary testing works in anticipation of favourable funding outcomes.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Report No. AR19/10796 titled '<i>Community and Recreation Hub Early Works Package</i>' as presented to the Council on 19 March 2019 be noted.</p> <p>(b) That Council endorse spending of up to \$60,000 for an early works package for the Community and Recreation Centre in anticipation of favourable funding outcomes.</p>

Moved:

Seconded:



## Background

The full Federal Government Business Case was lodged at the end of January 2019 for the Regional Growth Fund, with outcomes anticipated by the end of March 2019. Should funding be successful and the project is endorsed by Elected Members, the City of Mount Gambier will be required to commence ground works within 12 weeks of contract execution and the Architects will commence the next stage of development works. Timelines for the proposed commencement of works under the Federal Government Regional Growth Fund Guidelines will be challenging and consideration of commencing certain aspects of works that have long lead times is the subject of this report.

## Discussion

Design Inc and Co-op Studios will commence stage 2 of development works once funding is confirmed however there are some aspects of preliminary works that could be commenced before funding is confirmed. The works will provide information that will directly benefit the Community and Recreation Hub if it proceeds and irrespective of the funding outcomes, the works will be an investment of time and knowledge for future use.

Architects Design Inc Adelaide and Co-op Studio have indicated that a pre works package for

- Flow testing
- Electricity
- Sewerage and
- Geo technical testing

could be commenced at anytime with the potential costs of such works estimated as between \$40,000 - \$60,000. Should the project funding be confirmed, the costs are already part of the Professional fees in costing estimates and could thus be considered a prepayment.

Further details of the schedule of proposed early works suggested by the Architect team will be distributed at the Council meeting.

## Conclusion

Knowledge gained from any preliminary works on the proposed site for the Community and Recreation Hub will be valuable for Council in relation to any future works on that site. Should the Regional Growth Fund application be successful, commencement of early works will potentially improve timelines and facilitate more efficient development progress.

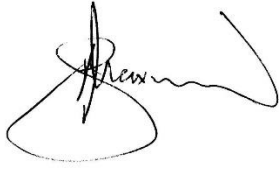
## Attachments

Nil



**Judy NAGY**  
GENERAL MANAGER CITY GROWTH



A handwritten signature in black ink, appearing to read 'Graeme Maxwell', written over a large, light-colored circular stamp or watermark.

**Graeme MAXWELL**  
CHIEF EXECUTIVE OFFICER

8 March 2019  
HG



**14.3. Queen Elizabeth Park Trust Membership - Report No. AR19/11293**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/11293
<b>RM8 REFERENCE</b>	AF11/1372
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presenting the current status of Queen Elizabeth Park Trust Board Membership.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

**REPORT RECOMMENDATION**

- (a) That Council Report No. AR19/11293 titled '*Queen Elizabeth Park Trust Membership*' as attached be noted.

Moved:

Seconded:



## Background

At the Council meeting held on 15 January 2019 Council endorsed Councillors Max Bruins and Kate Amoroso as Council nominated Board Members to fill two vacant positions on the Queen Elizabeth Park Trust (QEPT) Board. Council's third QEPT Board position has been held by Council Officer and General Manager City Growth Dr Judy Nagy since endorsement by Council in December 2017.

## Discussion

On 13 February 2019 Council was notified by the Queen Elizabeth Park Trust (QEPT) that the resignation of Dr Judy Nagy had been tabled and accepted at a Special QEPT Board meeting held on 12 February 2019, and that the Board would consider the replacement process at the next Board meeting to be held on 26 February 2019.

On 28 February 2019 Council received notification of the following decision made at the QEPT Board Meeting held on 27 February 2019:

- 1. The nomination process to fill the current vacancy on the QEPT Board be deferred until after the 30th June 2019 and authorise the administration officer to notify the City of Mount Gambier in writing.*
- 2. Consult with and seek advice from Council regarding the constitution of QEPT, the objects and the composition of the membership post 30th June 2019.*

It is understood that this decision to defer the filling of the Board vacancy is to enable further consideration to be given to a skills based board membership and review of the QEPT Constitution and Rules pending matters arising from the review (and any associated outcomes) of the golf course operations.

On 5 March 2019 Councillor Kate Amoroso gave notice of her resignation from the QEPT with immediate effect. It is expected that the QEPT will give formal consideration to this resignation at its next meeting.

The QEPT Constitution and Rules provide that the committee (Board) of the QEPT shall comprise three persons nominated by the Council. This provision does not require that the nominees must be Council Members nor that the QEPT must accept or appoint any nominee.

Council's administrative process for filling vacancies on outside organisations (in accordance with clause 5.5 of Council Policy C410 Conduct of Meetings) is that Members are notified and nominations sought when a formal request has been received from the body seeking to fill a vacancy. Nominations received are then presented to Council for consideration.

This process enables an outside organisation to manage its own process for filling a vacancy including the timing, any special requirements, skills or experience sought to align with their current membership / objectives, and enable any potential nominees to be identified and recommended for consideration.

A formal request to fill membership vacancies is yet to be received from the QEPT and it is understood from the recent Board minutes that the QEPT will be approaching Council in due course to discuss board membership provisions in light of its strategic review and current matters relating to the golf course.

Accordingly, it is considered that it would be premature for Council to consider and endorse any nominations for Members on the QEPT Board at this time.



## Conclusion

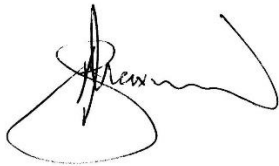
This report is provided for information on the current Council nominated QEPT Board membership status and in anticipation of a further approach by the QEPT seeking to discuss membership requirements as part of a review of the QEPT Constitution and Rules.

## Attachments

Nil



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Graeme MAXWELL**  
CHIEF EXECUTIVE OFFICER

13 March 2019  
MMcC





**14.4. Annual Review of Delegations - Report No. AR19/6377**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/6377
<b>RM8 REFERENCE</b>	AF15/495
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents Delegations to the Chief Executive Officer under various Acts in fulfilment of the requirement to review Delegations at least once every year.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

**REPORT RECOMMENDATION**

- (a) That Council Report No. AR19/6377 titled '*Annual Review of Delegations*' as presented to the Council on 19 March 2019 be noted.
- (b) That having reviewed the Local Government Association delegation templates the Council:
  - 1. Revocations**
    - 1.1. Hereby revokes all previous delegations to the Chief Executive Officer of those powers and functions under the following:
      - 1.1.1. Community Titles Act 1996
      - 1.1.2. Development Act 1993 and Development Act Regulations 2008
      - 1.1.3. Dog & Cat Management Act 1995
      - 1.1.4. Electricity Act 1996
      - 1.1.5. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
      - 1.1.6. Expiation of Offences Act 1996
      - 1.1.7. Fences Act 1975
      - 1.1.8. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
      - 1.1.9. Food Act 2001
      - 1.1.10. Freedom of Information Act 1991
      - 1.1.11. Graffiti Control Act 2001
      - 1.1.12. Land & Business (Sale and Conveyancing) Act 1994



- 1.1.13. Liquor Licensing Act 1997
- 1.1.14. Local Government Act 1999
- 1.1.15. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.16. Public Assemblies Act 1972
- 1.1.17. Roads (Opening & Closing) Act 1991
- 1.1.18. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 1.1.19. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013.
- 1.1.20. Supported Residential Facilities Act 1992
- 1.1.21. Unclaimed Goods Act 1987
- 1.1.22. Work Health & Safety Act 2012
- 1.1.23. Safe Drinking Water Act 2011
- 1.1.24. Real Property Act 1886
- 1.1.25. Electronic Conveyancing National Law (SA) Act 2013
- 1.1.26. Strata Titles Act 1988
- 1.1.27. Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.28. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 1.1.29. Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- 1.1.30. Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.31. Planning, Development and Infrastructure Act 2016
- 1.1.32. Fines Enforcement and Debt Recovery Act 2017
- 1.2. Hereby revokes its previous delegations to its Council Assessment Panel under the Development Act 1993 and Development Regulations 2008.
- 1.3. Hereby revokes its previous delegations to the Chief Executive Officer under Council By-Law No. 1 Permits and Penalties.

## **2. Delegations made under Local Government Act 1999**

- 2.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1 - 35 (each of which is individually identified as indicated below) are hereby delegated this Tuesday, 19<sup>th</sup> March, 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.

- 2.1.1. Community Titles Act 1996 (Appendix 1)



- 2.1.2. Dog and Cat Management Act 1995 (Appendix 2)
- 2.1.3. Electricity Act 1996 (Appendix 3)
- 2.1.4. Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 4)
- 2.1.5. Expiation of Offences Act 1996 (Appendix 5)
- 2.1.6. Fences Act 1975 (Appendix 6)
- 2.1.7. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 7A and 7B)
- 2.1.8. Freedom of Information Act 1991 (Appendix 8)
- 2.1.9. Graffiti Control Act 2001 (Appendix 9)
- 2.1.10. Land & Business (Sale & Conveyancing) Act 1994 (Appendix 11)
- 2.1.11. Liquor Licensing Act 1997 (Appendix 12 – **Attachment 1**)
- 2.1.12. Local Government Act 1999 (Appendix 14 – **Attachment 2**)
- 2.1.13. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 16)
- 2.1.14. Public Assemblies Act 1972 (Appendix 17)
- 2.1.15. Roads (Opening and Closing) Act 1991 (Appendix 18)
- 2.1.16. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 20/20A/20B)
- 2.1.17. Unclaimed Goods Act 1987 (Appendix 25)
- 2.1.18. South Australian Public Health Act 2011 South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Appendix 26 – **Attachment 4**)
- 2.1.19. Safe Drinking Water Act 2011 (Appendix 27)
- 2.1.20. Real Property Act 1886 (Appendix 28) and Electronic Conveyancing National Law (SA) Act 2013 (Appendix 28A)
- 2.1.21. Strata Titles Act 1988 (Appendix 29)
- 2.1.22. Work Health & Safety Act 2012 (Appendix 30)
- 2.1.23. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 32)
- 2.1.24. Local Nuisance and Litter Control Act 2016 Local Nuisance and Litter Control Regulations 2017 (Appendix 33)
- 2.1.25. Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 34 – **Attachment 6**)
- 2.1.26. Planning, Development and Infrastructure Act 2016 (Appendix 35)
- 2.1.27. Fines Enforcement and Debt Recovery Act 2017 (Appendix 36)



- 2.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- 2.3. For the purposes of these delegations all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 2.4. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

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

- 3.1. In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21) are hereby delegated this 19<sup>th</sup> March, 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.
- 3.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 3.3. In exercise of the power contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21 and which are specified in Schedule I – Council Assessment Panel Delegations) are hereby delegated this 19<sup>th</sup> March, 2019 to the Council Assessment Panel, subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993:
- 3.4. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- 3.5. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

### **4. Delegations made under Food Act 2001**

- 4.1. In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation contained in Instrument of Delegation (Appendix 22) are hereby delegated this 19<sup>th</sup> March, 2019 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.



4.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

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

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

**5. Delegations under Supported Residential Facilities Act 1992**

5.1. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in Instrument of Delegation (Appendix 24 – **Attachment 3**) are hereby delegated this 19<sup>th</sup> March, 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 Supported Residential Facilities Act 1992.

5.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

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

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

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

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

Nick Serle  
Daryl Morgan

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

Nick Serle  
Daryl Morgan



6.3. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in Instrument of Sub-delegation (Appendix 20A) is hereby sub-delegated this 19<sup>th</sup> of March 2019 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Sub-delegation; and
- (iii) the creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution; and
- (iv) for the purpose of this sub-delegation, the sub-delegation to the Chief Executive Officer extends to any person appointed to act in the position of Chief Executive Officer.

6.4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management plans:

Nick Serle  
Daryl Morgan

6.5. An authorisation or sub-delegation made to any Council Officer under this clause 6 shall expire immediately upon:

- The termination or other cessation of the officers employment with Council;
- Such authorisation or sub-delegation being revoked by resolution of Council;
- The revocation or replacement of the statute under which the authorisation or sub-delegation is made making the authorisation or sub-delegation redundant.

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

7.1. In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in Instrument of Delegation (Appendix 27) are hereby delegated this 19<sup>th</sup> of March 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 Safe Drinking Water Act 2011.

7.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

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



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

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

8.1. In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in Instruments of Delegation (Appendix 7A & 7B) are hereby delegated this 19<sup>th</sup> of March 2019 to the person appointed Fire Prevention Officer of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.

8.2. Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.

8.3. For the purposes of these delegations, all delegations to the Fire Prevention Officer extend to any person appointed to act in the position of Fire Prevention Officer.

**9. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013**

9.1. In exercise of the powers contained in Section 44 of the Local Government Act 1999 and Section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act 2013 contained in Instrument of Delegation (Appendix 31 – **Attachment 5**) are hereby delegated this 19<sup>th</sup> of March 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 Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

9.2. 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 Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

9.3. 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.

9.4. 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.

**10. Delegation of Powers under Council's By-Law No. 1 Permits and Penalties**

10.1. The Council hereby delegates this 19<sup>th</sup> of March 2019 to the Chief Executive Officer and any person acting in that position, the following



powers under the Council's By-law No. 1 - Permits and Penalties 2018 to:

- 10.1.1. to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law or to otherwise grant permission under any Council By-law;
  - 10.1.2. to attach any conditions that the delegate sees fit to a grant of permission issued under a By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person(s) to whom permission was granted;
  - 10.1.3. to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person(s) to whom permission was granted; and
  - 10.1.4. to commence proceedings to prosecute an offence under a Council By-law.
- 10.2. Such powers may be further delegated by the Chief Executive Officer to other officers and Authorised Officers of the Council as the Chief Executive Officer considers fit.
- 10.3. For the purposes of these delegations all powers to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

Moved:

Seconded:





## Background

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

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

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

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

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

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

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

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



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

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

## Discussion

Council last conducted a full review of delegations in accordance with Section 44(6) of the Local Government Act 1999 at its meeting held on 20<sup>th</sup> February 2018.

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

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

- *Development Act 1993*
- *Expiation of Offences Act 1996*
- *Local Government Act 1999*
- *Fines Enforcement and Debt Recovery Act 2017*

Delegations arising from changes with the abovementioned Acts were addressed by an interim delegation update report and resolutions in June 2018. Accordingly, no new or updated appendices associated with these Acts are attached to this report for consideration and endorsement.

Further updates to LGA delegation templates have since been made for the following Acts:

- *Liquor Licensing Act 1997 (Appendix 12 – Attachment 1)*
- *Local Government Act 1999 (Appendix 14 – Attachment 2)*
- *Supported Residential Facilities Act 1992 (Appendix 24 – Attachment 3)*
- *SA Public Health Act 2011 (Appendix 26 – Attachment 4)*
- *Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 31 – Attachment 5)*
- *Water Industry Act 2012 (Appendix 34 – Attachment 6)*

Updated appendices associated with these two Acts and recommendations to make delegations are included with this report as Attachments 1-3.

Appendices 1-35 containing the delegations to the Chief Executive Officer under the various legislation set out in the recommendations have been provided to Members under separate cover and are published on the Council Website with the agenda for this meeting.

This report and recommended resolutions meet the legislative requirement for delegations to be reviewed by Council at least once in every financial year.



Further interim delegation update reports will be presented to Council if/as the need arises prior to the next full delegation review which will be scheduled in early 2020.

## Conclusion

The review and remaking of delegations are now recommended for adoption and proposed resolutions have been prepared for this purpose.

Upon the remaking of Council's delegations all sub-delegations will be remade by the Chief Executive Officer and Council's Delegations Register will be updated accordingly.

## Attachments

[Attachment 1 \(AR19/7580\): Appendix 12 – Instrument of Delegation Liquor Licensing Act](#)

[Attachment 2 \(AR19/9580\): Appendix 14 – Instrument of Delegation Local Government Act](#)

[Attachment 3 \(AR19/9581\): Appendix 24 – Instrument of Delegation Supported Residential Facilities Act](#)

[Attachment 4 \(AR19/7783\): Appendix 26 – Instrument of Delegation SA Public Health Act](#)

[Attachment 5 \(AR19/9572\): Appendix 31 – Instrument of Delegation Heavy Vehicle National Law](#)

[Attachment 6 \(AR19/9586\): Appendix 34 – Instrument of Delegation Water Industry Act](#)



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

25 February 2019  
MMcC



**14.5. Live Streaming Council Meetings - Report No. AR19/11117**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/11117
<b>RM8 REFERENCE</b>	AF18/441
<b>AUTHOR</b>	Sharny McLean
<b>SUMMARY</b>	A report outlining costs, resourcing, policy requirements and implications in relation to live streaming Council Meetings.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Council Report No. AR19/11117 titled '*Live Streaming Council Meetings*' as attached be noted.
- (b) That live streaming and recording of Council meetings be conducted on a trial basis for four months, outsourced to professional videographers, to enable administration to promote the service, analyse viewing figures and gauge public interest.
- (c) A report be prepared and presented to Council for consideration following the third trial month before committing new funds and administrative resources toward live streaming/recording Council meetings on a continuing basis.
- (d) That legal advice be sought on policy and risk implications of live streaming and recording Council meetings; and a policy be presented for adoption by Council prior to the commencement of a trial period in accordance with resolution (b).

Moved:

Seconded:



## Background

At the 9 February 2019 Council meeting Cr Amoroso presented the following question on notice:

*How much would it cost the City of Mount Gambier Council to livestream Council Meetings through the Council's Facebook page?*

Answer:

*Without knowing the scope and parameters of this question we are unable to provide a cost to live stream Council meetings. To provide a cost estimate we require the scope and an understanding of the outcomes being sought, for example the streaming quality expected, hardware and software requirements, captioning, archiving, staff or professionals time to do so etc.*

*Once we have further guidance from Council regarding the scope and desired outcomes, we can consider this as part of the Media and Communications strategy and undertake further research into offering this service including an estimate of costing.*

In the interest of increasing community engagement, transparency and accountability, Council called for a report in a resolution as follows:

Council supports the concept of livestreaming Council Meetings and calls for a report from staff on the cost and policy implications surrounding livestreaming for presentation at the next meeting of Council.

## Discussion

'Live streaming' is defined as transmitting or receiving live video and audio coverage over the internet in real time. Live streams are temporary and only exist to watch for a predetermined period of time. Live streaming means members of the community can observe council meetings as they happen on a computer, tablet or mobile device.

Depending on the platform used, the broadcast can also be simultaneously recorded and made available in an archive (Facebook Live and YouTube accounts have archiving capability).

The Local Government Association of South Australia was contacted for further details about what other councils are currently doing within this space. Of the 68 councils in SA, 22 responses to an LGA email asking for feedback were received. The LGA reported that three councils live stream meetings and six record council meetings. Six councils also indicated that they are in the process of discussing or exploring options to record or live stream.

See the following local government recorded live stream examples:

City of Adelaide: [https://www.youtube.com/watch?time\\_continue=682&v=zbSaqVKXbOs](https://www.youtube.com/watch?time_continue=682&v=zbSaqVKXbOs)

City of Burnside: <https://www.youtube.com/watch?v=3JyZ71n0Qgk>

City of Wodonga: <https://www.wodonga.vic.gov.au/about-us/council-meetings/livestreaming.asp>

City of Monash: <http://webcast.monash.vic.gov.au/>



South Gippsland Shire Council:

[http://www.southgippsland.vic.gov.au/info/20004/your\\_council/312/live\\_streaming](http://www.southgippsland.vic.gov.au/info/20004/your_council/312/live_streaming)

Baw Baw Shire Council: <http://www.bawbawshire.vic.gov.au/About-Council/Council-Meetings/Live-Streaming-Council-Meetings>

Moreland City Council: <https://www.moreland.vic.gov.au/about-us/your-council/council-and-committee-meetings/live-streaming/>

The examples provided are varied and show the use of a singular fixed camera with individual microphones for all participants in the meeting, vision of Elected Members and Council Officers filmed from two or three fixed cameras presented to the viewer as a split screen, including a direct feed to the minute takers screen. The quality of the broadcast and audio varies greatly based on the technology implemented, applications used and budget approved for the provision of the service.

### **Camera(s), Audio and Cost**

The City of Mount Gambier sought advice from Green Triangle Electronics, VideoLive's Rob Tremelling, The Media Depot's Nick Ireland and Kinship Production's Astyn Reid in relation to possible live streaming/recording options for the City of Mount Gambier Council Chamber.

The layout of the Chamber is circular, which means it is not possible to fully capture all Elected Members within a singular fixed camera wide shot. If a camera was placed above the door inside the Chamber facing the Mayor, the viewer would only see the back of Cr Jenner and Cr Meziniec and the side profile of the other Elected Members. This would be an issue when Elected Members go to speak, as it may be difficult for a viewer to identify who is speaking without seeing faces clearly.

To obtain clear vision of all Elected Members, the installation/use of at least two cameras (positioned at the top of the room near the Mayor, and at the back near the double doors of the Chamber, subject to testing) was recommended by all experts consulted. It is worth noting that if more than one camera is implemented, the complexity of the operation rises. The operator of a new live streaming PC/laptop will need to control and switch between both cameras, the video feed from the agenda PC (if this is required) and control the audio levels. The operator will need to be trained to do this and provided with access to troubleshooting support. This would require a person or staff member in addition to the staff member taking the meeting minutes.

Audio is another important consideration within the live stream/recording set up. The acoustics of the Chamber mean that the space creates a substantial echo. A microphone system will be required to hear all Elected Members and Council Officers clearly as part of meeting procedures. It has been suggested that the most effective application would be the installation of individual microphone stations with push button activation. This will reduce ambient noise and won't pick up private conversations not intended for the record. Each microphone in the suggested system has a red 'on-air' tally light to indicate its status (on or off) and each Councillor would be responsible for the operation of their microphone. The audio system would require cabling and installation that will connect to a central automatic mixer to feed through to the live streaming PC/laptop. A boom microphone (a directional microphone attached to a pole or arm) could be considered, but this is not expected to provide an effective sound solution for the entire Chamber.



**Table 1: Live streaming/Recording Council Meetings Pros and Cons**

Pros	Cons
<ul style="list-style-type: none"> <li>Community members who are unable to be physically present in the gallery can tune in from wherever they are.</li> </ul>	<ul style="list-style-type: none"> <li>If managed or operated by administration, resourcing, staff training, staff availability, time to implement the initiative, in addition to the impact on budget and staff in the form of overtime and/or TOIL.</li> <li>If managed or operated by an external third party provider, there is also an impact on the budget.</li> </ul>
<ul style="list-style-type: none"> <li>Archived recordings are accessible to the public at any time.</li> </ul>	<ul style="list-style-type: none"> <li>Uncertainty as to how many people will engage with the content.</li> </ul>
<ul style="list-style-type: none"> <li>Potentially increase community engagement transparency and accountability.</li> </ul>	<ul style="list-style-type: none"> <li>Potential technical difficulties at any time.</li> </ul>
	<ul style="list-style-type: none"> <li>Could expose Council/Elected Members to potential legal action (breach of privacy and defamation).</li> </ul>

Tables 2 to 5 below outline the findings from research and conservative initial cost estimates.

**Table 2: Two camera fixed installation options**

Two camera fixed installation options	Provider	Requirements/Details	Cost*
1. Two camera installation, separate microphone for each Councillor/Officer	Media Depot Nick Ireland	<ul style="list-style-type: none"> <li>1 x fixed narrow angle (close shot) IP NDI PTZ 1080 HD video cameras (Mayor +2)</li> <li>1 x fixed wide angle (160 degrees) IP NDI PTZ 1080 HD video camera (Councillors)</li> <li>15 x desk top microphone terminals</li> <li>1 x NDI (software) connection to agenda PC</li> <li>1 x PC / laptop to run broadcast software to switch video / audio sources and stream output</li> <li>1 x iPad (or similar) with independent mobile connection to monitor video stream</li> <li>On completion of the physical installation of equipment, configuration and system testing will be required. Staff training will be provided, in addition to Nick overseeing the first few broadcasts.</li> <li>The streaming platform is not included. Requires the use of 'Livestream Studio 5' live production switcher software.</li> </ul>	<p><b>\$25,000</b></p> <p>Does not include installation of cabling and connection points. This would be handled by a third party. An ongoing cost of the iPad with cellular internet connection to be managed by Council.</p> <p>\$1140 Annual subscription</p> <p><b>Total: \$26,140</b></p>



Two camera fixed installation options	Provider	Requirements/Details	Cost*
2. Live streaming and recording for Video on Demand (VOD) playback. Hardware to record both audio and video.	Green Triangle Electronics	<ul style="list-style-type: none"> <li>Control Unit with inbuilt Recorder and Digital Acoustic Feedback Suppression.</li> <li>Discussion device with long microphone.</li> <li>Panasonic AW-HE40SKEJ9 High Definition Camera x 2</li> <li>Miscellaneous cables, connectors and parts</li> <li>On site installation, configuration and training.</li> <li>The streaming platform is not included. Requires the use of 'Livestream Studio 5' live production switcher software platform.</li> </ul>	<p>\$2,750.00</p> <p>\$858.00 each \$12,870.00 for 15</p> <p>\$9,918.00</p> <p>\$100.00</p> <p>\$1,386</p> <p>Total: \$27,024</p> <p>\$1,140 Annual subscription</p> <p><b>Total: \$28,164</b></p>

**Table 3: Flexible outsourced option**

Flexible outsourced option	Provider	Requirements/Details	Cost*
3. Outsource live streaming to professional videography business	Videolive  Rob Tremelling and Marcus Jones	<ul style="list-style-type: none"> <li>A two person, three camera production provided by 'Videolive'.</li> <li>Computer feed (minutes etc) plus audio, switched signal. The multi camera switched signal would then be live streamed.</li> <li>Equipment provided by Videolive.</li> <li>Set up and pack up included.</li> </ul>	<p>\$750 per monthly meeting</p> <p><b>Total: \$3,000 for four months. \$9,000 for 12 months.</b></p>

**Table 4: One camera options**

One camera options	Provider	Requirements/Details	Cost*
4. Mevo Plus Pro Bundle*	Media Depot  Nick Ireland	<ul style="list-style-type: none"> <li>Single camera option.</li> <li>Mevo Plus Pro Bundle includes camera, boost, stand and case to be connected to an iPad.</li> </ul> <p>*Does not include any audio capabilities.</p>	<p><b>Total: \$1,404</b></p>
5. Basic one camera set up	Rob Tremelling	<ul style="list-style-type: none"> <li>Single camera option</li> <li>GoPro</li> <li>Streaming platform 'Livestream Studio 5'</li> <li>Rode NT3 Studio Multi Powered 3/4 Microphone</li> <li>Laptop computer (not included)</li> </ul>	<p>\$450</p> <p>\$1,140 annual subscription</p> <p>\$299</p> <p><b>Total: \$1,889</b></p>





\* All costs are conservative initial estimates. Camera placement, audio and software will need to be tested within the Chamber and adjustments may be required that could incur further costs.

**Table 5: Pros and Cons of all Live streaming/Recording options**

Option	Pros	Cons
1. Two camera installation, separate microphone for each Councillor and Officer.	<ul style="list-style-type: none"> <li>• Microphone stations with push button activation. Will reduce ambient noise and won't pick up private conversations not intended for the record.</li> <li>• Guidance and training provided.</li> </ul>	<ul style="list-style-type: none"> <li>• Large capital outlay.</li> </ul>
2. Live streaming and recording for Video on Demand (VOD) playback. Hardware to record both audio (individual microphones) and video.	<ul style="list-style-type: none"> <li>• Microphone stations with push button activation. Will reduce ambient noise and won't pick up private conversations not intended for the record.</li> </ul>	<ul style="list-style-type: none"> <li>• Large capital outlay.</li> </ul>
3. Outsource live streaming to professional videography business.	<ul style="list-style-type: none"> <li>• Live streaming/recording will be of a professional standard.</li> <li>• No capital outlay needs to be invested for equipment, will all be provided by videographers.</li> </ul>	<ul style="list-style-type: none"> <li>• Expensive over an extended period of time.</li> </ul>
4. Mevo Plus Pro Bundle.	<ul style="list-style-type: none"> <li>• Cost effective.</li> </ul>	<ul style="list-style-type: none"> <li>• Not recommended to do the job effectively.</li> <li>• Doesn't include a microphone system.</li> </ul>
5. Basic one camera set up.	<ul style="list-style-type: none"> <li>• Cost effective.</li> </ul>	<ul style="list-style-type: none"> <li>• Not recommended to do the job effectively.</li> <li>• Singular microphone which is unlikely to be effective within the space.</li> </ul>

**Staff resourcing and training**

If Council wishes to proceed with live streaming/recording Council meetings and doesn't choose to outsource the process, staff resources in addition to existing resourcing will be required to manage and monitor the systems put in place and manage any archiving environment. This will also include pre meeting testing of system functionality and any post production requirements such as branded graphics to indicate the start of the meeting and for confidential items. There are several other considerations such as training of more than one person to use the equipment, overtime/TOIL, and the fact that members of staff currently don't have experience or expertise in live streaming, production and the technology.

The Media and Communications and iServices teams would be required to work closely with a third party provider to set up/install and test the equipment and procure licensed systems/software required for live streaming/recording. Considerations during this process would include upload bandwidth, speed testing, placement of cameras, a new PC or laptop, audio mixer and microphone leads in the Chamber etc. Training on how to use the systems and testing would also be required.



To assist the viewer to find specific agenda items and sections of the meeting when watching an archived recording, some councils bookmark recorded video content. Recorded content will also require subtitles/closed captioning for the deaf, hard of hearing and those learning the English language. Automatic captioning can be applied to YouTube and Facebook Live, but this will need to be synchronised with the visuals and edited for accuracy as auto generated captions are often incorrect (this is not a task that is currently performed by staff). The duration of some Council meetings can be more than three hours long, so consideration must be given to bookmarking and captioning as significant additional administrative tasks for staff or an external third party provider for which additional support, training, time and expense will be required.

### **Policy requirements, implications/risks**

A City of Mount Gambier Live Streaming Policy will need to be developed if Council wishes to proceed with live streaming/recording. There are several implications and risks which need to be considered before implementing live streaming/recording including:

- If Council wishes to stream and record meetings, providing an archived copy on Facebook or YouTube, this content can be copied, modified and/or used for purposes other than intended.
- Recorded content will require a disclaimer and copyright notice. A disclaimer will also need to be developed and read out by the Mayor at the start of each live stream broadcast.
- Legal exposure relating to a breach of privacy and defamation.
- Legal exposure relating to inappropriate behaviours of those in attendance.
- Technical issues outside of Council's control (e.g. availability of internet connection, device failure/malfunction, power outages).
- There is also an additional cost for archiving, storage and retrieval that will need to be included in the overall cost.

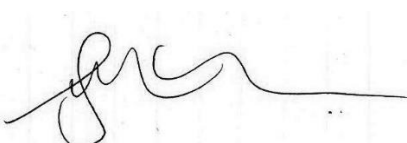
It is recommended that legal advice regarding policy and the risks of streaming and recording video and archiving is obtained if Council wishes to implement live streaming/recording.

### **Conclusion**

As the community demand for live streaming/recording is unknown at this stage, it is suggested that if Council wishes to move forward with live streaming/recording, that it do so on a trial basis for four months (estimated \$3,000 cost). During this time, staff can promote/communicate the service, analyse viewing figures, patterns and gauge public interest, before Council commits to allocating a substantial amount of resources, time and expense to install the required infrastructure to live stream/record Council meetings.

### **Attachments**

Nil



**Sharny McLEAN**  
MEDIA AND COMMUNICATIONS COORDINATOR



A handwritten signature in black ink, appearing to read 'Pamela Lee', with a small dot at the end.

**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

12 March 2019  
SM



**14.6. Support for Parliamentary Inquiry into Radiata Pine Exports - Report No. AR19/11703**

<b>COMMITTEE</b>	Council
<b>MEETING DATE:</b>	19 March 2019
<b>REPORT NO.</b>	AR19/11703
<b>RM8 REFERENCE</b>	AF11/942
<b>AUTHOR</b>	Graeme Maxwell
<b>SUMMARY</b>	This report is produced following receipt of correspondence from the SA Timber Processors Association and discussions at a regional LGA and RDA level regarding a Notice of Motion to Parliament seeking an inquiry into the economic impact of wood fibre exports on local processing capacity.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

**REPORT RECOMMENDATION**

- (a) That Council Report No. AR19/11703 titled '*Support for Parliamentary Inquiry into Radiata Pine Exports*' as attached be noted.
- (b) That Council write to the Member for Mount Gambier, Troy Bell MP, supporting his Notice of Motion to Parliament '*That a Select Committee of this house be appointed to inquire into the Economic Impact Exports of wood fibre is having on processors of the South East of South Australia*', and that Council's support also be conveyed to the State Premier and Opposition Leader.

Moved:

Seconded:



## Background

In August 2017 Council received a report from Econsearch in relation to the Economic contribution of timber processing to Mount Gambier. For the 2016/17 financial year that contribution was estimated at 1521 jobs and \$198million in GRP for the Mount Gambier and Grant Council region. The flow on effects accounted for a further \$85million in GRP and 684 jobs.

Other Councils within the region are now considering undertaking similar studies, as there is a growing concern that local processing is being negatively impacted by significant exports of pine product.

## Discussion

A number of the local/regional timber processing companies have been expressing difficulty in sourcing ongoing timber supply for their operations. Various local processors and timber related companies have already made representations to State and Federal Members about their supply concerns with little outcome. These local operations need secure log supplies to ensure sustainability of not only their own businesses but also employment in transport and other reliant sectors across the region.

Originally timber plantations in our region were planted by the State Government for domestic value adding opportunities to create and sustain a manufacturing base in timber milling communities. Much of this timber plantation area has now passed into private ownership, with the State Government moving much of the South Australian resource to One Forty One Plantations on a long term lease.

The formation of a Parliamentary Select Committee to inquire into this matter will provide a forum within which to further explore the extent of the supply issue and to make recommendations as to how it might be addressed.

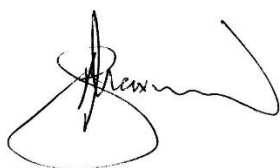
## Conclusion

Support for the establishment of a Parliamentary Select Committee involves no commitment of resources by Council but may result in the emergence of more specific information and data that may contribute to a solution to current supply concerns.

## Attachments

[Attachment 1 \(AR19/11713\): Letter from SA Timber Processors Association dated 08/03/2019](#)

[Attachment 2 \(AR19/11714\): Notice of Motion to the House of Assembly from the Member for Mount Gambier, Hon. Troy Bell MP](#)



**Graeme MAXWELL**  
CHIEF EXECUTIVE OFFICER



**15. MOTION(S) - With Notice**

**15.1. Department of Planning, Transport and Infrastructure - Hastings Cunningham Reserve Adjoining Railway Land - Ref. AF11/2597**

**MOTION**

- (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.

Moved:

Seconded:

**16. URGENT MOTION(S) - Without Notice**

Meeting closed at     p.m.

AR19/10002



**17. REPORT ATTACHMENTS**

Report attachments commence on the next page.



## **MINUTES OF ORDINARY COUNCIL MEETING**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 19 February 2019 at 6.00 p.m.

### **PRESENT**

Mayor Lynette Martin OAM

Cr Ben Hood  
Cr Steven Perryman (arrived at 6.03 p.m.)  
Cr Sonya Mezinec  
Cr Kate Amoroso  
Cr Max Bruins  
Cr Christian Greco  
Cr Paul Jenner

### **COUNCIL OFFICERS**

Chief Executive Officer	-	Mr G Maxwell
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Mrs M Telford

**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.**

### **1. APOLOGY**

Apology received from Cr Frank Morello

That the apology from Cr Morello be received.

Moved: Mayor Martin

Seconded: Cr Bruins

Carried

### **2. LEAVE OF ABSENCE**

Nil

Cr Perryman arrived at 6.03 pm

### **3. CONFIRMATION OF COUNCIL MINUTES**

Ordinary Meeting held on 15 January 2019

Special Meeting held on 23 January 2019





That the minutes of the Ordinary Council meeting held on 15 January 2019 and the minutes of the Special Meeting held on 23 January 2019 as attached be confirmed as accurate records of the proceedings of the meetings.

Moved: Cr Meziniec

Seconded: Cr Greco

Carried

#### 4. **MAYORAL REPORT - Ref. AF11/881**

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

- Library Summer Reading Club - End of Club Party
- Australia Day Celebrations
- 2019 Naval Club Annual Dinner
- Liberty Church Combined Meeting - Heads of Public Services
- Council's Waste Tour
- Sport and Rec Centre Committee Meeting
- Guest Speaker - U3A AGM
- Official Opening MJ/Phoenix Dance Studio
- Meeting with State Leader and local representative Salvation Army
- Private Citizenship Ceremony
- Flinders University Rural Health SA 2019 Rural Placements Commencement Function
- Citizenship Ceremony
- LCLGA GM and AGM - Kingston SE
- Attendance at Park Run 9 Feb 2019
- With CEO meeting with representatives from Country Arts SA
- Strategic Standing Committee Meeting
- Meeting with Boandik Chief Executive Officer
- Operational Standing Committee Meeting
- Launch of Libraries SA App - Get Appy
- Farewell for Chief Executive Officer
- NF McDonnell and Sons 75 Year Celebration
- Visit to Hamilton Sport and Recreation Centre
- Greet and Welcome Interim Chief Executive Officer on arrival in Mount Gambier

Moved: Mayor Martin

Seconded: Cr Bruins

Carried

#### 5. **REPORTS FROM COUNCILLORS - Ref. AF11/882**

Member

Cr Amoroso                      Australia Day Breakfast Celebrations, Launch Library SA App, Tertiary Health Education Grant Launch

Cr Bruins                         Australia Day Breakfast Celebrations, Citizenship Ceremony, Visit to Hamilton Indoor Leisure and Aquatic Centre

Cr Greco                         Australia Day Celebrations



Cr Hood	N F McDonnell 75 <sup>th</sup> Anniversary, Visit to Hamilton Indoor Leisure and Aquatic Centre
Cr Jenner	Australia Day Breakfast Celebrations, Citizenship Ceremony, Public Lighting Working Group Meeting, LCLGA Waste Management Meeting, Announcement of State Government Funding of \$10 for Community and Recreation Hub, Mandatory Elected Member Training - Modules 3 and 4
Cr Mezinec	Announcement of State Government Funding of \$10m for Community and Recreation Hub, ABC Interview re State Government Funding for Community and Recreation Hub, Meeting with Minister David Ridgeway and Flinders University eNVles Visit, Tertiary Health Education Grant Launch, Australia Day Breakfast Celebrations, Country Arts SA Launch, Visit to Hamilton Indoor Leisure and Aquatic Centre, WIBRD 2019 Launch
Cr Perryman	Mandatory Elected Member Training - Modules 3 and 4

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

Moved: Mayor Martin

Seconded: Cr Perryman

Carried

## 6. QUESTIONS WITH NOTICE

6.1. Cr Amoroso presented the following questions on notice:

- (i) Does the Local Government Act 1999 or any City of Mount Gambier Council Policy prevent Elected Members from speaking to media on any particular Council issue, as long as it is expressed to be their own personal point of view?

Answer:

No, noting that Elected Members also have other behavioural expectations that must be complied with as detailed further in Council Report No. AR19/6373 as contained within the agenda for this meeting.

- (ii) When an Elected Member is speaking to the media and expressing their own personal point of view about a Council matter and not speaking on behalf of the Council, under the Local Government Act 1999, is the Mayor able to stop an Elected Member from speaking to the media?

Answer:

No, again noting further commentary in Council Report No. AR19/6373 as contained within the agenda for this meeting.



- (iii) How much would it cost the City of Mount Gambier Council to livestream Council Meetings through the Council's facebook page?

Answer:

Without knowing the scope and parameters of this question we are unable to provide a cost to live stream Council meetings.

To provide a cost estimate we require the scope and an understanding of the outcomes being sought, for example the streaming quality expected, hardware and software requirements, captioning, achieving, staff or professionals time to do so etc.

Once we have further guidance from Council regarding the scope and desired outcomes, we can consider this as part of the Media and Communications strategy and undertake further research into offering this service including an estimate of costing.

**6.2.** Cr Bruins presented the following question on notice:

- (i) Have Council previously investigated the "My Local Services" app and passed a motion not to make the app available for use by residents of the City of Mount Gambier?

Answer:

No record has been found of Council passing a motion to not make the LGA's 'My Local Services' App available to residents of the City of Mount Gambier.

The LGA App uses a different web platform (Unity) to Council's website platform (Simple). There are a number of apps available for members of the public to notify local Councils, utilities or other authorities of any issues that needs addressing. An example is the 'Snap Send Solve' app. Some apps like the LGA App requires Council to actively maintain information and data accessed on the App.

The type of information and opportunity to raise a request for service via the LGA's My Local Services App is also available on Council's council websites.

**6.3.** Cr Bruins presented the following question on notice:

- (i) Can the Presiding Member of the Chief Executive Officer Selection and Recruitment Committee provide an update to Council as to the Committee's progress in relation to the recruitment of a replacement Chief Executive Officer for the City of Mount Gambier?



Answer:

McArthur, the company engaged for the recruitment of Council's new CEO have had a good response and have conducted initial interviews with candidates and presented a long/short list to Council's CEO Replacement Committee for consideration and discussion will take place this week to create a short list of candidates for interview next week.

- 6.4.** Cr Perryman asked Questions of the Chief Executive Officer at the December Council Meeting and followed these questions up at the January Council Meeting.

Answer:

Three memos containing information have been provided via the Friday Edition in response to Cr Perryman's questions. The memos were:

- 21/12/2018 - Non-Elected Committee Member Record Keeping Requirements (Friday Edition 21/2/2018)
- 24/12/2018 - Records Management Obligations (Friday Edition 25/1/2019)
- 25/01/2019 - Confidential Information - Communications and Contractors, Subcontractors and Developers Friday Edition 8/2/2019).

The questions and answers are contained within the 3 attached memos.

**7. QUESTION WITHOUT NOTICE**

Nil

**8. PETITIONS**

Nil

**9. DEPUTATIONS**

Nil

**10. NOTICE OF MOTION TO RESCIND OR AMEND**

**10.1 Strategic Management - Council and Committee Policies Review and Development - AF18/56**

To provide a process and timeline for the review of Council Policies C305, M240 and M405, and taking into consideration the other strategic priorities of Elected Members, I Mayor Martin, give notice of the following motions to rescind and replace Resolutions passed at the 15 January Council meeting:

- (a) That the resolutions associated with Items 15.1, 15.2 and 15.3 as passed at the 15 January 2019 Council Meeting be amended as follows:



- 15.1 *Review of Council Policy C305*
- (a) *Resolution (a) be deleted*
- (b) *The matter be referred to the March meeting of the Strategic Standing Committee for further consideration.*
- 15.2 *Review of Council Policy M240*
- (a) *The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information at the March meeting and submit recommendations on any proposed amendment to Council.*
- 15.3 *Review of Council Policy M405*
- (a) *The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowances and Benefits at the March meeting and submit recommendations on any proposed amendment to Council.*

Moved: Mayor Martin

Seconded: Cr Greco

Carried

**11. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83**

17/01/2019	Community and Recreation Hub Survey Outcome
31/01/2019	Community and Recreation Hub Next Steps

Records of proceedings are attached.

That the Record of Proceedings for the Community and Recreation Hub Survey Outcome and the Community and Recreation Hub Next Steps Workshops held 17 January 2019 and 31 January 2019 be received and the contents noted.

Moved: Cr Hood

Seconded: Cr Jenner

Carried

**12. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903**

Nil submitted.

**13. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228**

Items referred to the Council Meeting held 15 January 2019 and 23 January 2019

That the Action Items referred to the Council Meeting held 15 January 2019 and 23 January 2019 be received.

Moved: Cr Meziniec

Seconded: Cr Bruins

Carried



## 14. COMMITTEE MINUTES AND RECOMMENDATIONS

### 14.1. Minutes of Strategic Standing Committee - 11 February 2019

That the minutes of the Strategic Standing Committee meeting held 11 February 2019 as attached be noted.

Moved: Cr Hood

Seconded: Cr Mezinec

Carried

### 14.2. ARC Project: Local Government and Housing in the 21st Century - Report No. AR19/4141

- (a) That Strategic Standing Committee Report No. AR19/4141 titled '*ARC Project: Local Government and Housing in the 21<sup>st</sup> Century*' as attached be noted.
- (b) Council record of note of thanks to Jessica Porter for her work on her PHD to date.

Moved: Cr Hood

Seconded: Cr Jenner

Carried

### 14.3. Policy Review - D140 - Development Act - Delegations - Report No. AR19/4146

- (a) That Strategic Standing Committee Report No. AR19/4146 titled '*Policy Review - D140 - Development Act - Delegations*' as attached be noted.
- (b) That *Council Policy D140 - Development Act - Delegations* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.

Moved: Cr Hood

Seconded: Cr Mezinec

Carried

### 14.4. Policy Review - D160 - Development Act - Inspection and Copying of Documents - Report No. AR19/4152

- (a) That Strategic Standing Committee Report No. AR19/4152 titled '*Policy Review D160 - Development Act - Inspection and Copying of Documents*' as attached be noted.
- (b) That Council Policy *D160 - Planning - Development Act - Inspection and Copying of Documents* be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.



- (c) That an additional dot point be added to part 3.5 of Council Policy D160 - Development Act - Inspection and Copying of Documents to include photographed.

Moved: Cr Hood

Seconded: Cr Meziniec

Carried

**14.5. Minutes of Operational Standing Committee - 12 February 2019**

That the minutes of the Operational Standing Committee meeting held 12 February 2019 as attached be noted.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

**14.6. Registration of Easement - Development Lot 702, Attamurra Estate - Report No. AR19/2314**

- (a) That Operational Standing Committee Report No. AR19/2314 titled '*Registration of Easement - Development Lot 702 Attamurra Estate, Kooyonga Court*' as presented to the Operational Standing Committee on 19 February 2019 be noted.
- (b) That consent be granted to register an easement on Lot 702 (Development Lot) in Certificate of Title Volume 6116 Folio 196 for drainage purposes in favour of the City of Mount Gambier.
- (c) The Mayor and the Chief Executive Officer be authorised to execute and affix the common seal of the City of Mount Gambier to any necessary documentation associated with resolution (b) of Operational Standing Committee Report No. AR19/2314.

Moved: Cr Greco

Seconded: Cr Amoroso

Carried

**14.7. Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green' Report No. AR19/4505**

- (a) That Operational Standing Committee Report No. AR19/4505 titled '*Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green'*' as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) That Council receive and note the deputation of 12/02/2019.



- (c) That Greenline design no 8 is Council's preferred option due to complementing the character of the area.
- (d) The Mount Gambier Bowls Club provide a formal costed submission for the Greenline design no 8 option and alternative options be referred to the 2019/20 budget workshops for discussion.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

**14.8. WIN TV John Watson Drive - Grant of Easement - Report No. AR19/4503**

- (a) That Operational Standing Committee Report No. AR19/4503 titled '*WINTV John Watson Drive - Grant of Easement*' as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) That an independent valuation be obtained to determine an appropriate market value for the consideration value of the grant of easement referred to Operational Standing Report AR18/49656 in recommendation (b) and the cost be charged to WIN TV.

Moved: Cr Greco

Seconded: Cr Jenner

Amendment:

- (a) That Operational Standing Committee Report No. AR19/4503 titled '*WINTV John Watson Drive - Grant of Easement*' as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) That WIN TV be advised that Council requires an independent valuation of the subject land to be undertaken at the cost of WIN TV by an independent licensed valuer to be appointed by Council.

Moved: Cr Perryman

Seconded: Cr Meziniec

The amendment was put and

Carried

And as the motion was put and

Lost

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Ben Hood informed the meeting of a perceived conflict of interest in Item 14.9:

*"A company of which I am a Director, Hello Friday is a long term sponsor of the Pioneers Basketball Club".*

Cr Hood informed the meeting of the manner in which they intend to deal with the perceived conflict of interest as follows:

*"I intend to remain in the Chamber and vote in relation to the matter."*





In accordance with section 75A Cr Hood participated in the meeting in relation to the matter.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Steven Perryman informed the meeting of a perceived conflict of interest in Item 14.9:

*"The same as Cr Hood except I am not a sponsor."*

Cr Perryman informed the meeting of the manner in which they intend to deal with the perceived conflict of interest as follows:

*"I intend to remain in the Chamber and vote in relation to the matter."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

**14.9. Pioneers Basketball Inc. - Update Report and Request for Assistance - Report No. AR19/4376**

- (a) That Operational Standing Committee Report No. AR19/4376 titled 'Pioneers Basketball Inc. - Update Report and Request for Assistance' as attached be noted.
- (b) Council support the \$15,000 Platinum Sponsorship option.
- (c) Council give delegation to the Chief Executive Officer in consultation with the Mayor for distribution of the tickets.

Moved: Cr Greco

Seconded: Cr Amoroso

Carried

Having participated in the meeting in relation to the matter Cr Hood voted in favour the motion.

Having participated in the meeting in relation to the matter Cr Perryman voted in favour the motion.

**14.10. Schedule of Fees and Charges - 2019/2020 - Report No. AR19/4412**

- (a) That Operational Standing Committee Report No. AR19/4412 titled 'Schedule of Fees and Charges - 2019/2020' as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) That Council adopt all recommended of fees and charges identified in the "Schedule of Fees and Charges - 2019/2020" as presented in Operational Standing Committee Report AR19/4412 noting that:
  - (i) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges - 2019/2020" will come into effect on 1 July 2019.
  - (ii) Council may see fit to amend any fee or charge as circumstances arise or change.



(iii) Council Administration are authorised to update the “Schedule of Fees and Charges - 2019/2020” with any statutory fees and charges updates as referenced in the relevant Acts, without needing to return to Council for approval.

Moved: Cr Greco

Seconded: Cr Mezinec

Carried

**14.11. Community Plan - Quarterly Summary KPI Report - December 2018 - Report No. AR19/4282**

- (a) Operational Standing Committee Report No. AR18/4282 titled ‘*Community Plan - Quarterly Summary KPI Report - December, 2018*’ as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) The Community Plan Quarterly Summary KPI Report December 2018 be received and endorsed by Council.
- (c) Noting that a staff cultural survey has not been carried out for some time a staff cultural survey be referred to the 2019/2020 budget.

Moved: Cr Greco

Seconded: Cr Jenner

Carried



**14.12. Works in Progress - City Infrastructure Report No. AR19/2979**

- (a) That Council Report No. AR19/2979 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 February 2019 be noted.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

**14.13. On Street Parking - Jubilee Hwy East - Attamurra Rd - Implementation of No Stopping Zones**

- (a) That Operational Standing Committee Report No. AR19/2976 titled 'On street parking - Jubilee Hwy East - Attamurra Rd - Installation of no stopping zones' as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) The Traffic Impact Statement attached to the Operational Standing Committee Report be endorsed by Council;
- (c) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Prohibited Area  
NO STOPPING  
1.1.504

JUBILEE HIGHWAY EAST (NORTHERN HALF)-78 metres west of the intersection with Attamurra Road

Prohibited Area  
NO STOPPING  
1.1.505

JUBILEE HIGHWAY EAST (NORTHERN HALF)-66 metres east of the intersection with Attamurra Road

To be effective on the installation of appropriate signage

Moved: Cr Greco

Seconded: Cr Hood

Carried



**14.14. Infrastructure - Liaison - SA Power Networks (formerly ETSA) Utilities Liaison Ref. AF11/2545**

- (a) Council notes the extensive damage done to street trees as a result of recent pruning undertaken by SA Power Networks.
- (b) Council write to SA Power networks expressing its disappointment in the contractors performance and the severe pruning which has diminished the amenity and visual appearance of Mount Gambier streets.
- (c) Mrs Alexandra Lewis, Stakeholder Engagement Lead from SA Power Networks, be invited to attend a future meeting of the Operational Standing Committee of the Corporation of the City of Mount Gambier to discuss how street tree pruning can be better managed in future rounds of their pruning program.
- (d) The General Manager of Infrastructure prepare a presentation (including photos) for the meeting with Mrs Lewis.

Moved: Cr Jenner

Seconded: Cr Greco

Carried

**14.15. Financial Management - Budgeting - Annual Budget Preparation - 2018/2019 Financial Year Ref. AF18/108**

- (a) Council notes that the total budget for employees in the 2018/19 budget shows an increase of approximately \$1,000,000.00 (one million dollars) more than the 2017/18 actual figures.
- (b) Council notes that the total budget for contracts (and other associated items) in the 2018/19 budget shows an increase of approximately \$1,000,000.00 (one million dollars) more than the 2017/18 actual figures.
- (c) The Chief Executive Officer prepare a detailed and itemised report of spending in the last four years of these budget line items in order to show
  - i. Where council employee costs have altered and why;
  - ii. Where contractor costs have altered and why;
  - iii. Which additional positions have been created or made redundant;
  - iv. Any other relevant matters

Moved: Cr Jenner

Seconded: Cr Greco

Carried



**14.16. Infrastructure - Advice - Power Line Environment Committee (PLEC) Circulars and Advice Ref. AF/1196**

- (a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier for a five stage plan within the City of Mount Gambier for the Power Line Environment Committee 'PLEC' Scheme.
- (b) The 5 stage plan to be costed and presented to the Operational Standing Committee at its March meeting so that it can be considered as part of the 2019/20 budget process.
- (c) The PLEC Committee be invited to meet with the Operational Standing Committee, and undertake an inspection of proposed stages identified in the said report.

Moved: Cr Jenner

Seconded: Cr Perryman

Carried

**14.17. GOVERNANCE - Committees - Standing Committee - Operational Committee Ref. AF11/867**

- (a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier outlining:
  - i. Personnel deficits within the Infrastructure Department of Council;
  - ii. Areas where costs may be reduced by having work undertaken by Council work crews rather than by contractors;
  - iii. Areas where operations may be made more streamlined, efficient or practical by reallocating resources from other departments to the Infrastructure Department.

Moved: Cr Jenner

Seconded: Cr Greco

Carried

**14.18. Economic Development - Liaison - Regional Development Australia Limestone Coast RDALC Liaison Ref. AF11/343**

- (a) Notes the announcement of a study commissioned by the Commonwealth Scientific and Industry Research Organisation (CSIRO) and Regional Development Australia Limestone Coast (RDALC) into the merit of re-activating freight rail services on the Mount Gambier to Heywood and Mount Gambier to Woolsley lines.



- (b) Adopt a position that a “Northern Rail Bypass” be established prior to the resumption of rail freight services in the Limestone Coast.
- (c) Obtain and distribute to Councillors a copy of the ‘Lander Report’ on freight rail in the South East of South Australia, commissioned by RDALC or it’s processor circa 2005 - 2009.
- (d) Write to the CSIRO and RDALC:
  - i) informing of the significant investment in and development of community infrastructure of the rail corridor in recent years; and
  - ii) raising concern about the impact of a return of freight rail through Mount Gambier; and
  - iii) asking what, if any, consideration is given in the project brief for use of the existing railway easement through the boundaries of the City of Mount Gambier and the effect of freight rail on the community; and
  - iv) asking what, if any, consideration is given in the project brief to the establishment of rail loading facilities/service yards to the north and east of the City as has been the subject of previous discussions between the Corporation of the City of Mount Gambier and the South Australian Department of Transport, and also as part of previous studies into freight rail services in the Limestone Coast Region.
  - v) Suggesting the study consider establishment of a new rail easement to the north-east of the city.
- (e) Council urgently seek a briefing with RDA and other stakeholders regarding the parameters of their study to gain an understanding of the scope and practicalities of this investigation.

Moved: Cr Greco

Seconded: Cr Perryman

Carried

#### **14.19. Minutes of Council Assessment Panel - 17 January 2019**

That the minutes of the Council Assessment Panel meeting held 17 January 2019 as attached be noted.

Moved: Cr Jenner

Seconded: Cr Greco

Carried



## 15. COUNCIL REPORTS

### 15.1. Attendance at 2019 LGA Showcase and Ordinary General Meeting - Report No. AR19/2917

#### COUNCIL RESOLUTION

- (a) That Council Report No. AR19/2917 titled '*Attendance at 2019 LGA Showcase and Annual General Meeting*' as presented to the Council on 19 February 2019 be noted.
- (b) That the Mayor be appointed as the delegate to represent Council at the 2019 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 11 April 2019 and Friday 12 April 2019 at the Adelaide Entertainment Centre, 98 Port Road, Hindmarsh, accompanied by the CEO, with all associated costs to be met by Council.
- (c) Deputy Mayor Cr Sonya Meziniec be appointed proxy delegate to represent Council should the Mayor not be able to attend.
- (d) The Local Government Association be advised Council does not wish to submit any notice of motions.
- (e) Councillors Paul Jenner and Cr Kate Amoroso be registered to attend the 2019 LGA Showcase and Ordinary General Meeting, with all associated costs to be met by Council.

Cr Greco vacated the meeting at 7.42 pm.

Cr Greco resumed the meeting at 7.43 pm.

Cr Bruins vacated the meeting at 7.44 pm

Cr Bruins resumed the meeting at 7.45 pm

Cr Hood vacated the meeting at 7.45 pm

Moved: Mayor Martin

Seconded: Cr Perryman

Carried

### 15.2. Elected Members Comments to Media - Report No. AR19/6373

#### COUNCIL RESOLUTION

- (a) That Council Report No. AR19/6373 titled '*Elected Members Comments to the Media*' as presented to the Council on 19 February 2019 be noted.



(b) That Council Members refer to the resources published on the Local Government Association website and provided by the Administration in relation to the Member Code of Conduct.

Cr Hood resumed the meeting at 7.47 pm.

Moved: Cr Perryman

Seconded: Cr Greco

Carried

**16. MOTION(S) - With Notice**

**16.1. Strategic Management - Council and Committee Policies - Review and Development - AF18/56**

**COUNCIL RESOLUTION**

(a) Council supports the concept of livestreaming Council Meetings and calls for a report from staff on the cost and Policy implications surrounding livestreaming for presentation at the next meeting of Council.

Cr Perryman vacated the meeting at 8.02 p.m.

Cr Perryman resumed the meeting at 8.03 p.m.

Moved: Cr Amoroso

Seconded: Cr Greco

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

*Purpose of the Suspension: To discuss the concept of livestreaming Council Meetings in Item 16.1.*

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

*Meeting Procedures were suspended at 8.20 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 8.30 p.m.*

Carried





**16.2. Property Management - Enquiries - AF11/2421**

**COUNCIL RESOLUTION**

- (a) That a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.
- (b) That the report detail the following information on each property:
  - Address
  - Current/past use
  - Zoning
  - Current lease / licence / occupation arrangements to external parties (if applicable)
  - Current Valuer-General Capital Value
  - any other information the Administration considers relevant
  - any public facing walls
- (c) the report be presented to the March meeting of the Strategic Standing Committee to identify properties that may be surplus to Council's operational requirements and potentially suitable for sale or alternate use.

Moved: Cr Bruins

Seconded: Cr Jenner

Carried

**16.3. Health Management - Advocating - Rehabilitation Services - Ref. AF15/362**

**COUNCIL RESOLUTION**

- (a) the City of Mount Gambier Council write to the Federal Minister for Health the Hon. Greg Hunt in support of the actions taken by our Local Member for Barker, Tony Pasin MP calling on them to open up the \$20 million Federal grant funding for assisting with drug rehabilitation services to ensure Mount Gambier has the opportunity to apply and benefit from this funding.
- (b) Council request a meeting with the Federal Minister for Health when he visits the region arriving 27<sup>th</sup> February 2019.

Moved: Cr Amoroso

Seconded: Cr Hood

Carried



**16.4. Animal Management - South East Animal Welfare League - Ref. AF11/134**

**COUNCIL RESOLUTION**

- (a) Council request a tour of the South East Animal Welfare League facilities, to be held prior to the March meeting of the Operational Committee of the City of Mount Gambier;
- (b) Council invite the President (or their representative) to attend the March meeting of the Operational Services Committee of the City of Mount Gambier to discuss the management of their operations;
- (c) Copies of any reports, discussion papers, power point presentations or any other information relating to the existing South East AWL funding agreement and management of Council's responsibilities under the Dog and Cat Management Act be distributed to Councillors.

Moved: Cr Jenner

Seconded: Cr Greco

Carried

**16.5. Schools, TAFE and University - Ref. AF11/1599**

**COUNCIL RESOLUTION**

- (a) That Council note Member for Mount Gambier Troy Bell MP's call for the implementation of a regional TAFE SA board;
- (b) That the Mayor, on behalf of Council, write to the Minister for Education, Mr John Gardner MP and Department for Education Chief Executive, Mr Rick Perse outlining:
  - i. A call for the investigation into the implementation of a regional TAFE SA Board for the Limestone Coast.
  - ii. That through a regional board, vocational funding and infrastructure decisions would be made at a grassroots level and focused on training needs and courses that best suit the region's industries.
  - iii. That a regional board would ensure better training outcomes for local people.

Moved: Cr Hood

Seconded: Cr Bruins

Carried



**17. MOTION(S) - Without Notice**

**17.1. WIN TV John Watson Drive - Grant of Easement - Report No. AR19/4503**

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

*Purpose of the Suspension: To discuss the WIN TV Grant of Easement in Item 17.1.*

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

*Meeting Procedures were suspended at 8.54 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 9.06 p.m.*

**COUNCIL RESOLUTION**

- (a) That Operational Standing Committee Report No. AR19/4503 titled 'WINTV John Watson Drive - Grant of Easement' as presented to the Operational Standing Committee on 12 February 2019 be noted.
- (b) That Council respectfully decline the request for grant of easement to WIN TV.

Moved: Cr Perryman

Seconded: Cr Bruins

Carried

**17.2. On Street Parking - Jubilee Hwy East - Attamurra Rd - Implementation of No Stopping Zones**

**COUNCIL RESOLUTION**

- (a) Council write to DPTI and request they maintain the section of road to the east of Jubilee Highway East - Attamurra Road that has been damaged due to trucks parking.

Moved: Cr Hood

Seconded: Cr Meziniec

Carried



## 18. CONFIDENTIAL ITEMS

### 18.1. Consideration for Exclusion of the Public

#### Item No. 18.2

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 – K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean and M Telford) be excluded from the meeting in order for the Agenda Item “Sale of Land for non-payment of Rates – Report No AR19/2015” to be considered in confidence.

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 this 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), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
18.2.	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)

Moved: Cr Greco

Seconded: Cr Mezinec

Carried



**18.3. Consideration for Keeping Items Confidential**

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 18.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
18.2	Sale of land for non-payment of Rates - Report No. AR19/2015	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco

Seconded: Cr Amoroso

Carried



#### 18.4. Consideration for Exclusion of the Public

##### Item No. 18.5

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 – K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Meziniec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean and M Telford ) be excluded from the meeting in order for the Agenda Item “Sale of Land for non-payment of Rates – Report No AR19/2005” to be considered in confidence.

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 this 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), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
18.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)

Moved: Cr Greco

Seconded: Cr Meziniec

Carried



### 18.6. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 18.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
18.5	Sale of land for non-payment of Rates - Report No. AR19/2005	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco

Seconded: Cr Meziniec

Carried



## 18.7. Consideration for Exclusion of the Public

### Item No. 18.8

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 - K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean and M Telford) be excluded from the meeting in order for the Agenda Item (Illegal development - Mr RKH Pearson (Amberich Pty Ltd)) to be considered in confidence.

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 this 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), which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

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 as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
18.8	Illegal Development - Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)(f)

Moved: Cr Greco

Seconded: Cr Bruins

Carried





**18.9. Consideration for Keeping Items Confidential**

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 18.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
18.8	Illegal Development - Mr RKH Pearson (Amberich Pty Ltd) - Report No. AR19/4134	(a)and (f)	All details	Until the matter has been resolved.  Where duration exceeds 12 months To be reviewed at least once every 12 months.

Moved: Cr Greco

Seconded: Cr Mezinec

Carried



## 19. CONFIDENTIAL QUESTION WITHOUT NOTICE

### Consideration for Exclusion of the Public

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 - K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Meziniec, S Perryman and Council Staff B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris, S McLean and M Telford) be excluded from the meeting in order for the Agenda Item (Queen Elizabeth Park Trust matters) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(b)(i) 90(3)(d)(i) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- (b) Information the disclosure of which
  - could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct, business or to prejudice the commercial position of the Council.
  - would on balance, be contrary to the public interest.
- (d) Could reasonably be expected to prejudice the commercial position of the party who supplied the information, or to confer a commercial advantage on a third party, and
  - Would on balance, be contrary to public interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal by the need to keep the Queen Elizabeth Park Trust matters in confidence.

Item No.	Subject Matter	S90(3) Grounds
19.	Queen Elizabeth Park Trust matters	(b) and (d)

Moved: Cr Perryman

Seconded: Cr Greco

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Mayor Martin disclosed a material conflict of interest in Item 19"

*"A family member is involved in the business being presented".*

In accordance with Section 74(1)(b) of the Local Government Act 1999 Mayor Martin did not participate in the meeting and left the room at 9.34 p.m.

The Deputy Mayor, Cr Meziniec took the chair for the following item.



*The Deputy 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 put forward a Question Without Notice in relation the Queen Elizabeth Park Trust Matters.*

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

*Meeting Procedures were suspended at 9.36 p.m.*

Cr Perryman left the meeting at 9.36 p.m.

*The Deputy 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 9.37 p.m.*

Meeting closed at 9.38 p.m.

AR19/7818



## **MINUTES OF SPECIAL COUNCIL MEETING**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Thursday 7 March, 2019 at 6:02 p.m.

**PRESENT**  
Mayor Lynette Martin  
Cr Sonya Mezinec  
Cr Kate Amoroso  
Cr Ben Hood  
Cr Frank Morello  
Cr Paul Jenner

**COUNCIL OFFICERS**  
Acting Chief Executive Officer - Dr J Nagy  
General Manager Community Wellbeing - Ms B Cernovskis  
General Manager Council Business Services - Mrs P Lee  
General Manager City Infrastructure - Mr N Serle  
Manager Executive Administration - Mr M McCarthy  
Media and Communications Coordinator - Ms S McLean

**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.**

### **1. APOLOGIES**

Apologies received from Cr Bruins and Cr Greco.

That the apologies from Cr Bruins and Cr Greco be received.

Moved: Cr Jenner

Seconded: Cr Hood

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Amoroso disclosed a material conflict of interest for Items 1 - 4:

*"My resignation from the QEPT has yet to be received and accepted".*

In accordance with Section 74(1)(b) of the Local Government Act 1999 Cr Amoroso did not participate in the meeting and left the room at 6:05 p.m.

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Mayor Martin disclosed a material conflict of interest for Items 1 - 4:

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

Mayor Martin asked Deputy Mayor Cr Mezinec to take the Chair for the remainder of the meeting.



In accordance with Section 74(1)(b) of the Local Government Act 1999 Mayor Martin did not participate in the meeting and left the room at 6:06 p.m.

Deputy Mayor Cr Meziniec took the chair.

*Deputy Mayor Cr Meziniec noted that a quorum was no longer present.*

*The meeting was adjourned for want of a quorum until 6:30pm on 7 March 2019.*

*Meeting adjourned at 6:08pm*



**MINUTES OF SPECIAL COUNCIL MEETING (RE-ADJOURNED)**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Thursday 7 March, 2019 at 6:30 p.m.

*(Resumed following adjournment at 6:08pm on 7 March, 2019 for want of a quorum)*

**PRESENT**

Cr Sonya Mezinec  
Cr Ben Hood  
Cr Frank Morello  
Cr Paul Jenner  
Cr Steven Perryman

**COUNCIL OFFICERS**

Acting Chief Executive Officer	-	Dr J Nagy
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Media and Communications Coordinator	-	Ms S McLean

*Deputy Mayor Cr Mezinec took the chair for the resumption of the meeting (formerly adjourned at 6:08pm on 7 March 2019 for want of a quorum)*



## Consideration for Exclusion of the Public

### Item No. 2.1

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 1 *'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements'*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 information to be received and discussed relate to commercial information of 3<sup>rd</sup> parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3<sup>rd</sup> parties and prejudice the Council's position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.1	<i>'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements-</i>	(b), (c) and (g)

Moved: Cr Jenner

Seconded: Cr Hood

Carried



**2.1 Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements.**

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

*Purpose of the Suspension: To discuss the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.*

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

*Meeting procedures suspended at 6:32 p.m.*

*The Deputy 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.*

*Meeting procedures resumed at 7:01 p.m.*

*The Deputy 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 further discuss the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.*

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

*Meeting procedures suspended at 7:05 p.m.*

*The Deputy 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.*

*Meeting procedures resumed at 7:14 p.m.*

**MOTION**

That the Council recommend that the Queen Elizabeth Park Trust engage in a transparent process with the Blue Lake Golf Club including the provision of relevant information to enable an informed decision to be made on a viable operating model for the operation of the golf course including:

- relevant parts of the Wellplayed report
- an operating model
- detailed financial reports for the last 5 years





- known and anticipated infrastructure and maintenance expenditure for the golf course

Moved Cr Morello

Seconded Cr Perryman

LOST

*The Deputy 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 further discuss the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.*

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

*Meeting procedures suspended at 7:32 p.m.*

*The Deputy 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.*

*Meeting procedures resumed at 7:50 p.m.*

#### **COUNCIL RESOLUTION**

- (a) That the Council recommend that the Queen Elizabeth Park Trust engage in a transparent process with relevant stakeholders including the provision of relevant information to enable an informed decision to be made on a viable operating model for the operation of the golf course including:
- a meeting with Members of the golf club
  - relevant parts of the WellPlayed report that may be disclosed
  - an operating model
  - detailed financial reports for the last 5 years
  - known and anticipated infrastructure and maintenance expenditure for the golf course
  - a working party be formed including Council representation
  - minimum monthly reporting to Council commencing March 2019

Moved: Cr Morello

Seconded: Cr Perryman

Carried



## Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 2.1 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
2.1	'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements-	(b), (c) and (g)	Discussion and resolution (b)  Resolution (a) to be released immediately with the public minutes of the meeting	Until: arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties;  and,  Council has been released from its duty of confidence by the party that provided the information.



## Consideration for Exclusion of the Public

### Item No. 2.2

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Councillors – Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 2.2 ‘*QEPT WellPlayed Report and Documentation*’.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 information to be received and discussed relate to commercial information of 3<sup>rd</sup> parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3<sup>rd</sup> parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.2	‘ <i>QEPT WellPlayed Report and Documentation</i> ’- Report No. AR19/10346	(b), (c) and (g)

Moved: Cr Perryman

Seconded: Cr Hood

Carried



**2.2 QEPT WellPlayed Report and Documentation Report No. AR19/10346**

**COUNCIL RESOLUTION**

(a) That Council Report No. AR19/10346 titled '*QEPT WellPlayed Report and Documentation*' as presented to the Council on 7 March 2019 be noted.

Moved: Cr Hood

Seconded: Cr Perryman

Carried



## Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 2.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
2.2	'QEPT WellPlayed Report and Documentation'- Report No. AR19/10304	(b), (c) and (g)	Discussion, and Attachments  Resolution to be released immediately with the public minutes of the meeting	Until: arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties;  and,  Council has been released from its duty of confidence by the party that provided the information

Moved: Cr Perryman

Seconded: Cr Hood

Carried



## Consideration for Exclusion of the Public

### Item No. 2.3

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Councillors – Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 2.3 *‘Documents Relating to the Management of the Crater Lakes Area’*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 matters to be discussed relate to existing leasing and land management arrangements entered into with Council and 3<sup>rd</sup> parties, potential future leasing and management arrangements that may be entered into with Council and 3<sup>rd</sup> parties that are yet to be negotiated, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit such parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.3	<i>‘Documents Relating to the Management of the Crater Lakes Area’</i> - Report No. AR19/10304	(b), (c) and (g)

Moved: Cr Jenner

Seconded: Cr Perryman

Carried



**2.3 Documents relating to the Management of the Crater Lakes Area QEPT Report No. AR19/10304**

**COUNCIL RESOLUTION**

- (a) That Council Report No. AR19/10304 titled '*Documents relating to the Management of the Crater Lakes Area*' as presented to the Council on 7 March 2019 be noted.

Moved: Cr Perryman

Seconded: Cr Jenner

Carried



### Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 2.3 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
2.3	<i>Documents Relating to the Management of the Crater Lakes Area</i> - Report No. AR19/10304	(b), (c) and (g)	Discussion and Attachments 1, 2 & 8  The Report, Attachments 3-7 and 9-12 and Resolution (a) are to be released immediately upon consideration by Council	Until: the matter of lease arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties;  and,  Council has been released from its duty of confidence by the party that provided the information (Attachments 1, 2 & 8)

Moved: Cr Jenner

Seconded: Cr Perryman

Carried





## Consideration for Exclusion of the Public

### Item No. 2.4

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Councillors – Cr Sonya Meziniec, Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 4 *‘Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT.*

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 information to be received and discussed relate to commercial information of 3<sup>rd</sup> parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3<sup>rd</sup> parties and prejudice the Council's position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.4	<i>‘Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT</i>	(b), (c) and (g)

Moved: Cr Jenner

Seconded: Cr Hood

Carried



**2.4 Consideration of Media Statement and Appointing a Council Member as a Spokesperson on Matters Relating to the QEPT - Report No. AR19/10534**

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

*Purpose of the Suspension: For discussion in relation to a media statement and Council spokesperson the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.*

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

*Meeting procedures suspended at 8:05 p.m.*

*The Deputy 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.*

*Meeting procedures resumed at 8:33 p.m.*

<b>COUNCIL RESOLUTION</b>
(a) That Council Report No. AR19/10534 titled ' <i>Consideration of Media Statement and appointing a Council Member as a spokesperson on matters relating to the QEPT</i> ' as presented to the Council on 7 March 2019 be noted.

Moved: Cr Hood

Seconded: Cr Morello

Carried

Meeting closed at 8:34 p.m.

AR19/10804





The voice of local government.

# Economic Development - Nurturing your Local Economy

## FULL DAY TRAINING

\$430 + GST	Per participant
\$390 + GST	2 to 5 participants per council
\$365 + GST	6 to 10 participants per council
Contact us!	11 + participants

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**For:** Elected Members

### Session Overview:

This informative, thought-provoking session will cover local government's role in economic development. Councils are perfectly positioned to create the environment for business to grow and contribute to community well-being.

This session will showcase presentations on Investment Attraction and the China Engagement Strategy, Population Policy, Red Tape Reduction, Small Business, Smart Cities, Tourism and the local economy.

For further information about the content of this program or to enquire about having the delivery tailored to your specific council or regional needs please contact Liz O'Flynn at [liz.oflynn@lga.sa.gov.au](mailto:liz.oflynn@lga.sa.gov.au) or on 8224 2044.

For further information about holding a session in-house at your council or at a hub in your region please contact Emma Urvan at [emma.urvan@lga.sa.gov.au](mailto:emma.urvan@lga.sa.gov.au) or on 8224 2035.

## Upcoming Dates

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24 May 2019

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**B&P TRAVEL & CRUISE**  
**86 Commercial Street West, Mt Gambier - S.A 5290**  
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**ABN: 18319481558**  
**e-mail: travel@bandptravel.com.au**



18 February 2019

Dr Judy Nagy  
 City Of Mount Gambier  
 Mount Gambier SA 5290

## CONFIRMATION

Dear Dr Nagy

We are pleased to confirm your travel arrangements for the following passengers:

Adult - Dr Judy Nagy  
 Adult - Mr Paul Jenner

Date of departure: Friday 24 May 2019

Booking Number: 87851

Prepared By: Caitlan Lambert

### REX FARE RULES

Check in is recommended at least 45 minutes prior to departure.

Ticket is non refundable but is valid for 12 months from the date the ticket is purchased.

Note no changes are permitted within 48 hours prior to departure, otherwise fare is forfeited.

Changes prior to this will incur a minimum fee of \$44.00 per person per flight subject to same fare availability.

Name change not permitted. No re-routing.

Fare is forfeited if passenger fails to complete check in before the flight is closed.

Excess baggage of \$7.70/kg applies where total baggage exceeds 20kg. Excess baggage will be off loaded first where there are weight constraints.

Regional Express booking reference RDNURL

## FLIGHT DETAILS

MOUNT GAMBIER to ADELAIDE on Regional Express Flight ZL4612 (Saab SF340A/340B)

Departing Friday 24 May 2019 at 6:55 AM Arriving at 8:05 AM

Flying Time 1 hour 10 minutes

Economy Class Seating

*Status - Confirmed*

*Non-stop*

ADELAIDE to MOUNT GAMBIER on Regional Express Flight ZL4643 (Saab SF340A/340B)

Departing Friday 24 May 2019 at 6:45 PM Arriving at 7:55 PM

Flying Time 1 hour 10 minutes

Economy Class Seating

*Status - Confirmed*

*Non-stop*

Travel on Regional Express for	2	Adults @	312.40	\$624.80
Ticket Taxes, Levies and Surcharges for:	2	Passengers @	31.79	\$63.58

## OTHER INCLUSIONS

Accounting Fee	1 @	15.95	\$15.95
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**TOTAL COST OF YOUR TRAVEL ARRANGEMENTS**

**\$704.33**

This document has a GST content of: \$64.03.

**B&P TRAVEL & CRUISE**  
**86 Commercial Street West, Mt Gambier - S.A 5290**  
**Tel: (08) 8725 7888 - Fax: (08) 8725 5230**  
**ABN: 18319481558**  
**e-mail: travel@bandptravel.com.au**



25 February 2019

Ms Kate Amoroso  
 City Of Mt Gambier  
 5290

## CONFIRMATION

Dear Ms Amoroso

We are pleased to confirm your travel arrangements for the following passengers:

Adult - Ms Kate Amoroso

Date of departure: Friday 24 May 2019

Booking Number: 87944

Prepared By: Jenna Paproth

### REX FARE RULES

Check in is recommended at least 45 minutes prior to departure.

Ticket is non refundable but is valid for 12 months from the date the ticket is purchased.

Note no changes are permitted within 48 hours prior to departure, otherwise fare is forfeited.

Changes prior to this will incur a minimum fee of \$44.00 per person per flight subject to same fare availability.

Name change not permitted. No re-routing.

Fare is forfeited if passenger fails to complete check in before the flight is closed.

Excess baggage of \$7.70/kg applies where total baggage exceeds 20kg. Excess baggage will be off loaded first where there are weight constraints.

Regional Express booking reference SIBHAA

### FLIGHT DETAILS

MOUNT GAMBIER to ADELAIDE on Regional Express Flight ZL4612 (Saab SF340A/340B)

Departing Friday 24 May 2019 at 6:55 AM Arriving at 8:05 AM

Flying Time 1 hour 10 minutes

Economy Class Seating

*Status - Confirmed*

*Non-stop*

ADELAIDE to MOUNT GAMBIER on Regional Express Flight ZL4643 (Saab SF340A/340B)

Departing Friday 24 May 2019 at 6:45 PM Arriving at 7:55 PM

Flying Time 1 hour 10 minutes

Economy Class Seating

*Status - Confirmed*

*Non-stop*

Travel on Regional Express for	1	Adult @	312.40	\$312.40
Ticket Taxes, Levies and Surcharges for:	1	Passenger @	31.79	\$31.79

### OTHER INCLUSIONS

Accounting Fee	1 @	15.95	\$15.95
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**TOTAL COST OF YOUR TRAVEL ARRANGEMENTS**

**\$360.14**

This document has a GST content of: \$32.74.

**B&P TRAVEL & CRUISE**  
**86 Commercial Street West, Mt Gambier - S.A 5290**  
**Tel: (08) 8725 7888 - Fax: (08) 8725 5230**  
**ABN: 18319481558**  
**e-mail: travel@bandptravel.com.au**



26 February 2019

Mr Benjamin Hood  
 City Of Mount Gambier

Phone: 08 8721 2503

## CONFIRMATION

Dear Mr Hood

We are pleased to confirm your travel arrangements for the following passengers:

Adult - Mr Benjamin Hood

Date of departure: Friday 24 May 2019

Booking Number: 87971

Prepared By: Michelle Wilson

### REX FARE RULES

Check in is recommended at least 45 minutes prior to departure.

Ticket is non refundable but is valid for 12 months from the date the ticket is purchased.

Note no changes are permitted within 48 hours prior to departure, otherwise fare is forfeited.

Changes prior to this will incur a minimum fee of \$44.00 per person per flight subject to same fare availability.

Name change not permitted. No re-routing.

Fare is forfeited if passenger fails to complete check in before the flight is closed.

Excess baggage of \$7.70/kg applies where total baggage exceeds 20kg. Excess baggage will be off loaded first where there are weight constraints.

Regional Express booking reference VBAKHI

## FLIGHT DETAILS

MOUNT GAMBIER to ADELAIDE on Regional Express Flight ZL4612 (Saab SF340A/340B)

Departing Friday 24 May 2019 at 6:55 AM Arriving at 8:05 AM

Flying Time 1 hour 10 minutes

Economy Class Seating

*Status - Confirmed*

*Non-stop*

ADELAIDE to MOUNT GAMBIER on Regional Express Flight ZL4643 (Saab SF340A/340B)

Departing Friday 24 May 2019 at 6:45 PM Arriving at 7:55 PM

Flying Time 1 hour 10 minutes

Economy Class Seating

*Status - Confirmed*

*Non-stop*

Travel on Regional Express for	1	Adult @	312.40	\$312.40
Ticket Taxes, Levies and Surcharges for:	1	Passenger @	31.79	\$31.79

## OTHER INCLUSIONS

Accounting Fee	1 @	15.95	\$15.95
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<b>TOTAL COST OF YOUR TRAVEL ARRANGEMENTS</b>	<b>\$360.14</b>
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This document has a GST content of: \$32.74.

**DESIGNATED INFORMAL GATHERING  
ANNUAL BUSINESS PLAN AND BUDGET 2019/2020, LONG TERM FINANCIAL  
PLAN & INFRASTRUCTURE AND ASSET MANAGEMENT PLAN  
5:30 PM, MONDAY 25 FEBRUARY 2019**

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RECORD OF PROCEEDINGS  
5:30 pm, Monday 25 February 2019  
Committee Room, Level 4, Civic Centre  
10 Watson Terrace, Mount Gambier

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Jenner  
Cr Morello  
Cr Bruins  
Cr Amoroso  
Cr Mezinec  
Cr Greco  
Cr Perryman (via phone)

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager Community Wellbeing  
General Manager Council Business Services  
General Manager City Growth  
General Manager City Infrastructure  
Manager Finance and Customer Service  
Management Accountant

**MEMBERS APOLOGIES:-**

Cr Hood

**LEAVE OF ABSENCE:-**

**DISCUSSION:**

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Discussions regarding the Annual Business Plan And Budget 2019/2020, Long Term Financial Plan & Infrastructure And Asset Management Plan.

Discussion closed at 7:25 p.m.

**DESIGNATED INFORMAL GATHERING  
COMMUNITY AND RECREATION HUB – ARCHITECT WORKSHOP  
5:30PM TUESDAY 26 FEBRUARY 2019**

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RECORD OF PROCEEDINGS  
5:30PM Tuesday 26<sup>th</sup> February 2019  
Reception Area, Level 4, Civic Centre  
10 Watson Terrace, Mount Gambier

**GUESTS:-**

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Richard Stafford – Design Inc Adelaide  
Ben Luppino – Design Inc Adelaide  
Nick Cini – Co-Op Studio Melbourne

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Hood  
Cr Bruins  
Cr Morello  
Cr Mezinec  
Cr Jenner  
Cr Amoroso

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager City Growth  
General Manager Community Wellbeing  
General Manager Infrastructure  
General Manager Business Services  
Strategic Project Officer  
Community Development and Engagement Officer

**MEMBERS APOLOGIES:-**

Cr Greco

**LEAVE OF ABSENCE:-**

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**DISCUSSION:**

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Discussions regarding the Community and Recreation Hub with the Architects.

Discussion closed at 7:10 p.m.

**DESIGNATED INFORMAL GATHERING  
STRATEGIC PLANNING DAY  
4:00 PM FRIDAY 1 MARCH 2019**

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RECORD OF PROCEEDINGS  
4:00 pm Friday 1 March 2019  
The Lakes Resort,  
17 Lake Terrace West, Mount Gambier

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Mezinec  
Cr Morello  
Cr Jenner  
Cr Amoroso  
Cr Hood  
Cr Bruins

**STAFF PRESENT:-**

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

**MEMBERS APOLOGIES:-**

Cr Perryman  
Cr Greco

**LEAVE OF ABSENCE:-**

**DISCUSSION:**

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Discussions regarding the strategic planning day.

Discussion closed at 8:00 p.m.

**DESIGNATED INFORMAL GATHERING  
STRATEGIC PLANNING DAY  
9:00 AM SATURDAY 2 MARCH 2019**

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RECORD OF PROCEEDINGS  
9:00 am Saturday 2 March 2019  
The Lakes Resort,  
17 Lake Terrace West, Mount Gambier

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Mezinec  
Cr Morello  
Cr Jenner  
Cr Hood  
Cr Bruins

**STAFF PRESENT:-**

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

**MEMBERS APOLOGIES:-**

Cr Perryman  
Cr Greco  
Cr Amoroso

**LEAVE OF ABSENCE:-**

**DISCUSSION:**

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Discussions regarding the strategic planning day.

Discussion closed at 4:00 p.m.

**DESIGNATED INFORMAL GATHERING  
QUEEN ELIZABETH PARK TRUST (QEPT) LEASING MATTERS  
5:30 PM, WEDNESDAY 6 MARCH 2019**

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RECORD OF PROCEEDINGS  
5:30 pm, Wednesday 6 March 2019  
Reception Area, Level 4, Civic Centre  
10 Watson Terrace, Mount Gambier

**GUESTS:-**

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Colin Martin, Mike Toogood, Mae Steele, Matt Jennings, Max Bruins - Queen Elizabeth Park Trust Members

**MEMBERS PRESENT:-**

Cr Jenner  
Cr Hood  
Cr Mezinec  
Cr Morello  
Cr Amoroso  
Cr Greco  
Cr Perryman (via phone)

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager City Infrastructure  
General Manager Council Business Services  
General Manager Community Wellbeing  
Manager Executive Administration  
Media and Communications Coordinator

**MEMBERS APOLOGIES:-**

Mayor Martin

**LEAVE OF ABSENCE:-**

Councillor Max Bruins declared a conflict of interest as a Board Member of the Queen Elizabeth Park Trust

Councillor Kate Amoroso declared a conflict of interest as a resigned member of the Queen Elizabeth Park Trust that had not yet been formally accepted.

**DISCUSSION:**

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Discussions regarding the Queen Elizabeth Park Trust leasing matters.

Discussion closed at 6:55 p.m.

**Council Action Items**

Report Title	Report Number	Author	Item	Action	Status
Council Meeting 19/02/2019					
Notice of Motion to Recind or Amend - Strategic Management - Council and Committee Policies Review and Development - AF18/56		Mayor Martin	10.1	To provide a process and timeline for the review of Council Policies C305, M240 and M405, and taking into consideration the other strategic priorities of Elected Members, I Mayor Martin, give notice of the following motions to rescind and replace Resolutions passed at the 15 January Council meeting: (a) That the resolutions associated with Items 15.1, 15.2 and 15.3 as passed at the 15 January 2019 Council Meeting be amended as follows: 15.1 Review of Council Policy C305 (a) Resolution (a) be deleted (b) The matter be referred to the March meeting of the Strategic Standing Committee for further consideration. 15.2 Review of Council Policy M240 (a) The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information at the March meeting and submit recommendations on any proposed amendment to Council. 15.3 Review of Council Policy M405 (a) The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowances and Benefits at the March meeting and submit recommendations on any proposed amendment to Council.	In Progress
ARC Project - Local Government and Housing in the 21st Century	AR19/4141	Tracy Tzioutziouklaris	14.02	(a) That Strategic Standing Committee Report No. AR19/4141 titled 'ARC Project: Local Government and Housing in the 21st Century' as attached be noted. (b) Council record of note of thanks to Jessica Porter for her work on her PHD to date.	Completed
Policy Review - D140 - Development Act - Delegations	AR19/4146	Tracy Tzioutziouklaris	14.03	(a) That Strategic Standing Committee Report No. AR19/4146 titled 'Policy Review - D140 - Development Act - Delegations' as attached be noted. (b) That Council Policy D140 - Development Act - Delegations be reviewed upon the implementation and activation of the relevant parts of the Planning, Development and Infrastructure Act 2016.	In Progress
Policy Review - D160 - Development Act - Inspection and Copying of Documents	AR19/4152	Tracy Tzioutziouklaris	14.04	(a) That Strategic Standing Committee Report No. AR19/4152 titled 'Policy Review D160 - Development Act - Inspection and Copying of Documents' as attached be noted.	In Progress
Registration of Easement - Development Lot 702, Attamurra Estate	AR19/2314	Jessica Porter	14.06	(a) That Operational Standing Committee Report No. AR19/2314 titled 'Registration of Easement - Development Lot 702 Attamurra Estate, Kooyonga Court' as presented to the Operational Standing Committee on 19 February 2019 be noted. (b) That consent be granted to register an easement on Lot 702 (Development Lot) in Certificate of Title Volume 6116 Folio 196 for drainage purposes in favour of the City of Mount Gambier. (c) The Mayor and the Chief Executive Officer be authorised to execute and affix the common seal of the City of Mount Gambier to any necessary documentation associated with resolution (b) of Operational Standing Committee Report No. AR19/2314.	In Progress

**Council Action Items**

<b>Report Title</b>	<b>Report Number</b>	<b>Author</b>	<b>Item</b>	<b>Action</b>	<b>Status</b>
Property Management - Mount Gambier Bowls Club Inc - Vansittart Park - To construct a canopy over 'B Green'	AR19/4505	Michael McCarthy	14.07	(a) That Operational Standing Committee Report No. AR19/4505 titled 'Mount Gambier Bowls Club - Vansittart Park - Proposed Canopy over 'B Green'' as presented to the Operational Standing Committee on 12 February 2019 be	In Progress
WINTV John Watson Drive - Grant of Easement	AR19/4503	Michael McCarthy	14.08	Motion and amendment lost - Refer Motion Without Notice	No Action
Pioneers Basketball Inc. - Update Report and Request for Assistance	AR19/4376	Mark McShane	14.09	(a) That Operational Standing Committee Report No. AR19/4376 titled 'Pioneers Basketball Inc. - Update Report and Request for Assistance' as attached be noted. (b) Council support the \$15,000 Platinum Sponsorship option. (c) Council give delegation to the Chief Executive Officer in consultation with the Mayor for distribution of the tickets.	
Fees and Charges Register for 2019/2020	AR19/4412	Kahli Rolton	14.10	(a) That Operational Standing Committee Report No. AR19/4412 titled 'Schedule of Fees and Charges - 2019/2020' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) That Council adopt all recommended of fees and charges identified in the "Schedule of Fees and Charges - 2019/2020" as presented in Operational Standing Committee Report AR19/4412 noting that: (i) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the "Schedule of Fees and Charges - 2019/2020" will come into effect on 1 July 2019. (ii) Council may see fit to amend any fee or charge as circumstances arise or change. (iii) Council Administration are authorised to update the "Schedule of Fees and Charges - 2019/2020" with any statutory fees and charges updates as referenced in the relevant Acts, without needing to return to Council for approval.	In Progress
Community Plan - Quarterly Summary KPI report - september 2018	AR19/4282	Tracy Tzioutziouklaris	14.11	(a) Operational Standing Committee Report No. AR18/4282 titled 'Community Plan - Quarterly Summary KPI Report - December, 2018' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) The Community Plan Quarterly Summary KPI Report December 2018 be received and endorsed by Council. (c) Noting that a staff cultural survey has not been carried out for some time a staff cultural survey be referred to the 2019/2020 budget.	Completed
Work In Progress Report	AR19/2979	Daryl Morgan	14.12	(a) That Council Report No. AR19/2979 titled 'Works in Progress - City Infrastructure' as presented to the Operational Standing Committee on 12 February 2019 be noted.	Completed



**Council Action Items**

Report Title	Report Number	Author	Item	Action	Status
Parking Control - Jubilee Hwy East - Attamurra Rd - Implementation of No stopping areas	AR19/2976	Daryl Morgan	14.13	(a) That Operational Standing Committee Report No. AR19/2976 titled 'On street parking - Jubilee Hwy East - Attamurra Rd - Installation of no stopping zones' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) The Traffic Impact Statement attached to the Operational Standing Committee Report be endorsed by Council; (c) The City of Mount Gambier, pursuant to Ministerial delegation resolves the following: Prohibited Area NO STOPPING 1.1.504 JUBILEE HIGHWAY EAST (NORTHERN HALF)-78 metres west of the intersection with Attamurra Road Prohibited Area NO STOPPING 1.1.505 JUBILEE HIGHWAY EAST (NORTHERN HALF)-66 metres east of the intersection with Attamurra Road To be effective on the installation of appropriate signage	In Progress
Infrastructure Liaison - SA Power Networks (formerly ETSA) U	N/A	Cr Jenner	14.14	(a) Council notes the extensive damage done to street trees as a result of recent pruning undertaken by SA Power Networks. (b) Council write to SA Power networks expressing its disappointment in the contractors performance and the severe pruning which has diminished the amenity and visual appearance of Mount Gambier streets. (c) Mrs Alexandra Lewis, Stakeholder Engagement Lead from SA Power Networks, be invited to attend a future meeting of the Operational Standing Committee of the Corporation of the City of Mount Gambier to discuss how street tree pruning can be better managed in future rounds of their pruning program. (d) The General Manager of Infrastructure prepare a presentation (including photos) for the meeting with Mrs Lewis.	Completed
Financial Management - Budgeting - Annual Budget Preparation - 2018/2019 Financial Year	N/A	Cr Jenner	14.15	(a) Council notes that the total budget for employees in the 2018/19 budget shows an increase of approximately \$1,000,000.00 (one million dollars) more than the 2017/18 actual figures. (b) Council notes that the total budget for contracts (and other associated items) in the 2018/19 budget shows an increase of approximately \$1,000,000.00 (one million dollars) more than the 2017/18 actual figures. (c) The Chief Executive Officer prepare a detailed and itemised report of spending in the last four years of these budget line items in order to show i. Where council employee costs have altered and why; ii. Where contractor costs have altered and why; iii. Which additional positions have been created or made redundant; iv. Any other relevant matters	In Progress

**Council Action Items**

Report Title	Report Number	Author	Item	Action	Status
Infrastructure - Power Line Environment Committee (PLEC)	N/A	Cr Jenner	14.16	<p>(a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier for a five stage plan within the City of Mount Gambier for the Power Line Environment Committee 'PLEC' Scheme.</p> <p>(b) The 5 stage plan to be costed and presented to the Operational Standing Committee at its March meeting so that it can be considered as part of the 2019/20 budget process.</p> <p>(c) The PLEC Committee be invited to meet with the Operational Standing Committee, and undertake an inspection of proposed stages identified in the said report.</p>	Completed
Governance - Committees - Standing Committee - Operational	N/A	Cr Jenner	14.17	<p>(a) The General Manager of Infrastructure prepare a report for the Operational Standing Committee of the City of Mount Gambier outlining;</p> <ul style="list-style-type: none"> <li>i. Personnel deficits within the Infrastructure Department of Council;</li> <li>ii. Areas where costs may be reduced by having work undertaken by Council work crews rather than by contractors;</li> <li>iii. Areas where operations may be made more streamlined, efficient or practical by reallocating resources from other departments to the Infrastructure Department.</li> </ul>	In Progress
Economic Development - Regional Development Australia Limestone Coast RDALC Liaison	N/A	Chief Executive Officer	14.18	<p>(a) Notes the announcement of a study commissioned by the Commonwealth Scientific and Industry Research Organisation (CSIRO) and Regional Development Australia Limestone Coast (RDALC) into the merit of re-activating freight rail services on the Mount Gambier to Heywood and Mount Gambier to Woolsley lines.</p> <p>(b) Adopt a position that a "Northern Rail Bypass" be established prior to the resumption of rail freight services in the Limestone Coast.</p> <p>(c) Obtain and distribute to Councillors a copy of the 'Lander Report' on freight rail in the South East of South Australia, commissioned by RDALC or it's processor circa 2005 - 2009.</p> <p>(d) Write to the CSIRO and RDALC:</p> <ul style="list-style-type: none"> <li>i) informing of the significant investment in and development of community infrastructure of the rail corridor in recent years; and</li> <li>ii) raising concern about the impact of a return of freight rail through Mount Gambier; and</li> <li>iii) asking what, if any, consideration is given in the project brief for use of the existing railway easement through the boundaries of the City of Mount Gambier and the effect of freight rail on the community; and</li> <li>iv) asking what, if any, consideration is given in the project brief to the establishment of rail loading facilities/service yards to the north and east of the City as has been the subject of previous discussions between the Corporation of the City of Mount Gambier and the South Australian Department of Transport, and also as part of previous studies into freight rail services in the Limestone Coast Region.</li> <li>v) Suggesting the study consider establishment of a new rail easement to the north-east of the city.</li> </ul> <p>(e) Council urgently seek a briefing with RDA and other stakeholders regarding the parameters of their study to gain an understanding of the scope and practicalities of this investigation.</p>	In Progress

**Council Action Items**

Report Title	Report Number	Author	Item	Action	Status
Minutes - Council Assessment Panel - 17 January 2019	N/A	Tracy Tzioutziouklaris	14.19	That the minutes of the Council Assessment Panel meeting held 17 January 2019 as attached be noted.	No Action
Attendance at 2019 LGA Showcase and Ordinary General Meeting	AR19/2917	Lynne Dowling	15.01	<p>(a) That Council Report No. AR19/2917 titled 'Attendance at 2019 LGA Showcase and Annual General Meeting' as presented to the Council on 19 February 2019 be noted.</p> <p>(b) That the Mayor be appointed as the delegate to represent Council at the 2019 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 11 April 2019 and Friday 12 April 2019 at the Adelaide Entertainment Centre, 98 Port Road, Hindmarsh, accompanied by the CEO, with all associated costs to be met by Council.</p> <p>(c) Deputy Mayor Cr Sonya Meziniec be appointed proxy delegate to represent Council should the Mayor not be able to attend.</p> <p>(d) The Local Government Association be advised Council does not wish to submit any notice of motions.</p> <p>(e) Councillors Paul Jenner and Cr Kate Amoroso be registered to attend the 2019 LGA Showcase and Ordinary General Meeting, with all associated costs to be met by Council.</p>	Completed
Elected Members Comments to the Media	AR19/6373	Michael McCarthy	15.02	<p>(a) That Council Report No. AR19/6373 titled 'Elected Members Comments to the Media' as presented to the Council on 19 February 2019 be noted.</p> <p>(b) That Council Members refer to the resources published on the Local Government Association website and provided by the Administration in relation to the Member Code of Conduct.</p>	No Action
Motion With Notice - Strategic Management - Council and Committee Policies - Review and Development - AF18/56	N/A	Cr Amoroso	16.01	(a) Council supports the concept of livestreaming Council Meetings and calls for a report from staff on the cost and Policy implications surrounding livestreaming for presentation at the next meeting of Council.	In Progress
Motion With Notice - Property Management - Enquiries - AF11/2421	N/A	Cr Bruins	16.02	<p>(a) That a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.</p> <p>(b) That the report detail the following information on each property:</p> <ul style="list-style-type: none"> <li>- Address</li> <li>- Current/past use</li> <li>- Zoning</li> <li>- Current lease / licence / occupation arrangements to external parties (if applicable)</li> <li>- Current Valuer-General Capital Value</li> <li>- any other information the Administration considers relevant</li> <li>- any public facing walls</li> </ul> <p>(c) the report be presented to the March meeting of the Strategic Standing Committee to identify properties that may be surplus to Council's operational requirements and potentially suitable for sale or alternate use.</p>	In Progress

**Council Action Items**

<b>Report Title</b>	<b>Report Number</b>	<b>Author</b>	<b>Item</b>	<b>Action</b>	<b>Status</b>
Motion With Notice - Health Management - Advocating - Rehabilitation Services - Ref. AF15/362	N/A	Cr Amoroso	16.03	(a) the City of Mount Gambier Council write to the Federal Minister for Health the Hon. Greg Hunt in support of the actions taken by our Local Member for Barker, Tony Pasin MP calling on them to open up the \$20 million Federal grant funding for assisting with drug rehabilitation services to ensure Mount Gambier has the opportunity to apply and benefit from this funding. (b) Council request a meeting with the Federal Minister for Health when he visits the region arriving 27th February 2019.	Completed
Motion With Notice Animal Management - South East Animal Welfare League - Ref. AF11/134		Cr Jenner	16.04	(a) Council request a tour of the South East Animal Welfare League facilities, to be held prior to the March meeting of the Operational Committee of the City of Mount Gambier; (b) Council invite the President (or their representative) to attend the March meeting of the Operational Services Committee of the City of Mount Gambier to discuss the management of their operations; (c) Copies of any reports, discussion papers, power point presentations or any other information relating to the existing South East AWL funding agreement and management of Council's responsibilities under the Dog and Cat Management Act be distributed to Councillors.	In Progress
Motion With Notice - Schools, TAFE and University		Cr Hood	16.05	(a) That Council note Member for Mount Gambier Troy Bell MP's call for the implementation of a regional TAFE SA board; (b) That the Mayor, on behalf of Council, write to the Minister for Education, Mr John Gardner MP and Department for Education Chief Executive, Mr Rick Perse outlining: i. A call for the investigation into the implementation of a regional TAFE SA Board for the Limestone Coast. ii. That through a regional board, vocational funding and infrastructure decisions would be made at a grassroots level and focused on training needs and courses that best suit the region's industries. iii. That a regional board would ensure better training outcomes for local people.	Completed
Motion Without Notice - WIN TV John Watson Drive - Grant of Easement	AR19/4503	Cr Hood	17.01	That Operational Standing Committee Report No. AR19/4503 titled 'WINTV John Watson Drive - Grant of Easement' as presented to the Operational Standing Committee on 12 February 2019 be noted. (b) That Council respectfully decline the request for grant of easement to WIN TV.	Completed
On Street Parking - Jubilee Hwy East - Attamurra Rd - Implementation of No Stopping Zones - AF11/1232		Cr Hood	17.2	Council write to DPTI and request they maintain the section of road to the east of Jubilee Highway East - Attamurra Road that has been damaged due to trucks parking.	Completed
In Confidence - Sale of Land for non-payment of Rates	AR19/2005	Jo Scheidl	18.02	Refer to In-Confidence Register	Completed
In confidence - Sale of Land for non-payment of Rates	AR19/2015	Jo Scheidl	18.05	Refer to In-Confidence Register	Completed
In Confidence - Illegal Development - Mr RKH Pearson (Amberich Pty Ltd)	AR19/4134	Tracy Tzioutziouklaris	18.08	Refer to In-Confidence Register	In Progress

## **MINUTES OF ORDINARY STRATEGIC STANDING COMMITTEE MEETING**

Meeting held in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 12 March 2019 at 5:30 p.m.

### **PRESENT**

Mayor Lynette Martin OAM  
Cr Frank Morello (Presiding Member)  
Cr Max Bruins  
Cr Ben Hood  
Cr Sonya Mezinac

### **COUNCIL OFFICERS**

General Manager Council Business Services	- Mrs P Lee
General Manager City Growth	- Dr J Nagy
Manager Executive Administration	- Mr M McCarthy
Administration Officer	- Mrs F McGregor

**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.**

### **1. APOLOGY(IES)**

Nil

### **2. CONFIRMATION OF STRATEGIC STANDING COMMITTEE MINUTES**

Meeting held on 11 February 2019

That the minutes of the Strategic Standing Committee meeting held on 11 February 2019 as attached be confirmed.

Moved: Cr Morello

Seconded: Cr Hood

Carried

### **3. QUESTIONS**

#### **3.1. With Notice**

Nil submitted.

#### **3.2. Without Notice**

Nil

### **4. DEPUTATIONS**

Nil



## 5. STRATEGIC STANDING COMMITTEE REPORTS

### 5.1. Review of Policy F140 - Flag Protocol - Report No. AR19/9039

<b>COMMITTEE RECOMMENDATION</b>	
(a)	That Strategic Standing Committee Report No. AR19/9039 titled ' <i>Review of Policy F140 – Flag Protocol</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b)	That Council Policy F140 – Flag Protocol be readopted as attached to Report AR19/9039.
(c)	That the procedure of presenting flag flying requests to Council for resolution be continued in accordance with the guidelines in Strategic Standing Committee Report No. AR19/9039.
(d)	That a calendar of special days resolved by Council for periodical (i.e. annual) flying of flags (other than the Australian National Flag) be maintained, including the following special days: <ul style="list-style-type: none"><li>i. 13 February – Anniversary of the Apology to Members of the Stolen Generation (Australian National Flag, Australian Aboriginal Flag, Torrens Strait Islander Flag)</li><li>ii. 17 May - International Day Against Homophobia and Transphobia (Rainbow Flag)</li><li>iii. 27 May – 2 June (check dates each year) – National Reconciliation Week (Aboriginal Flag, Torrens Strait Islander Flag)</li><li>iv. 2-9 July (Check dates each year) – NAIDOC Week (Aboriginal &amp; Torrens Strait Islander Flags)</li><li>v. 24 October – United Nations Day (United Nations Flag)</li><li>vi. 11-26 November (check dates each year) – Feast Festival (Rainbow Flag)</li><li>vii. 29 November – 3 December – Spirit of Eureka (Eureka Flag).</li></ul>

Moved: Cr Morello

Seconded: Cr Hood

Carried

### 5.2. Review of Council Policy C305 – Caretaker Policy - Report No. AR19/8184

<b>COMMITTEE RECOMMENDATION</b>	
(a)	That Strategic Standing Committee Report No. AR19/8184 titled ' <i>Review of Council Policy C305 – Caretaker Policy</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b)	That the Caretaker Policy Item 4(a) be amended such that the Caretaker period commence on the day when nominations close for the election.

Moved: Cr Morello

Seconded: Cr Hood

Carried



**5.3. Review of Council Policy M240 – Members Access to Information – Report No. AR19/8582**

- (a) That Strategic Standing Committee Report No. AR19/8582 titled ‘*Review of Council Policy M240 – Members Access to Information*’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) We request the new CEO, when appointed, review the list of delegates to whom Council members may direct relevant and reasonable requests.

Moved: Cr Bruins

Seconded: Mayor Martin

Lost

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/8582 titled ‘*Review of Council Policy M240 – Members Access to Information*’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That Council Policy M240 – Members Access to Information be revoked as sufficient provisions are contained within the Local Government Act and Code of Conduct for Council Members dealing with matters within this policy.
- (c) We request the new CEO, when appointed, review the list of delegates to whom Council members may direct relevant and reasonable requests.

Moved: Cr Morello

Seconded: Cr Bruins

Carried

**5.4. Review of Council Policy M405 – Members Allowances and Benefits – Report No. AR19/8664**

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/8664 titled ‘*Review of Council Policy M405 – Members Allowances and Benefits*’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the current policy M405 Member Allowances and Benefits remain unchanged.

Moved: Cr Bruins

Seconded: Cr Meziniec

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A(2)(b) of the Local Government Act 1999, Cr Hood informed the meeting of *an actual* conflict of interest in Item 5.5:

“Board Member of Stand Like Stone”.

In accordance with Section 75A(2)(b) Cr Hood left the room at 6.10 pm



**5.5. Expressions of Interest for 9 Penola Road – Report No. AR19/9028**

<b>COMMITTEE RECOMMENDATION</b>
(a) That Strategic Standing Committee Report No. AR19/9028 titled ' <i>Expressions of Interest for 9 Penola Road</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b) A further report be presented to the Strategic Standing Committee informed by the outcomes of Council deliberations on the Strategic Standing Committee Report No. AR19/9385.

Moved: Cr Bruins

Seconded: Cr Meziniec

Carried

Cr Hood resumed the meeting at 6.19 p.m.

**5.6. Requests for Service and Complaints – Report No. AR19/9503**

<b>COMMITTEE RECOMMENDATION</b>
(a) That Strategic Standing Committee Report No. AR19/9503 titled ' <i>Request for Service and Complaints Report</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.

Moved: Cr Morello

Seconded: Cr Meziniec

Carried

**5.7. Policy Review – C200 – Request for Service and Complaint Policy - Report No. AR19/9529**

<b>COMMITTEE RECOMMENDATION</b>
(a) That Strategic Standing Committee Report No. AR19/9529 titled ' <i>C200 – Request for Service and Complaint Policy</i> ' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
(b) That the updated Council Policy ' <i>C200 – Request for Service and Complaint Policy</i> ' as attached to the Strategic Standing Committee Report No. be adopted.

Moved: Cr Morello

Seconded: Cr Hood

Carried





**5.8. Lady Nelson Precinct Mobile Unit - Report No. AR19/4250**

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/4250 titled '*The Lady Nelson Precinct Mobile Unit*' as presented to the Strategic Standing Committee on 11 February 2019 be noted.
- (b) A discussion paper be prepared detailing a range of vehicle options, design, function and costings up to \$60,000 and be presented to an Elected Member Informal Gathering.

Moved: Cr Morello

Seconded: Cr Hood

Carried

**5.9. Policy Review – O110 – Order Making Report No. AR19/4182**

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/4182 titled '*Policy Review – O110 – Order Making*' as attached be noted.
- (b) That Council Policy O110 Order Making be amended based on the amendments to the Local Government Act 1999 with the introduction of the Local Nuisance and Litter Control Act 2016.
- (c) Proposed draft Council Policy O110 be publicly notified prior to it being formally adopted by Council as required by the Local Government Act 1999 as significant amendments to the Policy have been proposed.

Moved: Cr Morello

Seconded: Cr Hood

Carried

**5.10. Non-Community Land and Buildings - Report No. AR19/9385**

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/9385 titled '*List of Operational Properties*' as attached be noted.
- (b) A Report be prepared on the disposal of 17 Elizabeth Street.
- (c) Hold an Informal Gathering to consider the long term strategic options for the Commerce Place car park precinct including 9 Penola Road and adjoining vacant allotments.

Moved: Cr Bruins

Seconded: Cr Meziniec

Carried



**5.11. Long Term Financial Plan 2018/2019 to 2027/2028 - Report No. AR19/9637**

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/9637 titled '*Long Term Financial Plan 2019/2020 to 2028/2029*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Long Term Financial Plan 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website.

Moved: Cr Mezinec

Seconded: Mayor Martin

Carried

**5.12. Infrastructure Asset Management Plan 2019/2020 to 2028/2029 and Asset Management Policy**

**COMMITTEE RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/9661 titled '*Infrastructure and Asset Management Plan 2019/2020 to 2028/2029*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That the Asset Management Policy be adopted, marked as final and uploaded to Council's website.
- (c) That the Infrastructure and Asset Management Plans for the ten year period 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website covering the following asset classes:
  - i. Asset Management Summary Plan 2020/2029
  - ii. Infrastructure (Roads) Asset Management Plan 2020/2029
  - iii. Building and Structures Asset Management Plan 2020/2029
  - iv. Plant and Equipment Asset Management Plan 2020/2029
  - v. Caroline Landfill Asset Management Plan 2020/2029
  - vi. Information Technology and Systems Asset Management Plan 2020/2029.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried



**6. MOTION(S) - With Notice**

Nil Submitted

**7. URGENT MOTION(S) - Without Notice**

Nil Submitted

Meeting closed at 7.15 p.m.

AR19/11291

CONFIRMED THIS                      DAY OF                      2019.

.....  
PRESIDING MEMBER



**5.1. Review of Policy F140 - Flag Protocol - Report No. AR19/9039**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9039
<b>RM8 REFERENCE</b>	AF18/56
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents Council Policy F140 - Flag Protocol for periodic review
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/9039 titled '*Review of Policy F140 – Flag Protocol*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) That Council Policy F140 – Flag Protocol be readopted as attached to Report AR19/9039.
- (c) That the procedure of presenting flag flying requests to Council for resolution be continued in accordance with the guidelines in Strategic Standing Committee Report No. AR19/9039.
- (d) That a calendar of special days resolved by Council for periodical (i.e. annual) flying of flags (other than the Australian National Flag) be maintained, including the following special days:
- i. 13 February – Anniversary of the Apology to Members of the Stolen Generation (Australian National Flag, Australian Aboriginal Flag, Torrens Strait Islander Flag)
  - ii. 17 May - International Day Against Homophobia and Transphobia (Rainbow Flag)
  - iii. 27 May – 2 June (check dates each year) – National Reconciliation Week (Aboriginal Flag, Torrens Strait Islander Flag)
  - iv. 2-9 July (Check dates each year) – NAIDOC Week (Aboriginal & Torrens Strait Islander Flags)
  - v. 24 October – United Nations Day (United Nations Flag)
  - vi. 11-26 November (check dates each year) – Feast Festival (Rainbow Flag)
  - vii. 29 November – 3 December – Spirit of Eureka (Eureka Flag).

Moved:

Seconded:



## Background

The flying of flags forms part of Council's governance purpose and represents the civic and national pride of the community.

The flying of the Australian National Flag and other flags with the Australian National Flag, is undertaken in accordance with protocols for the appropriate use and the flying of the (Australian National) flag published by the Department of the Prime Minister and Cabinet, by instruction received from the State and/or Commonwealth or otherwise as determined by resolution of Council and in accordance with the abovementioned protocols.

Council Policy F140 – Flag Protocol provides guidelines and locations for the flying of flags at designated locations around the City.

## Discussion

In accordance with the Department of Prime Minister and Cabinet protocols Council flies under the following main categories:

- Permanent flags flown at designated locations (business days and other designated days)
  - (Australian) National Flag
  - South Australian State Flag
  - Council's Coat of Arms (Council Flag)
  - Aboriginal Flag
  - Torres Strait Islander Flag
- Memorial flags flown on Anzac Day and Remembrance Day
- Other flags flown in accordance with instructions received from the State and/or Commonwealth, or to give effect to a specific resolution of Council.

Policy F140 also contains an extract from the abovementioned protocols listing dates for the flying of the Australian National Flag and other identified flags. This list should be considered a guide and is subject to alteration/addition in accordance with State/Commonwealth instructions.

Council has previously resolved to fly other flags annually on the following days:

- 17 May - International Day Against Homophobia and Transphobia (Rainbow Flag)
- 24 October – United Nations Day (United Nations Flag)
- 11-26 November (check dates each year) – Feast Festival (Rainbow Flag)
- 29 November – 3 December – Spirit of Eureka (Eureka Flag).

The following guidelines have been previously adopted for determining any future special days on which other flags are to be flown in accordance with a resolution of Council:

That a recommendation be presented to Council:

- Specifying the flag that is proposed to be flown; and
- The day(s)/date(s) that the flag is proposed to be flown, including whether it is to be flown as a 'once off' or with some frequency (e.g. annually).
- That is sufficiently in advance of the proposed days/dates to enable the relevant flag to be purchased/delivered (if/as necessary).
- That considers whether the relevant body (i.e. whose flag is being flown) has supported the flying of their flag by Council in the proposed circumstances.



These guidelines provide a level of surety for the Council and the community that the civic responsibility of flying the Australian National and other flags is undertaken with an appropriate level of due diligence, care and forethought.

Council Policy F140 – Flag Protocol has been reviewed and updated (Attachment 1) with no material changes proposed to the policy provisions and is presented for consideration.

### **Conclusion**

The flying of the Australian National Flag and other flags with the Australian National Flag is governed by protocols published by the Office of the Prime Minister and Cabinet.

Council's Policy F140 – Flag Protocol has been reviewed and is presented with no material changes to policy provisions for consideration.

### **Attachments**

*Attachment 1 (AR19/9066): Draft Council Policy F140 – Flag Protocol*



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

28/02/2019  
MM



**5.2. Review of Council Policy C305 – Caretaker Policy - Report No. AR19/8184**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/8184
<b>RM8 REFERENCE</b>	AF18/56
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents Council Policy C305 – Caretaker Policy for review.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR19/8184 titled ‘<i>Review of Council Policy C305 – Caretaker Policy</i>’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.</p> <p>(b) To be determined at the meeting.</p>

Moved:

Seconded:



## Background

At the Council meeting held on 15 January 2019 in relation to the review of Council's Caretaker Policy, Council resolved as follows:

*A report be prepared following consultation with Councilors referencing the impact of guiding documents on the current policy, the outcome the review is seeking to achieve and the restrictions of Council Policy C305 Caretaker Policy.*

*The matter be referred to the Strategic Standing Committee for further consideration.*

Following the commencement of a review process the abovementioned resolution (a) was rescinded at the Council meeting held on 19 February 2019 and resolution (b) was amended to:

*(a) The matter be referred to the March meeting of the Strategic Standing Committee for further consideration.*

In accordance with the amended resolution Council Policy C305 – Caretaker Policy is now presented for review.

## Discussion

In January 2019 Members were provided with a copy of Council's current Caretaker Policy C305 together with a copy of the Local Government Association model policy and other documentation relevant to its review.

The Strategic Standing Committee and Council may now review the Caretaker Policy C305 with a view to:

- Re-endorsing the current policy provisions
- Amending some or all of the policy provisions.

In considering the review of the Caretaker Policy it is recommended that the Committee and Council note:

- It is a requirement of s91A of the Local Government (Elections) Act 1999 to have a caretaker policy governing the conduct of the council and its staff during the election period.
- The caretaker policy of a Council is taken to form part of the Code of Conduct for Council Members and Council Officers.
- A caretaker policy must, as a minimum, prohibit the making of a '*designated decision*' during the election period.
- A '*designated decision*' means a decision
  - a) relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
  - b) to terminate the appointment of a chief executive officer; or
  - c) to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the council's revenue from rates in the preceding financial year; or





- d) allowing the use of council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of council resources by all candidates for election),  
other than a decision of a kind excluded from this definition by regulation.
- The following kinds of decisions are excluded from the definition of a ‘*designated decision*’:
    - a) a decision of a kind referred to in paragraph (c) of the definition if the decision—
      - i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the Emergency Management Act 2004, or under section 298 of the Local Government Act 1999; or
      - ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or
      - iii) relates to the employment of a particular council employee (other than the chief executive officer); or
      - iv) is made in the conduct of negotiations relating to the employment of council employees generally, or a class of council employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
      - v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;
    - b) a decision of a kind referred to in paragraph (a) of the definition if the decision is for the suspension of a chief executive officer for serious and willful misconduct.
  - The current policy also includes ‘prohibited decisions’ being a discretionary prohibition imposed upon Council by itself.
  - Clause 7 ‘Use of Council Resources’ of Council’s current caretaker policy imposes considerable constraints and conditions and provide direction and guidance on various administrative activities to ensure compliance with s91A(8)(d) that prohibits decisions (of Council and the Administration) that allow the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of council resources by all candidates for election).

Put into context, this includes any decision that would promote any matter of council business (other than ‘normal’ Council activities – with no change in the scale and frequency as before and after the election) that could benefit current Members seeking re-election.

- Clause 10 ‘Review & Evaluation’ of Council’s current Caretaker Policy provides:
 

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

Accordingly, any other than minor changes to the policy provisions will necessitate public consultation to be conducted prior to any final adoption.

- Council’s Caretaker Policy C305 was first adopted in April 2010 when the requirement for a caretaker policy was first introduced into legislation, and was subsequently amended in October 2010 to ensure compliance with the Act and Regulations. Subsequent reviews prior to



the 2014 and 2018 elections resulted in minor wording and branding changes with no material policy implications.

## Conclusion

It is a legislative requirement of the Local Government (Elections) Act 1999 that Council must have a caretaker policy governing the conduct of the council and its staff during the election period.

A caretaker policy must, as a minimum, prohibit the making of a '*designated decision*' during the election period, and to be a useful policy document should provide guidance and direction (without being too broad or narrow in its meaning and interpretation) for its application across the broad range of (and in some cases unforeseeable) activities that Council undertakes during and surrounding an election period.

## Attachments

[Attachment 1 \(AR11/4214\[v4\]\):](#)      [Caretaker Policy C305 \[v4\] – adopted 19 June 2018](#)



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

22 February 2019  
MMcC



**5.3. Review of Council Policy M240 – Members Access to Information – Report No. AR19/8582**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/8582
<b>RM8 REFERENCE</b>	AF18/56
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents Council Policy M240 – Members Access to Information.
<b>COMMUNITY REFERENCE</b>	<b>PLAN</b> Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR19/8582 titled ‘<i>Review of Council Policy M240 – Members Access to Information</i>’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.</p> <p>(b) To be determined at the meeting.</p>

Moved:

Seconded:



## Background

At the Council meeting held on 15 January 2019 in relation to the review of Council Policy M240 – Members Access to Information Council resolved as follows:

- (a) *The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information and submit recommendations on any proposed amendment to Council.*

Following the commencement of a review process including consultation with Members the abovementioned resolution was amended at the Council meeting held on 19 February 2019 to:

- (a) *The Strategic Standing Committee undertake a review of Council Policy M240 Members Access to Information at the March meeting and submit recommendations on any proposed amendment to Council.*

In accordance with the amended resolution Council Policy M240 – Members Access to Information is now presented for review.

## Discussion

In January 2019 Members were provided with a copy of Council's current Policy C305 – Members Access to Information together with an extract of s61 of the Local Government Act 1999 'Access to information by members of Council'.

Section 61 of the Act provides:

### 61—Access to information by members of councils

- 1) *A member of a council is entitled at any reasonable time, in connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited to)—*
  - (a) *a copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;*
  - (b) *accounting records kept by the council;*
  - (c) *financial statements and other documents prepared by the council under Chapter 8.*
- 2) *A request for access to a document under subsection (1) should be directed to the chief executive officer, or another officer specified by the chief executive officer for the purposes of this section.*
- 3) *The chief executive officer or another officer providing access to a document under subsection (1) may indicate to the member that information contained in the document is, or should be considered as, confidential.*

The Code of Conduct for Council Members provides at clauses 2.12 and 2.13 that Council Members must:

- Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate(s).
- Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate(s).



By Item 7 of the Statutory Council Meeting held on 22 November 2018 the Chief Executive Officer nominated the following Council Officer positions as delegates to whom Council Members may also direct relevant and reasonable requests for information:

General Manager City Infrastructure  
 General Manager Community Wellbeing  
 General Manager Council Business Services  
 General Manager City Growth  
 Manager Executive Administration  
 Manager Development Services  
 Manager Engineering Design & Contracts  
 Manager Finance and Customer Service  
 Manager Tourism and Economic Development  
 Manager Arts & Cultural Development  
 Manager Library  
 Media and Communications Coordinator  
 CEO and Mayoral Executive Support.

Notwithstanding the retirement of the former Chief Executive Officer and appointment of an interim Chief Executive Officer, these positions remain the nominated delegates to whom Members may direct requests for information and for work and actions until such notification is withdrawn and/or updated by the Chief Executive Officer.

Beyond the above provisions which are prescribed in legislation and in the Code of Conduct for Council Members, the current 'Members Access to Information' Policy M240 merely sets out that:

- Members will not be granted access to documents regarding the personal affairs of employees (except the Register of Interests required to be maintained under legislation).
- The Chief Executive Officer will provide the reason where a document is not provided.
- Sensitive documents may be provided on a confidential or 'view only' basis.
- Where documents are published online Members may be provided a website link.
- Where the document is assessed as being of wider interest, the advice (and the document/detail the subject of the specific enquiry) will be sent to all Council Members for information.
- The Policy does not limit the rights of Members to seek documents or information:
  - a) to be tabled at a meeting; or,
  - b) by way of a Motion With Notice seeking a report; or,
  - c) by way of a Question With Notice in accordance with the Procedures at Meetings Regulations; or
  - d) using the provisions of the Freedom of Information Act 1991.

The current policy has been in place with no material variation (except formatting and branding) since its initial adoption in December 2009. The abovementioned policy provisions may be equally administered with reliance on the provisions in the Act and Code of Conduct.

The Strategic Standing Committee and Council may now review the Member Access to Information Caretaker Policy M240 with consideration to any of the following:

- Re-endorsing the current policy provisions
- Amending some or all of the policy provisions
- Revoking the policy.



## Conclusion

Council Policy M240 sets out the provisions of the Local Government Act 1999 and the Code of Conduct for Council Members with regard to Members rights and obligations in accessing information and provides some guidance on the practical application of these provisions.

There is no legislative requirement for a Council policy on Members access to information and the legislative and conduct provisions could be effectively applied in the absence of a policy.

Policy M240 Members Access to Information is presented for consideration and review.

## Attachments

Attachment 1 (AR11/4299[v2]): *Members Access to Information Policy M240 [v2] – adopted 19 September 2017*



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

26 February 2019  
MMcC



**5.4. Review of Council Policy M405 – Members Allowances and Benefits – Report No. AR19/8664**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/8664
<b>RM8 REFERENCE</b>	AF18/56
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents Council Policy M405 – Members Allowances and Benefits.
<b>COMMUNITY REFERENCE</b>	<b>PLAN</b> Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR19/8664 titled '<i>Review of Council Policy M405 – Members Allowances and Benefits</i>' as presented to the Strategic Standing Committee on 12 March 2019 be noted.</p> <p>(b) To be determined at the meeting.</p>

Moved:

Seconded:



## Background

At the Council meeting held on 15 January 2019 in relation to the review of Council Policy M405 – Members Allowances and Benefits Council resolved as follows:

- (b) The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowances and Benefits and submit recommendations on any proposed amendment to Council.*

Following the commencement of a review process including consultation with the Elected Members the abovementioned resolution was amended at the Council meeting held on 19 February 2019 to:

- (b) The Strategic Standing Committee undertake a review of Council Policy M405 Members Allowance and Benefits at the March meeting and submit recommendations on any proposed amendment to Council.*

In accordance with the amended resolution Council Policy M405 – Members Allowances and Benefits is now presented for review.

## Discussion

In January 2019 Members were provided with a copy of Council's current Policy M405 – Members Allowances and Benefits together with an extract of s76-80 of the Local Government Act 1999 'Allowances and Benefits'.

Section 77 of the Act regarding re-imbusement of expenses and can be summarised as providing for:

- *re-imburements of a kind prescribed by the Regulations, which include:*
  - (a) travelling expenses necessarily incurred in an eligible journey travelling to or from a prescribed meeting by the shortest or most practicable route*
  - (b) expenses for the care of a child or dependent requiring full-time care actually and necessarily incurred as a consequence of attendance at a prescribed meeting*
- *discretionary re-imburements of a kind prescribed by the Regulations, and approved by Council (either specifically or under a policy established for the purposes of s77(1)(b)), incurred in performing or discharging official functions and duties. The kinds of expenses prescribed for re-imburement under s77(1)(b) that Council may approve are:*
  - (a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;*
  - (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);*
  - (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;*
  - (d) expenses for the care of—*
    - (i) a child of the member; or*
    - (ii) a dependant of the member requiring full-time care,**incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);*





- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).

Section 78 of the Act regarding the provision of facilities and support to Members provides:

- 4) A council may provide facilities and other forms of support to its members to assist the members in performing or discharging official functions and duties.
- 5) The provision of facilities and services under this section is at the discretion of the council subject to complying with the following requirements:
  - (a) the council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
  - (b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);
  - (c) any property provided to a member remains the council's.
- 6) A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

Accordingly, the Council must set out the discretionary expenses and the facilities and support that it approves to be reimbursed and provided to Members, including the Mayor, in a policy.

Council Policy M405 provides for discretionary reimbursement of expenses at clause 7 and for the provision of facilities and support at clause 9, as follows:

#### Facilities and Support - All Members

- Administrative support for business directly associated with prescribed meetings, other official Council functions and activities, and otherwise only as approved by Council;
- Business cards;
- Reimbursement up to a maximum of \$1,500 per term of Council for expenses associated with the Members own purchase and maintenance of a computing devices(s), accessories and software to assist members in the performance of their duties. Reimbursement will be paid upon presentation to the Chief Executive Officer of the relevant Form and tax invoice(s) or receipt;
- The device must be capable of connecting to Council's wireless local area network and Extranet;
- A mobile data plan allowance paid annually in advance in the first five (5) business days of December of \$600 for data/telecommunication mobile plan. Amounts incurred in excess of the annual allowance is the responsibility of the Member.

#### Additional Facilities and Support - Mayor

- A mobile phone with an included data/telecommunication mobile plan;
- Office space adjacent the Council Chamber with fixed telephone line and desktop computing device with connectivity to internet and Council's local area network for access to Council Extranet and Member/Mayoral documents;
- Access to administrative support to manage civic diary and associated arrangements; and



- A fully serviced and maintained motor vehicle to a maximum purchase price of \$40,000 (GST exclusive) and a Council approved fuel card.

An approval under s77(1)(b) should be considered together with Council's policy adopted under s80A 'Training and Development' in relation to reimbursement of travel expenses of Members.

In reviewing Policy M405 the Committee and Council should note the abovementioned provisions of the Act and Regulations and that Council may not validly approve by policy or specific resolution, nor may the administration provide for the reimbursement of expenses or provision of facilities or support outside of these parameters.

## Conclusion

Council Policy M405 sets out the provisions of the Local Government Act 1999 and Regulations with regard to Members expenses that Council may approve for reimbursement and the provision of facilities and benefits to Councilors and the Mayor.

Whilst there is no legislative requirement for Council to maintain a policy on Members discretionary benefits, it is considered efficient to do so as the absence of a policy specifying approved expenses and other facilities and support would not provide guidance and direction for Members or the administration, nor any authority on the ordinary expenses, facilities and support that should be provided for Members, requiring a Council resolution to approve in each and every instance.

Policy M405 Members Allowances and Benefits is presented for consideration and review.

## Attachments

[Attachment 1 \(AR14/44893\[v3\]: Members Allowances and Benefits Policy M405 \[v3\] – adopted 22 November 2018\)](#)



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

26 February 2019  
MMcC



**5.5. Expressions of Interest for 9 Penola Road – Report No. AR19/9028**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9028
<b>RM8 REFERENCE</b>	AF11/1472
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents expressions of interest received for the building located at 9 Penola Road and alternate options for the site.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/9028 titled '*Expressions of Interest for 9 Penola Road*' as presented to the Strategic Standing Committee on 12 March 2019 be noted.
- (b) To be determined at the meeting.

Moved:

Seconded:



## Background

At the Council meeting held on 15 January 2019 in consideration of a report on a building vacancy at 9 Penola Road arising from the South East Legal Service ceasing operations from that site in late 2018, Council resolved as follows:

- (a) *That Council Report No. AR18/53845 titled 'Building Vacancy – 9 Penola Road' as attached be noted.*
- (b) *That Council seek expression of interest from Not for Profit Community Groups for the vacant property at 9 Penola Road.*

By memorandum in late January 2019, Members were advised that a Notice was to be published on the Council website seeking Expressions of Interest by close of business on Friday 22 February 2019.

The Notice was also published in The Border Watch on Friday 1 February 2019 and Wednesday 6 February 2019 referring readers to a floor plan and Council Report No. AR18/53845 published on the Council website.

## Discussion

Council received several enquiries in response to the Notice for Expressions (EOI) of Interest for 9 Penola Road that were addressed by referral to the floor plan and Council Report published on the Council website; and subsequent provision of internal photos taken during a Member site visit on 14 February 2019 as circulated to all Members.

At the close of submissions seven (7) Expressions of Interest had been received from:

- St Johns
- South Eastern Automobile Club SA
- Four Reasons Why
- Nature Glenelg Trust
- Stand Like Stone
- University of the Third Age
- Southern Tree Breeding Association Inc.

Each submission is provided as an attachment.

Respondents have been notified that further progress is pending Council consideration of the future use of the building and a resolution supporting occupation by one or more EOI respondents.

It is suggested that Council's continued objective and purpose in holding the 9 Penola Road site as operational land (excluded from classification as community land) be considered prior to a decision to progress any occupation or use arising from the EOI process.

As an alternative to a further community occupation of 9 Penola Road, Council may determine to pursue any of the following or other, or a combination of options for the site:

- Commercial (or semi-commercial) tenancy
- Disposal by sale on open market (current Capital Value - \$480,000)
- Further development of the Commerce Place carpark
- Development in association with other Council landholdings on Lawrence Street



- Subdivision to accommodate any combination of the above options.

The latter three options would each necessitate a development assessment process.

## Conclusion

The land and building at 9 Penola Road is excluded from classification as community land and as such Council may dispose of the land or retain it for such legal use as Council deems appropriate taking into account all of the objectives contained in Council's Community Plan.

Should Council seek to dispose of or retain the site for non-community occupation and use then further detailed options may be presented for consideration.

Should Council seek to retain the site for community occupation and use then the attached Expressions of Interest are provided for consideration.

In consideration of the Expressions of Interest it should be noted that some respondents are seeking sole occupancy and use while others have indicated a preparedness to share occupancy, with some indicating a willingness to be a principal tenant accommodating other users.

## Attachments

- Attachment 1 (AR19/8098): Expression of Interest - St Johns*
- Attachment 2 (AR19/8071): Expression of Interest - South East Automobile Club SA*
- Attachment 3 (AR19/7496): Expression of Interest - Four Reasons Why*
- Attachment 4 (AR19/8118): Expression of Interest - Nature Glenelg Trust*
- Attachment 5 (AR19/6667): Expression of Interest - Stand Like Stone*
- Attachment 6 (AR19/6272): Expression of Interest - University of the Third Age*
- Attachment 7 (AR19/5440): Expression of Interest - Southern Tree Breeding Assn Inc.*



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

27 February 2019  
MMcC



**5.6. Requests for Service and Complaints – Report No. AR19/9503**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9503
<b>RM8 REFERENCE</b>	AF18/5242
<b>AUTHOR</b>	Leanne Little
<b>SUMMARY</b>	This report presents the overview of Requests for Service and Complaints for the period 1 July 2018 to 28 February 2019 for Council’s information.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

<b>REPORT RECOMMENDATION</b>
(a) That Strategic Standing Committee Report No. AR19/9503 titled ‘ <i>Request for Service and Complaints Report</i> ’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.

Moved:

Seconded:



## Background

Council Policy C200 – Request for Service and Complaint includes the periodic reporting to Council on Requests for Service and Complaints.

The Ombudsman SA recognises the value of reporting on Complaints and has a Complaint Management Framework publication on their website. The Framework incorporates a Model Compliant Handling Policy and is intended to provide councils with guidelines to maintain a contemporary complaint management system.

The benefits of a documented Complaint Handling Policy include:

- Opportunity to identify and improve services, processes and productivity
- Build better relationships with stakeholders and those Council serves
- Improve Council's bottom line
- Empower staff to resolve issues fairly and efficiently.

These benefits are reinforced in the Australian Institute of Company Directors Journal, March 2019 in an article written by Dr Sue-Anne Wallace.

The Request for Service and Complaints information referred to in this report and attachment is collected by Council primarily through the Customer Experience (CX) team. The information comes to the Council's CX team through various channels including: over the CX counter, phone, e-mail, postal mail and website. This information is collated, analysed and used to identify improvements, monitor performance against service levels and take corrective action when required.

A register documenting all Feedback, Suggestions, and Complaints is maintained by the CX Team.

## Discussion

The summary information in this report covers:

- Requests for Service
- Feedback and Suggestions; and
- Complaints.

for the period 1 July 2018 to 28 February 2019.

## Request For Service

A Request for Service is defined as any request from a customer / member of the public to have Council or its representative (e.g. a contractor, supplier) take some form of action to provide, respond or improve a Council service.

All Requests for Service are captured through Council's Customer Request Management System and actioned to a responsible officer (i.e. a staff member).

- A total of 3661 Requests for Services were received by Council during the reporting period. 39.6% of the total Requests for Service in this period were for the category of 'Sanitation and Garbage' and is the largest reported category. Refer Attachment 1 Graph 3 Number of Requests for Service by Category.



- A further breakdown of the 'Sanitation and Garbage' category has been provided (Refer Attachment 1 Graph 4 Requests for Service Sanitation and Garbage) to identify the sub types of Sanitation and Garbage requests received.

### **Feedback and Suggestions**

A total of 137 items of Feedback and Suggestions were received by Council. Of these 14% (19) were identified as positive, 45% (62) negative and 41% (56) were neutral.

When an item of feedback or suggestion is received, a responsible officer is assigned an action via Council's Electronic Records Management System to investigate and respond accordingly.

### **Complaints**

Council Policy C200 – Request for Service and Complaint defines a complaint as:

*A complaint is an expression of dissatisfaction with a product or service delivered by the Council or its representatives that have failed to reach the standard stated, implied or expected. This includes complaints about a service that have been or should have been delivered.*

For a customer's feedback to be identified as a Complaint it must meet the definition contained in Council's Policy. Where it doesn't meet this definition it is classified as negative feedback. This distinction provide Council with the opportunity to resolve or address a customer's concern or request for service in the first instance prior to escalating directly to a 'complaint'.

Five (5) complaints were received during the reporting period.

- Four (4) or 80% of the complaints were resolved immediately at first point of contact.
- One (1) or 20% of the complaints required further investigation.

### **Conclusion**

Considerable work has been undertaken to ensure the management of Requests for Service, Suggestions and Feedback and Complaints from customers / members of the public are managed responsibly, professional and in a timely manner within Council's Policy, Ombudsman SA guidelines and customer expectations.

Quarterly reporting on Requests for Service, Suggestions and Feedback and Complaints will be provides to Council. Further analysis and improvements to reporting will be made over time.

This report and Attachment 1 are provided to Council for information and noting.

### **Attachments**

[Attachment 1 \(AR19/9415\): Graphs on Requests for Services, Feedback, Suggestions and Complaints](#)







**Leanne LITTLE**  
TEAM LEADER CUSTOMER EXPERIENCE



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES  
1 March 2019  
LL



**5.7. Policy Review – C200 – Request for Service and Complaint Policy - Report No. AR19/9529**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9529
<b>RM8 REFERENCE</b>	AF18/56
<b>AUTHOR</b>	Leanne Little
<b>SUMMARY</b>	This report presents a review of Council Policy C200 - for Request for Service and Complaint Policy for consideration in accordance with the periodic review of Council policies.
<b>COMMUNITY REFERENCE</b>	<b>PLAN</b> Goal 1: Our People

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. titled 'C200 – Request for Service and Complaint Policy' as presented to the Strategic Standing Committee on 12 March 2019 be noted.</p> <p>(b) That the updated Council Policy '<i>C200 – Request for Service and Complaint Policy</i>' as attached to the Strategic Standing Committee Report No. be adopted.</p>

Moved:

Seconded:



## Background

Council periodically reviews its policies over the term of the Council to ensure they remain up to date with legislative requirements, Council and community expectation and emerging practices in local government.

## Discussion

Council Policy 'C200 – Request for Service and Complaint Policy' has been reviewed and is presented with minor wording changes.

## Conclusion

The reviewed and updated Council Policy 'C200 – Request for Service and Complaint Policy' is attached for consideration. The review included reviewing Council's policy to that of the Local Government Association currently model policy.

It is proposed this Policy is next scheduled for review in March 2021.

## Attachments

[Attachment 1 – \(AR19/9532\) Council Policy 'C200 – Request for Service and Complaint Policy'](#)



**Leanne LITTLE**  
TEAM LEADER CUSTOMER EXPERIENCE



**Pamela LEE**  
GENERAL MANAGER BUSINESS SERVICES

28 February 2019  
LL



**5.8. Lady Nelson Precinct Mobile Unit - Report No. AR19/4250**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/4250
<b>RM8 REFERENCE</b>	AF18/496
<b>AUTHOR</b>	Dr Judy Nagy
<b>SUMMARY</b>	To provide an update on the acquisition of a vehicle for use as a Mobile Unit for Tourism in the City of Mount Gambier.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/4250 titled '*The Lady Nelson Precinct Mobile Unit*' as presented to the Strategic Standing Committee on 11 February 2019 be noted.
- (b) That Council endorse the purchase of a vehicle, including fit out, up to the value of \$56,000 for use as the Visitor Centre Mobile Unit dedicated for tourism outreach in the community and across the region.

Moved:

Seconded:



## Background

In 2017, Council engaged in a detailed process of review and prioritisation of recommendations made in numerous strategic reports received over the preceding 12 months.

After prioritisation of recommendations Council were presented with a model that would allow the concurrent achievement of a number of prioritised recommendations that were inter-related and able to be linked together. In the November 2017 Strategic Standing Committee, Council endorsed the proposed precinct activation model that grouped a number of recommendations into either a conceptual or physical precinct.

The precinct activation plan for the Lady Nelson commenced a process of refreshing Visitor Information Servicing in line with a focus on digital content. Council endorsed The Lady Nelson Precinct Plan on 19 December 2017 with the following resolution:

### COUNCIL RESOLUTION – 19<sup>th</sup> DECEMBER 2017

#### 12.9. Precinct Project Plan Development - AR17/48825

- (a) That Strategic Standing Committee Report No. AR17/48825 titled '*Precinct Project Plan Development*' as presented to the Strategic Standing Committee on 11 December 2017 be noted.
- (b) That precinct activation plans for 'The Lady Nelson Precinct' and 'The Innovation Hub' be endorsed.

The Lady Nelson Precinct Plan is included in this report at Attachment 1.

The objective of The Lady Nelson Precinct Plan was to transition Visitor Information Services to a collaborative and flexible model between industry, Council and key stakeholders, with intended outcomes noted as:

- Make cosmetic changes (low cost and immediate) internally to the Lady Nelson Centre (TLN) as we transition to a more digital content.
- Mobile Unit to be used for tourism events, festivals, busy time periods and serve a multi-purpose including library and gallery outreach programs, community engagement initiatives and crisis/disaster relief station / access point.

The Project Plan noted a phase of research to investigate cost, fit out requirements and staff resourcing to operate a Mobile Unit in support of a distributed servicing model.

## Discussion

During 2018 the Visitor Information Centre made significant progress on 'going digital' with staff focusing on utilising the website and digital content for visitor servicing. This has required education of both staff, tourism stakeholders and various dependent agencies who have previously been accustomed to printed booklets, pamphlets and brochures.

The transition has resulted in some staffing changes, training in digital competencies and a change of culture at the Visitor Information Centre. The staff are now in a position to plan further the for distributed model of servicing, of re-engaging with Council Tourism asset operators and with other stakeholders in the visitor pipeline via touring routes from Adelaide and also from and to Victoria.



A budget of \$100,000 - \$150,000 was allocated for the purchase of the Mobile Unit. However, a large Mobile Unit would require a minimum of two staff impacting on services and staffing levels at the Visitor Centre at key times, such as weekends and public holidays. Hence, a smaller more agile vehicle has become the focus of research.

A trial using a shared replacement vehicle between the Events team and the VIC staff (a mid sized SUV with an awning) at tourist locations in Mount Gambier has proven popular and effective since the vehicle was purchased in December 2018. Whilst the trial has demonstrated that a smaller vehicle works well, the busy times for the events team and visitor services coincide, making a shared vehicle problematic.

The purchase of a standard SUV vehicle fitted out as required would deliver the same benefits as the original intended purchase of a Winnebago type vehicle to use as a Mobile Unit for Tourism. The proposed standard vehicle eliminates storage issues, driving challenges and can be used by one person. This reduces both staffing requirements and capital costs.

## Conclusion

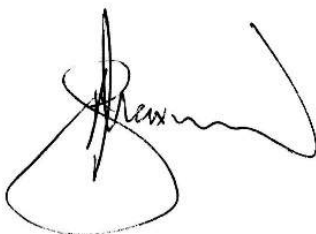
Adding one additional vehicle to the Council fleet that is generic and includes some clear Tourism branding would save Council significant resources and meet the needs of a distributed model of Visitor servicing.

## Attachments

*Attachment 1 (AR17/42842): PPS-2017-013 - Project Plan Summary Lady Nelson Centre - 19/10/2017*



**Dr Judy NAGY**  
GENERAL MANAGER CITY GROWTH



**Graeme MAXWELL**  
CHIEF EXECUTIVE OFFICER

30 January 2019  
DL



**5.9. Policy Review – O110 – Order Making Report No. AR19/4182**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 February 2019
<b>REPORT NO.</b>	AR19/4182
<b>RM8 REFERENCE</b>	AF18/49
<b>AUTHOR</b>	Tracy Tzioutziouklaris
<b>SUMMARY</b>	This report provides a review and update of Council Policy O110 – Order Making
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR19/4182 titled <i>'Policy Review – O110 – Order Making'</i> as attached be noted.</p> <p>(b) That Council Policy O110 Order Making be amended based on the amendments to the Local Government Act 1999 with the introduction of the Local Nuisance and Litter Control Act 2016.</p> <p>(c) Proposed draft Council Policy O110 be publicly notified prior to it being formally adopted by Council as required by the Local Government Act 1999 as significant amendments to the Policy have been proposed.</p>

Moved:

Seconded:



**Background**

Council periodically reviews its policies to ensure that they remain up to date with legislative requirements, Council and community expectations and emerging practices in local government.

The Local Government Act requires Council to develop and adopt an Order Making Policy (Section 259 Local Government Act 1999).

Once an Order Making Policy is adopted Council is able to use the powers specified in the Policy to resolve matters as they arise.

Public consultation will be required to be undertaken if a new or significantly amended policy results from this review.

This Policy was last reviewed by Council in February 2015.

**Discussion**

The relevant order making provisions contained within the Local Government Act, 1999 contains a number of provisions where Council is able to make Orders to address particular matters. The matters Council is able to make orders are reproduced below from the Local Government Act 1999 for Members information and perusal.

**“Part 2 - Orders Division**

**1 - Power to make orders**

**254 - Power to make orders**

(1) *A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.*

<b>Column 1 To do or to refrain from doing what?</b>	<b>Column 2 In what circumstances?</b>	<b>Column 3 To whom?</b>
<b>2. Hazards on lands adjoining a public place</b>		
<i>(1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).</i>	<i>(1) A hazard exists that is, or is likely to become, a danger to the public.</i>	<i>(1) The owner or occupier of the land.</i>
<i>(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.</i>	<i>(2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.</i>	<i>(2) The owner or occupier of the land.</i>
<i>(3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.</i>	<i>(3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.</i>	<i>(3) The owner or occupier of the land.</i>





<i>(4) Where the public place is a road - to take action necessary to protect the road or to remove a hazard to road users</i>	<i>(4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.</i>	<i>(4) The owner or occupier of the land.</i>
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*Examples -*

*To fill an excavation, or to prevent drainage of water across the road.*

*To construct a retaining wall or to remove or modify a fence.*

*To fence land to prevent the escape of animals.*

*To remove a structure or vegetation near an intersection.*

<b>Column 1 To do or to refrain from doing what?</b>	<b>Column 2 In what circumstances?</b>	<b>Column 3 To whom?</b>
<b>4. Inappropriate use of vehicle</b>		
<i>To refrain from using a caravan or vehicle as a place of habitation.</i>	<i>A person is using a caravan or vehicle as a place of habitation in circumstances that— (a) present a risk to the health or safety of an occupant; or (b) cause a threat of damage to the environment; or (c) detract significantly from the amenity of the locality.</i>	<i>The owner or occupier of the land or a person apparently occupying the caravan or vehicle.</i>

*(2) A reference in the table to an animal or animals includes birds and insects.*

In addition to Section 254, this policy will also apply to the making of any orders under the following sections of the Local Government Act:

- Section 216 - Power to order owner of private road to carry out special roadwork
- Section 217 – Power to order owner of infrastructure on road to carry out specified maintenance or repair work; and
- Section 218 – Power to require owner or adjoining land to carry out specified work
- Sections 216, 217 and 218 of the Local Government Act are also reproduced in this report for Members perusal and information as follows.

*“216—Power to order owner of private road to carry out specified roadwork*

- (1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.*
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—*



(a) any proposal to make an order; and

(b) if an order is made, any order, under subsection (1).

217— *Power to order owner of infrastructure on road to carry out specified maintenance or repair work*

(1) *A council may, 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, require the owner—*

(a) *to carry out specified work by way of maintenance or repair; or*

(b) *to move the structure or equipment in order to allow the council to carry out roadwork.*

(2) *If the order is not complied with within a reasonable time fixed in the order—*

(a) *the council may itself take the action required by the order and recover the cost of doing so as a debt from the owner; and*

(b) *the owner is guilty of an offence and liable to a penalty not exceeding \$5 000.*

(3) *Subsection (1) and (2) do not apply to the owner of electricity infrastructure, public lighting infrastructure or gas infrastructure if the Commission has determined, on application by the owner, that there are reasonable grounds for not requiring the owner to take the action specified in the order.*

(4) *In this section -*

**Commission** *means the Essential Services Commission established under the Essential Services Commission Act 2002;*

**electricity infrastructure** *has the same meaning as in the Electricity Act 1996;*

**gas infrastructure** *has the same meaning as in the Gas Act 1997, but does not include a transmission pipeline within the meaning of the Petroleum Act 2000;*

**owner** *of a structure or equipment includes a lessee or licensee;*

**public lighting infrastructure** *has the same meaning as in the Electricity Corporations (Restructuring and Disposal) Act 1999.*

218 - *Power to require owner of adjoining land to carry out specified work.”*

(1) *A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.*

(2) *Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to -*

(a) *any proposal to make an order; and*



*(b) if an order is made, any order, under subsection (1).*

In February 2017 the Local Nuisance and Litter Control Act 2016 became operational. The introduction of this Act, also introduced significant changes to Section 254 of the Local Government Act. Likewise Section 299 of the Local Government Act 2016 which referred to the power for Council to make orders in relation to vegetation clearance has been deleted.

The powers Council is able to use as part of the Local Nuisance and Litter Control Act provides Council with greater ability to take action in relation to matters which are of a Local Nuisance that what was previously provided to Council under Section 254 of the Local Government Act 1999.

The introduction of the Local Nuisance and Litter Control Act 2016 and amendments to the Local Government Act 1999 creates the requirement for Council to undertake a comprehensive review and updating of Council Policy O110 Order Making.

A copy of Council Policy O110 Order Making illustrating the proposed updating and changes to the policies is attached to this report for Members perusal and information.

It is important to highlight that prior to adopting any significant amendment to the Policy – O110 Order Making, Council is required by the Section 259(2) of the Local Government Act 1999 to publicly notify the draft policy for a period of at least 4 weeks.

## **Conclusion**

With the introduction of the Local Nuisance and Litter Control Act 2016, significant amendments have been made to Section 254 of the Local Government Act 1999 and Section 299 of the Local Government Act 1999 has been deleted.

On the basis of these amendments significant amendments will need to be made to Council Policy O110 Order Making.

The proposed draft Council Policy O110 be publicly notified prior to it being formally adopted by Council.

## **Attachments**

*Attachment 1 (AR19/4189): Draft Council Policy O110 Order Making*



**Tracy TZIOUTZIOUKLARIS**  
MANAGER DEVELOPMENT SERVICES



**Judy NAGY**  
GENERAL MANAGER CITY GROWTH

29 January 2019



**5.10. Non-Community Land and Buildings- Report No. AR19/9385**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9385
<b>RM8 REFERENCE</b>	AF11/2421
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents a list of non-community (operational) land and buildings owned by Council as requested at the 19 February 2019 Council Meeting
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

**REPORT RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR19/9385 titled '*List of Operational Properties*' as attached be noted.

Moved:

Seconded:



## Background

At the Council meeting held on 19 February 2019 the following Motion With Notice was moved by Cr Bruins and resolved by Council seeking a report on all non-community land and buildings not currently utilised by Council. The resolution is as follows:

- (a) *That a report be prepared listing all non-community land and buildings that are owned and not currently utilised by the City of Mount Gambier for operational purposes.*
- (b) *That the report detail the following information on each property:*
- *Address*
  - *Current/past use*
  - *Zoning*
  - *Current lease / licence / occupation arrangements to external parties (if applicable)*
  - *Current Valuer-General Capital Value*
  - *Any other information the Administration considers relevant*
  - *Any public facing walls.*
- (c) *The report be presented to the March meeting of the Strategic Standing Committee to identify properties that may be surplus to Council's operational requirements and potentially suitable for sale or alternate use.*

This report presents a list of all non-community (operational) land owned by Council as requested.

## Discussion

In accordance with Chapter 11 of the Local Government Act 1999 (the Act) all land, except roads, owned or under Council's care, control and management is taken to be classified as community land, unless Council has validly excluded or revoked it from such classification. The Act imposes specific conditions on the exclusion of land and a statutory process that includes public consultation and Ministerial approval for revocation of community land classification. That is most land owned or controlled by Council is community land.

Subject to the Act Council, may not dispose of land unless it is has first been validly excluded or revoked from classification as community land.

Land that has been excluded or revoked from such classification is commonly known as 'operational' land on the basis that it is ordinarily held by Council and used for operational purposes.

The attached list (Attachment 1) contains all 'operational' land, including buildings, owned by Council that have been excluded or revoked of classification as community land.

As 'operational' land, Council has the authority to use or dispose of the land contained in the attached list unrestricted by the community land provisions of the Act. Notwithstanding this Council is still obliged to comply with other provisions of the Act and other relevant Council policies, such as the Procurement and Disposal of Land and Assets Policy P420 and Prudential Management Policy P415.

## Conclusion

Should Council wish to further pursue a disposal or other process for any of the sites in the attached list, a further report and recommendation(s) may be requested specific to any identified site(s).



**Attachments**

*Attachment 1 (AR19/9587): List of non-community (operational) land and buildings*



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

6 March 2019  
MMcC



**5.11. Long Term Financial Plan 2018/2019 to 2027/2028 - Report No. AR19/9637**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR18/9637
<b>RM8 REFERENCE</b>	AF18/5
<b>AUTHOR</b>	Pamela Lee
<b>SUMMARY</b>	The purpose of this report is to present the for Council’s consideration the Long Term Financial Plan for the 10 year period 2019/2020 to 2028/2029 in accordance with the Local Government Act 1999, Chapter 8, Part 1, Section 122.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR19/9637 titled ‘<i>Long Term Financial Plan 2019/2020 to 2028/2029</i>’ as presented to the Strategic Standing Committee on 12 March 2019 be noted.</p> <p>(b) That the Long Term Financial Plan 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council’s website.</p>

Moved:

Seconded:



## Background

The Local Government Act 1999 (the Act) requires Council to prepare and adopt Strategic Management Plans (the Plans) that include a Long Term Financial Plan (LTFP). The Strategic Management Plans may be reviewed at any time, however Chapter 8 Part 1 Section 122 states that Council must in any event, undertake a comprehensive review of the Plans within two (2) years after each general election of the Council.

Council considers that its LTFP is a fundamental instrument of accountability and sustainability and provides projections for Council's planned activities over a ten year timeline.

The key objective of Council's LTFP is financial sustainability in the medium to long term, while still achieving Council's strategic objectives specified in the Community Plan and aligned strategies. At the same time the LTFP ensures that there is an understanding of the impact of decisions made today on future sustainability. This ensures the cost effective delivery of projects, services and works and the appropriate maintenance and renewal of our asset base in a financially sustainable manner.

The purpose of the LTFP is:

- To express in financial terms the services, works and activities it proposes to undertake over the medium to longer term to achieve its stated objectives. The LTFP is similar to but less detailed than the annual budget. Like a budget, the LTFP provides guidance for future action except that its preparation requires Council to consider the longer term impact of revenue and expenditure proposals rather than for a single year.
- Not to provide specific detail about individual services or works. It does however provide a decision making tool that allows various assumptions and sensitivity analysis to be carried out that will indicate the ability of Council to deliver cost effective services to our community in the future in a financially sustainable and responsible manner.

Council's LTFP must contain a summary of the proposed operating and capital investment activities in the Uniform Presentation of Finance format for a period of at least ten years. It should include estimates of the key ratios, operating surplus, net financial liabilities and asset sustainability. This illustrates the expected long term financial performance of the Council and hence whether financial sustainability is forecast to be achieved.

The LTFP is:

- A strategic level document; similar to but less detailed than the annual budget. Like a budget, the LTFP provides guidance for future action except that its preparation requires Council to consider the longer term impact of revenue and expenditure proposals rather than for a single year.
- A fluid document, continually reviewed, modified and refined as new and updated information becomes available, usually at each budget review and during the construction and adoption of the Annual Business Plan and Budget.
- Prepared using a number of assumptions, with regard to projected rate income, projected fees, charges and grants and also includes assumptions about future operational and capital expenditure. Given that LTFPs are derived from an estimate of future performance, it should be appreciated that actual results may vary from the information contained in the LTFP.
- Informs and provides the high level strategic financial plan, guidelines, assumptions and parameters for the strategically aligned Infrastructure and Asset Management Plan and Annual Business Plan and Budget.





Intuitively, if the LTFP demonstrates sustainability over a ten year period and the 2019/2020 LTFP target budget is embedded within the LTFP, then the development of a 2019/2020 budget that aligns with the LTFP also demonstrates financial sustainability.

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

Council adopted its current LTFP 2017/2018 to 2026/2027 on 11 September 2017 following:

- Preparation work on the LTFP and 2017/2018 Budget in February 2017
- An Elected Member information workshop on 28 February 2017; and
- Audit Committee meeting on 7 March 2017 where the LTFP 2017/2018 to 2026/2027 was recommended to Council.

Prior to Council considering its Annual Business Plan and Budget, it considers and adopts its LTFP to take into account and reflect:

- The most recent audited financial statements as at 30 June of the prior financial year
- The most recent Infrastructure and Asset Management Plan (IAMP)
- The most recent quarterly budget revision adopted by Council
- Any changes in assumptions i.e. internal and external influences
- Any Council resolutions and non-discretionary items
- Any new initiatives, strategies and projects of Council.

The LTFP is guided by the following principles:

- Maintain existing assets at the current service levels
- Continue to review assets with proceeds being reinvested
- Maintaining debt within the current range of less than 2% subject to any material projects being approved by Council at which time the LTFP would be reviewed
- Retaining tight constraints on operating expenditure
- Ensuring that the capital works program retains a level of funding for new works (e.g. new footpaths).

In the event information comes to hand that will materially impact the adopted LTFP, the LTFP will be updated presented to Council for consideration and adoption.

## Discussion

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

A workshop with Elected Members was held on Monday 25 February 2019 as part of the annual planning process. The workshop covered: the Integrated Planning and Budget Framework, timetable, process, internal and external influences and assumptions of the LTFP; and considerations of assumptions for the draft 2019/2020 Annual Business Plan and Budget. Table 1 contains assumptions discussed at the workshop that would be used in the modelling of the draft LTFP 2019/2020 to 2027/2028.



Table1: LTFP Assumptions

Assumption	Current	Period
<b>Variables</b>		
CPI	2.0%	10 years
Salary and Wages	2.0%	10 years
GDP	1.9%	10 years
Local Government CPI as at 31 December 2019	2.9%	10 years
<b>Application</b>		
Rate increase (as modelled in the current LTFP)	4.5%	10 years
Utilities – e.g. electricity, gas, fuel, water	2.0%	10 years
All services provided in 2018/2019 continue		10 years
Borrowings – use of LGFA Cash Advance Debenture facilities as required		10 years
<ul style="list-style-type: none"> <li>Funding for strategies adopted by Council as at February 2019 are included.</li> <li>LTFP substantially reflects the version presented to the Special Council meeting held on 23 January 2019 when the Prudential Report on the Community and Recreational Hub was adopted. Refinements since reflect detailed review of the IAMPs and preliminary work leading into the preparation of the draft 2019/2020 Annual Business Plan and Budget.</li> </ul>		10 years

Further review of the CARH might result in changes to the depreciation charges and the operating surplus / deficit scenarios related to the CARH and any consequential impacts on the Council general administration resourcing with the management of the CARH (contractual, managerial and transactional including procurement, contract management, accounts payable, banking).

At the time of preparing this report and updating the LTFP, the following Councilor resolutions and non-discretionary items have been modelled in the LTFP 2019/2020 to 2028/2029:

Table 2: Councilor Resolutions and Non-discretionary expenditure binding on the 2019/2020 budget

Operating Items	2019/ 2020 \$'000	2020/ 2021 \$'000	2021/ 2022 \$'000	In 2019/ 2020 Draft Budget
Airport Contribution <sup>(1)</sup>	250.0	250.0	-	Yes
Tennis Assoc. <sup>(1)</sup>	-	200.0	200.0	No
Great Victorian Bike Ride	17.0			Yes
Community and Recreation Hub <sup>(1)</sup>		TBC	TBC	TBC
Lions Brass Festival Band	8.0	8.0		Yes
Energy Efficiency Program	50.0	50.0	50.0	Yes
Riddoch Art Galley – Ancient Rome Exhibition	30.0	-	-	Yes
<b>Non-Discretionary Items</b>				
Planning, Development and Infrastructure Act Reform		TBC		Yes
<b>Total</b>	<b>355.0</b>	<b>508.0</b>	<b>250.0</b>	

Note: (1) Subject to successful grant funding.

The LTFP takes account of:

- Expected expenses and capital outlays for each year of the year in the Plan
- Expected revenues for each year and their source



- Any variations in net debt required as a result of expected cash flow needs
- Performance measures to enable assessment of the Council's financial sustainability over the period of the Plan.

The LTFP includes:

- Income statement
- Balance sheet
- Cash flow statement
- Statement of changes in equity.

Council's draft LTFP for 2019/2020 to 2028/2029 is available at Attachment 1 to this report.

The Annual Business Plan and Budget for 2019/2020 will be based on year one of the adopted LTFP 2019/2020 to 2028/2029 (subject to change pending further information availability at the time of preparation).

If adopted, the LTFP 2019/2020 to 2028/2029 will inform the preparation of the draft 2019/2020 Annual Business Plan and Budget. The LTFP is a cornerstone plan within the Council's suite of Strategic Management Plan and Integrated Planning and Budget Framework (refer Attachment 2) and the Act.

The draft LTFP shows a growing operating surplus and cash flows in the latter years. This reflects that Council's planning and strategies are more detailed in the first half of the LTFP's ten year period. In the latter years of the LTFP, new major capital works and projects remain unallocated to allow Council the flexibility to review and refine its position in this regard.

Importantly, the draft LTFP demonstrates that the Council is financially sustainable over the 10 year term of the LTFP, whilst achieving the objectives outlined in the Community Plan and aligned strategies and projects. This includes:

- Implementation and funding of the appropriate level of maintenance and renewal of the portfolio of assets
- Meeting the ongoing expectations of service delivery to our Community
- Managing the impact of cost shifting from other levels of government
- The appropriate use of debt as a means of funding new and renewal of assets
- Ensuring the financial sustainability of Council's operations.

Financial sustainability has been demonstrated through adherence to the following three key ratios:

- Operating Surplus Ratio, target range 0% to 10%
- Net Financial Liabilities Ratio, target range 0% to 100%
- Asset sustainability Ratio, target range 90% to 110%.

These ratios are also the LGA guideline ratios. In achieving these targets, which are explained in detail in the LTFP, there is a level of certainty provided that financial sustainability will be maintained.

## Conclusion

The LTFP will continue to be reviewed over time and refined to incorporate feedback from different sources (Council Members, Management, the Community, new initiatives/projects, new legislation, changes to existing legislation and identified savings).

Modelling of the LTFP 2019/2020 to 2028/2029 is based on the assumptions, Councilor resolutions and non-discretionary expenditure discussed at the Elected Member workshop held on the 25 February 2019. The LTFP has been reviewed in line with Council's:

- Suite of Strategic Management Plans



- Integrated Planning and Budget Framework
- Fees and Charges Schedule for 2019/2020 adopted at the 19 February 2019 Council meeting.

This report presents for Council's consideration the recently reviewed and updated LTFP for the 10 year period 2019/2020 to 2028/2029.

## Attachments

[Attachment 1 \(AR19/9665\): City of Mount Gambier Draft Long Term Financial Plan 2019/20209 to 2028/2029 March 2019](#)

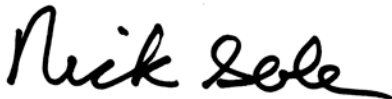
[Attachment 2 \(AR18/3223 \[v3\]\): Integrated Planning and Budgeting Framework](#)



**Kahli ROLTON**  
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GENERAL MANAGER COUNCIL BUSINESS SERVICES



**Nick SERLE**  
GENERAL MANAGER CITY INFRASTRUCTURE

7 March 2019  
PL/KR



**5.12. Infrastructure Asset Management Plan 2019/2020 to 2028/2029 and Asset Management Policy - Report No. AR19/9661**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9661
<b>RM8 REFERENCE</b>	AF11/1786
<b>AUTHOR</b>	Pamela Lee
<b>SUMMARY</b>	This report presents for Council's consideration: - an Asset Management Policy; and - the updated Infrastructure and Asset Management Plan for the 10 year period 2019/2020 to 2028/2029 in accordance with the Local Government Act 1999, Chapter 8, Part 1, Section 122.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR19/9661 titled '<i>Infrastructure and Asset Management Plan 2019/2020 to 2028/2029</i>' as presented to the Strategic Standing Committee on 12 March 2019 be noted.</p> <p>(b) That the Asset Management Policy be adopted, marked as final and uploaded to Council's website.</p> <p>(c) That the Infrastructure and Asset Management Plans for the ten year period 2019/2020 to 2028/2029 be adopted, marked as final and uploaded to Council's website covering the following asset classes:</p> <ul style="list-style-type: none"> <li>i. Asset Management Summary Plan 2020/2029</li> <li>ii. Infrastructure (Roads) Asset Management Plan 2020/2029</li> <li>iii. Building and Structures Asset Management Plan 2020/2029</li> <li>iv. Plant and Equipment Asset Management Plan 2020/2029</li> <li>v. Caroline Landfill Asset Management Plan 2020/2029</li> <li>vi. Information Technology and Systems Asset Management Plan 2020/2029.</li> </ul>

Moved:

Seconded:



## Background

The South Australian Local Government Act 1999 (the Act) and its Regulations require each Council to develop and adopt a suite of Strategic Management Plans (the Plans), including preparation of Infrastructure and Asset Management Plans (IAMP). The Strategic Management Plans may be reviewed at any time, however Chapter 8 Part 1 Section 122 states that Council must in any event, undertake a comprehensive review of the Plans within two (2) years after each general election of the Council.

Asset Management (AM) is a systematic and rational process to guide the planning, acquisition, operation and maintenance, renewal and disposal of assets. Its objective is to optimise asset maintenance and delivery responsibly and manage related risks and costs over the asset lifecycle. AM is the process used to guide the planning, acquisition, operation, maintenance, renewal and disposal of assets

- The objective of AM is to optimise asset service delivery potential and manage related risks and costs over the entire life or 'whole of life' of the asset. In simplest terms, asset management is about how assets are 'looked after', both on a day-to-day basis (such as maintenance and operations) and in the medium-to-long term.
- The goals of AM is to provide a financially sustainable level of service at an acceptable level of risk, within statutory and legislative requirements, to Council's present and future community and customers.

The long lived nature of many assets and the need for their ongoing renewal means that planning must be based on an understanding of the 'whole of life' costs throughout the life cycle of each asset. This provides a basis for the management of both short and long-term continuance of each asset's capacity to function and to meet the Council's vision of:

*'An inclusive City where people lead fulfilling lives'*

and achieve one of the key strategic objectives contained in the Community Plan – The Futures Paper 2016-2020

*'Provide infrastructure and services that are well planned, accessible, efficient, financially sound and sustainable.'*

Council maintains a large network of assets within the City of Mount Gambier with an approximate value of \$247 million. As custodian of these assets, Council acknowledges that there will be increased pressure over time to provide and maintain assets at desired levels of service. Growth and time places pressure on future funding as the assets age, demand for maintenance, repair and upkeep increases and new assets are added.

Infrastructure maintenance and renewal costs of Council's assets consume a material part of Council's budget. They are higher in some periods than others and can have a material impact on Council's budget and resource planning.

Council has a formalised approach to AM so it can optimise the function and productivity of its assets while minimising risk and financial liability of ownership for Council. Council needs to know what affect the current level of funding of asset maintenance, asset renewal and asset improvement today will have on the assets and financial position in future years

The IAMPs cover the management of the Council's assets for a period of at least ten years. Council's current IAMP was adopted at its meeting on 18 April 2017 and covers the period 2016/2017 to 2026/2027. The IAMP recognises the importance of Council's responsibility and commitment to providing and maintaining these assets at a satisfactory level, commensurate with community expectations and Council's income and financial capacity. A robust IAMP ensures that



Council's assets are capable of providing services of an agreed quality, in a sustainable manner, for present and future communities.

Council provides a road network in partnership with State and Federal Governments to enable a high level of safety, accessibility and amenity for Mount Gambier. Council's commitment to maintaining this road network is in line with current best practices and to the standards expected by its ratepayers. Council further provides an extensive range of buildings and structures which are used by the Community for many and varied purposes (including a regional landfill facility). Council also owns and operates a fleet of plant and equipment to allow it to provide assets, infrastructure and services to meet the needs of its Community.

The IAMPs guide Council in the management of its assets and infrastructure to an agreed standard of service in a planned, sustainable and responsible manner. Council's IAMPs comprise an overarching Asset Management Summary Plan and 5 asset class specific Asset Management Plans, reflecting the materiality, value and/or nature of Council's assets. These classes are:

- Infrastructure Road
- Buildings and Structures
- Plant and Equipment
- Caroline Landfill
- Information Technology and Systems.

IAMPs are reviewed at least every two years. In the event information comes to hand that will materially impact the adopted IAMP, the IAMP will be updated and represented to Council for consideration and adoption.

Council considers on an annual basis the Annual Business Plan and Budget for the next financial year. The review of IAMPs take into account Council's Community Plan and aligned strategies, IAMPs, Long Term Financial Plan and Schedule of Fees and Charges. The IAMP review reflects:

- Movements in and out of the asset categories e.g. sale, disposal or purchase of an asset
- Examines, in depth, Council's various assets by asset class
- Valuations of asset categories, service standards to be maintained and provides estimates to maintain both the asset in a 'fit for purpose' state and the designated service standards
- Council's ability to fund the annual 'consumption' of assets (i.e. depreciation) and that it is managing its assets in a sustainable manner
- Valuations for the asset categories of Infrastructure and Plant and Equipment determined internally and Building and Structures determined by external consultants.

The IAMP should be read in conjunction with the following documents:

- Community Plan 2016 – 2020
- Long Term Financial Plan
- Development Plan
- Annual Business Plan and Budget 2018/2019
- Policy P420 – Procurement and Disposal of Land and Assets
- Policy F175 - Engineering Footways and Crossovers
- Policy F190 – Engineering Footways Paving In City Centre Zone
- Policy R70 Road Pavement – Excavation and Reinstatement of
- Policy C200 – Request for Service and Complaint
- Policy R200 – Community Land (Reserves) Lease/Licence/Rental Arrangements
- Policy R302 Risk Management Framework.



## Discussion

Assets provide the foundation on which the Community carries out its everyday activities and they contribute towards the overall quality of life for residents. Due to this we have been improving our AM practices and have prepared an overarching Asset Management Policy to define our approach to AM.

A comprehensive review of the IAMPs by asset category has been undertaken and an Asset Management Summary Plan and supporting Asset Management Plans by category covering the period 2019/2020 to 2028/2029 are attached to this report. Refer Attachments 2 to 7. These IAMPs address the management requirements for Council's assets.

Council's physical assets included in the IAMPs are audited every at least every three years under an inspection regime. This information is captured in Council's electronic mapping system (GIS) and information system Authority. Table 1 provides a summary by asset category, the value and percentage of the total of asset value.

Table1: Asset Class with value and percentage

Asset Class	Value <sup>(1)</sup> \$'000	% of total Assets
Land	52,014	21.0
Buildings and Structures	65,493	26.5
Plant and Equipment	5,133	2.0
Roads, Footpaths and Drainage	115,940	47.0
Information Technology and Systems	412	0.2
Caroline Landfill	2,808	1.1
Other <sup>(2)</sup>	5,166	2.26
<b>TOTAL</b>	<b>246,966</b>	<b>100.00</b>

(1) Valuation as at 30 June 2018

(2) Other includes Riddoch collection valued at \$3.4m

For information:

- Asset category - grouping of assets of a similar nature and use (AASB 166.37).
- Asset condition - by understanding the condition of the assets and the various types of distresses that affect them, Council can better plan asset management to the level of service the community expects. Understanding asset condition in the context of affordability and the provision of future intergenerational benefits, also minimises the risk of asset failure. Council acknowledges that the consequences of asset failure(s) will result in loss of service delivery and could also lead to legal liability if Council is found to have acted unreasonably in the management of its assets.
- Whole-of-life costs - are the average costs that are required to sustain service levels over the longest asset life. Whole-of-life costs include operating and maintenance expenditure and asset consumption (depreciation expense).





Table 2: Estimated Consumption for Council's Asset Classes as at 30 June 2018

Asset Class	Depreciation Expenditure \$'000
Buildings and Structures	2,363
Plant and Equipment	701
Roads and Footpaths	2,879
Information Technology and Systems	158
Caroline Landfill	623
Other	280
<b>TOTAL</b>	<b>7,004</b>

The attached IAMPs indicate Council continues to achieve good results with its infrastructure assets and plant and equipment, however buildings and structures still theoretically consume more of the asset annually than is being replaced.

### Conclusion

An identified gap and improvement was the documentation of an Asset Management Policy which is recommended to Council for adoption.

IAMPs for the ten year period 2019/2020 to 2028/2029 have been reviewed in line with the Act, Council's Integrated Planning and Budget Framework (refer Attachment 8) and Asset Management Policy. Modelling of the IAMPs for 2019/2020 to 2028/2029 is based on the assumptions documented in the IAMPs.

Council's Annual Business Plan and Budget for 2019/2020 will be based on year one (1) of the adopted IAMPs for 2019/2020 to 2028/2029.

### Attachments

[Attachment 1 \(AR19/9952\): Draft Asset Management Policy](#)

[Attachment 2 \(AR19/10400\): City of Mount Gambier Draft Asset Management Plan Summary 2020/2029](#)

[Attachment 3 \(AR19/10422\): City of Mount Gambier Draft Infrastructure \(Roads\) Asset Management Plan 2020/2029](#)

[Attachment 4 \(AR19/10412\): City of Mount Gambier Draft Buildings and Structures Asset Management Plan 2020/2029](#)

[Attachment 5 \(AR19/10430\): City of Mount Gambier Draft Plant and Equipment Asset Management Plan 2020/2029](#)

[Attachment 6 \(AR19/10396\): City of Mount Gambier Draft Caroline Landfill Asset Management Plan 2020/2029](#)

[Attachment 7 \(AR19/10436\): City of Mount Gambier Draft Information Technology and Systems Asset Management Plan 2020/2029](#)

[Attachment 8 \(AR17/32233\(v3\)\): Integrated Planning and Budgeting Framework](#)





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7 March 2019  
PL/KR



	<b>F140 FLAG PROTOCOL</b>	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2021

## 1. INTRODUCTION

The City of Mount Gambier is responsible for the flying of flags in various public locations in the City.

This role responds to governance responsibilities with respect to recognised National flags, the State Flag of South Australia and the official flag of Council, (Mount Gambier).

## 2. POLICY OBJECTIVES

This policy identifies the basis upon which flags are flown in public locations in the City including in response to its governance responsibilities.

## 3. GOVERNANCE PURPOSES

Flags flown in response to Council's governance responsibilities will be flown in accordance with relevant State and Commonwealth legislation and protocol guidelines in force from time to time.

3.1. Flags may be flown for a governance purpose if they are:

- 3.1.1. the recognised National Flag (pursuant to the Commonwealth Flags Act 1953, including subsequent Proclamations),
- 3.1.2. the South Australian State Flag (State Proclamation 1904),
- 3.1.3. flown in accordance with instructions that may be received from time to time from the State and/or Commonwealth, including for the flying of flags at half mast, or
- 3.1.4. Council's Coat of Arms, or
- 3.1.5. flags approved for this purpose by specific resolution of Council that in the opinion of Council should be displayed on certain occasions.

By way of example Appendix 1 contains a list of days of commemoration for the flying of the Australian National Flag and, where appropriate, other flags.

These days are necessarily separated from these policy provisions as they may be changed from time to time in accordance with the provisions at 3.1.1-3.1.3.

## 4. DESIGNATED LOCATIONS FOR FLYING FLAGS

### 4.1. Permanent Locations

Council has responsibility for the permanent flying of flags at the following locations:

#### Civic Centre, standard arrangement

- Pole 1 (northern pole) - Australian National Flag
- Pole 2 (central pole) - South Australian Flag
- Pole 3 (southern pole) - Mount Gambier Flag

#### Cave Garden, standard arrangement

- Two poles fronting Watson Terrace
- Pole 1 (northern pole) - Aboriginal Flag
- Pole 2 (southern pole) - Torres Strait Islander Flag

	<b>F140 FLAG PROTOCOL</b>	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2021

"The Lady Nelson", standard arrangement

Pole 1 (western pole) - Australian National Flag  
Pole 2 (central pole) – South Australian Flag  
Pole 3 (eastern pole) - Mount Gambier Flag

Federation Arch at Vansittart Park

Australian National Flag flown permanently

Council Depot

Australian National Flag (work days only).

4.2. Memorial Purposes

Flags are flown on Anzac Day and Remembrance Day in accordance with the protocol for these special days at the following locations:.

Vansittart Park War Memorial  
Boer War Memorial

4.3. Other Purposes/Locations

Council provides locations for the flying of flags, including those flown in accordance with clauses 3.1.3 and 3.1.5, as follows:

Cave Garden Courtyard

3 x poles used only for special occasions

Old Town Hall Fountain fronting Commercial Street East

1x pole for use by the Mount Gambier and District RSL.

**5. COUNCIL CHAMBER STATIC FLAG DISPLAY**

Council displays the following flags within the Council Chamber:

Australian National Flag  
British Flag (Union Jack)  
South Australian Flag  
Aboriginal Flag  
Torres Strait Islander Flag  
Mount Gambier Flag.

**6. REVIEW & EVALUATION**

This Policy is scheduled for review by Council in March 2021, however, will be reviewed as required by any legislative changes which may occur.

**7. 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.

	<b>F140 FLAG PROTOCOL</b>	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2021

File Reference:	AF18/51
Applicable Legislation:	<a href="#">Proclamation 1904</a> (State) <a href="#">Flags Act 1953</a> (Cwlth)
Reference:	
Related Policies:	<a href="#">C700 Corporate Branding and Identity</a>
Related Procedures:	
Related Documents:	<a href="#">Australian Flags – Protocols for appropriate use and the flying of the flag</a> (extract) <a href="#">It's an Honour</a> (website)

## DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	7.0
Last revised date:	19 <sup>th</sup> March, 2019
Effective date:	19 <sup>th</sup> March, 2019
Minute reference:	19 <sup>th</sup> March, 2019
Next review date:	March, 2021
<u>Document History</u>	
First Adopted By Council:	18 <sup>th</sup> February 1999
Reviewed/Amended:	20 <sup>th</sup> August 2002, 15 <sup>th</sup> April 2003, 19 <sup>th</sup> September 2006, 18 <sup>th</sup> December 2008, 15 <sup>th</sup> March 2016, 19 <sup>th</sup> March 2019

	<b>F140 FLAG PROTOCOL</b>	Version No:	7
		Issued:	March, 2019
		Next Review:	March, 2021

## APPENDIX 1

Days of commemoration for the flying of the Australian National Flag and, where appropriate, other flags:

**1 January** – Anniversary of the establishment of the Commonwealth of Australia

**26 January** – Australia Day

**March, second Monday** – Commonwealth Day

**21 March** – Harmony Day – Harmony Day began in 1999 and celebrates Australia’s success as a diverse society united as one family by a common set of values.

**25 April** – Anzac Day

**9 May** – Anniversary of the inauguration of Canberra as the seat of government (Australian Capital Territory only)

**27 May to 3 June** – National Reconciliation Week – In recognition of 27 May as the anniversary of the 1967 Referendum which successfully removed from the Constitution clauses that discriminated against indigenous Australians and 3 June as the anniversary of the High Court decision in the Eddie Mabo land rights case of 1992.

The Australian Aboriginal Flag and the Torres Strait Islander Flag should be flown on additional flagpoles, where available, next to or near the Australian National Flag on Australian Government buildings and establishments.

If there is only one flagpole available, the Australian Aboriginal Flag and the Torres Strait Islander Flag should not replace the Australian National Flag. If there are two flagpoles available, it is at the discretion of the authority concerned to determine which flag should be flown with the Australian National Flag.

**June, second Monday** – Celebrated as the Queen’s birthday, except in Western Australia, where it is observed in October.

**July, nominated week** – NAIDOC Week (originally an acronym for National Aboriginal and Islanders’ Day Observance Committee, the acronym has since become the name of the week) – NAIDOC Week is held every year to celebrate and promote a greater understanding of Aboriginal and Torres Strait Islander peoples and culture.

The Australian Aboriginal Flag and the Torres Strait Islander Flag should be flown on additional flagpoles, where available, next to or near the Australian National Flag on Australian Government buildings and establishments.

If there is only one flagpole available, the Australian Aboriginal Flag and the Torres Strait Islander Flag should not replace the Australian National Flag. If there are two flagpoles available, it is at the discretion of the authority concerned to determine which flag should be flown with the Australian National Flag.

**3 September**

– Australian National Flag Day - anniversary of our Flag, first flown in 1901.

**17 September** – Citizenship Day – Citizenship Day was introduced in 2001 and is an opportunity for all Australians to take pride in our citizenship and reflect on the meaning and importance of being Australian.

**24 October** – United Nations Day – The United Nations Flag, if available, should be flown all day. If only one flagpole is available, the United Nations Flag should be flown, even if that flagpole is ordinarily reserved for the Australian National Flag. If two flagpoles are available, the United Nations Flag should be flown in the pre-eminent position.

**11 November** – Remembrance Day

Excerpt from the booklet [‘Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag’](#) published on behalf of the Department of the Prime Minister and Cabinet

 <p>City of Mount Gambier</p>	<p><b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b></p>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

## 1. POLICY STATEMENT

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

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

## 2. APPLICATION OF POLICY

This Policy applies to:

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

This Policy does not apply to:

- supplementary elections.

In this Policy:

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

## 3. OUTLINE

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

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

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

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

The Policy does not apply to supplementary elections.

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

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

#### 4. 'ELECTION PERIOD'

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

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

An '**election period**':

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

#### 5. PURPOSE

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

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

#### 6. SIGNIFICANT DECISIONS

##### 6.1 Scope

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

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

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

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



 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

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

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

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

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

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

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

 City of Mount Gambier	<b>COUNCIL POLICY C305 COUNCIL AND COMMITTEE – CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

- is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to the election period; or
- relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by Council; or
- if the decision is for the suspension of the Chief Executive Officer for serious and wilful misconduct.

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

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

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

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

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

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

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

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

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

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

that is not a 'designated decision'.

 <p>City of Mount Gambier</p>	<p><b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b></p>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

### 6.7 Role of the Chief Executive Officer

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

### 6.8 Considerations for urgent decisions

Where the Chief Executive Officer has determined that a decision is a major policy decision or is otherwise significant and therefore is covered by 6.6 above, and circumstances arise that require the decision to be made during the election period, Council will consider the matter and determine whether to make the decision.

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

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

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

## 7. USE OF COUNCIL RESOURCES

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

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

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

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

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

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

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

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

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

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

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

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

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

### **7.1.2 Council website**

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

### 7.1.3 Other Council publications

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

Council publications produced before an 'election period' containing material which might be construed as electoral material will not be circulated or displayed during the 'election period'. However, they may be made available to members of the public on request.

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

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

### 7.2.1 Events staged by external bodies

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

### 7.2.2 Council events and functions

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

### 7.2.3 Addresses by Council Members

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

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

### 7.2.4 Publication of promotional material

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

## 7.3 Access to Council Information

Council Members continue during an 'election period' to have a statutory right to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with caution and limited to matters that Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed that is not publicly available must not be used for election purposes.

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

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

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

Information and briefing material prepared or secured by employees for a Council Member during an 'election period' must be necessary to the carrying out of the Council Member's role and, where appropriate, provided to any candidate seeking the same information. Queries by employees regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

## **7.4 Media Service**

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

### **7.4.1 Media advice**

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

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

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

### **7.4.3 Publicity campaigns**

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

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

### **7.4.4 Council Members**

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

 <p>City of Mount Gambier</p>	<p><b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b></p>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

#### **7.4.5 Council employees**

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

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

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

#### **7.5.1 Correspondence**

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

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

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

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

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

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

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

#### **7.6.2 Election process enquiries**

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

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

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

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

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

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

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

### **7.6.6 Equipment and facilities**

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

## **7.7 Public Consultation during an 'Election Period'**

### **7.7.1 Prohibition**

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

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

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

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

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

### **7.7.3 Community meetings**

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



 <p>City of Mount Gambier</p>	<p><b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b></p>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

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

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

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

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

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

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

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

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

## 9. COUNCIL ENDORSEMENT

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

## 10. REVIEW & EVALUATION

This Policy is scheduled for review by Council in June 2022.

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

## 11. AVAILABILITY OF POLICY

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


(Version 4.0 minor alterations 19<sup>th</sup> June, 2018).

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C305 COUNCIL AND COMMITTEE –</b> <b>CARETAKER POLICY</b>	<b>Version No:</b>	4
		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

File Reference:	AF18/51
Applicable Legislation:	Local Government (Elections) Act 1999 Local Government (Elections) Regulations 2010 Local Government Act 1999 <ul style="list-style-type: none"> <li>• Code of Conduct for Council Members</li> <li>• Code of Conduct for Council Employees</li> </ul>
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	E105 Elections – Supplementary Elections M130 Media – Statements on behalf of Council M265 Members – Complaint Handling
Related Procedures:	
Related Documents:	

#### DOCUMENT DETAILS

Responsibility:	Manager Executive Administration
Version:	4.0
Last revised date:	19 <sup>th</sup> June, 2018
Effective date:	19 <sup>th</sup> June, 2018
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Next review date:	June, 2022
<u>Document History</u>	
First Adopted By Council:	20 <sup>th</sup> April, 2010
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 <p>City of Mount Gambier</p>	<p><b>M240 MEMBERS - ACCESS TO INFORMATION</b></p>	<b>Version No:</b>	2
		<b>Issued:</b>	19 September 2017
		<b>Next Review:</b>	September 2019

## 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier (“Council”). Council Members require access to certain information in order to perform their functions and duties, in particular to assist them in making informed decisions. The Local Government Act 1999 (the LG Act) provides the legislative basis for this access.

This Policy seeks to facilitate appropriate access by Council Members to relevant documents and other information held by Council.

## 2. POLICY OBJECTIVES

The objectives of this Policy are:


- to promote the accessibility of information to Council Members
- to balance the important considerations of access to information by Council Members, and the need to carefully manage sensitive, personal, private and confidential information, the public availability of which may cause detriment to the Council, the community or another party; and
- to facilitate informed decision making in an environment of mutual trust and respect for the respective functions, roles and responsibilities of Council Members and employees.

## 3. LEGISLATION

The Local Government Act details members access to information as:

### **Section 61 - Access to information by members of councils**

- (1) A member of a council is entitled at any reasonable time, in connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited to):
  - (a) a copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;
  - (b) accounting records kept by the council;
  - (c) financial statements and other documents prepared by the council under Chapter 8.
- (2) A request for access to a document under subsection (1) should be directed to the chief executive officer, or another officer specified by the chief executive officer for the purposes of this section.
- (3) The chief executive officer or another officer providing access to a document under subsection (1) may indicate to the member that information contained in the document is, or should be considered as, confidential.

 City of Mount Gambier	<b>M240 MEMBERS - ACCESS TO INFORMATION</b>	<b>Version No:</b>	2
		<b>Issued:</b>	19 September 2017
		<b>Next Review:</b>	September 2019

#### 4. POLICY

In general, a Council Member will be provided access to all documents held by Council unless they are irrelevant to the Member's function or duties.

Council Members will not be granted access to documents regarding the personal affairs of Council employees, except for the Register of Interests that is required to be maintained under Section 116 of the LG Act and be made available for Council Members' inspection upon request (LG Act, Section 118).

#### 5. PROCEDURES

A request for access to a Council document under Section 61 of the LG Act may be directed in the first instance to the Chief Executive. The request may be made in person, by phone or in writing, eg by email. The request should identify the document/s being sought with enough detail for the document/s to be identified and retrieved, and state the reason(s) for the request.

##### 5.1 Consideration of Request

Unless there is a clear reason to the contrary, a Council Member will be provided access to the document/s if they are held by Council. Where access to a document is not provided, the reason is to be provided to the Council Member in writing by the Chief Executive Officer.

##### 5.2 Provision of Access to Documents


The form of access to the document/s will be negotiated with the Council Member to accommodate the particular needs of the Member and administrative efficiency.

Where the document is publicly available, eg posted on Council's website, the Member may be provided with a hard copy or sent a link to the relevant page on the website.

Where access is granted to a document that is not publicly available and there is no sensitivity to the document, a copy of the document will be provided to the Member in an agreed form.

Where the document is assessed by the Chief Executive Officer to be of wider interest, the advice (and the document/detail the subject of the specific enquiry) will be sent to all Council Members, for information.

Where there is a degree of sensitivity or there are other reasons to restrict distribution of the document/s (eg if the documents contain legal advice, confidential information or internal corporate information) access may be limited to 'view only' access at a mutually convenient time at the Council Office. Email advice confirming the 'view only' access arrangements will be sent to the Member. A Council Member may seek to have the decision to only grant 'view only' access reviewed by the Mayor. Where the document may be of wider interest, a copy of the advice (and the specific details) will be sent to all Council Members.

 City of Mount Gambier	<b>M240 MEMBERS - ACCESS TO INFORMATION</b>	Version No:	2
		Issued:	19 September 2017
		Next Review:	September 2019

## 6. MEETING PROCEDURE REGULATION 19

Meeting Procedure Regulation 19 has the effect of requiring the ‘tabling’ of a document before a vote of the Council or Committee on a matter related to that document. The determination of the application of Meeting Procedure Regulation 19 is the responsibility of the Presiding Member at the meeting, if necessary advised by the Chief Executive Officer. Where the Presiding Member refuses to require a document to be ‘tabled’, the refusal and the reasons for the refusal are to be recorded in the minutes of the meeting. The determination of the Presiding Member in relation to Meeting Procedure Regulation 19 may be changed by resolution of the relevant meeting.

## 7. REQUESTS FOR OTHER INFORMATION

Where the information being sought is not in the form of existing Council document/s, and the request requires more than a simple response, the Chief Executive Officer will determine how the material being the subject of the information requested will be presented. This may include but go beyond a formal report to Council, an informal report to all Councillors or an information session for Councillors.

## 8. OTHER ISSUES

This Policy does not limit the rights of a Council Member to use the Questions on Notice (Reg 10) or the Notice of Motion (Reg 13) provisions of the Local Government (Procedures at Meetings) Regulations 2000 to seek answers to questions or to request that a report be prepared on certain issues.


Nor does this Policy restrict a Council Member from exercising their rights as a citizen to use the provisions of the Freedom of Information Act 1991 to seek access to certain documents held by Council.

## 9. REVIEW & EVALUATION

This Policy is scheduled for review by Council in September 2019, however, will be reviewed as required by any legislative changes which may occur.

## 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.

 City of Mount Gambier	<b>M240 MEMBERS - ACCESS TO INFORMATION</b>	<b>Version No:</b>	2
		<b>Issued:</b>	19 September 2017
		<b>Next Review:</b>	September 2019

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999
Reference: Strategic Plan – Beyond 2015	Goal 3 Strategic Objective 10
Related Policies:	<ul style="list-style-type: none"> <li>• Code of Conduct for Elected Members</li> <li>• Fraud and Corruption Prevention Policy</li> <li>• Whistleblowers Protection Policy</li> <li>• Computer Use Policy</li> </ul>
Related Procedures:	<ul style="list-style-type: none"> <li>• Internal Review of Councils Decision Procedure</li> </ul>
Related Documents:	N/A

## DOCUMENT DETAILS

Responsibility:	CHIEF EXECUTIVE OFFICER
Version:	2.0
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<u>Document History</u> First Adopted By Council: Reviewed/Amended:	December, 2009 19 September 2017

 City of Mount Gambier	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

## 1. INTRODUCTION

The City of Mount Gambier will ensure that the payment of Council Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the LG Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

This Policy sets out the provisions of the LG Act and Regulations in respect of Council Member allowances, expenses and support. This Policy is also provided in accordance with Section 77(1)(b) of the LG Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the LG Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

- Participate in the deliberations and civic activities of the Council;
- Keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- Keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the LG Act.

This Policy, in its entirety, will automatically lapse at the next general election of this Council.


## 2. POLICY OBJECTIVE

To ensure Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council are compliant with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010*.

## 3. POLICY PRINCIPLES

This policy is underpinned by the following principles:

- Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- To assist Council Members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy.
- Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties, which will be assessed according to the role of a Council Member under the LG Act.
- Council encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- The accountability of the Council to its community for the use of public monies.

	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

#### 4. SCOPE AND RESPONSIBILITIES

This Policy applies to all Council Members, who each have an obligation to abide by this Policy.

The Council's Chief Executive Officer has the duty to:

- Maintain the Register of Allowances and Benefits;
- Implement Consumer Price Index ('CPI') adjustment of allowances paid to Council Members (to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the CPI under the scheme prescribed by the Regulations); and
- Ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

In addition, the Chief Executive Officer is responsible for:

- Implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and
- Ensuring a copy of this Policy is provided to all Council Members.

#### 5. ALLOWANCES

Council Member allowances are determined by the Remuneration Tribunal on a four (4) yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.

An allowance determined by the Remuneration Tribunal will take effect from the first ordinary meeting of the Council held after the conclusion of the relevant periodic election. Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.


In accordance with Regulation 4 of the Regulations, (and for the purposes of section 76 of the LG Act), an allowance may be paid in installments up to three (3) months in advance or three (3) months in arrears of each month in respect of which an installment is payable.

The annual allowance for a Council Member is determined according to the relevant Council group. There are six Council Groups which are each explained within the determination of the Remuneration Tribunal. The annual allowance for:

- Principal members, is equal to four (4) times the annual allowances for Council Members of that council;
- Deputy mayor or deputy chairperson or a Council Member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowances for Council Members of that Council;

An additional allowance in the form of a sitting fee is also payable for Councillors who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).



	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

The determination applicable for the City of Mount Gambier from November 2018 is as follows:

Council: Group 2 classification (out of 5 Groups)  
Group 2: Base \$17,270.00

	Per Annum
Mayoral Allowance	4 times \$17,270.00 = \$69,080.00
Deputy Mayoral Allowance	1.25 times \$17,270.00 = \$21,587.50
Presiding Member prescribed committees	As for Deputy Mayoral Allowance
Council Members	\$17,270
Presiding Member of other committees (refer above)	\$170 per meeting to a maximum \$1,020.00 per annum

All allowances are paid by electronic funds transfer (EFT) in the first five (5) business days of each calendar month 2 weeks in advance/2 weeks in arrears. Allowances in the form of a sitting fee for presiding members of other committees will be paid per calendar quarter in arrears (i.e. as at end of March, June, September and December).

NOTE: A member of a Council who holds office for part only of the period in respect of which an allowance is payable is entitled to the proportion (pro rata) of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the member declines to accept payment of an allowance section 76(12) of the LG Act).

**Allowances - Payments When Acting in a Higher Office**

Where a vacancy or absence occurs in a position of Mayor, Deputy Mayor or Presiding Member and Council formally resolves that another Council Member is to formally act in the position until the vacancy is filled or the absence concludes then Council will pay the higher prescribed allowance to the Member for the acting period where the acting to fill the vacancy or absence is for a minimum of two (2) months.


**6. MANDATORY REIMBURSEMENTS - Mandatory**

**6.1. Travel - Section 77(1)(a)**

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the LG Act).

A “prescribed meeting” is defined under the Regulations to mean a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member:

- Reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the LG Act. For reimbursement for travel outside the Council area refer to “Prescribed and Approved Reimbursements” below.

	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

- An 'eligible' journey means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.
- Where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) as per the Australian Taxation Office (ATO) cents per kilometre method.
- Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses 'actually and necessarily incurred', but is still limited to 'eligible journeys' by the shortest or most practicable route and to the part of the journey that is within the Council area.
- The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

## 6.2. Child/Dependant Care - Section 77(1)(a)

Council Members are entitled to reimbursement for child/dependent care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member's attendance at a prescribed meeting. Child/dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a **Form 1** and submit it to the Chief Executive Officer. For the purposes of administrative efficiency Council Members are requested to submit these forms on a calendar quarterly basis (i.e. as at the end of March, June, September and December).

## 7. PRESCRIBED AND APPROVED REIMBURSEMENTS (Section 77(1)(b)) - Discretionary

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.


Section 77(1)(b) of the LG Act provides that the Council (meaning the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated with attendance at a prescribed meeting. Section 6 of the Regulations sets out the types of discretionary additional expenses that may be reimbursed under Section 77(1)(b) of the Act with the approval of the Council. These are:

### 7.1. Travelling Expenses (Outside the Council Area)

Council Members will be entitled to receive reimbursement for expenses incurred when required to travel to a function or activity on Council business that the Council Member has been authorised or directed to attend on behalf of Council. The following conditions apply to these expenses:

- Travel both within and outside the Council area must be incurred by the Council Member as a consequence of attendance at a function or activity on the business of Council. A 'function or activity on the business of the Council' includes official Council functions including Mayoral/Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc.; inspection of sites within the Council area which relate to Council or Committee agenda items; meetings of community groups and organisations as a Council representative – but not to attend meetings of community groups or organisations when fulfilling the role as a member of the Board of any such community group or organisation;

	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

- Reimbursement is restricted to the shortest or most practicable route;
- Where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) as per the ATO cents per kilometre method;
- Car parking fees will be reimbursed (where they are a consequence of a Council Member attending a function or activity on the business of the Council); and
- Travel by taxi, bus, plane or other means of public transport will be reimbursed on the basis of being expenses where they are 'actually and necessarily' incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.

## 7.2. Care Expenses

Council Members will be entitled to receive reimbursement for reasonable expenses actually and necessarily incurred for the care of a child of a Council Member or a dependent of the Council Member requiring full time care as a consequence of the Council Member's attendance at a function or activity on the business of the Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the LG Act).

The following conditions apply to discretionary care expenses:

- Care expenses will not be reimbursed if the care is provided by a person who ordinarily resides with the Member.
- Re-imbusement of discretionary care expenses pursuant to Section 77(1)(b) will be limited to the following annual values:
  - Mayor - \$4,000
  - All Other Members - \$500 (per Member)

### Other Expenses

Council Member's will be entitled to receive reimbursement for reasonable expenses actually and necessarily incurred as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity that is directly related to the performance or discharge of the roles or duties of the Member.


Expenses will only be reimbursed for attendance at conferences, seminars, etc. that have been approved by Council or under delegation/policy. The following types of expenses will be reimbursable: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals (up to a daily maximum of \$20.00).

*Note: Tax invoices, receipts or other acceptable evidence of expenditure (including ABN and GST details) that has been incurred must be provided with a claim made for all discretionary prescribed and approved reimbursements.*

## 8. CLAIMS FOR REIMBURSEMENT

To receive reimbursement of expenses incurred in association with prescribed meetings under clause 6 each Council Member is required to complete a **Form 1** and submit it to the Chief Executive Officer.

To receive reimbursement of discretionary expenses under clause 7 each Council Member is required to complete a **Form 2** and submit it to the Chief Executive Officer.

	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

For the purposes of administrative efficiency Council Members are requested to submit these forms on a monthly basis for the purpose of re-imburement aligned with the monthly allowance payment and maintaining the Register of Member Allowances and Benefits.

Reimbursement of expenses will only be paid to a Council Member upon presentation of the completed form/s and adequate evidence supporting the claims made.

## 9. FACILITIES AND SUPPORT

Council can provide facilities and other support to Council Members to assist them to perform or discharge their official functions and duties.

The Council must specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties which must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Mayor as set out below.

Council has considered and is satisfied that the following facilities and support (including allowance, reimbursement) are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:


- Administrative support for business directly associated with prescribed meetings, other official Council functions and activities, and otherwise only as approved by Council;
- Business cards;
- Reimbursement up to a maximum of \$1,500 per term of Council for expenses associated with the Members own purchase and maintenance of a computing devices(s), accessories and software to assist members in the performance of their duties. Reimbursement will be paid upon presentation to the Chief Executive Officer of the relevant Form and tax invoice(s) or receipt;
- The device must be capable of connecting to Council's wireless local area network and Extranet;
- A mobile data plan allowance paid annually in advance in the first five (5) business days of December of \$600 for data/telecommunication mobile plan. Amounts incurred in excess of the annual allowance is the responsibility of the Member.

The provision of these facilities and support are made available to all Council Members (including the Mayor) under the LG Act on the following basis they are necessary or expedient for the Council Member to perform or discharge their official functions or duties.

In addition to the above, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayor's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- A mobile phone with an included data/telecommunication mobile plan;
- Office space adjacent the Council Chamber with fixed telephone line and desktop computing device with connectivity to internet and Council's local area network for access to Council Extranet and Member/Mayoral documents;
- Access to administrative support to manage civic diary and associated arrangements; and
- A fully serviced and maintained motor vehicle to a maximum purchase price of \$40,000 (GST exclusive) and a Council approved fuel card.

Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

- The computing devices and accessories are the sole responsibility and remain the property of the Council Member;
- Computing devices must have Council approved internet security software installed for the protection of Council documents and information. At the time of this policy update 'Trend' is the internet security software used by Council;
- Any expense incurred by the Council Member in excess of the reimbursement for computing device, accessories and allowance for data / telecommunications mobile plan is the responsibility of the Council Member;
- That all emails and documents related to Council matters or communicated in the Members capacity as an Elected Member must be captured in Council's Electronic Document Records Management System in accordance with Council Policy R180 Records Management; and
- The Mayoral vehicle shall be available for use as a pool vehicle for Council Members for extended Council related travel purposes.

Council Members when accessing Council documents and information must comply with relevant provisions of Council Policies including R180 Records Management Policy, and internal procedures including "Computer Network / Software Use" procedure, "Mobile Device Use" procedures and will sign and comply with any associated acknowledgement/agreement documentation as required from time to time.

The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Local Government Act 1999.

## 10. OTHER REIMBURSEMENTS/FACILITIES

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

## 11. FACILITIES AND SUPPORT - PRIVATE USE

Facilities or support provided to a Council Member must not be used for a purpose unrelated to the performance or discharge of official functions or duties unless:


- *the use has been approved by the Council; and*
- *the Member has agreed to reimburse the Council for any additional cost or expenses associated with that use.*

Given that any facilities and support have been provided to assist Council Members in carrying out their Council duties then only additional variable costs arising from private use must be reimbursed to the Council.

Adequate records will need to be maintained to assist in substantiating the degree of private use of Council facilities and support by Elected Members. This may not need to occur on an ongoing basis - e.g. if accurate records of usage are made for a reasonable period of time (e.g. 3 months) where such records are representative of ordinary usage and usage has not materially altered.

## 12. REGISTER OF ALLOWANCES AND BENEFITS

Pursuant to section 79(1) and (2) of the Local Government Act, the Chief Executive Officer must maintain a Register in which they shall ensure that a record is kept of:

	<b>M405 Members Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

- a. The annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
  - b. Any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
  - c. Other benefits and allowances paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
  - d. To make a record of the provision of a reimbursement, allowance or benefit not previously recorded in the Register (in the case of section 79(2)(b)),
- on a quarterly basis (see regulation 7 of the Regulations).

Reimbursements paid under section 77(1)(a) are not required to be recorded in the Register.

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each Council Member is required to provide his or her claim form for reimbursement to the Chief Executive Officer quarterly.

The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's office *at 10 Watson Terrace, Mount Gambier* during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

Note: For the purpose of section 79 of the Local Government Act 1999 and subclause 11(b) – above, any cost or expense incurred by Council in association with a Council Member(s) may be considered as being provision to the Council Member of a 'benefit'.

For example, Council meeting all costs associated with a Council Members attendance at the ALGA conference in Canberra is considered a "benefit" provided to the Council Member.

Accordingly, such costs and expenses are necessarily to be recorded in the Register of Allowances and Benefits for each Council Member.

### 13. REVIEW AND EVALUATION

Council Member allowances are determined by the Remuneration Tribunal of South Australia on a 4 yearly basis.

The correctness and effectiveness of this Policy will also be reviewed and evaluated in November 2022.

This Policy will lapse at the next Local Government general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances and benefits for their term in office (section 77(2) LG Act).

### 14. AVAILABILITY OF THE ELECTED MEMBER'S ALLOWANCES AND SUPPORT POLICY


This Policy will be available for inspection at Council's principal office during Council's 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.

Any enquiries regarding this policy are to be directed to the Chief Executive Officer, telephone 8721 2555 or email [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au).



**M405 Members Allowances and Benefits**

<b>Version No:</b>	3.0
<b>Issued:</b>	December 2018
<b>Next Review:</b>	December 2022


	<b>M405 Members Allowances and Benefits</b>	<b>Version No:</b>	3.0
		<b>Issued:</b>	December 2018
		<b>Next Review:</b>	December 2022

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 s76-s79 LG (Members Allowances & Benefits) Regs 2010
Reference: Strategic Plan – Beyond 2015	Goal 5, Objective 5
Related Policies:	
Related Procedures:	
Related Documents:	Remuneration Tribunal of South Australia Determination 6 of 2018

## DOCUMENT DETAILS

Responsibility:	GENERAL MANAGER, COUNCIL BUSINESS SERVICES
Version:	3.0
Last revised date:	22 November 2018
Effective date:	22 November 2018
Minute reference:	Special Statutory Council Meeting 22/11/2018 - Item 13
Next review date:	December 2022
<u>Document History</u> First Adopted By Council: Previous Reviews:	25 November, 2014 21 April, 2015



	<b>M405 Members Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

## Form 1

Lodge with: Chief Executive Officer

### Council Member's Reimbursement Claim Form 1

Name: .....

Period: .....

Total Reimbursement Claim Amount: \$.....

**Reimbursement of prescribed expenses associated with attending a prescribed meeting that is not subject to Council approval (refer to section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*)**

**1. Travel Expenses & Travel Time Payment (if applicable)**

1.1 Date of Travel	1.2 Council Function or Business Attended*	1.3 Mode of Transport	1.4 Distance Travelled (km)**, if Motor Vehicle

**1.5 Details of your motor vehicle (where applicable):**


- Model and make of motor vehicle: .....
- Engine size: .....
- Total number of kilometres for reimbursement claim: .....

**1.6 Bus and/or taxi costs (where applicable):**

- Reimbursement claim: \$.....

**Please attach copies of all receipts.**

\*NOTE: Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a prescribed meeting provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this Form 1 the term “**eligible journey**” means a journey between the principal place of residence, or a place of work, of a Member of the Council, and the place of a prescribed meeting (in either direction), in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

	<b>M405 Members Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

**2. Care Expenses:**

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Prescribed meeting attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

**Please attach copies of all receipts.**

NOTE: A 'prescribed meeting' means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

Method of payment is Direct Debit:

If not provided previously or your banking details have changed please complete your details below:

BSB:

Account No:

Name of Account:

Bank and Branch:

**Remember to attach all paperwork supporting your claim otherwise payment will be delayed.**

I, confirm that the above claims for reimbursement are true and accurate and are made in accordance with section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

.....  
Signature of Council Member


Date: .....

FOR OFFICE USE ONLY

.....  
Signature of Chief Executive Officer (Acknowledging receipt)

Date: .....

Claim processed by: .....

	<b>M405 Members Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

## Form 2

Lodge with: Chief Executive Officer

Name: .....

Period: .....

Total Reimbursement Claim Amount: \$.....

**Reimbursement of Council approved expenses (Refer to section 77(1)(b) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010* and the Council Member's Allowances & Benefits Policy)**

### 1. Travel Expenses

1.1 Date of Travel	1.2 Council Function or Business Attended	1.3 Mode of Transport	1.4 Distance Travelled (km), if Motor Vehicle

#### 1.5 Details of your motor vehicle (where applicable):

- Model and make of motor vehicle: .....
- Engine size: .....
- Total number of kilometres for reimbursement claim: .....


#### 1.6 Bus and/or taxi costs and associated receipts (where applicable):

- Reimbursement claim: \$.....

### 2. Care Expenses

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Council Function or Business Attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

	<b>M405 Members Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

**3. Telephone, Facsimile or Other Telecommunications Device**

- Reimbursement claim: \$.....

**Please attach copies of the applicable telephone account/s or facsimile transmissions highlighting those calls being claimed for reimbursement**

**4. Conference, Seminar or Training Course**

4.1 Date	4.2 Council Function or Business Activity	4.3 Venue/Location of Function or Business Activity

- Reimbursement claim: \$.....

**Please attach copies of all receipts.**

Method of payment is Direct Debit:

If not provided previously or your banking details have changed please complete your details below:

BSB:  
 Account No:Name of Account:  
 Bank and Branch:

**Remember to attach all paperwork supporting your claim otherwise payment will be delayed.**

I, confirm that the above claims for reimbursement are true and accurate and are made in accordance with section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

.....  
 Signature of Council Member

Date: .....

**FOR OFFICE USE ONLY**

.....  
 Signature of Chief Executive Officer (Acknowledging receipt)

Date: .....

Claim processed by: .....



**CONFIDENTIAL**

22 February 2019

Mr Michael McCarthy  
Manager Executive Administration  
City of Mount Gambier  
Via email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

Expression of Interest

Report No: AR18/53845  
RM8 Reference: AF11/1472

Dear Mr McCarthy,

We are writing to provide a non-binding expression of interest to use a council owned office building located at 9 Penola Road Mount Gambier.

**Our Organisation**

- St John is a self-funded organisation working to save lives through education, training, social inclusion programs and patient care at public events
- Our highly trained and equipped volunteers provide first aid and healthcare to the community at emergencies and events across the state
- We equip SA's emergency services – Country Fire Service, State Emergency Service, SA Police, Metropolitan Fire Service and Volunteer Marine Rescue – with specialist knowledge and expertise through accredited first aid training
- We issue over 55,000 certificates a year in SA through certified first aid training, from the basics to specialized training
- Through our renowned Youth Development Programs, we develop children and youth into responsible, community-aware, and responsive young adults
- Our First Aid in Schools program delivers free first aid training to primary school students across South Australia
- We are the largest provider of first aid training and products in South Australia
- We are part of the wider global humanitarian organization The Order of St John
- We are part of the State Emergency Plan, our taskforce of qualified volunteers stand alongside emergency services providing first aid to those in need.

Mt Gambier is covered by our Limestone Coast Division. We have a very strong Cadet Division with over 30 members with our Adult Division covering many events in the Mt Gambier Greater Region.

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**ST JOHN AMBULANCE AUSTRALIA SA INC**  
ABN 42 947 425 570  
RTO 88041 St John Ambulance Australia

**Head Office South Australia**  
85 Edmund Avenue Unley  
South Australia 5061

**T:** 1300 78 5646  
**F:** 08 8306 6995  
**W:** [stjohnsa.com.au](http://stjohnsa.com.au)

St John Ambulance is one of the most trusted brand names in South Australia. It was ranked as the third most reputable not-for-profit in the Charity Reputation Index released by AMR in December 2018.

### **What we do for the community**

St John SA is an incorporated not for profit community organisation providing First Aid services, social inclusion and youth development programs to the South Australian community.

St John SA is heavily involved with the community in the Mt Gambier Greater Region. By way of example; St John SA has been part of the 3 day; *Generations in Jazz* event, one of the biggest events in Mt Gambier since its inception. We have been very happy to see how the event has successfully grown over the years to where it is today.

Additionally, we cover many various community events in the area providing Event Health Services at shows, school sports days, fetes and fairs, Anzac Remembrance Day, church group events, Christmas parades, New Years' Eve to name a few. We welcome the opportunity to grow our presence in the area and extend our services, and believe this property would greatly assist us.

St John members are also present at emergencies, providing First Aid response and on-scene pre-hospital treatment in the critical moments following medical emergency for the attending public. A highly skilled and trained network of dedicated volunteers is deployed across the state, supporting resilient communities at multiple locations on an ongoing basis and where required in a major emergency.

Recently in 2018 St John State Office upskilled the Limestone Coast Division by upgrading training to the Adult Division in the area from First Aiders to First Responders.

### **St John Ambulance possible occupancy of 9 Penola Rd Mount Gambier**

We propose to use the property as an Information Centre for St John. Our understanding is the building is being offered up to multiple community groups as a shared building. We have identified the room at the front would be most suitable for us as it would allow us to display our branding on the outside of the window facing the main road without interfering with any potential heritage requirements. The signage on this window would allow us to promote some of the key community benefits St John provide, some of these benefits listed below.

The premises would be used to provide a location for:

- An office for our local First Aid Consultant and Trainer/First Aid Advisor to operate from and store some of their equipment.
- An information centre regarding volunteer recruitment, including our Cadet program
- An information centre regarding event health services, and steps required for enlisting St John with providing First Aid services at community events, local expo's and fairs
- First aid related queries and free workplace assessment bookings to assist local business becoming workplace compliant, and individuals suitably prepared in First Aid
- An information centre regarding the First Aid courses we offer and the content contained within each course. St John are the largest and most trusted provider of First Aid training in South Australia. We run approximately 100 courses a week

throughout the State, with a wide array of courses being run in Mt Gambier such as Provide First Aid/CPR, Low Voltage Rescue, and courses relating to recent emerging issues such as Mental Health First Aid.

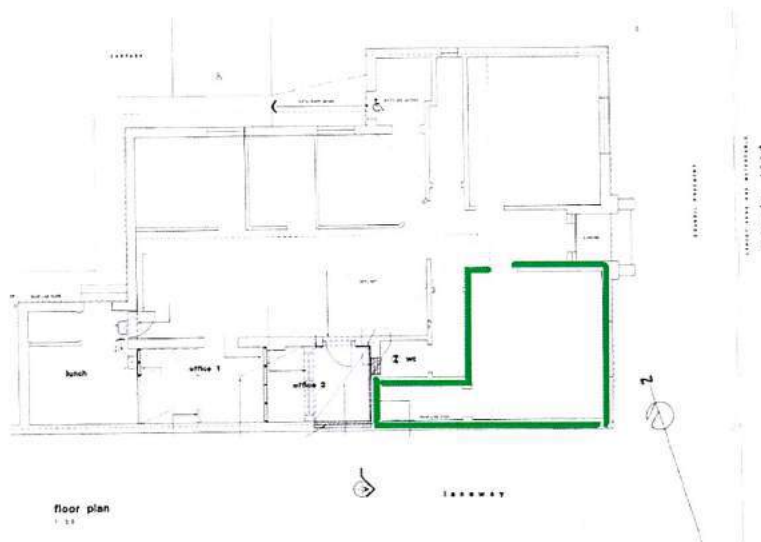
- An information centre regarding our First Aid in Schools program, a service we provide FREE to primary schools to train students in First Aid. Approximately 10,000 primary school students a year are trained across the state as part of this program.
- Information and organising bookings for our First Aid re-stocking service
- First Aid product and defibrillator sales/storage onsite

St John SA has a large community involvement in Mt Gambier, with a strong adult and cadet membership. This is very pleasing considering at this stage St John doesn't have a physical building at this point in time.

We are regularly contacted by members of the community, and local business requesting our services, and we frequently hear the phrase 'I didn't realise you were still here'.

We see this as a great opportunity to provide St John with a highly visible presence in Mt Gambier, and give the local community a contact point for St John, and help inform them of the services and support we can provide.

We have highlighted in green below the room that would be ideal for the service we are seeking to provide, and are more than happy to work alongside other community groups occupying the same building.



We are very thankful you have provided the opportunity for community groups to apply for access to this building, and we hope we are successful in our submission.

Thank you again, we look forward to hearing from you soon.

Yours sincerely

  
Skender Yashari

Senior Manager Customer Service & Business Development

e: [skender.yashari@stjohnsa.com.au](mailto:skender.yashari@stjohnsa.com.au) | m: 0419 811 748

Hi Ken

My apologies. I have just checked and your email enquiry was recorded as an Expression of Interest (and as EOI's do not close until today has not been actioned any further).

Your enquiry and subsequent (below) email are acceptable as an EOI at this stage.

I have attached the floorplan published on the Council website as well as some photos for your information

Kind Regards

Michael McCarthy  
Manager Executive Administration

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Civic Centre 10 Watson Terrace Mount Gambier  
D 08 8721 2576 / T 08 8721 2555  
PO Box 56 Mount Gambier SA 5290

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[www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)

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**From:** Ken Trimnell [<mailto:kentrimnell@bigpond.com>]

**Sent:** Friday, 22 February 2019 8:03 AM

**To:** City Emails

**Subject:** RE: Thank you for your email

Hi,

I emailed you on the 14<sup>th</sup> of February regarding the property at 9 Penola Road for use by non profit clubs. I received a confirmation that the email was received and I would get a response but I have heard nothing.

As the submissions close today I would like to officially put forward a submission from the South Eastern Automobile Club for the use of an office and / or meeting room.

This will be subject to an inspection (which are only provided after the close of submissions) and that we meet all the criteria.

Yours Ken Trimnell  
South Eastern Automobile Club  
Ph: 0419 810 798



Michael McCarthy  
Manager Executive Administration  
City of Mount Gambier  
[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)



15<sup>th</sup> February 2019

Re: Expression of Interest for 9 Penola Road Occupancy

Mount Gambier  
South Australia 5290

T 0432332762  
E [trudi@fourreasonswwhy.com.au](mailto:trudi@fourreasonswwhy.com.au)

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

Dear Michael,

Four Reasons Why would like to be considered for the 9 Penola Road property as a non for profit, incorporated charity. We seek to find a suitable office space to run our business from and having previously occupied space in 9 Penola Road we know it suits our needs.

Four Reasons Why is officially registered, as an Incorporated Association, holding the status of a Public Benevolent Institution. We are a recognised Charity by the Australian Government and as such, we diligently uphold the standards and work practices required by law. FRW is a Tax-Deductible Recipient, any donations over \$2 are tax deductible.

Four Reasons Why is established with the purpose to relive poverty and to advance social and public welfare by undertaking such activities such as provide children with opportunities they wouldn't normally be exposed to, access to decent clothes, shoes, essential items and sports scholarships. We identify the needs of vulnerable members of the community and find ways to address the needs, create partnerships with the community and local businesses to assist those in need, work with vulnerable people in empowering them to change their lives and solicit for and accept donations.

To date Four Reasons Why have successfully run our Winter Wear campaign for 3 years and helped hundreds of local children have access to warm clothing and footwear which they would not have access to otherwise. Last year the Essentials campaign supplied essential hygiene items to over 100 people in need in our community and has done for the last three years. Leading up to the Christmas period we raised funds to purchase 75 movie tickets and snack vouchers for children in care, so they could enjoy an outing in the holidays. Our partnerships in community extend far and wide, we teamed up with Natural Born Grillers and people donated \$275 dollars to purchase vouchers for meals over the holiday period. The feedback received was humbling

*"Thank you for the vouchers for my client to have a haircut and to socialise and eat out with a voucher from natural born grillers. My client was so taken back and happy to receive the support – it meant a lot to her as she is not one to stop and care for herself – she is very focussed on helping and caring for those around her. The gift challenged her in a good way to look after herself as she looks after others. She shared that she was encouraged to go out with her boyfriend, which she has never really done – and it just happened that her boyfriend was recently talking about 'natural born grillers'"*

These were distributed via Foodbank, Headspace and locals. A local family from Mulga Street Primary with A single Mother and 4 children received over \$640 worth of groceries and vouchers before Christmas as they could not make ends meet before Christmas. We partnered with Anytime Fitness to make this happen. These are just a few examples of how we support our community where we can.

In 2019 we are introducing our Sports Membership Assistance Program; this program will seek sponsors from the community including local businesses to sponsor high school aged children to play a sport of their choice. This is an application process and the children chosen will be of hardship at the time of application. We trialled this last year with amazing outcomes and the feedback from the Mother of a Child we sponsored was amazing, saying not only had we given her Daughter the confidence to play a sport and be a part of a team, we also started a community connection between the club and the family which has been instrumental in their social support network and has provided them with a community of people to look towards to in times of hardship or need.

“The best of community does give one a deep sense of belonging and well-being; and in that sense community takes away loneliness.” - Henri Nouwen

Four Reasons Why would be open to sharing the premises with another organisation as we would not need the whole space for ourselves. We have been speaking closely to Stand Like Stone and would be welcoming to an arrangement to share the space with their team.

Primarily the space would be utilised for a place to meet, hold meetings, register volunteers, store donations (within capacity), sort and pack any items from campaigns, have an office set up to do administration tasks and in the future a space for a Project Officer to reside.

We hope our expression of interest is received in good faith and we look forward to hearing from you soon.

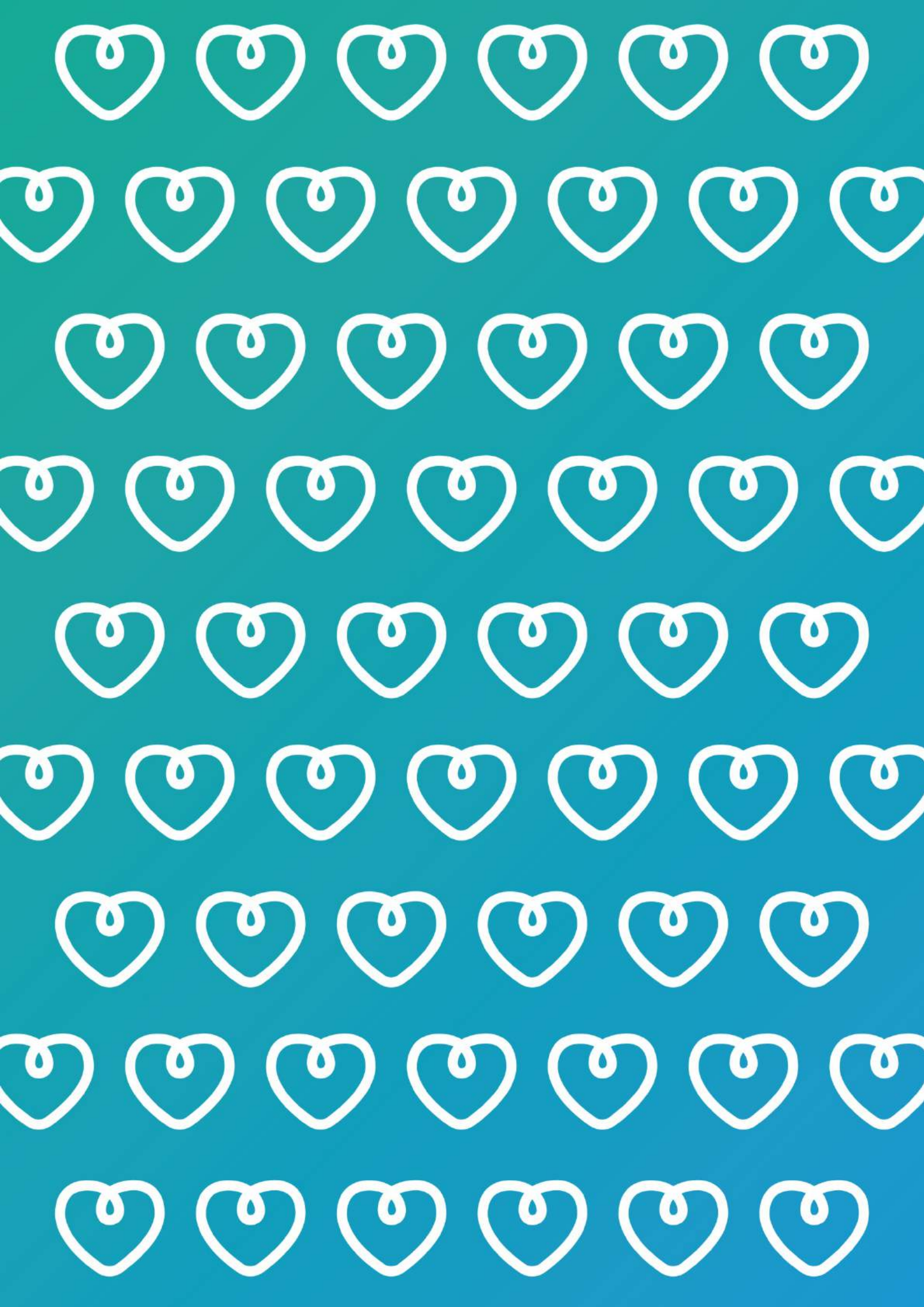
Yours Sincerely,

*Carmen Bliss*

Chairperson

Four Reasons Why

0418 485 167





ABN: 23 917 949 584

Vansittart Park  
Cnr Commercial St West / Wehl St  
MOUNT GAMBIER SA 5290  
PO Box 2177  
MOUNT GAMBIER SA 5290

Ph: +61 8 8797 8181  
Email: [info@natureglenelg.org.au](mailto:info@natureglenelg.org.au)  
Web: [www.natureglenelg.org.au](http://www.natureglenelg.org.au)

22<sup>nd</sup> February 2019

Michael McCarthy  
Manager Executive Administration  
City of Mt Gambier  
PO Box 56  
Mount Gambier SA 5290

**CONFIDENTIAL:**

**Expression of Interest from Nature Glenelg Trust: 9 Penola Road Occupancy**

Dear Michael,

Nature Glenelg Trust has been in partnership with the Mt Gambier City Council for the past 6 years, after we renovated the run-down building in Vansittart Park behind the scoreboard and set up the site as our community nursery. This arrangement has been extremely successful, and a great help to our small but highly active charitable regionally-based environmental organisation.

The site is functioning extremely well as a nursery, and we intend to continue on at this location unchanged irrespective of the outcome of this enquiry, but we are very tight for office space in town, hence – if possible – I am interested to see the space on 9 Penola Rd and understand what terms you might be offering to charitable NGO tenants. We would be interested in a similar arrangement to our current location, where we are offered a low annual lease rate, and we ensure the property is kept and maintained in excellent condition, as a community asset. We also envisage using our nursery in Mt Gambier to grow plants to improve the amenity values and landscaping around the site at 9 Penola Rd (if council consents), with the assistance of volunteers.

The building would be utilised Monday to Friday (by our 8-10 Mt Gambier based staff) and also used by us occasionally on some weekends for presentations and community meetings. In other words, our proposal would result in a high level of community usage. Given the size of our workforce in Mt Gambier, we would probably be most interested if we can utilise and occupy the entire building – assuming that we like the space and it is a good fit for our needs.

In case you are not aware, Nature Glenelg Trust is one of very few entirely regionally-based (i.e. not capital city based) not-for-profit environmental organisations in SA and Victoria, and we have specifically chosen Mt Gambier as our regional headquarters, enabling us to work seamlessly in the regional areas situated between Adelaide and Melbourne. The benefits of our work in the community are multiple, and we think act as a very effective bridge between

the residents of the City of Mt Gambier and environmental issues more broadly in the regional and rural areas both within and surrounding the City boundaries.

For example, Nature Glenelg Trust:

- Provides meaningful volunteering opportunities for the community, including working closely with other community groups
- Provides work experience opportunities for high schools students
- Provides graduate internships for returning tertiary qualified students
- Works closely with a range of other organisations and schools to provide environmental education opportunities for our youth
- Partners with government and private organisations to attract funding for delivering environmental projects in our region
- Works with private landholders to restore and more sustainably manage their land
- Owns and manages our own reserves in the South East that Mt Gambier residents often come out and visit to help us manage and restore, including properties at Nelson (Kurrawonga), Port MacDonnell (Hutt Bay Wetland), Glencoe (Mt Burr Swamp) and Frances (Eaglehawk Waterhole)
- Undertakes environmental research and works closely with government and others to protect and conserve our threatened species
- Employs approximately 15 Mt Gambier residents in various forms of employment (full-time, part-time and casual)

In short, Nature Glenelg Trust looks to make the most of our limited resources, by simply getting on with things and getting things done. We've worked extremely hard to build that reputation over the past 7 years and the ability to consolidate ourselves in a dedicated office on Penola Rd in central Mt Gambier, with the support of the City of Mt Gambier, would be a tremendous boost for us going forward.

Finally, if you would like to assess our organisational financial viability and review additional background information about our reach, impact and operations, copies of our annual reports are available here: <http://natureglenelg.org.au/about/nature-glenelg-trust-annual-reports/>.

We are looking forward to maintaining a positive relationship with the City of Mt Gambier into the future, and thank you for your ongoing support.

If this submission is of interest, I'd appreciate the opportunity to see the space and discuss options with you.

Yours sincerely,



**Mark Bachmann**  
**Managing Director**  
**The Trustee for Nature Glenelg Trust**



13<sup>th</sup> February 2019

Michael McCarthy  
**MANAGER EXECUTIVE ADMINISTRATION**  
City Council of Mt Gambier  
City Hall  
Mt Gambier 5290

[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

Dear Mr McCarthy,

**RE Expression of Interest - 9 Penola Road Occupancy**

I write in relation to potential occupancy of 9 Penola Road, Mount Gambier and draw your attention to previous correspondence from Bill DeGaris on this subject, attached via email.

As you would be aware, Stand Like Stone Foundation was established in 2004 and is the community foundation that serves the Limestone Coast region. Stand Like Stone offers individuals, families, groups, corporations and not-for-profit organisations an easy and satisfying way of giving something of real value back to the local community. All donations to Stand Like Stone are pooled and invested. The income generated from this investment is used annually to support charitable projects that benefit the Limestone Coast region and to provide educational scholarships to individuals with a connection to the Limestone Coast region. Stand Like Stone also facilitates projects which contribute to the community in many ways, resulting in both financial and social benefit, such as the Back to School and Stay at School programs.

Stand Like Stone Foundation (SLSF) has a keen interest in 9 Penola Road and initially commenced discussions re potential occupation in 2018 with then tenant, South East Community Legal Service (SECLS) ie prior to them vacating the premises.

As outlined in Mr DeGaris' letter dated October 2018, Stand Like Stone is currently located in a single small office at Grant District Council (324 Commercial Street West). We have been looking for alternative premises for some time, for the following reasons;

1. We have outgrown the premises currently occupied;
2. SLSF feels that it now requires a greater profile in the community and a higher profile presence in the business area;

3. SLSF wishes to undertake and promote philanthropic and charitable programs, which will necessarily mean SLSF requires more space and better facilities:

4. As the public profile and community reach of SLSF deepens, we are increasingly visited by donors, volunteers, community members, sponsors and those making applications for grants and scholarship funding. Being located at the rear of DC Grant, our current office is difficult to find and not appropriate to receive visitors. There is a need for a stand alone, easy to locate "shop front" image for the general public and key stakeholders of Stand Like Stone.

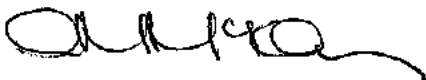
Stand Like Stone believes that its presence at 9 Penola Road would offer a great profile of Council's commitment to the philanthropic and charitable sector and applauds Council on offering the premises to incorporated not-for-profit community groups on an EOI basis. Stand Like Stone are very keen to ensure the premises become well known as the premium base in the Limestone Coast for philanthropic endeavor and would be willing to manage occupancy of smaller rooms for other not-for-profit community groups who require premises, or part occupancy of premises on a short-term, or even casual, basis.

SLSF would seek to take occupancy of the premises five days per week. We would be able to manage the building and the premises and to put in place a scheme of casual and short-term occupancy for other charitable organisations and NFPs.

Stand Like Stone has already been approached by "Four Reasons Why" in relation to potential joint occupancy and we are keen to progress these discussions and flesh out an arrangement that would be suitable for both organisations.

We trust that our Expression of Interest re occupation of 9 Penola Road Mount Gambier will be received favourably and are willing to provide further information as is required.

Yours sincerely



Georgie McKay

**EXECUTIVE OFFICER**

12<sup>th</sup> December

Chief Executive Officer  
City Council of Mount Gambier  
City Hall  
Mount Gambier SA 5290

Dear Sir,

**9 Bay Road, Mount Gambier.**

I refer to our letter to Council dated 9th of October 2018, and your brief email response dated 26<sup>th</sup> of October 2018.

I also refer to a brief conversation with Council's Property Manager, Michael McCarthy.

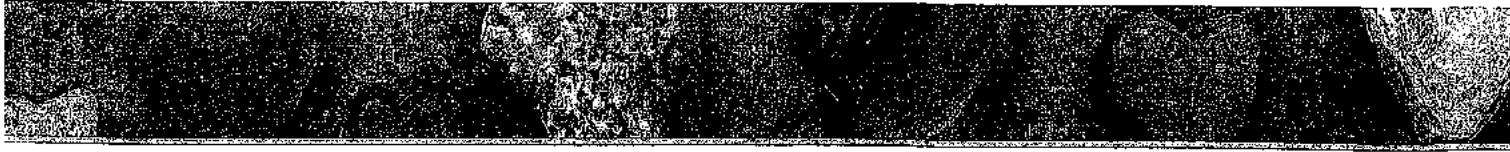
In light of the fact that South East Legal Services (SELS), their board, chairman, executive officer, and previous manager were all heavily in favour of transitioning the premises at 9 Bay Road to Stand Like Stone Foundation (SLSF) as the new tenant, we expressed our interest in the premises in our previous letter. We appreciate Council must go through a "transparent process" in managing its assets. However, SLSF was particularly keen to manage the transition in order to take over the office assets such as computer, server and internet connection system, as proposed by SELS, in a seamless way. In addition, it would have been ideal for us as an organisation to be able to take the office furniture assets as a gift from SELS, as was envisaged. However, we appreciate that this has not occurred for a variety of reasons.

SLSF is still strongly interested in taking over as tenant of the old SELS building. The reasons set out in our letter to you of 9th of October 2018 are still valid and compelling in our view.

It would be fair to say that at least in the short term the building accommodation would adequately house SLSF, but would also allow SLSF, as a Community Foundation, to manage occupancy of some of the smaller room for other charitable organisations, NGOs, and smaller community organisations who require premises, or part occupancy of premises on a short-term, or even casual, basis.

SLSF would, in the future, be able to take occupancy of the premises five days per week, and would be able to manage the building and the premises to put in place scheme of casual and short-term occupancy for other charitable organisations and NGOs, with Council's oversight (if required) and approval.

Whilst we are disappointed that there has been no discussion with SLSF after our initial approach to council (particularly after SELS encouraged SLSF to be involved in the negotiation process for this building), SLSF wishes to progress discussions with council to lease this building, and/or to occupy the building as lead manager for other charitable organisations in the Mount Gambier area, and possibly the wider Limestone Coast area.



*Life is mostly froth and bubble,  
Two things stand like stone,  
Kindness in another's trouble,  
Courage in your own.*



Our Executive Officer, Georgie McKay, Chair, Bill DeGaris, and Patron, Sue Charlton AM are willing to enter discussions and to be part of the review of occupancy of 9 Bay Road. It would be an ideal location for SLSF, and it is our strong view that having the Limestone Coast's community foundation based in a prominent place such as 9 Bay Road would be in the best interests of the Council, and the wider community.

We look forward to receiving a formal response to our submissions, and the opportunity to meet with Council's executive team, and, if required, the council to discuss furtherance of these objectives.



Bill DeGaris  
CHAIR

Chief Executive Officer  
City Council of Mt Gambier  
City Hall  
Mt Gambier 5290

Dear Sir

It has come to our attention that the building owned by Mount Gambier City Council at 9 Penola Road Mt Gambier, and currently leased to the South East Community Legal Service, is soon to become vacant, due to the fact that SECLS is closing.

In discussions with SECLS Executive Officer and Chair of their Board, Stand Like Stone Foundation has expressed a keen interest in taking over the current lease until expiry in June, and in discussing renewing and renegotiating a fresh lease for Stand Like Stone Foundation of the building into the future.

Currently, SLSF is in small premises at Grant District Council. We are fast outgrowing those premises.

SLSF has been looking for alternative premises for some time, for the following reasons;

1. We are outgrowing the premises currently occupied;
2. SLSF feels it now needs great profile in the community and a higher profile presence in the business area;
3. SLSF wishes to undertake, and promote philanthropic and charitable programs which will necessarily mean SLSF requires more space and better facilities.
4. As the SLSF public profile deepens, we need to offer a better "shopfront" image to the public.

In preliminary talks with the SECLS, we believe that SLSF will be able to take over and use the current assets which are on the premises, and which are no longer required by SECLS. We would progress these discussions in the event that Council provide consent to transfer of the current lease, and provide us with comfort that Council will enter long term leasing relations with SLSF.

SLSF believes that its presence at the premises would offer a great profile of Council's commitment to the philanthropic and charitable sector. SLSF would, for its part, be very keen to ensure the premises become well known as the premium base in the Limestone Coast for philanthropic endeavor.

We would like to commence discussions with Council as soon as possible. We are aware that SECLS will be closing the office to the public within a few weeks, and will be seeking to hand back the premises very shortly.

Can we arrange an appointment with the appropriate person to discuss the possibility of taking over the premises?

Yours faithfully

Bill DeGaris  
Chair

**University of the Third Age**

**PO Box 2961**

**Mount Gambier 5290**

**[u3agambier@gmail.com](mailto:u3agambier@gmail.com)**

**11/02/2019**

**Mr Michael McCarthy**

**Manager, Executive Administration,**

**Mount Gambier City Council**

**Dear Mr McCarthy,**

**The University of the Third Age, Mount Gambier Inc. wish to submit an Expression of Interest in the occupancy of the building at 9 Penola Road as advertised recently by your Council.**

**We are an incorporated not for profit community group, catering for mainly retirees aged 55 and over. We have been active for almost 30 years, with an excess of 200 members and we cover over 20 different interest groups. Our Club is in a financially viable position and operates during the week usually twice per day.**

**With this number of members and groups, our current facilities are no longer adequate, either in meeting space or in storage facilities. It does not allow us to expand to cater for the increasing number of retirees who may live here or consider moving here.**

**We would like to be the Principal lessee with all incumbent responsibilities. However we would be happy to consider a co-tenancy.**


**Committee representatives look forward to viewing a site inspection at your earliest convenience.**

**Thank you for this opportunity for retirees to further their interests.**

**Yours sincerely**

**Chris Willoughby**

**President**



Attention Michael McCarthy, Manager Executive Administration

The Southern Tree Breeding Association Inc ([www.stba.com.au](http://www.stba.com.au)) may be interested in leasing the property at 9 Penola Rd Mt Gambier. This would be on a single stand alone basis rather than a sharing arrangement with other NFP entities.

I understand you have had expressions of interest from Stand like Stone and may have been looking for additional NFP to fill the space out. If this is correct, we would likely not wish to pursue the opportunity.

We are a NFP Association based in Mt Gambier undertaking genetic improvement work for the forest industry nationally. Our Members provide contributions to allow us to undertake the work, including R&D activities and grants are received to support our work.

If you would like additional information on the organisation, we have provided a brief flyer and would be happy to discuss further.

We don't wish to impose on potential other community NFP groups as we may not fall into the 'altruistic' category desired by council, however thought it was worth a brief note for your information and/or consideration.

Regards

Peter Cunningham, Business Manager  
Southern Tree Breeding Association Inc | PlantPlan Genetics Pty Ltd  
PO Box 1811 (39 Helen St) Mt. Gambier SA 5290  
Phone +61 8 8723 0688 | Mobile +61 438 887 368 | <http://www.stba.com.au>

# The Southern Tree Breeding Association

The Southern Tree Breeding Association is the national body which manages the Australian tree improvement programs for Radiata Pine (*Pinus radiata*) and Blue Gum (*Eucalyptus globulus*). Our objective is to improve the genetic quality and value of the plantation resource.

The STBA was formed in 1983 as a not-for-profit cooperative. The genetic resources developed by private companies, State and Federal Governments were consolidated by the STBA into national breeding programs. Members of the STBA share the investment in breeding and associated research, reaping the benefits of efficiencies of scale and reduce costs.

STBA genetic material is extensively tested in trials spread across the plantation estate in temperate Australia. Performance data collected on trees for commercially important traits are analysed on an industry wide basis using the TREEPLAN® system.

Plantation growers use TREEPLAN® genetic values to identify genetically improved trees best suited to their individual needs.

Genetically improved seed and plants can be obtained directly from STBA Members and/or *seedEnergy* Pty Ltd, a licensed seed producer.

STBA's technical programs are supported by a Technical Advisory Committee made up of industry representatives, technicians, breeders and research scientists. This independent review of programs ensures the strategies are progressive and scientifically rigorous.

The STBA and the National Genetic Resource Centre for plantation forestry is based at Mount Gambier, while its members and associates are spread across Australasia.

Membership is open to organisations involved in genetics and plantation forestry.



## Members:

AKD Softwoods	Arborgen New Zealand	CSIRO	Forest Products Commission
Forestry Investment Trust (PF Olsen (AUS) Pty Ltd as agent)	Forestry Tasmania	ForestrySA	
Green Triangle Forest Operating Sub Trust (Timberlands Pacific Pty Ltd as agent)	Green Triangle Forest Products Ltd		
HVP Plantations	Norske Skog Paper Mills (Australia) Ltd	OneFortyOne Plantations Pty Ltd	
Tasmanian Forest Operating Sub-Trust (Forico Pty Limited as agent)			
University of Melbourne (School of Forest and Ecosystem Science)			
University of New England (AGBU)	University of Tasmania	WA Plantation Resources Pty Ltd	

## Licensed Seed Producer:

| seedEnergy Pty Ltd |

## Contact:

Dr Tony McRae (General Manager) – [tmcrae@stba.com.au](mailto:tmcrae@stba.com.au)  
Peter Cunningham (Business Manager) – [pcunningham@stba.com.au](mailto:pcunningham@stba.com.au)  
David Pilbeam (Eucalypt Breeder) – [dpilbeam@stba.com.au](mailto:dpilbeam@stba.com.au)  
Peter Buxton (Pine Breeder) – [pbuxton@stba.com.au](mailto:pbuxton@stba.com.au)

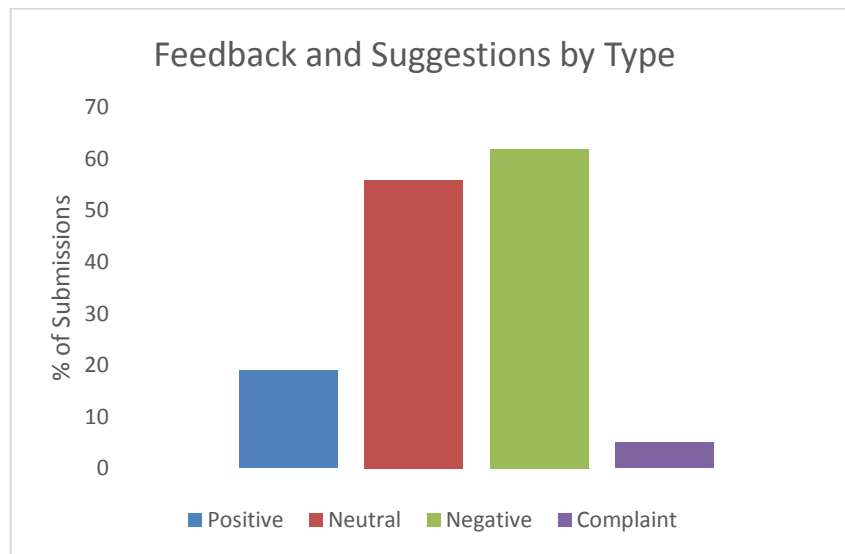
Southern Tree Breeding Association Inc  
PO Box 1811, Mount Gambier  
South Australia 5290

Phone +61 8 8723 0688 | [www.stba.com.au](http://www.stba.com.au)

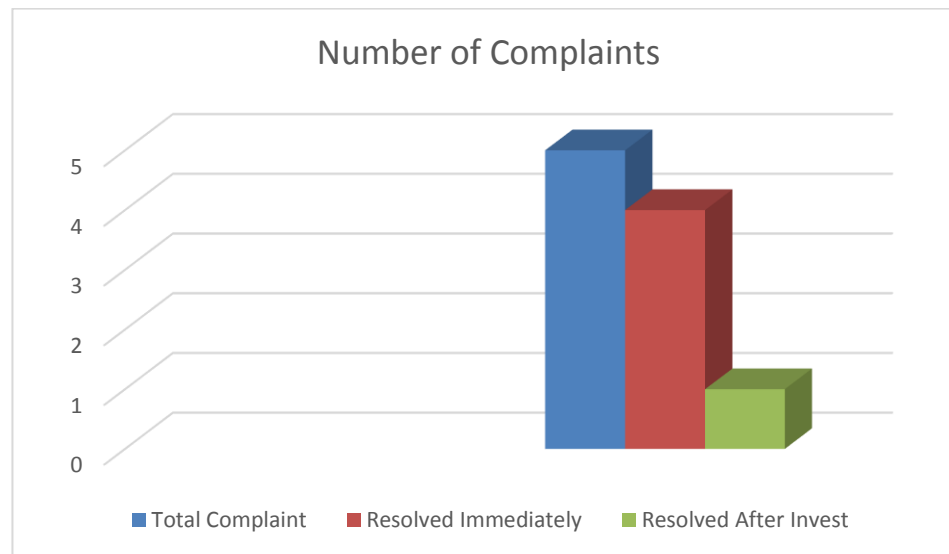


**SOUTHERN  
TREE  
BREEDING  
ASSOCIATION**

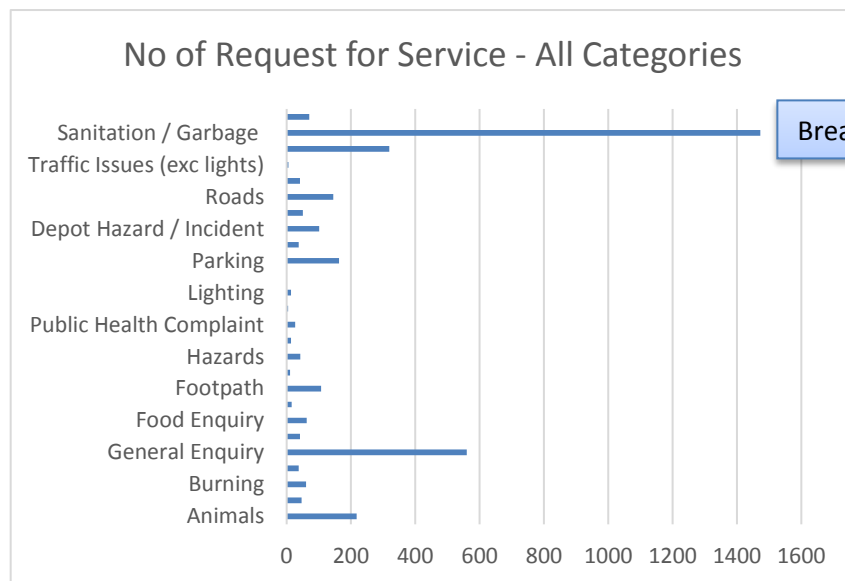
**Graph 1 - Feedback Suggestions and Complaints %**



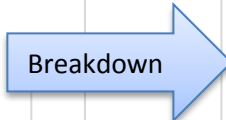
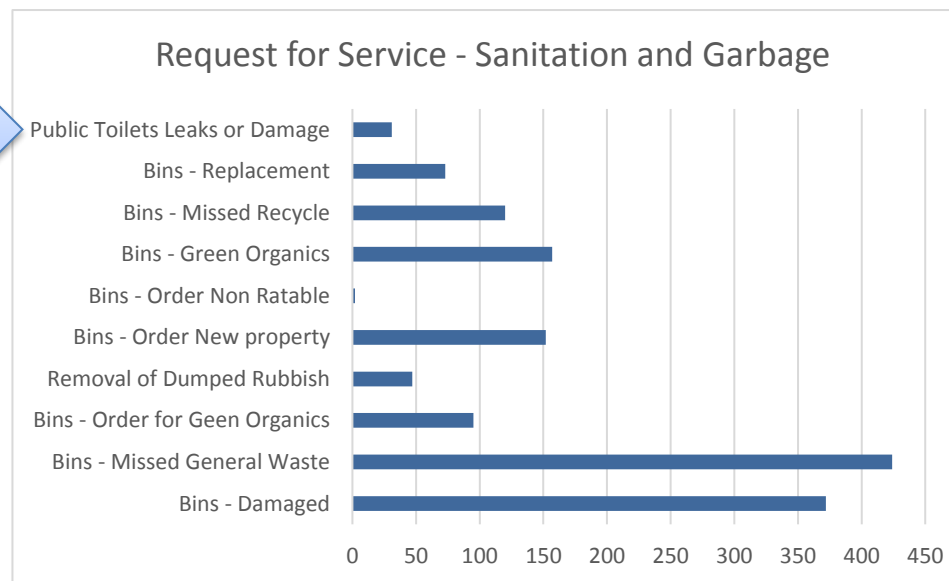
**Graph 2 – Complaints by Resolve**




**Graph 3 – Total Qty of Request for Service by Category**



**Graph 4 – Qty Sanitation Category Breakdown into Sub Category**



 City of Mount Gambier	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	3
		Issued:	19 September 2017
		Next Review:	November, 2019

## 1 INTRODUCTION

Local Government provides an extensive range of services and infrastructure to communities and discharges obligations under many pieces of legislation.

Section 270 of the *Local Government Act 1999* requires Council to develop and maintain policies, practices and procedures for dealing with:

‘any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council.’

‘complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.’

Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures and to resolve matters.

This policy aims to:

- Provide guidance on what may constitute a reasonable request for a service or an improvement to a service
- Distinguish between requests, complaints and feedback to Council and give direction on management of requests
- Establish a standardised process for assessing and processing requests including the collation of information which can be used to directly inform service improvements
- Provide a fair, consistent and structured process for Council’s customers if they are dissatisfied with a Council action, decision or service.

## 2 PRINCIPLES UNDERLYING THIS POLICY

This policy is based on five principles which are fundamental to the way Council approaches complaint handling. They are:


- Fairness: treating complainants fairly requires impartiality, confidentiality and transparency at all stages of the process
- Accessibility: to be accessible there must be broad public awareness about Council’s policy and a range of contact options
- Responsiveness: this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems
- Efficiency: complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity
- Integration of different areas of Council where the complaint overlaps functional responsibilities.

In processing requests for service emphasis will be placed on:

- Public safety and emergencies
- Fulfilling Council’s strategic and business plans
- Using Council resources effectively
- Guidelines and conditions of externally funded programs.

## 3 INTERPRETATION

In this Policy:

	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

**Business Day** means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.

A **Complaint** is an expression of dissatisfaction with a product or service delivered by the Council or its representatives that have failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.

**Council** refers to the City of Mount Gambier.

**Employee** includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

**Feedback** can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

A **Request for Service** is an application to have Council or its representative take some form of action to provide or improve a Council service.

Where ambiguity exists, Council will deal with a matter as a Request for Service, rather than a Complaint, in the first instance.

Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours, will not be handled under this policy.

## 4 REQUESTS FOR SERVICE

Requests for service will be assessed in the context of the services and work provided for in Council's Annual Business Plan and Budget and according to the conditions of externally funded programs.

### 4.1 Reasonable Request for Service


In determining how to respond to a request for service Council will consider:

- An assessment of risk
- Statutory responsibilities
- The content of Council's Strategic Management Plans, Annual Business Plan and Budget and annual works program.
- Relevant Council policies and codes
- Established service standards and response times for regular Council activities.

### 4.2 Processing a Request for Service

In Council's experience, most requests fit within well established guidelines which will be explained to an applicant at the outset. Council aims to manage requests efficiently and effectively. Employees are provided with a level of authority to advise applicants of the likely timeframe to complete the action required.



	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

Where further evaluation is necessary before committing Council to undertake the work the applicant will be informed accordingly. If a request cannot be fulfilled in a reasonable timeframe the applicant will be advised, including an explanation of why this decision was taken.

Where an applicant is not satisfied with the Council’s decision, it is open to the applicant to lodge a complaint against the decision under Council’s Complaints Policy.

#### **4.3 Timeframes for Response**

The circumstances of individual requests for service will vary greatly. In the majority of cases requests will be processed promptly and the applicant advised verbally or by return post/email.

Routine requests are often subject to service response standards. For example, uncollected rubbish bins will be collected within 3 business days and assessment of public safety concerns will occur, where practicable, the same day a request is received.

Other requests may be best suited to scheduling to coincide with work in a particular suburb or season. Examples of this include tree pruning on Council streets and attention to minor drainage problems.

Requests for major works or new services will be referred for consideration as part of the next annual cycle of review and public consultation. Council staff will respond within 10 business days advising of Council’s intentions in regard to the request given major works may require gathering of information in addition to the information provided with the request.

#### **4.4 Recording Requests for Service**

A person can make application for a service in a number of ways:

- Completion of the appropriate form on Council’s website
- Telephone
- Email
- Letter
- Petition to Council
- Visit a Council customer service office.


All requests will be recorded in Council’s records management system in such a way that the information can also be analysed for service improvement opportunities.

#### **4.5 Rejected Requests**

All rejected requests will be recorded and may be reconsidered at a future date, such as in conjunction with the preparation of an Annual Business Plan and Budget. Council will receive a report on the number and nature of requests, including the percentage of rejected requests, at least twice a year.

### **5 COMPLAINT HANDLING**

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right. Lessons learnt from complaints will be used to directly inform service improvements.

	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

Emphasis is placed on resolving complaints as quickly as possible. However where complaints cannot be settled in the first instance, Council will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions.

Except for minor tier 1 responses, (refer 5.2 Procedures for resolving complaints below) Council will try to ensure that, whenever possible, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

A person can make a complaint in a number of ways:

- Complete the appropriate form on Council's website
- Telephone
- Email
- Letter
- Visit a Council customer service office.

All complaints will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:


1. Acknowledge complaints promptly
2. Assess the complaint - simple problems may not need to be investigated
3. Plan the investigation where one is warranted
4. Investigate the complaint
5. Respond to the complainant with a clear decision
6. Follow up any customer service concerns
7. Consider whether there are systemic issues which need correction.

### 5.1 Timeframes for Response

Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken. Council will respond within [5] business days, acknowledging receipt of the complaint and where possible, resolving it at that time. If a resolution is not possible at that time, the complainant will be kept regularly informed of progress, either by email, letter or personal contact.

### 5.2 Procedures for resolving complaints

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

The complaints procedure consists of three tiers.

1. *Immediate response to resolve the complaint*

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

2. *Complaint escalated to a more senior officer*

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

*Internal review of a Council decision by statutory process*

3. *Internal review of a Council decision under s270 of the Local Government Act 1999.*

This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant.

This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

Refer Council's Internal Review of Council's Decisions Policy.

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. Note however that as a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.


### 5.3 Alternative Procedures

There are other complaint procedures which apply to particular types of complaints. If the complaint would be more appropriately dealt with by another process this will be explained to the complainant at the outset.

For example:

- Complaints against a Councillor or the Chief Executive Officer
- Freedom of Information applications
- Insurance claims
- Decisions made under legislation other than the *Local Government Act*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.

In some instances, it may be appropriate to consider mediation, conciliation or neutral evaluation under the Council's scheme authorised by section 271 of the Local Government Act. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between the Council and the other party.

	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

#### 5.4 Unreasonable Complainant Conduct

All complaints received by Council will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, a lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and Council aims to manage these situations in a fair and equitable manner.

Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that if the specified behaviour(s) or actions continue, restrictions may be applied.

Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant in accordance with Council's Unreasonable Complainant Policy.

#### 5.5 Using Complaints to Improve Service

Quality of service is an important measure of Council's effectiveness. Learning from complaints is a powerful way of helping to develop the Council and increase trust among the people who use our services.

In addition to making changes to procedures and practices where appropriate, Council will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. Council will receive a report on the number and nature of complaints received, including the percentage of unresolved complaints, at least once a year.

Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

#### 5.6 Privacy and Confidentiality


Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by the Council, except where required by law.

All complaints lodged with Council are subject to the Freedom of Information Act 1991 and confidentiality cannot be guaranteed under the provisions of that legislation.

#### 5.7 Remedies

Where complaints are found to be justified Council will, where practicable, remedy the situation in a manner which is consistent and fair for both Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances.

As a general principle the complainant should, so far as possible, be put in the position they would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

Compensation will only be offered in cases where the loss or suffering is considered substantial. The Elected Council and the CEO are the only representatives authorised to offer financial compensation and may consult with the Local Government Association Mutual Liability Scheme before taking any such action.

### 5.8 Alternative Remedies

Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or his/her delegate deems such a course of action appropriate and the complainant is amenable to that process.

When advising a complainant of the outcome of an investigation of a complaint, Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

## 6 REVIEW AND EVALUATION

In order to ensure Council continues to provide the best possible complaints handling service for its customers, this policy will be subject to periodic evaluation and review and within 12 months after each general election of Council.

## 7. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and to download free of charge from 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 payment of a fee in accordance with Council's Schedule of Fee and Charges.

## 8. FURTHER INFORMATION


The City of Mount Gambier's Contact Officers for advice about the policy and procedures for complaints are the following:

- Chief Executive Officer
- General Manager, Council Business Services
- Manager, Governance and Property

For further information about this Procedure please contact any of the above mentioned Officers, c/-

PO Box 56,  
Mount Gambier SA 5290

Phone: 8721 2555,  
Fax: 8724 9791,  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au).

	<b>C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY</b>	Version No:	4
		Issued:	12 March 2019
		Next Review:	March 2021

File Reference:	AF18/56
Applicable Legislation:	Local Government Act 1999 s270
Reference: Community Plan	Our People Our Economy Our Location
Related Policies:	Internal Review of Council's Decisions Policy C290 Whistleblower's Protection Policy W150 Fraud & Corruption Prevention Policy F225 Members Complaints Handling Policy M265 Records Management R180
Related Procedures:	Complaints Procedures Unreasonable Complainant Conduct Records Management Procedures
Related Documents:	Managing Unreasonable Complainant Conduct - Practice Manual Code of Conduct for Council Employees Code of Conduct for Council Members

## DOCUMENT DETAILS

Responsibility:	Team Leader Customer Experience
Version:	4.0
Last revised date:	19 September 2017
Effective date:	19 September 2017
Minute reference:	Council Meeting 19 September, 2017, Strategic Standing Committee - Item No. 13.4
Next review date:	March 2021
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	16 February, 2010 21 March 2017, 19 September 2017, 12 March 2019

## PROJECT PLAN SUMMARY

<b>Project Reference:</b>	<b>2017-013</b>	<b>TRIM Ref.: AF17/ 42842</b>
<b>Project Name:</b>	<b>Lady Nelson Precinct</b>	
<b>Documented on:</b>	<b>29/11/2017</b>	
<b>Executive Sponsor:</b>	<b>Mark McShane</b>	
<b>Project Manager:</b>	<b>Judy Nagy</b>	

### 1. PROJECT OBJECTIVE

To initiate the transition of Visitor Information Services (VIS) to a collaborative and flexible model between industry, Council and key stakeholders. This does not include repurposing of the Discovery Centre involving major building works.

### 2. PROJECT OUTCOME

- Make cosmetic changes (low cost and immediate) internally to the Lady Nelson Centre (TLN) as we transition to a more digital content.
- Mobile Unit to be used for tourism events, festivals, busy time periods and serve a multi-purpose including library and gallery outreach programs, community engagement initiatives and crisis/disaster relief station / access point.

### 3. PHASES, ACTIVITIES AND DECISION GATES

What are the key phases/stages, deliverables and decision gates for the project?

Phase	Deliverable	Decision Gate
Project Planning	Project Plan Summary Content to include in Council report	Approved by MET
Research	<ul style="list-style-type: none"> <li>• Specifications and preliminary costings for Mobile Unit - Capex budget \$100K-\$150K TBC</li> <li>• Specifications and preliminary costings for cosmetic LNC changes - Capex budget \$50K TBC</li> <li>• VIS capability audit</li> <li>• Phased model incl. mobile unit</li> <li>• Operating model options and recommended model.</li> <li>• Opex budget mobile unit and TLN</li> <li>• Training requirements</li> </ul>	Reviewed by MET. Approved by Council.
Implementation strategy	<ul style="list-style-type: none"> <li>• Register of key stakeholders</li> <li>• Project timelines</li> <li>• Key project milestones</li> <li>• Communications plan</li> <li>• Project budget – capex and opex</li> </ul>	Approved by MET
Launch	Launch event including budget \$1k	Approved by MET
Post Implementation Review	PIR Report	Approved by MET Endorsed by Council

### 4. LINKS AND DEPENDENCIES

This project has links to existing committees / groups / organisations:

- Elected members
- Tourism, TLN, Main Corner, Riddoch Art gallery, Community Development, Crisis Management Team, Finance .

This project has interdependency with and/or is dependent on:

- EM endorsement
- Budget.

### 5. DATES

Estimated start date	January 2018
Project Plan approved by executive team	November 2017
Project Plan approved by Strategic Cmtt followed by Council TBC	December 2017
Implementation Strategy	January-February 2018
Estimated end date	
- TLN and MC	31 March 2018
- Mobile Unit launch	30 June 2018
Post Implementation Review	21 December 2018

Are there any time considerations that must be considered for this project?

- Lead time to procurement and fit out Mobile Unit
- HR and training considerations.

### 6. BENEFITS

- Connecting Council and the Community using a collaborative and flexible model
- Extend the reach of existing VIS
- Expanding City of Mount Gambier visitor economy
- Transition VIS to digital and emerging technologies
- Option to use Mobile Unit as a backup crisis centre

### 7. RISKS

- Budget inadequate
- Available resources/fit-out not meeting expected needs
- Operating model not meeting expectations
- Management and staffing challenges of resourcing and driving Mobile Unit
- Inability to recruit eligible volunteers.

### 8. ISSUES

The issues (other than risks) that this project needs to consider are:

Issue No.	Description
1	Appropriate mobile vehicle, wrap and fit out available
2	Staff / volunteers drivers
3	Disability access
4	WiFi access
5	Parking permits and protocols for load limits and access

### 9. RESOURCES

The resources (e.g. people, financial, infrastructure) required for this project are:

People needed	Skills / experience needed	FT or PT or contract
Project Manager (Judy)	Knowledge, leadership, project management	
Governance	Insurance	
Finance	Budget, opex, capex, cost per hour operating costs, registration	

SUMMARY

Design/Building	Access to design and project plan/manage refit	
Procurement	Management of procurement process	
Admin and Support	For ongoing administration, oversight (including site management e.g. cleanliness damage, repairs, routine maintenance, call-outs, etc.	

Financial resources needed	Capex or opex?	Existing or additional budget?	Budget \$
Mobile Unit – reduction in the number of vehicles	Capex	Existing	\$150,000
Refit TLN	Capex	Existing	\$50,000
Launch	Opex	Absorb in existing	\$1000
Operating model	Opex	TBC	\$TBC

10. EXECUTIVE APPROVAL


Considered on:

Approved on:

Status reported on:

Post Implementation Review:



 City of Mount Gambier	<b>COUNCIL POLICY</b>  <b>O110 ORDER MAKING</b>	<b>Version No:</b>	10
		<b>Issued:</b>	February 2015
		<b>Next Review:</b>	February 2020


## 1. INTRODUCTION

- (a) This document sets out the policy of the City of Mount Gambier (“Council”) for the making of Orders.
- (b) The City of Mount Gambier is committed to using the order making powers available to it under the Local Government Act 1999 in such a way as to facilitate a safe and healthy environment, and to improve the amenity of the locality, and generally for the good governance of its area.
- (c) This Policy sets out the principles and processes Council and any Council Officers acting under delegated authority will consider in the making of orders.

## 2. SCOPE

- (a) Section 259 of the Local Government Act 1999 requires Council to take reasonable steps to prepare and adopt policies relating to Order Making. Chapter 12, Part 2, Section 254 of the Act relates to power to make orders.
- (b) This Policy will apply to those circumstances listed in Section 254, which states that Council may order a person to do, or refrain from doing something as specified in the table included within that Section of the Act. Excerpt from Section 254:

Column 1	Column 2	Column 3
To do or to refrain from doing what?	In what circumstances?	To whom?
<b>2. Hazards on lands adjoining a public place</b>  (1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).  (2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.  (3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.  (4) Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.  <b>Examples—</b>	(1) A hazard exists that is, or is likely to become, a danger to the public.  (2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.  (3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.  (4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.	(1) The owner or occupier of the land.  (2) The owner or occupier of the land.  (3) The owner or occupier of the land.  (4) The owner or occupier of the land.

 City of Mount Gambier	<b>COUNCIL POLICY</b>  <b>O110 ORDER MAKING</b>	<b>Version No:</b>	10
		<b>Issued:</b>	February 2015
		<b>Next Review:</b>	February 2020

<ul style="list-style-type: none"> <li>· To fill an excavation, or to prevent drainage of water across the road.</li> <li>· To construct a retaining wall or to remove or modify a fence.</li> <li>· To fence land to prevent the escape of animals.</li> <li>· To remove a structure or Vegetation near an intersection.</li> </ul>		


<b>4. Inappropriate use of vehicle</b>  To refrain from using a caravan or vehicle as a place of habitation.	A person is using a caravan or vehicle as a place of habitation in circumstances that— <ul style="list-style-type: none"> <li>(a) present a risk to the health or safety of an occupant; or</li> <li>(b) cause a threat of damage to the environment; or</li> <li>(c) detract significantly from the amenity of the locality.</li> </ul>	The owner or occupier of the land or a person apparently occupying the caravan or vehicle.
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A reference in the table to an animal or animals includes birds and insects.

- (c) In addition to Section 254, this policy will also apply to the making of any orders under 216 (Power to order owner of private road to carry out specified roadwork), 217 (Power to order owner of infrastructure installed on road to carry out specified maintenance or repair work) and 218 (Power to require owner of adjoining land to carry out specified work).
- (d) As additional issues arise Council will need to list its intentions to issue orders by giving examples in addition to those specified in the table in Section 254 of the Act. Any additional issues will be annexed to an updated version of this Policy.

### 3. GUIDING PRINCIPLES

- (a) When considering making an Order within the scope of this Policy the City of Mount Gambier will consider the following principles, which are considered central to effective resolution of local nuisances on private land:
  1. Every reasonable effort will be made to resolve the matter by negotiation prior to instigating the order making process.
  2. Each case for the possible use of the order making powers will be assessed on its individual merits. Factors that will be considered include:
    - Severity or seriousness of the incident


 City of Mount Gambier	<b>COUNCIL POLICY</b>		<b>Version No:</b>	10
	<b>O110 ORDER MAKING</b>		<b>Issued:</b>	February 2015
			<b>Next Review:</b>	February 2020

- Extent of hazard/danger posed to the community
- Nature and level of risk to health/safety of the community
- Extent of detracting from the amenity of the locality
- Impact on the environment
- Occurrence of the activity/incident e.g. frequency, duration.
- Impact of any previous actions to overcome the problem
- Any public interest issues
- The evidence available
- Implications of not taking any action.

3. Procedural fairness and natural justice.

#### 4. PROCESS

- (a) Except in the case of an emergency, the initial response to complaints of local nuisance will generally be a personal visit or telephone call by an authorised officer to attempt to resolve the matter with as little formality as possible.
- (b) If this approach is not effective, a letter detailing the complaint, the required action to resolve the matter and stipulating a reasonable timeframe, will be sent to the occupier of the land.
- (c) Except in the case of an emergency, If this still does not result in a satisfactory outcome the formal order making process will be instigated by giving the person to whom an order is intended to be directed, a notice of intention to issue an order detailing the information required by Section 255 of the Act, including:
1. The proposed action
  2. Reasons for the proposed action
  3. Terms of the proposed order
  4. Period within which compliance with the order is required
  5. Penalties for non compliance
  6. Opportunity to give reasons in writing to Council within 14 days of notification, on why the proposed order should not be given.
- (d) Where protracted informal negotiations have failed to achieve the desired outcome, the first letter from Council may be the formal notice of intention to issue an order.
- (e) Where the order is intended to direct a person who is not the owner of the land to take certain action, reasonable steps will be taken to serve a copy of any notices or orders on the owner of the land.
- (f) Where representations are received about a proposed order, the delegated officer may:
1. Make the order on the terms of the original proposed order
  2. Make an order with the modifications from the terms of the original proposed order (and not give further notice before making the modified order), or
  3. Determine not to proceed with making the order.
- (g) In cases where the delegated officer considers the circumstances or activity constitutes or is likely to constitute:
1. a threat to life; and

 City of Mount Gambier	<b>COUNCIL POLICY</b>		<b>Version No:</b>	10
	<b>O110 ORDER MAKING</b>		<b>Issued:</b>	February 2015
			<b>Next Review:</b>	February 2020

2. immediate threat to public health or public safety; or
3. an emergency situation;

and that immediate action is required, the order and required compliance may be imposed without undertaking the above notification process.

## 5. REVIEW RIGHTS

- (a) Pursuant to Section 256 any person to whom an order is issued (including an order issued under Sections 254, 216 or 218) has a right to appeal against the order.
- (b) Any such appeal must be lodged within 14 days of that person's receipt of the order.
- (c) The Council will ensure that reference is to the right of review is included in any order issued.


## 6. NON COMPLIANCE

- (a) If an order is 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) the Council may (subject to the outcome of any review) take the action required by the order.
- (b) The reasonable costs and expenses incurred by Council in taking action under this section may be recovered by Council as a debt from the person who failed to comply with the requirements of the order.
- (c) Where any amount is recoverable by Council, Council may, 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 and, if the amount is not paid by the person within that period, the person is liable to pay interest and Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with section 257(5) of the Act.
- (d) Non-compliance with an order of Council is an offence for which a person may incur a statutory penalty provided for in the Act. Section 258 of the Act provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the Act.
- (e) Under Section 217, if the order is not complied with within the time specified in the order:
  1. Council may carry out the action required by the order and recover the cost of doing so as a debt for the owner; and
  2. the owner is guilty of an offence and liable to a maximum penalty not exceeding \$5,000.

## 7. RESPONSIBILITIES AND DELEGATIONS

- (a)
- (b) Council may delegate the power to issue orders under Sections 254, 216 and 218 of the Act to the Chief Executive Officer and the CEO may further sub delegate these powers.



 City of Mount Gambier	<b>COUNCIL POLICY</b>  <b>O110 ORDER MAKING</b>	<b>Version No:</b>	10
		<b>Issued:</b>	February 2015
		<b>Next Review:</b>	February 2020

File Reference:	
Applicable Legislation:	Local Government Act 1999
Reference:	Community Plan 2016 - 2020
Related Policies:	
Related Procedures:	
Related Documents:	

## DOCUMENT DETAILS

Responsibility:	General Manager City Growth
Version:	11.0
Last revised date:	19 <sup>th</sup> February, 2019
Effective date:	To be updated
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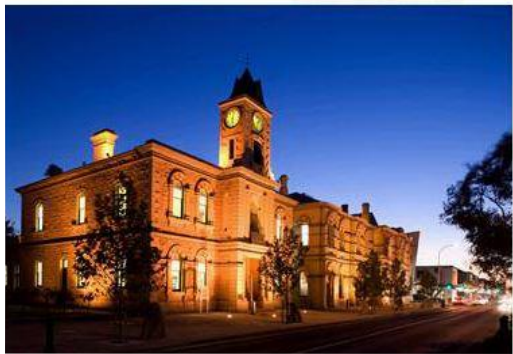
Site	Address	Category	Asset Description	i005	Zoning - Planning	VG (1) - Category For Rating Purposes	VG (1) - Capital Value	Lease/Licence / Occupancy	Current / Past Use	Other Information / Notes	Public Facing Walls		
17 Elizabeth St - Vacant	17 Elizabeth Street	Land Parcel	17 Elizabeth St - 100	CT5825/659	Residential Zone and Mount Gambier (City) Historic (Conservation) Policy Area	Other	\$ 110,000.00	Occupancy ended	Foodbank/Migrant Resource Centre -	Excluded 18/06/2002	Yes		
9 Penola Road	9 Penola Rd 9 Penola Road	Buildings/Structures	9 Penola Road - Vacant	(blank)	City Centre Zone	Commercial	\$ 480,000.00	Occupancy ended	South East Legal Services - Currently	Excluded 18/06/2002	Yes		
		Land Parcel	9 Penola Road - 400	CT5708/290							No		
Boandik Terrace Blowhole	1B Hanson Street / Boandik Terrace	Land Parcel	Boandik Terrace Blowhole - 52	CT6110/506	Residential Zone and Local Heritage Place	Other	\$ 225,000.00			CHECK - Is listed as reserve on CT (requiring revocation to remove community land classification - and has its own community land management plan)	No		
Carpark - 15 Percy Street	15 Percy St	Land Parcel	Percy St-Hedley St Carpark - 229	CT5610/754	City Centre Zone	Commercial	\$ 275,000.00			Excluded 18/06/2002	No		
Civic Precinct	10 Watson Terrace	Land Parcel	Civic Centre - 237	CT6135/284	City Centre/Cave Gardens and Environs State Heritage Area	Other	Council - \$2,961,750 Theatre - \$6,513,250			Excluded 18/06/2002 - Old CT Reference 5210/381 & 5134/241 - Co-Owned with Country Arts SA	No		
											5 Sturt Street	Buildings/Structures	Civic Centre
		Garden Curators Store	(blank)										
				Public Library		(blank)							
			Varcoe Building	(blank)									
	6 Watson Terrace	Land Parcel	Car Park - 9	CT5209/967		Commercial	\$ 600,000.00			Excluded 19/08/2009			
		Land Parcel	Library - 238	CT6092/352		Commercial	\$ 14,670,000.00	Licence (Café) - til 17/12/2019		Excluded 18/06/2002 - New CT 6092/352	Yes		
Commerce Arcade					City Centre Zone					Excluded 18/06/2002	Yes		
Commerce Place/Lawrence Street Carpark	7 Lawrence Street	Land Parcel	Lawrence St Carpark - 259	CT5904/443	City Centre Zone/Mount Gambier (City) Historic (Conservation) Policy Area	Commercial	\$ 87,000.00			Excluded 18/06/2002 - Old CT Reference 5717/457	No		
Council Works Depot	265 Commercial Street West	Buildings/Structures	Christmas Parade Storage - Mens Shed	(blank)	Light Industry Zone	Other	\$ 1,100,000.00				Yes		
			Council Records Storage Shed	(blank)							No		
			Dog Compound	(blank)							Yes		
			Hot Mix Shed	(blank)									
			Nativity Scene	(blank)									
			Parks and Garden Shed	(blank)									
			Signs Store 1	(blank)									
			Signs Store 2	(blank)									
			Staff Amenities and Office	(blank)									
			Trailer Shed	(blank)									
			Vehicle Shed	(blank)									
			Vehicle Storage Shed	(blank)									
			Wash Bay	(blank)									
			Woodchip Storage Shed	(blank)									
			Workshop	(blank)									
	271 Commercial Street West	Land Parcel	Council Works Depot - 167	CT5727/722						Excluded 18/06/2002			
		Land Parcel	Council Works Depot - 176	CT5727/721						Excluded 18/06/2002			
Elizabeth Knight Reserve	L200 Lake Terrace West	Buildings/Structures	Old Hospital Laundry	(blank)	Community Zone/Lakes Perimeter Policy Area	Vacant Land	\$ 3,550,000.00				Yes		
			Shade Shelter and Barbecue	(blank)							Yes		
		Land Parcel	Elizabeth Knight Reserve - 553	CT5888/558						Excluded 30/08/2011	Yes		
Orchard Road Landfill	Orchard Rd - East Side	Buildings/Structures	Shed	(blank)	Primary Production Zone			DC Grant		Located in DC Grant	No		
			Orchard Road Landfill - 10	CT5427/997							DC Grant	Excluded 18/06/2002 - Located in DC Grant	No
			Orchard Road Landfill - 11	CT5827/571							DC Grant	Excluded 18/06/2002 - Old CT Reference 4047/969 - Located in DC Grant	No
Railway Lands	1 Railway Terrace	Buildings/Structures	Former Signal Box Public Toilet	(blank)	City Centre Zone/Mount Gambier (City) Historic (Conservation) Policy Area	Other	\$ 3,025,000.00				No		
			Railway Shelter	(blank)							No		
			Railway Station Building	(blank)							Yes		
			Railway Store	(blank)									
			Sun Shelter 1	(blank)									
		Land Parcel	Railway Lands - 7	CT5962/701						Excluded 15/06/2005	No		
ReUse Market - 3 Eucalypt Drive	3 Eucalypt Drive	Buildings/Structures	ReUse Market	(blank)	General Industry Zone	Industrial	\$ 400,000.00				No		
			Shed	(blank)							Yes		
		Land Parcel	3 Eucalypt Drive ReUse Market - 387	CT5403/667						Excluded 18/06/2002	No		
Vacant - 1 Lawrence Street - 592	1 Lawrence Street	Land Parcel	Vacant - 1 Lawrence Street - 592	CT5841/317	City Centre Zone	Vacant Land	\$ 210,000.00		Former CWA Hall - now vacant land	Excluded 15/11/2016 - requires Gazettal Notice	No		
Waste Transfer Centre	5 Eucalypt Drive	Buildings/Structures	ReUse Market Salvage Shed	(blank)	General Industry Zone	Industrial	\$ 950,000.00				No		
			Waste Collection Shed	(blank)							No		
			Waste Oil Recycling Unit	(blank)							No		
			WTC Admin Building	(blank)							No		
		Land Parcel	Waste Transfer Station - 389	CT5403/669						Excluded 18/06/2002	No		
L1013 O'Leary Road (Lot 502 TBC)	L1013 O'Leary Rd	Land Parcel	Vacant - 1013 O'Leary Rd - 184	CT6009/382	Residential	Other	\$ 1,000.00			Excluded 18/06/2002. Narrow strip of land providing access to a storm water reserve and forms part of a road	No		
James Street Carpark - Ripley Arcade	8 James Street	Buildings/Structures	Ripley Arcade Public Toilet	(blank)	City Centre Zone	Other	\$ 540,000.00				No		
			Shelter and Wall	(blank)							Yes		
			Shelter-Canopy	(blank)							Yes		
			Steel Framed Canopy	(blank)							No		
		Land Parcel	James St Carpark - 270	CT6010/256						Excluded 18/06/2002 - Old CT Reference 5784/613 & 5101/659.	No		
58 Gray Street	58 Gray Street	Land Parcel	Vacant - 58 Gray Street - 383	CT5374/238	City Centre Zone	Other	\$ 30,500.00			Excluded 18/06/2002. Physical vehicle access currently provided over privately held carparks.	No		
3 Lawrence Street	3 Lawrence Street	Land Parcel	Vacant - 3 Lawrence Street - 392	CT5455/508	City Centre Zone	Vacant Land	\$ 105,000.00			Excluded 18/06/2002	No		
James Street - Gray Street Carpark	33 Gray Street	Land Parcel	James St-Gray St Carpark - 271	CT6010/255	City Centre Zone	Commercial	\$ 196,000.00			Excluded 18/06/2002 - Old CT Reference 5101/659	No		
James Street Carpark - Public Toilets	18 James St	Buildings/Structures	James Street Public ToiletS	(blank)	City Centre Zone	Commercial	\$ 290,000.00				No		
	18 James Street	Land Parcel	James St Carpark - 255	CT5858/875							No		

			James St Carpark - 256	CT5858/895					Excluded 18/06/2002 - Old CT Reference 648/196	Yes		
Percy Street - Alexander Street Carpark	3 Percy Street	Land Parcel	Carpark - Percy St/Alexander St - 225	CT5757/647	City Centre Zone	Commercial	\$ 162,000.00		Excluded 18/06/2002	No		
			Carpark - Percy St/Alexander St - 226	CT5761/21						Excluded 18/06/2002		
			Carpark - Percy St/Alexander St - 230	CT5472/940						Excluded 18/06/2002		
49 Penola Road	49 Penola Road	Land Parcel	Penola Road Reserve - 135	CT5798/310	Residential Zone	Other	\$ 42,500.00		Excluded 18/06/2002. Intersection of Penola Road and Jubilee Hwy (Reserve)	No		
18 Ferrers Street	18 Ferrers Street	Land Parcel	Carpark - 18 Ferrers Street - 520	CT5667/77	City Centre Zone	Other	\$ 235,000.00		Excluded 21/04/2009	No		
24 Margaret Street	24 Margaret Street	Buildings/Structures	Public Toilets	(blank)	City Centre Zone/Mount Gambier (City) Historic (Conservation) Policy Area	Other	\$ 1,110,000.00			No		
		Land Parcel	24 Margaret Street - 509	CT5523/74				Other		Excluded 21/04/2009	No	
5GTR - 25 Alexander Street	25 Alexander St 25 Alexander Street	Buildings/Structures	5GTR FM Radio	(blank)	Residential Zone	Commercial	\$ 81,000.00			No		
		Land Parcel	25 Alexander Street - 109	CT5180/718						Monthly tenancy to 5GTR-FM - pending transfer	Radio Station	Excluded 21/08/2018 - Resolution to transfer to 5GTR-FM - pending transfer documentation
44 James Street	44 James Street	Land Parcel	44 James Street - 251	CT5761/637	City Centre Zone	Vacant Land	\$ 109,000.00		Senior Citizens Carpark	No		
46 James Street	46 James Street	Buildings/Structures	Former Dwelling	(blank)	City Centre Zone	Commercial	\$ 173,000.00					
		Land Parcel	46 James Street - 93	CT5543/812						Lease to Western Border Football Association - monthly tenancy		Excluded 18/06/2002
Cleanaway - 7 Eucalypt Drive	7 Eucalypt Drive	Buildings/Structures	Cleanaway - Washbay	(blank)	General Industry Zone	Industrial	\$ 415,000.00			Yes		
			Cleanaway Office/Workshop	(blank)							Lease to Cleanaway to 30/9/2022	Excluded 18/06/2002
		Land Parcel	7 Eucalypt Drive - Cleanaway - 388	CT5403/668								
Icehouse Basketball Stadium - 451 Commercial	451 Commercial Street West	Buildings/Structures	Ice House Basketball Stadium	(blank)	Country Living Zone	Commercial	\$ 560,000.00			Yes		
		Land Parcel	Icehouse Basketball Stadium - 379	CT5124/844							Lease to Basketball MG Inc - monthly tenancy	Excluded 18/06/2002
Wehl Street Theatre - 7 Wehl Street South	7 Wehl Street South	Buildings/Structures	Old TAFE Classroom	(blank)	City Centre Zone/Mount Gambier (City) Historic (Conservation) Policy Area	Commercial	\$ 390,000.00					
			Wehl Street Theatre	(blank)							Lease to CentreStage Theatre Inc to 31/10/2019. Heritage.	
		Land Parcel	Wehl Street Theatre - 247	CT6010/257								Excluded 18/06/2002 - Old CT Reference 5558/66
Commerce Place Carpark	2-14 Commerce Place	Buildings/Structures	Shade Canopies	(blank)	City Centre Zone	Commercial	\$ 800,000.00			No		
		Land Parcel	Commerce Place Carpark - 257	CT5904/442							Excluded 18/06/2002 - Old CT Reference 5681/242	Yes
			Commerce Place Carpark - 260	CT5843/709							Excluded 18/06/2002	No
			Commerce Place Carpark - 261	CT5904/444							Excluded 18/06/2002 - Old CT Reference 5662/936	
			Commerce Place Carpark - 262	CT5904/441							Excluded 18/06/2002 - Old CT Reference 5678/90	
			Commerce Place Carpark - 263	CT5811/954							Excluded 18/06/2002	
			Commerce Place Carpark - 264	CT5840/996							Excluded 18/06/2002	
			Commerce Place Carpark - 265	CT5844/15							Excluded 18/06/2002	
			Commerce Place Carpark - 266	CT5904/440							Excluded 18/06/2002 - Old CT Reference 5807/14	
			Commerce Place Carpark - 267	CT5904/439							Excluded 18/06/2002 - Old CT Reference 5488/686	
Hastings Cunningham Reserve (Portion)	Shepherdson Road	Land Parcel	Reserve and Dog Park	5808/209	Residential Zone	Other	\$ 1,075,000.00	Licence to Apollo Soccer Club (portion). Land Management Plan in place.	Soccer / Dog Park	Excluded 18/06/2002 - any subsequent resolution to re-classify as community land? Contained in a Community Land Management Plan	No	
Corriedale Park	Wireless Road West	Land parcel		6070/312	Residential Zone	Vacant Land	\$ 395,000.00	Licence to Uniting Church (Tennis) & Blue Lake Archers - monthly tenancies	Open space, tennis and archery	Excluded 18/06/2002 - old CT Reference 5810/353 - any subsequent resolution to re-classify as community land? Contained in a Community Land Management Plan	No	
Caroline Landfill	Corner of Vorwerk Road and Kain Road, YAHL			5586/233	Primary Production	Industrial	\$ 305,000.00		Previously Grazing. Now Landfill.	Located in DC Grant	No	

Note:

1. VG - Valuer General





City of  
Mount Gambier

# Long Term Financial Plan 2019/2020 to 2028/2029

MARCH 2019

## TABLE OF CONTENTS

<b>1. LONG TERM FINANCIAL PLAN FRAMEWORK.....</b>	<b>3</b>
1.1 Introduction .....	3
1.2 Strategic Planning Framework .....	3
1.2.1 The City Development Framework Project .....	3
1.2.2 The Community Plan .....	3
1.2.3 Our Vision .....	4
1.3 Long Term Financial Plan Review, Input & Analysis .....	4
1.3.1 Key Assumptions.....	5
1.4 Financial Sustainability .....	5
1.4.1 Forecast Key Financial Indicators.....	8
1.4.2 Long Term Financial Plan Projections .....	9
1.5 Long Term Financial Plan Risks .....	10
<b>2. FUNDING THE LONG TERM FINANCIAL PLAN.....</b>	<b>11</b>
2.1 General Rates.....	11
2.2 Rate Comparisons .....	10
2.3 Borrowing Strategies.....	11
2.4 Forecast Borrowings .....	12
<b>3. FORECAST FINANCIAL STATEMENTS.....</b>	<b>13</b>
3.1 Forecast Statement of Comprehensive Income .. <b>Error! Bookmark not defined.</b>	
3.2 Forecast Statement of Financial Position.....	12
3.3 Forecast Statement of Cash Flows .....	13
3.4 Forecast Statement of Changes in Equity .....	<b>Error! Bookmark not defined.</b>
<b>4. GLOSSARY .....</b>	<b>18</b>

# 1. LONG TERM FINANCIAL PLAN FRAMEWORK

## 1.1 Introduction

The Local Government Act 1999 (the Act) requires Council to develop and adopt Strategic Management Plans (the Plans), including preparation of a Long Term Financial Plan (LTFP). The Strategic Management Plans may be reviewed at any time but Council must in any event, undertake a comprehensive review of the Plans within two (2) years after each general election of the Council.

The LTFP expresses in financial terms the activities Council proposes to undertake over the medium to longer term. The objective of Council's LTFP is to guide the direction of Council in a financially sustainable manner while balancing meeting the needs and expectations of our community and achieving Council's corporate objectives specified in the Community Plan and aligned strategies. The LTFP ensures there is understanding of the impact of decisions made today on Council's future sustainability over a period of at least ten (10) years.

Council operates under a continuous improvement philosophy to accommodate and respond to legislative, economic, political, fiscal and operational environment changes. Each year Council reviews and updates its LTFP as part of the Integrated Planning and Budget Framework and to ensure it reflects and aligns with our changing environment.

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

## 1.2 Strategic Planning Framework

The Community Plan - The Futures Paper 2016-2020 (the Community Plan) and a sound research based earlier long term strategic plan the Futures Paper provide the strategies and actions to guide Council into the future and serve as a blueprint to build a progressive, knowledge based City that embraces new technologies, culture and sustainable living.

### 1.2.1 The City Development Framework Project

Council's Integrated Planning and Budgeting Framework (the Framework) provides a robust and planned approach to planning for the current and future challenges facing the City. The Framework encompasses the development of strategies incorporating economic, social, environment and community opportunities and aspirations aligned to the Community Plan.

### 1.2.2 The Community Plan

The Community Plan represents Council's vision, aspirations and priorities of the Community through to 2020. It describes Council's values, how we work together and outlines the strategic initiatives to achieve ongoing sustainability and prosperity. The Community Plan was endorsed by Council in May 2016. The Council is currently reviewing the Community Plan in accordance with the Act and must complete this review within two years of the Local Government Election held in November 2019.

The Community Plan and the Futures Paper are Council's key strategic documents and are supported by:

- Long Term Financial Plan (LTFP)

- Infrastructure and Asset Management Plans (IAMP)
- Annual Business Plan and Budget (ABP&B).

These plans identify the direction, services, facilities and service levels that Council plans to provide for the Community, for a period of the Strategic Management Plans.

### 1.2.3 Our Vision

**An inclusive city where people lead fulfilling lives**

The richness and diversity of our:

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

makes Mount Gambier the thriving successful place that people are proud to live, work, visit and invest in. These four goals collectively contribute towards the future development growth and prosperity of the City and form the goals of the Community Plan.

Council aspires to create and sustain vibrancy, promote our identity and build a strong reputation as a place to live, work, visit and invest. To provide a future for our people and future generations we need strong leadership, commitment, collaboration, investment, economic growth and employment as well as recreational and educational opportunities.

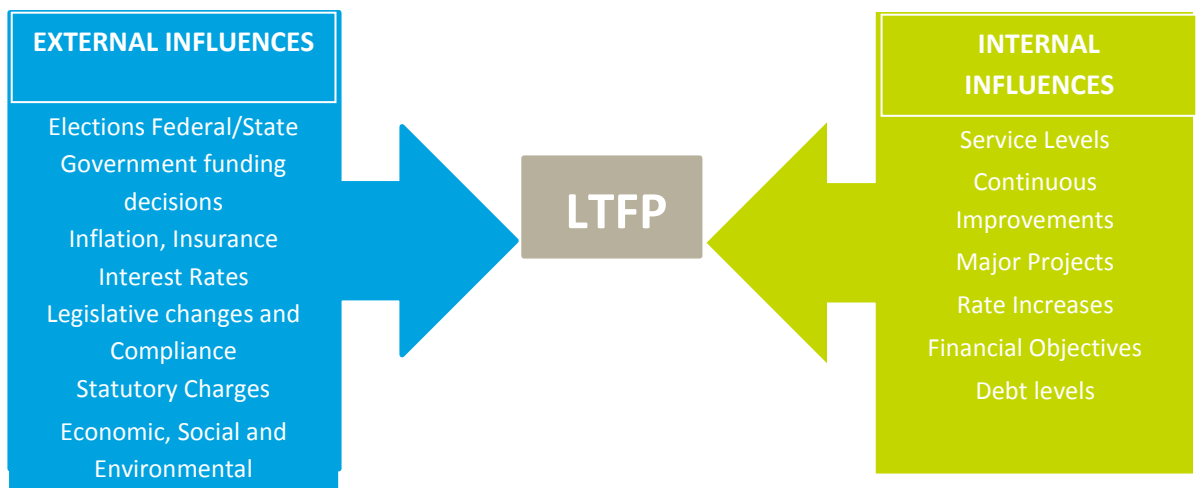
The four goals identify what is important to the Community and how the Community want to contribute and see the City develop and grow. Working together, Council and the Community can collectively achieve these goals.

## 1.3 Long Term Financial Plan Review, Input and Analysis

The annual review process provides an opportunity to refine and update the assumptions and information that Council’s LTFP is based upon. The financial reports and information at the center of the current review include:

- 2017/2018 Audited Financial Statements
- 2018/2019 Annual Budget and mid-year (quarter one) budget review as at 30 September 2018
- 2019/2020 to 2028/2029. Infrastructure and Asset Management Plans

The LTFP incorporates a number of other factors arising from the dynamic and continually changing environment that Council operates. Council is not able to control all of these factors, namely external influences.



### 1.3.1 Key Assumptions

Council's financial projections over the long term planning horizon are not intended to be a prediction of financial position or performance, rather an indication of direction and financial capacity. Projections are shaped by a variety of underlying and dynamic assumptions including the continuation of existing services at current service standards and no changes to services or investment in new or upgraded assets other than what is already planned and approved. Any material changes to services, investments, new assets may require the LTFP to be reviewed prior to the next scheduled review.

Significant issues and assumptions identified in developing projections for 2019/2020 and future years include:

- Commitments by Council to support major infrastructure projects and/or third party major projects and/or third party projects subject to successful grant application outcomes.
- Increase in the Environment Protection Authority's solid waste levy
- Changes in market conditions associated with soft plastics, glass, cardboard and paper recyclable products
- Council Rates: 4.5% increase (2019/2020 - 2028/2029)
- Employee Costs: 2% annual increase linked to the current Enterprise Bargaining Agreements, Award increments, periodic reclassifications and modest growth in staffing to support new strategies
- Consumer Price Index and Local Government Price Index
- Insurance premium increases on average 4-5% for 2019/2020
- Unknown movement in Federal Government Assistance Grants
- Legislative changes (e.g. State : Planning Development and Infrastructure Act reform and potential rate capping in South Australia; Federal: citizenship ceremony changes)
- Cost shifting from other tiers of government onto councils
- Annual real increases at least in line with CPI for Financial Assistance Grants.

Council ensures, where possible, these issues will be offset by aggregate projected operating revenues and proposed variations in the range and level of services provided whilst maintaining overall financial sustainability. This requires prioritisation, discipline and robust balancing of competing strategies and initiatives.

The following strategies and initiatives include capital works projects that are not included in the LTFP as they require further Council consideration, detailed costing and financial analysis and/or are subject to community consultation:

- Public Arts Strategy
- Youth Strategy
- Cultural and Heritage Strategy.

Any other capital works projects for the final five years of the term of the LTFP remain unallocated as this allows Council to review its position in this regard. At any point in the future, Council has the flexibility to determine allocation of further capital works projects, elect to increase or reduce debt or a combination of these.

## 1.4 Financial Sustainability

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

Definition endorsed at the National General Assembly of Local Government in Canberra, November 2006.

### **Why is it important?**

Financial sustainability is important to ensure that each generation 'pays their way', rather than any one generation living off their assets and leaving it to future generations to repay the debt and/or replacing worn out buildings, infrastructure and equipment.

Council is the custodian of infrastructure and assets with a current value in excess of \$241 million. Council is responsible for ensuring these assets are managed efficiently, effectively and sustainably; that decisions regarding the acquisition of new assets and the sale, renewal and maintenance of existing assets are undertaken openly and transparently.

Sound asset management is fundamental to financial sustainability and thus Council's IAMP materially influences and informs the LTFP.

Council is disproportionately exposed to financial risk over the longer term if the planning and budget process has little regard for internal and external influences and ongoing costs/cost increases associated with the maintenance and renewal of its assets beyond the current budget period. It is incumbent on Council to carefully consider information about the stock and service levels of infrastructure, other services, assets and the contribution current ratepayers make to their consumption.

The Act requires Council to prepare an IAMP Plan covering a period of at least 10 years that addresses these considerations.

### **How is it measured?**

To ensure that each generation 'pays their way', it is crucial that current ratepayers effectively fund the current net cost of services provided and community assets consumed. Failure to achieve this intergenerational equity leaves future generations effectively subsidising the current cost of service provision and/or asset consumption.

Council's financial sustainability is measured by the operating surplus/(deficit) as disclosed in Council's Statement of Comprehensive Income. Council's long-term financial sustainability is dependent upon ensuring that, on average, over time its expenses are less than its revenue.

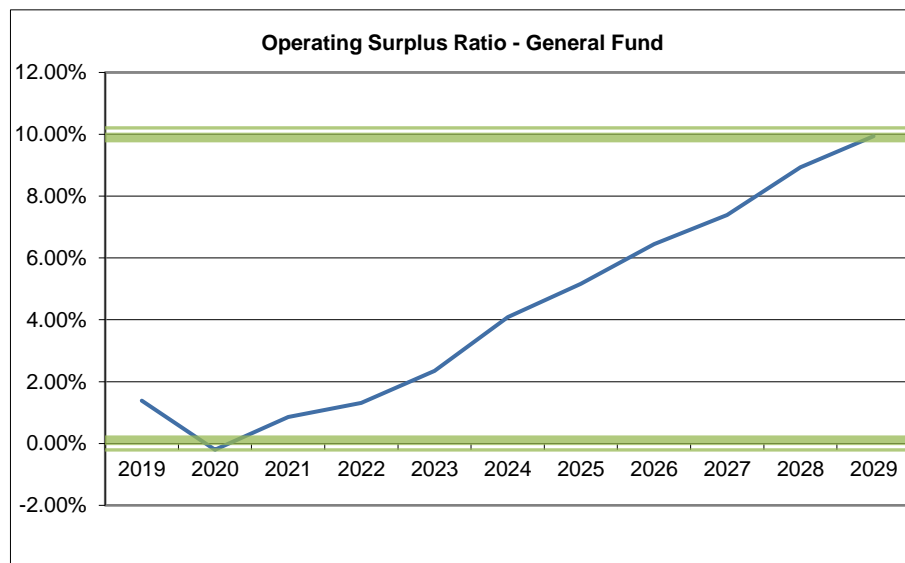
The following SA Local Government sector wide indicators, expressed as ratios, have been developed to focus attention on factors identified as key to securing long-term financial security.

Key Financial Indicator			Min.	Max.
<b>Operating Surplus Ratio (OSR)</b>	By what % does the operating income vary from operating expenses?	The OSR is the operating surplus expressed as a percentage of operating income.	0%	10%
<b>Net Financial Liabilities Ratio (NFLR)</b>	How significant is the net amount owed to others, compared with operating income?	The NFLR is calculated by expressing net financial liabilities at the end of a financial year as a percentage of operating income for the year. If the ratio falls, over time, this indicates that Council's capacity to meet its financial obligations from operating income is strengthening.	0%	100%
<b>Asset Sustainability Ratio (ASR)</b>	Are Assets being renewed and replaced in an optimal way?	The ASR is calculated by measuring capital expenditure on renewal or replacement of assets for a period, divided by the optimal level of such expenditure proposed in Council's Infrastructure and Asset Management Plan.	90%	110%

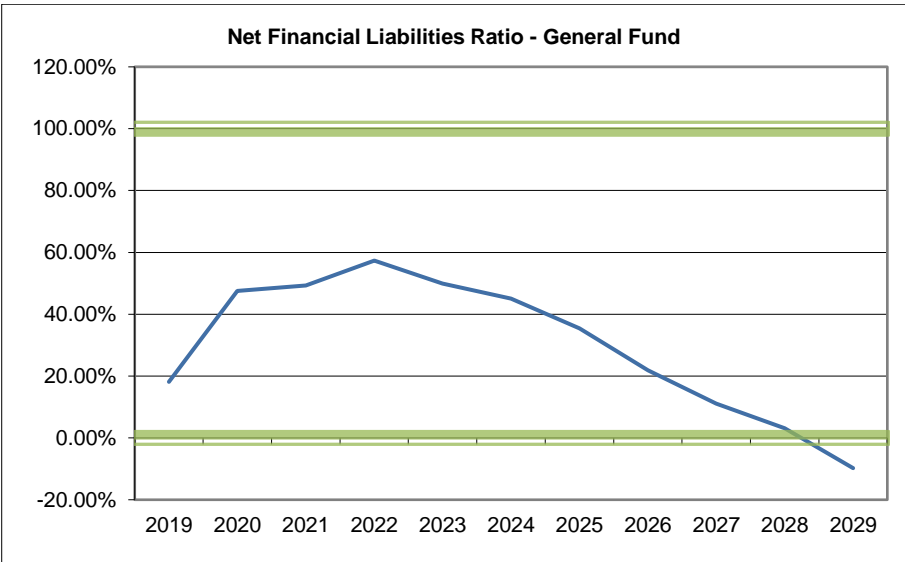
Local Government Association of South Australia, Financial Sustainability, Information Paper 9, Financial Indicators

#### 1.4.1 Forecast Key Financial Indicators

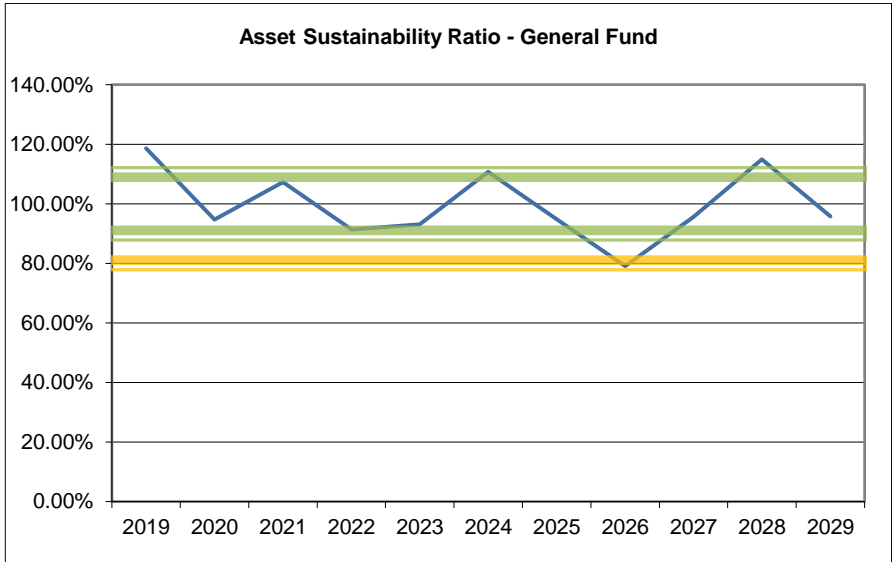
The following graphs illustrate the financial sustainability of the City of Mount Gambier over the life of the LTFP.



The City of Mount Gambier is forecast to meet Operating Surplus Ratio standards for the life of this LTFP.



The City of Mount Gambier is in a very strong financial position. The Net Financial Liabilities Ratio is falling, indicating that Council will have capacity to meet its financial obligations from operating revenues over the longer term. This is due to a combination of revenue forecast to increase and liabilities forecast to decrease.



On occasions, Council will accelerate or reduce asset expenditures over time to compensate for prior events and annual budget fluctuations, or invest in assets by spending more or less now to reduce or increase future maintenance expenses.

The City of Mount Gambier has been investing in refining key inputs and assumptions in its asset management plans. This is now a core component of Council’s asset management function. Due to this Council’s asset sustainability ratio is forecast to achieve at least 80% or higher over the life of the LTFP. Prior to this work Council’s asset sustainability ratio averaged 63%. Two key drivers influencing the change in asset sustainability ratio are:

- Initial landfill cell construction classified as new. Classification of subsequent construction of landfill cells is now being classified as renewal. Consistent with better practice landfill classifications and the reason for this is it effectively increases Council’s capacity to fill air space with waste.
- High level forward planning for Council’s buildings and structure assets.



### 1.4.2 Long Term Financial Plan Projections

The financial projections contained in this LTFP are based on a variety of estimates and assumptions. A modest change in one may have a material effect on the projections. Equally, the level of confidence in projections diminishes with each additional year along the 10 year time horizon. However, these projections do provide Council and the Community with a considered indication of Council's capacity to continue delivering existing services and programs and to improve services to meet the needs of the Community.

As noted, the base case assumes a 'no change' policy i.e. a continuation of existing services and programs. As Council responds to changing Community expectations, it will consider and make decisions to modify/change services and invest in new and improved infrastructure, such as community facilities, that will be funded from the projected strong financial capacity.

Council strives to meet the Community's service expectations noting these expectations are currently concentrated in the areas of health, well-being, digital innovation and economic development whilst also maintaining the flexibility to respond to emerging new strategies in the area of youth, culture and heritage, changing circumstances and initiate new and improved services. Council strives to meet the Community's expectations by:

- Continually reviewing and enhancing services identified as important to our Community
- Investing in renewal and replacement of assets and infrastructure cost-effective
- Taking advantage of opportunities and responding to emerging issues, challenges and opportunities; and
- Being open in the latter years of the Plan to use borrowings to fund new or upgrade facilities and assets.

As with most projections, the view can change as underlying circumstances and assumptions/influences change. For this reason, Council closely monitors its strategic and financial planning outlook and performance. Based on current assumptions the projections indicate that Council is in a sound financial position with a favourable outlook over the term of the LTFP with very tight operating budgets for the first six years of the LTFP to enable Council to return to a positive cash outlook.

These projections are summarised in the Forecast Financial Statements (refer to item 3 of this document).

## 1.5 Long Term Financial Plan Risks

This LTFP is based on information, influences and assumptions available at the time it was adopted. Users of information contained in this LTFP must be aware there are inherent risks associated with the outcomes reported, as circumstances (i.e. change in legislation, compliance, etc.) may bring changes that could materially affect the LTFP outcome and projected results. To ensure this LTFP is timely and relevant to Council's forecasts, it will be reviewed and updated on an annual basis.

## 2. FUNDING THE LONG TERM FINANCIAL PLAN

### 2.1 General Rates

Council continues to rely heavily on rate revenue to fund its annual activities. General rate revenue contributed 72.12% of Council's operating revenue for the 2018/2019 financial year.

### 2.2 Rate Comparisons

The City of Mount Gambier's average residential rates are lower than the SA state averages for both Metropolitan and Regional Councils. For the 2018/2019 financial year, City of Mount Gambier is rating 17.6% lower than the average for all SA Regional Councils.

Average for all SA Metro Councils	\$1,505
Average for all SA Regional Councils	\$1,295
<b>Average for City of Mount Gambier</b>	<b>\$1,101</b>

### 2.3 Borrowing Strategies

Borrowings provide an alternative source of funding to enable Council to achieve its objectives and a means by which cash flows can be averaged out over a longer timeframe. Borrowings and cash flow are reviewed in light of the LTFP and the objective of financial sustainability.

Debt is considered an appropriate and sound source of funding:

- In achieving strategic objectives of Council and within the context of long term financial sustainability.
- In creating long term infrastructure and the spreading of expenses/costs over the life of the asset and future users.
- As a means to fund major capital expenditure only and not as a funding source for operating/recurrent expenditure commitments.

Council's Treasury Management Policy stipulates borrowing and investment direction. Existing borrowings are a mixture of fixed and variable interest loans designed to manage liquidity and interest rate risk.

Existing borrowings are with the Local Government Finance Authority (LGFA), being the preferred financial institution of Local Government and is guaranteed by the SA Government.

## 2.4 Forecast Borrowings

*Council's variable interest loans operate on 'Treasury Management' principles (guided by Council's Treasury Management Policy) which enables Council to utilise cash resources in a holistic way and to significantly reduce loan interest expenditure.*

No additional borrowings are provided for in Council's 2018/2019 Budget, however an amount of \$1.108 million allocated from previous budgets but not spent, is carried forward into the 2018/2019 Budget as 'Works in Progress'. This 'Works in Progress' amount comprised entirely of capital works.

New major capital works projects and associated funding for the final five years of the term of the LTFP remain unallocated to allow Council to review its position in this regard. At any point Council has the flexibility to determine allocation of further major capital works projects, elect to increase or reduce debt or a combination of these.

Council anticipates that funding commitments provided by the South Australian Government and the Federal Government to build a new Community and Recreation Hub may be confirmed by April 2019. If successful, it is common for this type of funding to be subject to milestones that may require funds to be spent by Council before receipt of grant funding payments. This may require borrowings to bridge timing differences between expenditures and payments receipts. It is anticipated that cash reserves may be sufficient to meet needs at the commencement of the project in 2019/2020, and then require additional borrowings in 2020/2021 and 2021/2022.

Also to note, subject to the funding outcome for the Community and Recreation Hub, the LTFP is modelled on refinancing a \$1.6 million balloon payment as at 30 June 2024 related to the original library building loan over a five year term to support a positive cash flow.

### 3. FORECAST FINANCIAL STATEMENTS

City of Mount Gambier												
10 Year Financial Plan for the Years ending 30 June 2029												
INCOME STATEMENT - GENERAL FUND												
Scenario: March 2019 including Community and Recreation Hub												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Income</b>												
Rates	20,597,000	21,485,628	22,468,719	23,478,334	24,533,339	25,635,760	26,786,808	27,988,686	29,244,506	30,556,804	31,928,072	33,358,269
Statutory Charges	447,000	461,700	418,532	426,903	435,441	444,150	453,032	462,093	471,335	480,762	490,377	500,184
User Charges	4,484,000	4,855,060	5,107,578	5,178,730	6,845,365	6,986,563	7,130,692	7,277,815	7,427,993	7,581,290	7,737,771	7,897,502
Grants, Subsidies and Contributions	3,906,000	3,320,701	3,162,044	3,225,285	3,289,790	3,355,596	3,422,698	3,491,152	3,560,975	3,632,194	3,704,838	3,778,935
Investment Income	62,000	48,000	-	-	-	5,000	10,000	15,000	20,000	20,000	20,000	30,000
Reimbursements	83,000	96,600	98,532	100,503	102,513	104,563	106,654	108,787	110,963	113,182	115,446	117,755
Other Income	522,000	257,310	239,039	206,656	209,339	212,076	214,867	217,715	220,619	199,819	202,366	204,963
Net gain - equity accounted Council businesses	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Income</b>	<b>30,101,000</b>	<b>30,524,999</b>	<b>31,494,444</b>	<b>32,616,409</b>	<b>35,415,787</b>	<b>36,743,698</b>	<b>38,124,753</b>	<b>39,561,248</b>	<b>41,056,390</b>	<b>42,584,051</b>	<b>44,198,870</b>	<b>45,887,608</b>
<b>Expenses</b>												
Employee Costs	11,033,000	11,575,206	12,123,711	12,611,645	13,476,594	13,800,720	14,132,428	14,471,893	14,819,296	15,176,995	15,545,394	15,924,922
Materials, Contracts & Other Expenses	10,023,000	11,333,196	11,782,129	11,920,958	12,850,202	13,207,944	13,438,209	13,682,018	14,057,589	14,457,152	14,709,939	14,985,193
Depreciation, Amortisation & Impairment	7,004,000	7,032,005	7,435,669	7,800,454	8,474,102	8,735,527	8,872,946	9,292,867	9,435,838	9,722,207	9,908,613	10,342,977
Finance Costs	236,000	163,124	216,287	204,497	148,362	135,100	121,035	70,005	95,579	82,269	87,348	73,903
Net loss - Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenses</b>	<b>28,296,000</b>	<b>30,103,532</b>	<b>31,557,795</b>	<b>32,337,554</b>	<b>34,949,260</b>	<b>35,879,291</b>	<b>36,564,617</b>	<b>37,516,783</b>	<b>38,408,302</b>	<b>39,438,622</b>	<b>40,250,294</b>	<b>41,326,995</b>
<b>Operating Surplus / (Deficit)</b>	<b>1,805,000</b>	<b>421,467</b>	<b>(63,351)</b>	<b>278,856</b>	<b>466,527</b>	<b>864,407</b>	<b>1,560,135</b>	<b>2,044,466</b>	<b>2,648,089</b>	<b>3,145,429</b>	<b>3,948,576</b>	<b>4,560,613</b>
Asset Disposal & Fair Value Adjustments	(243,000)	399,000	349,000	404,000	395,000	292,000	680,000	433,000	156,000	605,000	367,000	619,000
Amounts Received Specifically for New or Upgraded Assets	445,000	-	335,500	100,000	305,000	190,000	130,000	130,000	130,000	130,000	130,000	130,000
Physical Resources Received Free of Charge	463,000	-	-	-	-	-	-	-	-	-	-	-
Operating Result from Discontinued Operations	-	-	-	-	-	-	-	-	-	-	-	-
<b>Net Surplus / (Deficit)</b>	<b>2,470,000</b>	<b>820,467</b>	<b>621,149</b>	<b>782,856</b>	<b>1,166,527</b>	<b>1,346,407</b>	<b>2,370,135</b>	<b>2,607,466</b>	<b>2,934,089</b>	<b>3,880,429</b>	<b>4,445,576</b>	<b>5,309,613</b>
<b>Total Other Comprehensive Income</b>	<b>19,893,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Comprehensive Income</b>	<b>22,363,000</b>	<b>820,467</b>	<b>621,149</b>	<b>782,856</b>	<b>1,166,527</b>	<b>1,346,407</b>	<b>2,370,135</b>	<b>2,607,466</b>	<b>2,934,089</b>	<b>3,880,429</b>	<b>4,445,576</b>	<b>5,309,613</b>

## City of Mount Gambier

## 10 Year Financial Plan for the Years ending 30 June 2029

## BALANCE SHEET - GENERAL FUND

Scenario: March 2019 including Community and Recreation Hub

	Actuals 2017/18 \$	Current Year 2018/19 \$	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	Projected Years					2028/29 \$
							2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$	2027/28 \$	
<b>ASSETS</b>												
<b>Current Assets</b>												
Cash & Cash Equivalents	4,587,000	4,651,868	-	-	-	-	-	-	660,004	4,736,143	7,846,520	13,451,869
Trade & Other Receivables	1,524,000	1,060,355	1,054,220	1,018,055	1,068,591	1,100,369	1,133,757	1,169,038	1,205,875	1,201,138	1,239,905	1,280,195
Other Financial Assets	-	-	-	-	-	-	-	-	-	-	-	-
Inventories	304,000	119,870	124,618	126,087	135,917	139,701	142,136	144,715	148,688	152,914	155,577	158,499
Non-current assets classified as "Held for Sale"	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Current Assets</b>	<b>6,415,000</b>	<b>5,832,092</b>	<b>1,178,838</b>	<b>1,144,142</b>	<b>1,204,507</b>	<b>1,240,070</b>	<b>1,275,893</b>	<b>1,313,753</b>	<b>2,014,567</b>	<b>6,090,195</b>	<b>9,242,002</b>	<b>14,890,563</b>
<b>Non-Current Assets</b>												
Financial Assets	-	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000
Equity Accounted Investments in Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
Investment Property	-	-	-	-	-	-	-	-	-	-	-	-
Infrastructure, Property, Plant & Equipment	246,964,000	248,470,355	265,197,339	267,065,568	274,688,053	274,071,209	281,720,391	281,144,406	281,173,783	280,803,450	288,104,263	287,561,200
Intangible Assets	-	-	-	-	-	-	-	-	-	-	-	-
Non-current assets classified as "Held for Sale"	-	-	-	-	-	-	-	-	-	-	-	-
Other Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Non-Current Assets</b>	<b>246,964,000</b>	<b>248,505,355</b>	<b>265,232,339</b>	<b>267,100,568</b>	<b>274,723,053</b>	<b>274,106,209</b>	<b>281,755,391</b>	<b>281,179,406</b>	<b>281,208,783</b>	<b>280,838,450</b>	<b>288,139,263</b>	<b>287,596,200</b>
<b>TOTAL ASSETS</b>	<b>253,379,000</b>	<b>254,337,447</b>	<b>266,411,178</b>	<b>268,244,710</b>	<b>275,927,560</b>	<b>275,346,279</b>	<b>283,031,285</b>	<b>282,493,159</b>	<b>283,223,350</b>	<b>286,928,646</b>	<b>297,381,265</b>	<b>302,486,763</b>
<b>LIABILITIES</b>												
<b>Current Liabilities</b>												
Bank Overdraft	-	-	4,808,996	5,948,359	10,205,737	8,396,739	8,901,224	4,193,671	-	-	-	-
Trade & Other Payables	2,429,000	2,782,613	2,892,615	2,942,091	3,167,030	3,255,795	3,321,596	3,390,730	3,485,255	3,584,906	3,658,282	3,737,199
Borrowings	218,000	194,581	206,371	218,875	232,137	1,719,901	-	299,209	312,519	326,421	340,942	176,117
Provisions	2,332,000	2,676,404	2,683,915	2,691,427	2,693,943	2,696,460	2,698,976	2,702,961	2,706,946	2,710,931	2,717,089	2,723,371
Other Current Liabilities	-	-	-	-	-	-	-	-	-	-	-	-
Liabilities relating to Non-Current Assets classified as "Held for Sale"	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Current Liabilities</b>	<b>4,979,000</b>	<b>5,653,598</b>	<b>10,591,897</b>	<b>11,800,752</b>	<b>16,298,848</b>	<b>16,068,894</b>	<b>14,921,796</b>	<b>10,586,571</b>	<b>6,504,720</b>	<b>6,622,259</b>	<b>6,716,312</b>	<b>6,636,686</b>
<b>Non-Current Liabilities</b>												
Trade & Other Payables	-	-	-	-	-	-	-	-	-	-	-	-
Borrowings	2,572,000	2,377,285	2,170,914	1,952,038	1,719,901	0	0	1,155,999	843,480	517,059	176,117	0
Provisions	3,593,000	3,251,096	3,311,743	3,372,440	3,394,554	3,416,720	3,438,941	3,472,577	3,506,269	3,540,018	3,590,633	3,642,261
Liability - Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
Other Non-Current Liabilities	-	-	-	-	-	-	-	-	-	-	-	-
Liabilities relating to Non-Current Assets classified as "Held for Sale"	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Non-Current Liabilities</b>	<b>6,165,000</b>	<b>5,628,382</b>	<b>5,482,657</b>	<b>5,324,478</b>	<b>5,114,455</b>	<b>3,416,720</b>	<b>3,438,942</b>	<b>4,628,576</b>	<b>4,349,749</b>	<b>4,057,077</b>	<b>3,766,750</b>	<b>3,642,261</b>
<b>TOTAL LIABILITIES</b>	<b>11,144,000</b>	<b>11,281,980</b>	<b>16,074,553</b>	<b>17,125,230</b>	<b>21,413,303</b>	<b>19,485,615</b>	<b>18,360,737</b>	<b>15,215,147</b>	<b>10,854,468</b>	<b>10,679,335</b>	<b>10,483,063</b>	<b>10,278,947</b>
<b>Net Assets</b>	<b>242,235,000</b>	<b>243,055,467</b>	<b>250,336,624</b>	<b>251,119,480</b>	<b>254,514,257</b>	<b>255,860,664</b>	<b>264,670,547</b>	<b>267,278,013</b>	<b>272,368,881</b>	<b>276,249,310</b>	<b>286,898,203</b>	<b>292,207,816</b>
<b>EQUITY</b>												
Accumulated Surplus	65,996,000	66,806,467	67,427,616	68,210,471	69,376,999	70,723,406	73,093,541	75,701,007	78,635,095	82,515,524	86,961,100	92,270,713
Asset Revaluation Reserves	175,402,000	175,402,000	182,062,008	182,062,008	184,290,258	184,290,258	190,730,006	190,730,006	192,888,786	192,888,786	199,090,103	199,090,103
Available for Sale Financial Assets	-	-	-	-	-	-	-	-	-	-	-	-
Other Reserves	847,000	847,000	847,000	847,000	847,000	847,000	847,000	847,000	847,000	847,000	847,000	847,000
<b>Total Equity</b>	<b>242,235,000</b>	<b>243,055,467</b>	<b>250,336,624</b>	<b>251,119,480</b>	<b>254,514,257</b>	<b>255,860,664</b>	<b>264,670,547</b>	<b>267,278,013</b>	<b>272,368,881</b>	<b>276,249,310</b>	<b>286,898,203</b>	<b>292,207,816</b>

City of Mount Gambier												
10 Year Financial Plan for the Years ending 30 June 2029												
CASH FLOW STATEMENT - GENERAL FUND												
Scenario: March 2019 including Community and Recreation Hub												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Cash Flows from Operating Activities</b>												
<b>Receipts:</b>												
Rates Receipts	19,522,000	21,415,055	22,445,815	23,454,812	24,508,780	25,610,076	26,759,991	27,960,685	29,215,248	30,526,230	31,896,124	33,324,948
Statutory Charges	447,000	461,700	418,532	426,903	435,441	444,150	453,032	462,093	471,335	480,762	490,377	500,184
User Charges	4,343,000	4,855,060	5,107,578	5,178,730	6,845,365	6,986,563	7,130,692	7,277,815	7,427,993	7,581,290	7,737,771	7,897,502
Grants, Subsidies and Contributions (operating purpose)	3,906,000	3,320,701	3,162,044	3,225,285	3,289,790	3,355,586	3,422,698	3,491,152	3,560,975	3,632,194	3,704,838	3,778,935
Investment Receipts	62,000	48,000	-	-	-	5,000	10,000	15,000	20,000	20,000	20,000	30,000
Reimbursements	61,000	96,600	98,532	100,503	102,513	104,563	106,654	108,787	110,963	113,182	115,446	117,755
Other	597,000	881,784	282,369	278,856	216,463	221,095	223,845	226,632	230,078	252,621	213,840	217,048
<b>Payments:</b>												
Payments to Employees	(12,591,000)	(11,868,172)	(12,111,010)	(12,600,346)	(13,456,566)	(13,793,215)	(14,124,747)	(14,464,033)	(14,811,252)	(15,168,712)	(15,536,864)	(15,916,133)
Payments for Materials, Contracts & Other Expenses	(8,940,000)	(10,825,243)	(11,701,318)	(11,894,162)	(12,685,549)	(13,142,876)	(13,395,312)	(13,636,705)	(13,989,248)	(14,384,571)	(14,662,064)	(14,933,993)
Finance Payments	(172,000)	(163,124)	(150,679)	(138,889)	(126,385)	(113,123)	(99,058)	(35,200)	(60,774)	(47,464)	(33,562)	(19,041)
<b>Net Cash provided (or used in) Operating Activities</b>	<b>7,235,000</b>	<b>8,422,361</b>	<b>7,551,863</b>	<b>8,031,691</b>	<b>9,129,832</b>	<b>9,677,820</b>	<b>10,487,797</b>	<b>11,406,226</b>	<b>12,175,318</b>	<b>13,005,532</b>	<b>13,945,907</b>	<b>14,997,205</b>
<b>Cash Flows from Investing Activities</b>												
<b>Receipts:</b>												
Amounts Received Specifically for New/Upgraded Assets	445,000	-	335,500	100,000	305,000	190,000	130,000	130,000	130,000	130,000	130,000	130,000
Sale of Replaced Assets	146,000	-	-	-	-	-	-	-	-	-	-	-
Sale of Surplus Assets	71,000	-	-	-	-	-	-	-	-	-	-	-
Sale of Investment Property	-	-	-	-	-	-	-	-	-	-	-	-
Sale of Non Current Assets "Held for Sale"	-	-	-	-	-	-	-	-	-	-	-	-
Net Disposal of Investment Securities	-	-	-	-	-	-	-	-	-	-	-	-
Sale of Real Estate Developments	-	-	-	-	-	-	-	-	-	-	-	-
Sale of Intangible Assets	-	-	-	-	-	-	-	-	-	-	-	-
Repayments of Loans by Community Groups	35,000	-	-	-	-	-	-	-	-	-	-	-
Sale of Interests in Joint Ventures & Associates	-	-	-	-	-	-	-	-	-	-	-	-
Distributions Received from Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
Other Investing Activity Receipts	-	-	-	-	-	-	-	-	-	-	-	-
<b>Payments:</b>												
Expenditure on Renewal/Replacement of Assets	(4,053,000)	(7,047,360)	(6,902,428)	(7,758,583)	(6,747,720)	(7,012,135)	(8,516,384)	(7,463,116)	(6,358,402)	(7,849,615)	(9,074,619)	(8,253,574)
Expenditure on New/Upgraded Assets	(2,114,000)	(1,092,000)	(10,251,217)	(1,308,100)	(8,725,616)	(8,145,548)	(885,997)	(820,765)	(794,033)	(897,259)	(964,490)	(927,340)
Purchase of Investment Property	-	-	-	-	-	-	-	-	-	-	-	-
Net Purchase of Investment Securities	-	-	-	-	-	-	-	-	-	-	-	-
Development of Real Estate for Sale	-	-	-	-	-	-	-	-	-	-	-	-
Expenditure on Intangible Assets	-	-	-	-	-	-	-	-	-	-	-	-
Loans Made to Community Groups	-	-	-	-	-	-	-	-	-	-	-	-
Purchase of Interests in Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Contributed to Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
Other Investing Activity Payments	-	-	-	-	-	-	-	-	-	-	-	-
<b>Net Cash provided (or used in) Investing Activities</b>	<b>(5,470,000)</b>	<b>(8,139,360)</b>	<b>(16,818,145)</b>	<b>(8,964,683)</b>	<b>(13,168,336)</b>	<b>(7,636,684)</b>	<b>(9,272,381)</b>	<b>(8,153,882)</b>	<b>(7,022,434)</b>	<b>(8,816,874)</b>	<b>(10,509,109)</b>	<b>(9,050,913)</b>
<b>Cash Flows from Financing Activities</b>												
<b>Receipts:</b>												
Proceeds from Borrowings	-	-	-	-	-	-	-	1,600,000	-	-	-	-
Receipt of Funds from Finance Leases	-	-	-	-	-	-	-	-	-	-	-	-
Proceeds from Aged Care Facility Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Proceeds from Bonds & Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Receipts from Other Financing Activities	-	-	-	-	-	-	-	-	-	-	-	-
<b>Payments:</b>												
Repayments of Borrowings	(206,000)	(218,134)	(194,581)	(206,371)	(218,875)	(232,137)	(1,719,901)	(144,791)	(299,209)	(312,519)	(326,421)	(340,942)
Repayment of Finance Lease Liabilities	-	-	-	-	-	-	-	-	-	-	-	-
Repayment of Aged Care Facility Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Repayment of Bonds & Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Payments of Other Financing Activities	-	-	-	-	-	-	-	-	-	-	-	-
<b>Net Cash Flow provided (used in) Financing Activities</b>	<b>(206,000)</b>	<b>(218,134)</b>	<b>(194,581)</b>	<b>(206,371)</b>	<b>(218,875)</b>	<b>(232,137)</b>	<b>(1,719,901)</b>	<b>1,455,209</b>	<b>(299,209)</b>	<b>(312,519)</b>	<b>(326,421)</b>	<b>(340,942)</b>
<b>Net Increase/(Decrease) in Cash &amp; Cash Equivalents</b>	<b>1,559,000</b>	<b>64,868</b>	<b>(9,460,863)</b>	<b>(1,139,363)</b>	<b>(4,257,379)</b>	<b>1,808,999</b>	<b>(504,485)</b>	<b>4,707,553</b>	<b>4,853,674</b>	<b>4,076,139</b>	<b>3,110,377</b>	<b>5,605,350</b>
plus: Cash & Cash Equivalents - beginning of year	3,028,000	4,587,000	4,651,888	(4,808,996)	(5,948,359)	(10,205,737)	(8,396,739)	(8,901,224)	(4,193,671)	660,004	4,736,143	7,846,520

Cash & Cash Equivalents - end of the year	4,587,000	4,651,868	(4,808,996)	(5,948,359)	(10,205,737)	(8,396,739)	(8,901,224)	(4,193,671)	660,004	4,736,143	7,846,520	13,451,869
Cash & Cash Equivalents - end of the year	4,587,000	4,651,868	(4,808,996)	(5,948,359)	(10,205,737)	(8,396,739)	(8,901,224)	(4,193,671)	660,004	4,736,143	7,846,520	13,451,869
Investments - end of the year	-	-	-	-	-	-	-	-	-	-	-	-
Cash, Cash Equivalents & Investments - end of the year	4,587,000	4,651,868	(4,808,996)	(5,948,359)	(10,205,737)	(8,396,739)	(8,901,224)	(4,193,671)	660,004	4,736,143	7,846,520	13,451,869
Representing:												
- External Restrictions	-	-	-	-	-	-	-	-	-	-	-	-
- Internal Restrictions	-	-	-	-	-	-	-	-	-	-	-	-
- Unrestricted	4,587,000	4,651,868	(4,808,996)	(5,948,359)	(10,205,737)	(8,396,739)	(8,901,224)	(4,193,671)	660,004	4,736,143	7,846,520	13,451,869
	4,587,000	4,651,868	(4,808,996)	(5,948,359)	(10,205,737)	(8,396,739)	(8,901,224)	(4,193,671)	660,004	4,736,143	7,846,520	13,451,869

City of Mount Gambier 10 Year Financial Plan for the Years ending 30 June 2029 EQUITY STATEMENT - GENERAL FUND Scenario: March 2019 including Community and Recreation Hub												
	Actuals 2017/18	Current Year 2018/19	2019/20	2020/21	2021/22	2022/23	Projected Years					2028/29
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Opening Balance	219,872,000	242,235,000	243,055,467	250,336,624	251,119,480	254,514,257	255,860,664	264,670,547	267,278,013	272,368,881	276,249,310	286,898,203
Net Surplus / (Deficit) for Year	2,470,000	820,467	621,149	782,856	1,166,527	1,346,407	2,370,135	2,607,466	2,934,089	3,880,429	4,445,576	5,309,613
Other Comprehensive Income												
- Gain (Loss) on Revaluation of I,PP&E	21,108,000	-	6,660,008	-	2,228,250	-	6,439,748	-	2,156,780	-	6,203,316	-
- Available for Sale Financial Instruments: change in fair value	-	-	-	-	-	-	-	-	-	-	-	-
- Impairment (loss) reversal relating to I,PP&E	(1,215,000)	-	-	-	-	-	-	-	-	-	-	-
- Transfer to Accumulated Surplus on Sale of I,PP&E	-	-	-	-	-	-	-	-	-	-	-	-
- Transfer to Acc. Surplus on Sale of AFS Financial Instruments	-	-	-	-	-	-	-	-	-	-	-	-
- Share of OCI - Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
- Other Equity Adjustments - Equity Accounted Council Businesses	-	-	-	-	-	-	-	-	-	-	-	-
- Other Movements	-	-	-	-	-	-	-	-	-	-	-	-
Other Comprehensive Income	19,893,000	-	6,660,008	-	2,228,250	-	6,439,748	-	2,156,780	-	6,203,316	-
Total Comprehensive Income	22,363,000	820,467	7,281,157	782,856	3,394,777	1,346,407	8,809,883	2,607,466	5,090,869	3,880,429	10,648,892	5,309,613
Transfers between Equity	-	-	-	-	-	-	-	-	-	-	-	-
Equity - Balance at end of the reporting period	242,235,000	243,055,467	250,336,624	251,119,480	254,514,257	255,860,664	264,670,547	267,278,013	272,368,881	276,249,310	286,898,203	292,207,816



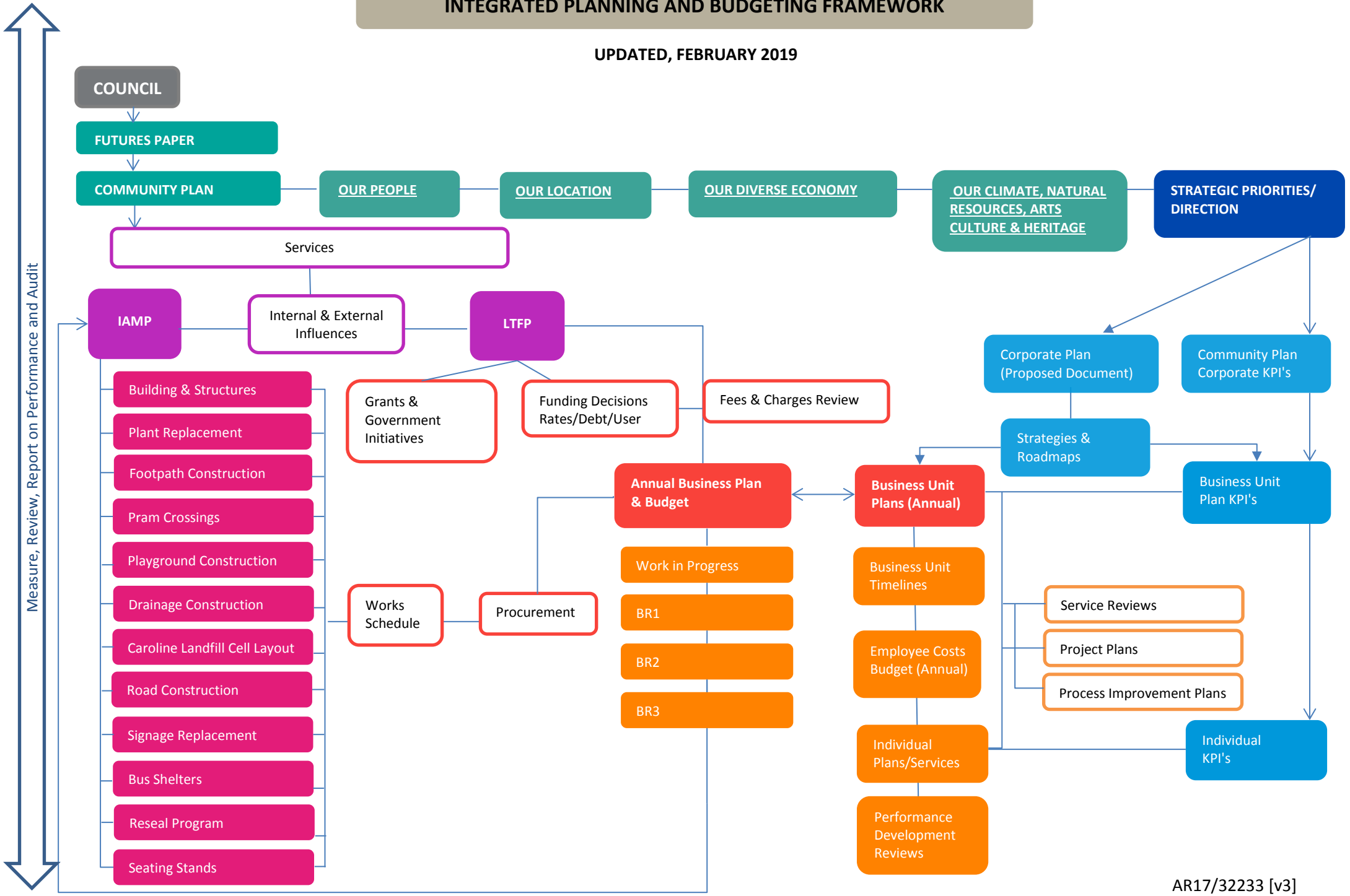
## 4. GLOSSARY

<b>Term</b>	<b>Definition</b>
<b>Asset Sustainability Ratio (ASR)</b>	Asset Sustainability Ratio indicates whether the Council is renewing or replacing existing non-financial assets at the same rate as its assets are used or 'consumed'. The ratio is calculated by measuring capital expenditure on renewal and replacement of assets relative to the level of depreciation. Where a Council has a soundly based Infrastructure and Asset Management Plan, a more meaningful asset sustainability ratio would be calculated by measuring the actual level of capital expenditure on renewal and replacement of assets (or proposed in the Budget) with the optimal level identified in the Plan.
<b>Financial Assets</b>	Financial Assets include cash, investments, loans to community groups, receivables and prepayments, but excludes equity held in Council businesses, inventories and land held for resale.
<b>Financial Sustainability</b>	Financial Sustainability is where planned long-term service and infrastructure levels and standards are met without unplanned and disruptive increases in rates or cuts to services.
<b>Infrastructure and Asset Management Plan (IAMP)</b>	A operational plan for Council's Land, Building and Structure, Infrastructure, Plant and Equipment and other physical assets with the objective of providing the required level of service, maintenance and renewal of such assets in the most cost effective and efficient manner.
<b>Net Financial Liabilities Ratio (NFLR)</b>	Net Financial Liabilities Ratio expresses Net Financial Liabilities as a percentage of total operating revenue. The ratio allows interested parties to readily equate the outstanding level of the Council's accumulated financial obligations against the level of one-year's operating revenue. Where the ratio reduces over time, it generally indicates that the Council's capacity to meet its financial obligations is strengthening.
<b>Net Lending/ (Borrowing)</b>	Net Lending/ (Borrowing) equals Operating Surplus / (Deficit), less net outlays on non-financial assets. The Net Lending / (Borrowing) result is a measure of the Council's overall (i.e. Operating and Capital) budget on an accrual basis. Achieving a zero result on the Net Lending / (Borrowing) measure in any one year essentially means that the Council has met all of its expenditure (both operating and capital) from the current year's revenues.
<b>Non-financial or Physical Asset</b>	Non-financial or Physical Assets refers to infrastructure, land, buildings, plant, equipment, furniture and fittings, library books and inventories.
<b>Operating Deficit</b>	Operating Deficit is where operating revenues are less than operating expenses (i.e. operating revenue is therefore not sufficient to cover all operating expenses).
<b>Operating Expenses</b>	Operating Expenses are operating expenses shown in the Income Statement, including depreciation, but excluding losses on disposal or revaluation of non-financial assets.
<b>Operating Revenues</b>	Operating Revenues are incomes shown in the Income Statement, but exclude profit on disposal of non-financial assets and amounts received specifically for new/upgraded assets (e.g. from a developer). For ratios calculated where the denominator specified is total operating revenue or rate revenue, Natural Resource Management (NRM) levy revenue is excluded.
<b>Operating Surplus</b>	Operating Surplus is where operating revenues are greater than operating expenses (i.e. operating revenue is therefore sufficient to cover all operating expenses).
<b>Operating Surplus Ratio (OSR)</b>	Operating Surplus Ratio expresses the operating surplus (deficit) as a percentage of general and other rates.

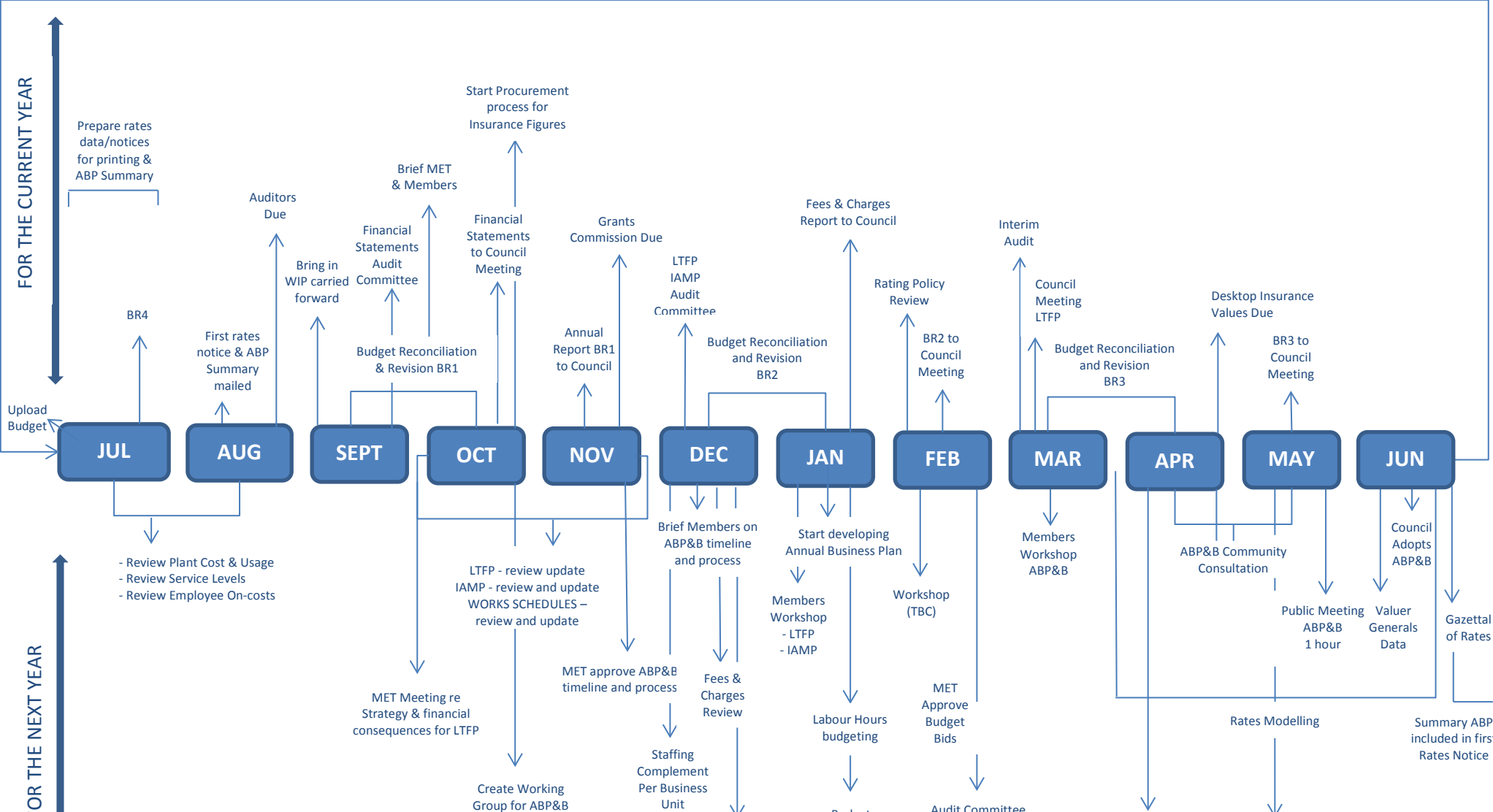


# INTEGRATED PLANNING AND BUDGETING FRAMEWORK

UPDATED, FEBRUARY 2019

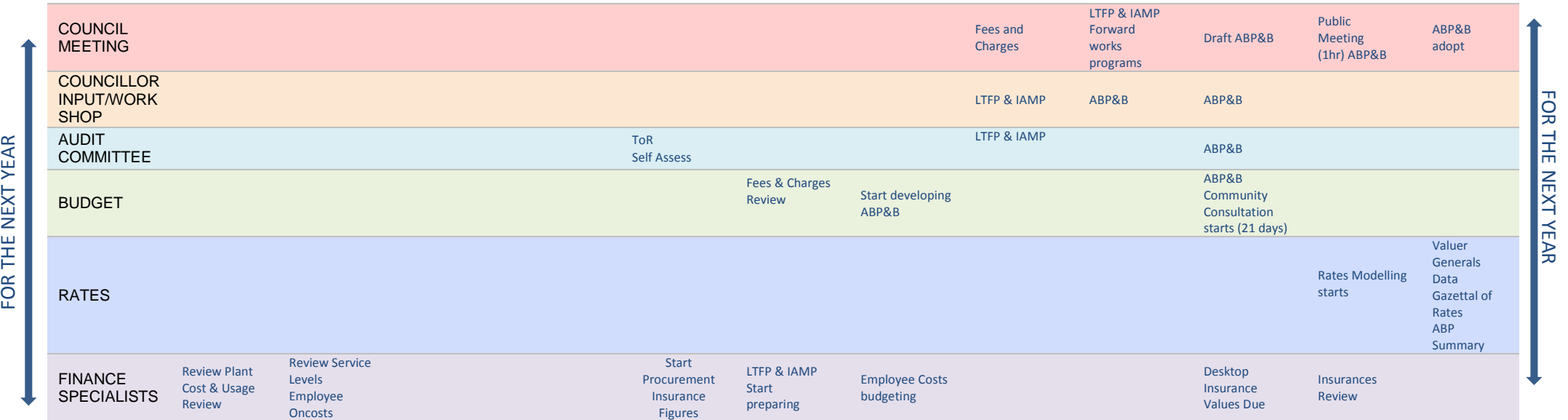
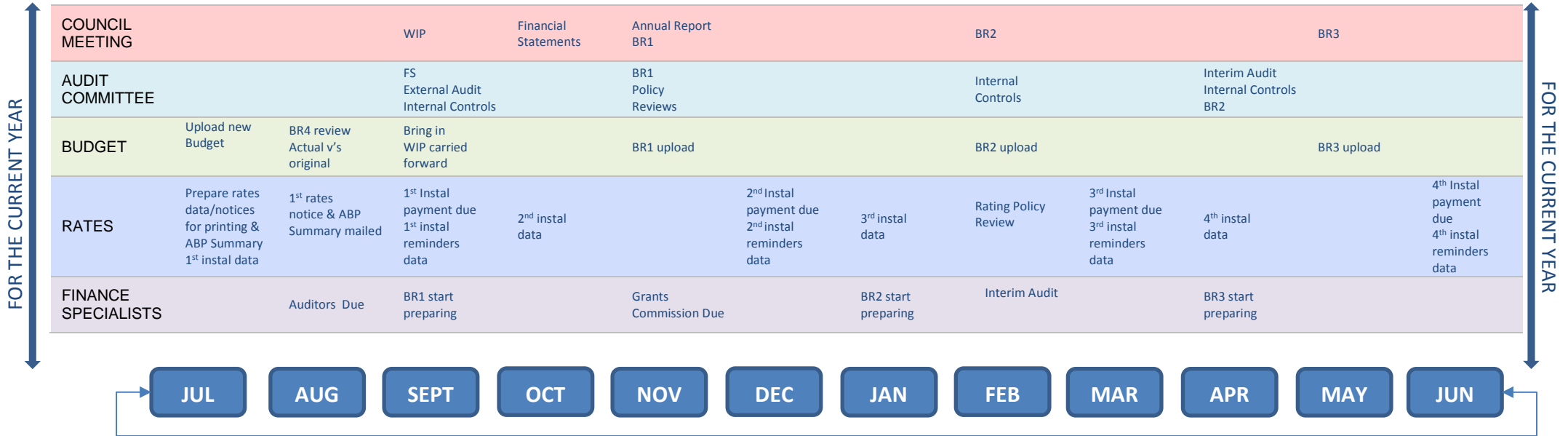


# INTEGRATED PLANNING AND BUDGET FRAMEWORK TIMELINE



- ABBREVIATIONS**
- LTFP - Long Term Financial Plan
  - BR - Budget Revision
  - ABP&B - Annual Business Plan and Budget
  - IAMP - Infrastructure Asset Management Plan
  - WIP - Work in Progress

# INTEGRATED PLANNING AND BUDGET FRAMEWORK TIMELINE



## ABBREVIATIONS

ABP	-	Annual Business Plan	Instal	-	Instalment
ABP&B	-	Annual Business Plan and Budget	LTFP	-	Long Term Financial Plan
BR	-	Budget Revision	ToR	-	Terms of Reference
FS	-	Financial Statements	WIP	-	Work in Progress
IAMP	-	Infrastructure Asset Management Plan			

 City of Mount Gambier	<b>TBC – ASSET MANAGEMENT POLICY</b>	Version No:	1
		Issued:	March 2019
		Next Review:	March 2021

## 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier (Council) to:

- 1.1 Ensure adequate provision is made for the long-term management of major Council infrastructure and assets by:
  - 1.1.1 Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
  - 1.1.2 Safeguarding Council assets including physical assets by implementing appropriate asset management strategies and financial resources for those assets.
  - 1.1.3 Creating awareness amongst employees and elected members of their responsibilities for the creation and management of sustainable assets.
  - 1.1.4 Meeting legislative requirements for asset management.
  - 1.1.5 Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
  - 1.1.6 Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.
  - 1.1.7 Ensuring an integrated approach across all business units in asset management service delivery.
- 1.2 Set the guidelines for implementing consistent asset management practice and procedure throughout the City of Mount Gambier.

## 2. SCOPE

- 2.1 Council is custodian of approximately \$247 million of assets comprising land, buildings, road infrastructure, footpaths, drainage infrastructure, plant and equipment, art and history collections, library books, technology and a regional landfill which have been built up progressively over many years.
- 2.2 This policy applies to Council assets within the City of Mount Gambier that are owned managed and under the care, control and management of Council including Caroline and Orchard Road Landfills that are located within the District Council of Grant. Motor vehicles are governed under their own Council policy and as such the management thereof are excluded from the scope of this policy.
- 2.3 This Policy applies to all Councillors and Council officers involved in the creation, operation, maintenance, upgrade, renewal and rationalisation of Council assets. This Policy also applies to all contracts applicable in these areas and officers responsible for the delivery of services that make use of Council assets.

## 3. PRINCIPLES

- 3.1 In accordance with Section 122 of the Local Government Act (SA) 1999 Council is required to have in place a consistent Asset Management Strategy enacted through the existence of regularly reviewed Infrastructure and Asset Management Plan(s). Therefore:

 City of Mount Gambier	<b>TBC – ASSET MANAGEMENT POLICY</b>	Version No:	1
		Issued:	March 2019
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- 3.1.1 All relevant legislative requirements together with political, social and economic environments will be taken into account in asset management.
- 3.1.2 Systematic asset management and appropriate asset management best practice throughout the Council will underpin the asset management planning and operational processes.
- 3.1.3 Methodical reviews in accordance with the Asset Management Strategy will applied to all asset classes to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- 3.1.4 Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long term financial plan will be funded as a matter of priority in the annual budget plan estimates.
- 3.1.5 Asset renewals will only be brought forward if they are included in the forecast ten year program approved in the relevant Asset Management Plan. The only exception is where there is a clearly documented and approved strategic and economic justification via a business case, annual project budget bid and/or by Council recommendation.
- 3.1.6 Asset information that is created or changes as a result of creating, upgrading, renewing, receiving and/or disposing of assets owned by or in the custody of Council will flow in a timely fashion to appropriate Council asset management system(s).

#### 4. POLICY STATEMENT

- 4.1 The Council exists to provide services to its community. Some of these services are provided by infrastructure assets including a number of non-current assets which have been created by Council or transferred to Council at no cost by developers and others to meet increased levels of service or to provide for new communities / expansion.
- 4.2 Council's goal in managing infrastructure assets is to meet the defined level of service (as amended from time to time) in the most sustainable (including cost effective) manner for present and future generations.

The key elements of infrastructure asset management are:

- 4.2.1 Providing a defined level of service and monitoring performance;
- 4.2.2 Managing the impact of growth through demand management and infrastructure investment;
- 4.2.3 Taking a lifecycle approach to developing cost-effective management strategies for the long-term that meet the defined level of service;
- 4.2.4 Identifying, assessing and appropriately controlling risks; and
- 4.2.5 Having a long-term financial plan that identifies required, affordable expenditure and how defines how it will be financed.

	<b>TBC – ASSET MANAGEMENT POLICY</b>	Version No:	1
		Issued:	March 2019
		Next Review:	March 2021

## 5. KEY ACTIONS

- 5.1 Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of Council. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.
- 5.2 Asset management practices impact directly on the core business of Council and appropriate asset management is required to achieve Council's strategic service delivery objectives.
- 5.3 A strategic approach to asset management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on:
- 5.3.1 Members of the public and staff;
  - 5.3.2 Council's financial position;
  - 5.3.3 The ability of Council to deliver the expected level of service and infrastructure;
  - 5.3.4 The political environment in which Council operates; and
  - 5.3.5 The legal responsibilities of Council.

## 6. SERVICE LEVELS

- 6.1 Service levels agreed through the budget process and defined in Infrastructure and Asset Management Plans will be funded as a matter of priority in the annual budget estimates.
- 6.2 Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- 6.3 An inspection or condition rating regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
- 6.4 Future service levels will be determined in consultation with the community.

	<b>TBC – ASSET MANAGEMENT POLICY</b>	Version No:	1
		Issued:	March 2019
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## 7. 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.

File Reference:	AF11/1786
Applicable Legislation:	Local Government Act, 1999 Chapter 8 Part 1
Reference: Community Plan 2016-2020	Goal 2: Our Location
Related Policies:	C375 – Council Vehicles - Provision and Replacement of  E500 - Provision of Council Resources to Support the Emergency Services in Emergencies
Related Procedures:	Nil
Related Documents:	Asset Management Strategy

## DOCUMENT DETAILS

Responsibility:	General Manager, Council Business Services
Version:	1.0
Last revised date:	Not applicable
Effective date:	TBC
Minute reference:	
Next review date:	March 2021
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	March 2019



City of  
Mount Gambier

# Asset Management Plan Summary

2020/2029

March 2019



**Document Control**



Document ID: AR19/7730 City of Mount Gambier Infrastructure Asset Management Plan - Summary

Rev No	Date	Revision Details	Author	Reviewer	Approver
1	March 2019	Creation of separate Asset Management Plan Summary	KR	NS	NS

DRAFT

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# TABLE OF CONTENTS

ABBREVIATIONS .....	1
1. Summary .....	2
2. Key Asset Management Projects .....	3
2.1. Footpath Construction Program .....	3
2.2. Buildings and Structures strategic analysis .....	3
3. Mobilising the Workforce.....	4
4. Caroline Landfill.....	4
5. New Projects .....	4
6. Asset Management Plans .....	4
7. Asset Management Practices .....	5
7.1. Accounting / Financial Systems.....	5
7.2. Asset Management Systems.....	5
7.3. Information Flow Requirements and Processes.....	5
8. Plan Improvement and Monitoring.....	6
8.1. Performance Measures .....	6
8.2. Improvement Plan .....	6
8.3. Monitoring and Review Procedures.....	6
REFERENCES .....	7
APPENDICES .....	8
Appendix A Maintenance Response Levels of Service.....	8

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## ABBREVIATIONS

AM	Asset Management
AMPs	Asset Management Plans
CVR	Capital Value Record
IRMP	Infrastructure Risk Management Plan
LTFP	Council's Long Term Financial Plan

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# 1. Summary

The City of Mount Gambier currently manages approximately \$247 million of assets on behalf of the community. Council recognises the importance that these assets be provided and maintained at a satisfactory level taking into consideration legislative and compliance obligations, community expectations and available resources.

Assets are categorised into eight broad asset classes. Each class contains complex data, including information about an asset's age, location, use, type, estimated useful life and residual values. Table 1 provides a summary of Council's asset categories as at 30 June 2018.

Table 1: Infrastructure, Property, Plant and Equipment Summary, as at 30 June 2018

Asset Class	Net Fair Value \$'000	Accumulated Depreciation \$'000	Carrying Amount \$'000	Annual Depreciation \$'000
<b>LAND</b>				
Fair Value level 2*	10,063	-	10,063	-
Fair Value level 3**	41,951	-	41,951	-
<b>BUILDINGS &amp; STRUCTURES</b>				
Fair Value level 2*	1,018	-	1,018	-
Fair Value level 3***	98,268	33,793	64,475	2,363
Waste Management	8,876	6,068	2,808	623
<b>INFRASTRUCTURE</b>				
Stormwater drainage	7,185	1,986	5,199	99
Bridges	164	73	91	3
Footpaths and Kerbing <sup>1</sup>	70,928	16,555	54,373	702
Roads	63,332	15,194	48,138	1,826
Carparks <sup>2</sup>	10,231	2,092	8,139	249
Plant & Equipment	7,625	2,491	5,134	701
Office Equipment	2,060	1,648	412	158
Riddoch Collection	3,434	-	3,434	-
Other	3,232	1,501	1,731	280
<b>TOTAL</b>	<b>328,367</b>	<b>81,401</b>	<b>246,966</b>	<b>7,004</b>

<sup>1</sup> This includes the value of grass footpath

<sup>2</sup> This includes any new additional carparks constructed in the 2018 Financial Year

### **\*Fair value hierarchy level 2 valuations**

Certain land, and the buildings and structures thereon, are shown above as being based on fair value hierarchy level 2 valuation inputs. They are based on prices for similar assets in an active market, with directly or indirectly observable adjustments for specific advantages or disadvantages attaching to the particular asset.

### **\*\*Fair value hierarchy level 3 valuations of land**

Valuations of Crown land, community land and land subject to other restrictions on use or disposal, shown above as being based on fair value hierarchy level 3 valuation inputs, are based on prices for similar assets in an active market, but include adjustments for specific advantages or disadvantages attaching to the particular asset that are not directly or indirectly observable in that market, or the number and / or amount of observable adjustments of which are so great that the valuation is more fairly described as being based on level 3 valuation inputs.

### **\*\*\*Fair value hierarchy level 3 valuations of buildings, infrastructure and other assets**

There is no known market for these assets and they are valued at depreciated current replacement cost. This method involves:

- The determination of the cost to construct the asset (or its modern engineering equivalent) using current prices for materials and labour, the quantities of each being estimated based on recent experience of this or similar Councils, or on industry construction guides where these are more appropriate.
- The calculation of the depreciation that would have accumulated since original construction using current estimates of residual value and useful life under the prime cost depreciation method adopted by Council.

Council recognises the need for a high level strategy to manage its assets and has developed an Asset Management Strategy (the Strategy). The Strategy sets a clear direction for Council's approach to manage its assets whilst maximising their benefits to Council, the Community and utilising resources as efficiently and effectively as possible.

## **2. Key Asset Management Projects**

### **2.1. Footpath Construction Program**

Council is continuing its ongoing footpath construction program to improve accessibility to its Community using alternative means of transportation to motor vehicle transport. The Long Term Financial Plan (LTFP) supports an investment of approximately \$3.5M for this program over the next 10 years.

### **2.2. Buildings and Structures strategic analysis**

Development of Council's categorisation and understanding of building and structure assets is a priority to enable better planning for annual budgeting, capital renewal and maintenance requirements. Council has recently established a set of five groupings that all its building and structure assets will be categorised within. Supporting these groupings are seven criteria or attribute questions. A key task of Council this year is to answer these attribute questions for all buildings to ensure a consistent and methodical approach to categorising the relevant assets. Attached to each grouping is a set of financial modelling assumptions. Once the grouping of each building asset is known, high-level financial modelling will be completed and assessed in conjunction with Council's LTFP and strategies.

### 3. Mobilising the Workforce

One of Council's priorities is to mobilise field staff to update and maintain asset data whilst on the job in real time.

Equipping staff in the field with appropriate technology / devices will allow identification and reporting of any asset-related issues in real time which will streamline maintenance schedules and procedures. It will also assist with more accurate costings, further strengthening the ability to allocate, track and forecast Council's resources.

### 4. Caroline Landfill

Caroline Landfill is a critical piece of infrastructure for the region, being the only engineered landfill in South Australia located south of Murray Bridge. This year Council will develop financial modelling on the anticipated consumption of airspace of waste cells to assist with annual forecasting of depreciation, long term movements in cash outlays and provide for more accurate forecasting of remediation provisions.

### 5. New Projects

Council has recently submitted funding applications to the State and Federal Government for the development of a Community and Recreation Hub. The anticipated build cost of this facility is \$39.1 million, which equates to approximately 16% of the current carrying value of Council's total assets. Should this project go ahead, it would be a substantial investment for our community and the broader region and require significant planning and resourcing. Due to this, Council have recently started expanding its forward works programming from 10 year horizons to 20 year horizons. Over the next 2 years Council plans to develop all forecasting, including its LTFP to 20 years to ensure we are best placed to plan for asset renewal, cash flows and operating surpluses.

### 6. Asset Management Plans

This year Council has developed separate asset management plans for the following classes:

- Infrastructure
  - Roads
  - Footpaths
  - Drainage
  - Carparks
- Buildings and Structures
- Caroline Landfill (new)
- Plant and Equipment
- Information Technology and Systems (new).

Council has developed two new asset management plans (as listed above) for classes of assets that are considered significant in their own right and due to the nature of the asset(s) require detailed planning and forecasting.

Should the Community and Recreation Hub project go ahead, a separate AMP may be required to cover its unique community, aquatic, sporting and recreation renewal and maintenance requirements.

## 7. Asset Management Practices

### 7.1. Accounting / Financial Systems

- Local Government authorities in South Australia are established under the provisions of the Local Government Act, 1999.
- Financial and Accounting practices and procedures are required to be in accordance with the Local Government Act 1999, Local Government (Financial Management) Regulations and the Australian Accounting Standard.
- Council's financial and accounting function is subject to a comprehensive Internal Control Policy and has reporting responsibilities to Council's Audit Committee whose membership is derived from persons both internal and external of the organisation.
- Council's audit regime includes the required annual statutory audit required by legislation and also a periodic 'procedural' audit. This process is also completed on an annual basis.
- Council's accounting and financial systems utilise the Civica local government enterprise software solution entitled 'Authority'.
- The Authority software solution enables integration of all Council operations including the accounting and AM functions.

### 7.2. Asset Management Systems

Council uses the Civica software AM program as its core asset management program. This program records all asset classes owned by Council together with all the relevant information on each asset. It allows assets to be linked to inspection and condition assessments as well as the historical information about the asset.

The AM program allows the linking of Capital Value Records (CVR) for all assets and for the posting of actual costs for either planned work or maintenance work on assets through the work order system. The system also allows for the general ledger information to be directly linked and reported from within the AIM program

Civica have developed a link with GIS products to allow easier navigation to various assets that Council owns. This also makes the product more user friendly to browser users as well as assisting field staff undertake inspections, condition assessments and the recording of new assets in the field.

The program allows for the exporting of all data into excel spreadsheets for easier reporting and data manipulation purposes as it is limited in being able to undertake detailed asset management tasks such as asset consumption forecasts.

### 7.3. Information Flow Requirements and Processes

The key information that flows into the AM Plans are:

- The asset register data on size, age, value, remaining life of the network
- The unit rates for categories of work/material
- The adopted service levels
- Projections of various factors affecting future demand for services
- Correlations between maintenance and renewal, including decay models
- Data on new assets acquired by Council.

The key information that flows from the AM Plans are:

- The assumed Works Program and trends
- The resulting budget, valuation and depreciation projections;
- The useful life analysis
- Funding gap/excess considerations
- Improvements for AM planning.

These will impact on the LTFP, Community Plan, Annual Budget and departmental business plans and budgets.

## 8. Plan Improvement and Monitoring

### 8.1. Performance Measures

The effectiveness of the Infrastructure and Asset Management Plan can be measured in the following ways:

- The degree to which the required cashflows identified in this AM Summary are incorporated into Council's LTFP and Community Plan;
- The degree to which 1-20 year detailed works programs, budgets, business plans and organisational structures take into account the 'global' works program trends provided by the Asset Management Plans.

### 8.2. Improvement Plan

Improvements identified for each individual asset class are detailed in their relevant AM plan. General improvements identified across all categories include:

- Development of a single corporate Asset Register
- Defining levels of service
- Standard categorisation of assets for improved reporting.

### 8.3. Monitoring and Review Procedures

This AM Summary will be reviewed during annual budget preparation and amended to recognise any changes in service levels and/or resources available to provide those services as a result of the budget decision process.

The Plan has a life of 4 years and is due for revision and updating within 2 years of each Council election.



## REFERENCES

City of Mount Gambier Community Plan – The Futures Paper 2016-2020

City of Mount Gambier Annual Report and Budget

DVC, 2006, 'Asset Investment Guidelines', 'Glossary', Department for Victorian Communities, Local Government Victoria, Melbourne

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, [www.ipwea.org.au](http://www.ipwea.org.au)

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# APPENDICES

Appendix A Maintenance Response Levels of Service

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## LEVELS OF SERVICE

## APPENDIX A

The following table outlines standard levels of service for all council assets. Refer to Infrastructure and Asset Management Plan for information of class specific exceptions, how well the assets are performing and how Target Performance will be sought.

Key Performance Indicator	Level of Service	Performance Measurement Process	Target Performance
<b>Community Utility</b>			
Legislative Compliance	to ensure compliance with relevant acts and legislative requirements	audit and review of compliance requirements	full compliance
Safety	to provide safe access and amenity	audit and review of compliance requirements	full compliance
Customer Satisfaction	to provide assets that meet customer requirements and expectations in relation to accessibility, form and function	conduct customer survey in relation to asset provision	customers to provide an average satisfaction level of good to excellent (greater than 7 on scale 0-10)
<b>Operating or Technical</b>			
Condition	to provide the asset base in a condition that is safe, asethetic, fit for purpose and meets customer expectations	to complete city wide progressive condition audit and risk assessment audit every two years	90% of assets to have a condition rating of fair to excellent
Responsiveness	to respond to customer requests consistent with corporate standards and service agreements	periodic reports on customer request turn around times and customer satisfaction feedback forms  level of overall customer requests monitored	90% of customer requests to be processed within the agreed timeframes  10% reduction in reactive customer requests per annum
Performance	to ensure the assets perform cost effectively and provide adequate service to the community	performance analysis  level of service reviews and audits	individual asset groups to meet identified needs
Design and Capacity	level to provide assets that meet required service levels and standards, design standards and specifictions	endorsed service standards and specifictions for the building and maintenance of assets	100% compliance
Cost Effectiveness	to provide and maintain the assets according to best value over the lifecycle while meeting Council objectives	lifecycle cost in conjunction with intervention and deterioration modelling	reduction of lifecycle costs to equivalent of benchmarked best pralice

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City of  
Mount Gambier

# Infrastructure (Roads) Asset Management Plan

2020/2029

March 2019

**Document Control**



Document ID: AR19/9940 City of Mount Gambier Infrastructure Asset Management Plan

Rev No	Date	Revision Details	Author	Reviewer	Approver
1	March 2019	1 <sup>st</sup> version as a stand-alone document	WM	NS	NS

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# TABLE OF CONTENTS

ABBREVIATIONS .....	1
1. SUMMARY .....	2
What does it Cost? .....	2
Plans for the Future .....	2
The Next Steps .....	3
2. INTRODUCTION .....	4
2.1 Background .....	4
2.2 Goals and Objectives of Asset Management .....	5
2.3 Plan Framework .....	5
3. LEVELS OF SERVICE .....	7
3.1 Customer Research and Expectations .....	7
3.2 Legislative Requirements .....	7
3.3 Current Levels of Service .....	7
3.4 Desired Levels of Service .....	8
4. FUTURE DEMAND .....	9
4.1 Demand Forecast .....	9
4.2 Changes in Technology .....	9
4.3 Demand Management Plan .....	9
4.4 New Assets from Growth .....	10
5. LIFECYCLE MANAGEMENT PLAN .....	10
5.1 Background Data .....	10
5.1.1 Physical Parameters .....	10
5.1.2 Asset Capacity and Performance .....	11
5.1.3 Asset Condition .....	11
5.1.4 Asset Valuations .....	14
5.2 Risk Management Plan .....	14
5.3 Routine Maintenance Plan .....	14
5.3.1 Maintenance Plan .....	14
5.3.2 Standards and Specifications .....	15
5.3.3 Summary of Future Maintenance Expenditures .....	15
5.4 Renewal / Replacement Plan .....	16
5.4.1 Renewal Plan .....	16
5.4.2 Renewal Standards .....	17
5.4.3 Summary of Future Renewal Expenditure .....	17
5.5 Creation / Acquisition / Upgrade Plan .....	18
5.5.1 Selection Criteria .....	18
5.5.2 Standards and Specifications .....	18
5.5.3 Summary of Future Upgrade / New Assets Expenditure .....	18
5.6 Disposal Plan .....	18
6. FINANCIAL SUMMARY .....	18
6.1 Financial Statements and Projections .....	18
6.1.1 Sustainability of Service Delivery .....	19
6.1.2 Long Term - Life Cycle Cost .....	19
6.1.3 Medium term – 10 Year Financial Planning Period .....	19
6.2 Funding Strategy .....	22
6.3 Valuation Forecasts .....	22
6.4 Key Assumptions made in Financial Forecasts .....	22
PLAN IMPROVEMENT AND MONITORING .....	25
1. Performance Measures .....	25
2. Improvement Plan .....	25
3. Monitoring and Review Procedures .....	25
REFERENCES .....	26
APPENDICES .....	27
Appendix A Maintenance Response Levels of Service .....	27



## ABBREVIATIONS

<b>AAAC</b>	Average annual asset consumption
<b>CRC</b>	Current replacement cost
<b>CWMS</b>	Community wastewater management systems
<b>DA</b>	Depreciable amount
<b>IAMP</b>	Infrastructure and asset management plan
<b>IRMP</b>	Infrastructure risk management plan
<b>MMS</b>	Maintenance management system
<b>PCI</b>	Pavement condition index
<b>RV</b>	Residual value
<b>vph</b>	Vehicles per hour
<b>LTFP</b>	Council's Long Term Financial Plan

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# 1. SUMMARY

A summary of the road assets used to provide this service are:

- Sealed road area of 2,111,638m<sup>2</sup> (2,348,831m<sup>2</sup> of road pavement)
- Kerb and Channel length of 453 km
- Constructed footpath area of 308,202m<sup>2</sup>
- Carpark area of 72,940m<sup>2</sup>
- Traffic Light Sets at 19 locations
- Approximately 465 drainage bores and associated drainage pipes.

## What does it Cost?

The total dollar value of the annual consumption of the road and drainage asset category is \$3.096M (i.e. annual depreciation expense for 2018/19). Council's goal for annual expenditure is to match this value so that no gap exists between the annual depreciation cost and the actual budget expenditure.

Council needs to continue to seek additional funding sources through Government grants to ensure any funding gap is manageable in the long term.

## Plans for the Future

Council plans to operate and maintain the road network to achieve the following strategic objectives.

- Ensure the road network is maintained at a safe and functional standard as set out in this Infrastructure and Asset Management Plan.
- Provide for renewed infrastructure and access standards that meet the demands and expectations of the community in a financially sustainable environment.
- Maintain integration and functionality of local roads with state roads to ensure continuity of freight networks.
- Require service standards for newly created infrastructure acquired through land development and residential expansion to be complimentary with existing asset standards.

## Quality

Roads assets will be maintained in a reasonably usable condition. Defects found or reported that are outside our service standard will be repaired. See our maintenance response service levels for further details.

## Function

Our intent is that a 'fit for purpose' road network is maintained in partnership with other levels of government and stakeholders.

Road asset attributes will be maintained (subject to funding) at a safe level and associated signage and equipment be provided as needed to ensure public safety. We need to ensure the key functional objectives are met, i.e.:

- Council will endeavour to provide free flowing and unrestricted travel between destinations and locations to all recognised modes of transport and associated user groups.
- Ensure accidents are minimised and only minor consequences occur from accidents.

The main functional consequence of the road network not being able to cater for free flowing and unrestricted traffic is delays to industry and the local community and this is likely to decrease quality of life and increase the potential for accidents to occur through driver frustration. As a consequence this is likely to impose additional financial and social burdens on the community.

## Safety

We inspect all roads regularly and prioritise and repair defects in accordance with our inspection schedule to ensure they are safe.

## The Next Steps

The actions resulting from this Infrastructure and Asset Management Plan are:

- Ensure the road network is regularly inspected and any defects rectified in a timely manner to ensure public safety and to mitigate against public risk.
- To provide for renewal of assets and the creation of new road assets and associated infrastructure in a sustainable manner.
- To plan for growth of the City in a manner that is supported by a fit for purpose road network.

## 2. INTRODUCTION

### 2.1 Background

This Infrastructure and Asset Management Plan is designed to:

- Provide responsive management of assets (and services provided from assets);
- Ensure compliance with regulatory requirements;
- Assist in securing funding required to provide agreed levels of service.

The Infrastructure and Asset Management Plan is to be read with the following associated planning documents:

- City of Mount Gambier Community Plan
- City of Mount Gambier Long Term Financial Plan
- Council's Development Plan
- Council's Business Plan and Annual Budget

This Infrastructure and Asset Management Plan covers the entire road network and associated traffic control devices within the City of Mount Gambier including local roads, collector roads and boundary roads. Whilst it references and links to assets owned by both state and federal governments, it does not include these assets in the Plan.

**Table 2.1. Assets covered by this Plan - as at 1<sup>st</sup> July 2018**

<b>Asset Category</b>	<b>Dimension</b>	<b>Replacement Value (\$)</b>
Road surface (seal)	2,111,638m <sup>2</sup>	\$14,337,185
Road pavement	2,348,831m <sup>2</sup>	\$45,739,368
Road sub pavement	266,046m <sup>2</sup>	\$916,069
Kerb and channel	452,777m	\$54,347,196
Constructed footpaths	308,202m <sup>2</sup>	\$15,520,499
Drainage	465 bores, silt pits & associated pipes	\$7,184,728
Carparks	72,940m <sup>2</sup>	\$10,154,228
Traffic Lights	19 sets	\$2,132,718
<b>TOTAL</b>		<b>\$150,331,990</b>

Key stakeholders in the preparation and implementation of this Infrastructure and Asset Management Plan are:

- City of Mount Gambier
- Ratepayers and tenants
- Transport Industry
- District Council of Grant and its community
- Tourism sector
- Business Sector
- State and Federal Government (funding partners and regulators)

## 2.2 Goals and Objectives of Asset Management

The Council exists to provide services to its community. Some of these services are provided by infrastructure assets. Council has acquired infrastructure assets by 'purchase', by contract, construction by Council staff and by transfer of assets constructed by developers and others.

Council's goal in managing infrastructure assets is to meet the agreed level of service in the most cost effective manner for present and future consumers. The key elements of infrastructure asset management are:

- Taking a life cycle approach
- Developing cost-effective management strategies for the long term
- Providing a defined level of service and monitoring performance
- Understanding and meeting the demands of growth through demand management and infrastructure investment
- Managing risks associated with asset failures
- Sustainable use of physical resources
- Continuous improvement in asset management practices.<sup>1</sup>

This Infrastructure and Asset Management Plan is prepared under the direction of Council's strategic objective:

***Mount Gambier, a perfectly centred place where people aspire to live, work, visit and invest (City of Mount Gambier Community Plan – The Futures Paper 2016-2020)***

Accordingly, this Infrastructure and Asset Management Plan has been prepared in line with Council's Community Plan – The Futures Paper 2016-2020, and the objectives contained within the Plan.

## 2.3 Plan Framework

Key elements of the Plan are

- Levels of service – specifies the services and levels of service to be provided by Council.
- Future demand – how this will impact on future service delivery and how this is to be met.
- Life cycle management – how Council will manage its existing and future assets to provide the required services.
- Financial summary – what funds are required to provide the required services.
- Asset management practices.
- Monitoring – how the Plan will be monitored to ensure it is meeting Council's objectives.
- Asset management improvement plan.

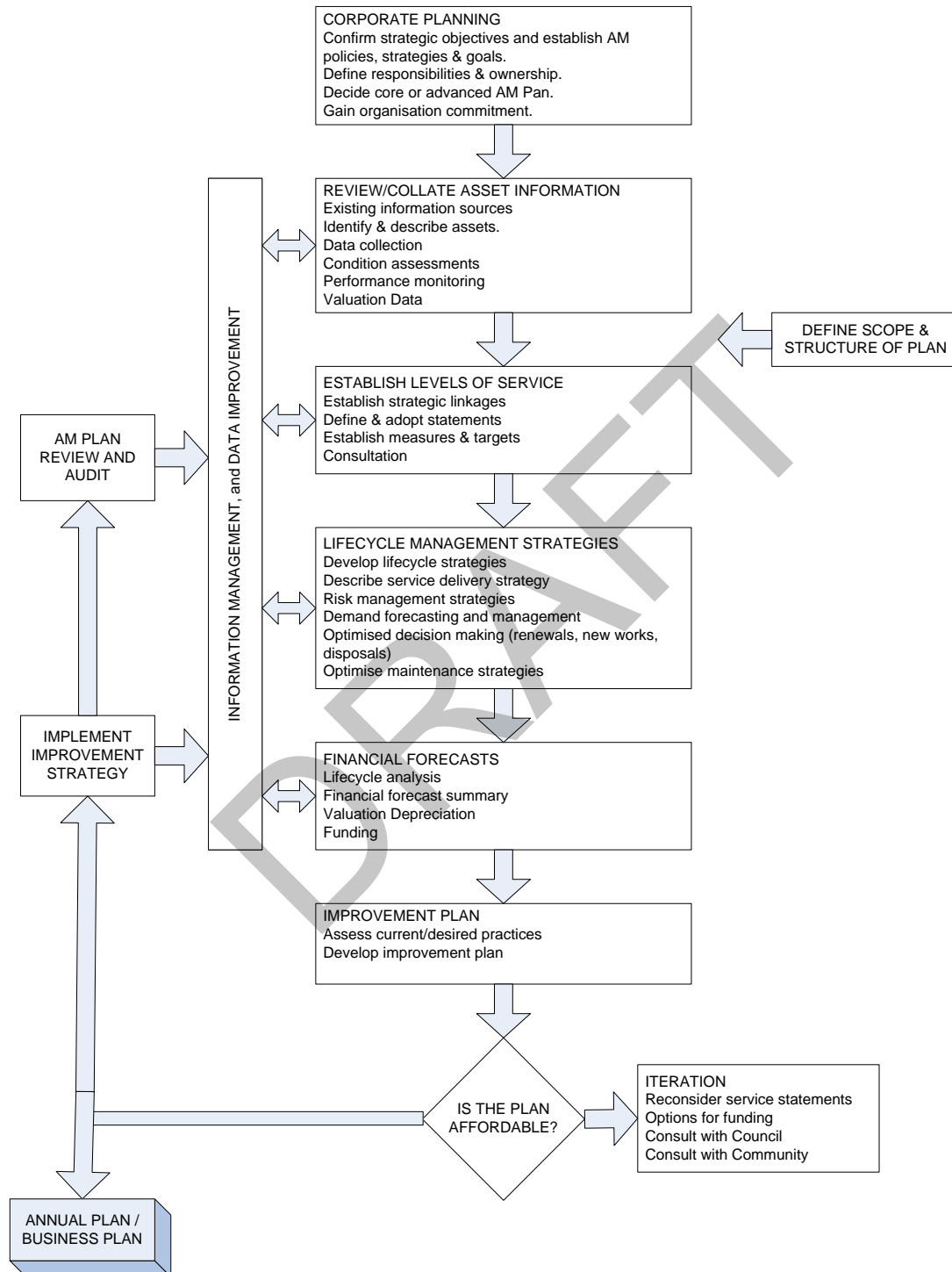
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<sup>1</sup> IIMM 2006 Sec 1.1.3, p 1.3

A road map for preparing an Infrastructure and Asset Management Plan is shown below.

### Road Map for preparing an Infrastructure and Asset Management Plan

Source: IIMM Fig 1.5.1, p 1.11



### 3. LEVELS OF SERVICE

#### 3.1 Customer Research and Expectations

Council's anecdotal evidence (primarily based on the number of complaints received) suggests that current service levels are seen by the community as acceptable.

#### 3.2 Legislative Requirements

Council has to meet many legislative requirements including Australian and State legislation and State regulations. These include:

**Table 3.2. Legislative Requirements**

Legislation	Requirement
Local Government Act	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a long term financial plan supported by Infrastructure and Asset Management Plans for sustainable service delivery.
Road Traffic Act	Provides Councils the power to install, maintain, operate, alter or remove traffic control devices on roads under their care and control

#### 3.3 Current Levels of Service

Council has defined service levels in two terms.

Community Levels of Service relate to how the community receives the service in terms of safety, quality, function, quantity, reliability, responsiveness, cost/efficiency and legislative compliance.

Supporting the community service levels are operational or technical measures of performance developed to ensure that the minimum community levels of service are met. These technical measures relate to service criteria such as:

**Service Criteria**

- Quality
- Quantity
- Availability
- Safety

**Technical measures may relate to**

- Smoothness of roads
- Area of parks per resident
- Distance from a dwelling to a sealed road
- Number of injury accidents

Council's current service levels are detailed in Table 3.3.

**Table 3.3. Current Service Levels**

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target	Current Performance
<b>COMMUNITY LEVELS OF SERVICE</b>				
Quality	Provide a smooth ride on a surface that is clearly delineated	Customer service requests	Less than 5 per month per road segment	Less than 5 per month on any one segment
Function	Ensure that the road meets user requirements for travel time and availability	Customer complaints relating to travel time and availability	Less than 2 per month	Less than 2 per month
Safety	Provide safe suitable roads free from hazards	Number of injury accidents	Less than 3 per annum per location	Less than 3 per annum per location
<b>TECHNICAL LEVELS OF SERVICE</b>				
Condition	Carry out routine maintenance on potholes	Number of pothole complaints	Less than 5 per month	Less than 5 per month
Accessibility	Provide unrestricted access to residential, commercial and industrial sectors of the City	Limit property access from road works and maintenance works	Less than 60 minutes for minor maintenance works. Less than 2 days for major reconstruction works	70 minutes for minor works and 2.5 days for major works
Safety	Provide clear safety signage and line marking	Annual defect and condition survey	Less than 5% of signs defective. Less than 5% of line marking not clearly visible	Less than 5% of signs defective 10% of line marking not clearly visible

### 3.4 Desired Levels of Service

At present, indications of desired levels of service are obtained from various sources including the LGASA Customer Satisfaction survey, residents' feedback to Councillors and staff, service requests and correspondence. Council has still to quantify all desired levels of service. This will be incorporated in future revisions of this Infrastructure and Asset Management Plan.



## 4. FUTURE DEMAND

### 4.1 Demand Forecast

Factors affecting demand include population change, changes in demographics, seasonal factors, vehicle ownership, consumer preferences and expectations, economic factors, agricultural and industry practices, environmental awareness, etc.

Demand factor trends and impacts on service delivery are summarised in Table 4.1.

**Table 4.1: Demand Factors, Projections and Impact on Services**

Demand factor	Present position	Projection	Impact on services
Population	26,276 (30 <sup>th</sup> June 2016)	32,000 people by 2027 <sup>2</sup>	Moderate residential growth. Increased traffic on collector roads
Demographics	Ageing population		Increase in aged care accommodation
Climate change	Substantial bicycle network  Adequate public transport systems	Significant growth in bicycle network and associated infrastructure  Increased public transport	Increase in bike paths, dedicated bus lanes and crossing facilities in road network

### 4.2 Changes in Technology

Technology changes are forecast to have an effect on the delivery of services covered by this Plan (eg. road reconstruction methodology), and will also likely improve customer feedback and advice to Council (eg. Web based communication to Council, smart phone technology).

### 4.3 Demand Management Plan

Demand for new services will be managed through a combination of managing existing assets, upgrading of existing assets and providing new assets to meet demand and demand management. Demand management practices include non-asset solutions, insuring against risks and managing failures.

Opportunities identified to date for demand management are shown in Table 4.3. Further opportunities will be developed in future revisions of this Infrastructure and Asset Management Plan.

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<sup>2</sup> Referenced from Community and Recreation Hub Feasibility Study

**Table 4.3 Demand Management Plan Summary**

Service Activity	Demand Management Plan
Traffic control devices (roundabouts, signals)	Revise traffic management plan every 5 years (major revision), and annual update
Improve boundary roads and collector roads	Continue with boundary roads program Upgrade designated collector roads

#### 4.4 New Assets from Growth

Where new assets are required for growth, these will be constructed by developers and donated to Council or constructed / acquired by Council. The growth financial model forecasts asset values acquired from developers or constructed by Council over the next 20 years.

Acquiring these new assets will commit Council to fund ongoing operations and maintenance costs for the period that the service provided from the assets is required and also capital renewal costs for assets required beyond their useful life. These future costs are identified and considered in developing forecasts of future operating and maintenance costs.

### 5. LIFECYCLE MANAGEMENT PLAN

The Lifecycle Management Plan details how Council plans to manage and operate the assets at the agreed levels of service (defined in section 3) while optimising life cycle costs.

#### 5.1 Background Data

##### 5.1.1 Physical Parameters

The assets covered by this Infrastructure and Asset Management Plan are shown below:

- Road sub pavement
- Road surface (seal)
- Constructed footpaths / nature strips
- Traffic control devices
- Road pavement
- Kerb and channel
- Drainage
- Carparks

Generally the road assets mentioned above are in good condition although asset ages vary considerably across the City. Council has limited data on the age profile of its asset stock but does have up to date condition data for most road asset categories. Council uses the condition data to set future works programs and also to prepare risk control strategies.

Note: Comprehensive condition or age data currently does not exist for Council's drainage assets but is currently being developed.

### 5.1.2 Asset Capacity and Performance

Council's services are generally provided to meet design standards where these are available.

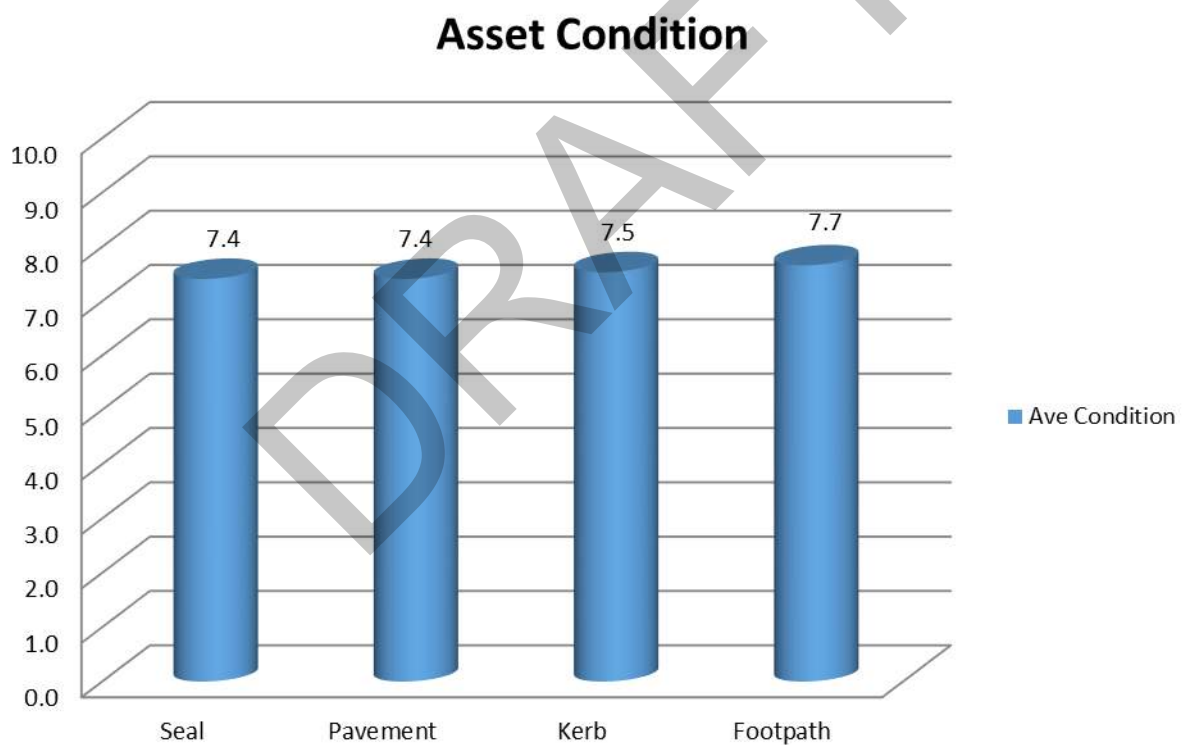
### 5.1.3 Asset Condition

The condition profile of Council's road assets is shown below.

Condition is measured using a 0 – 10 rating system.<sup>3</sup>

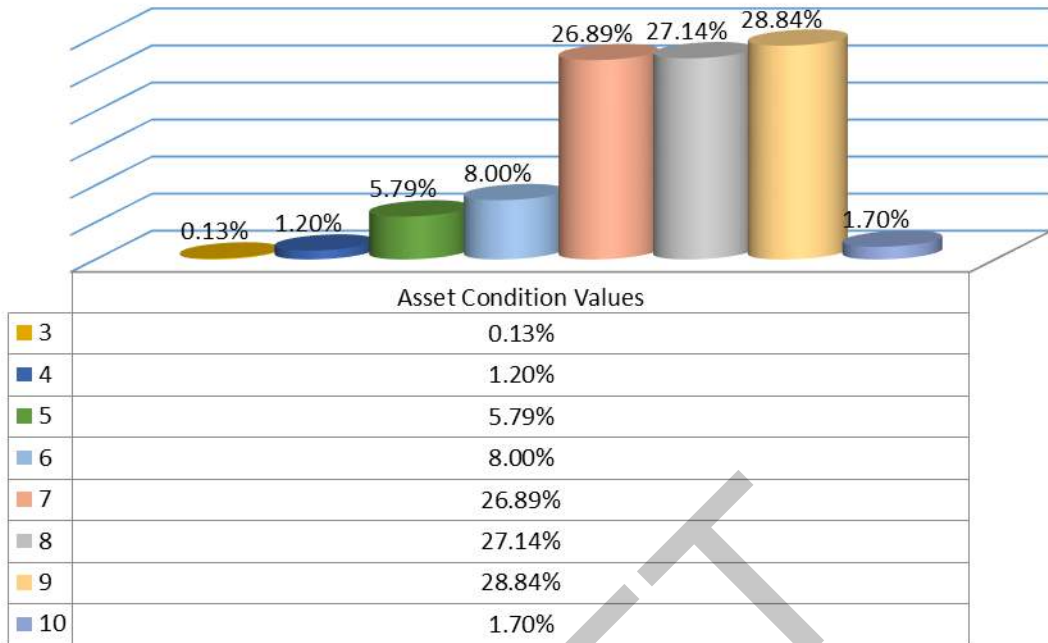
Rating	Description of Condition
10	Excellent condition: Only planned maintenance required. New asset.
8	Very good: Minor maintenance required plus planned maintenance.
6	Good: Significant maintenance required.
5	Average condition. Significant maintenance required.
4	Failing: Significant renewal/upgrade required (start of rapid deterioration).
<2	Poor: Unserviceable. Asset renewal or disposal required.

Fig 3. Asset Condition Profiles

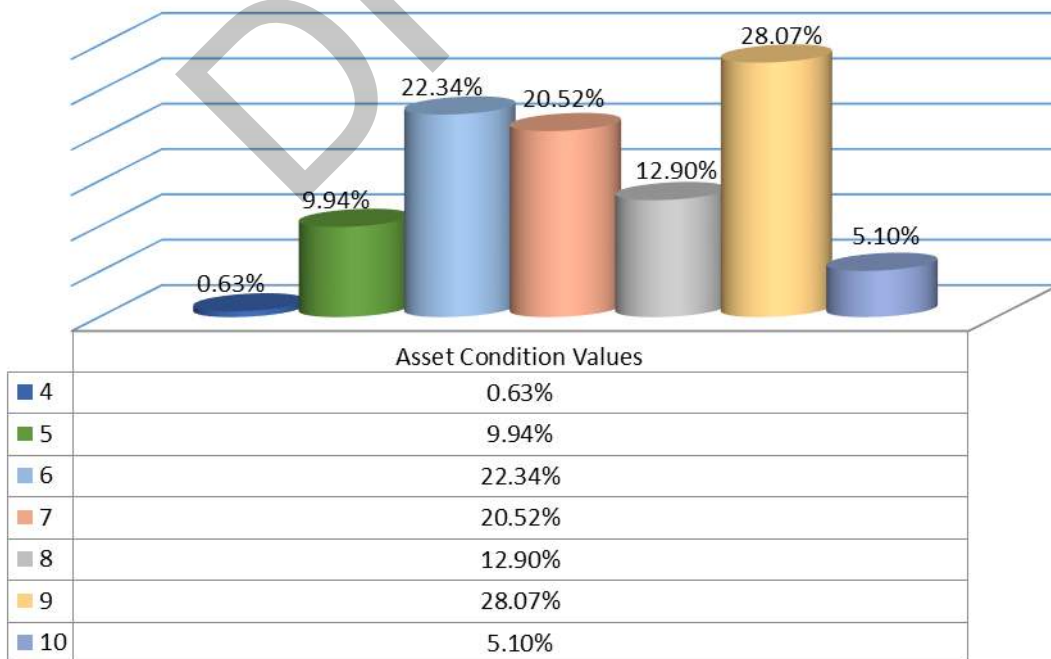


<sup>3</sup> IIMM 2006, Appendix B, p B:1-3 ('cyclic' modified to 'planned')

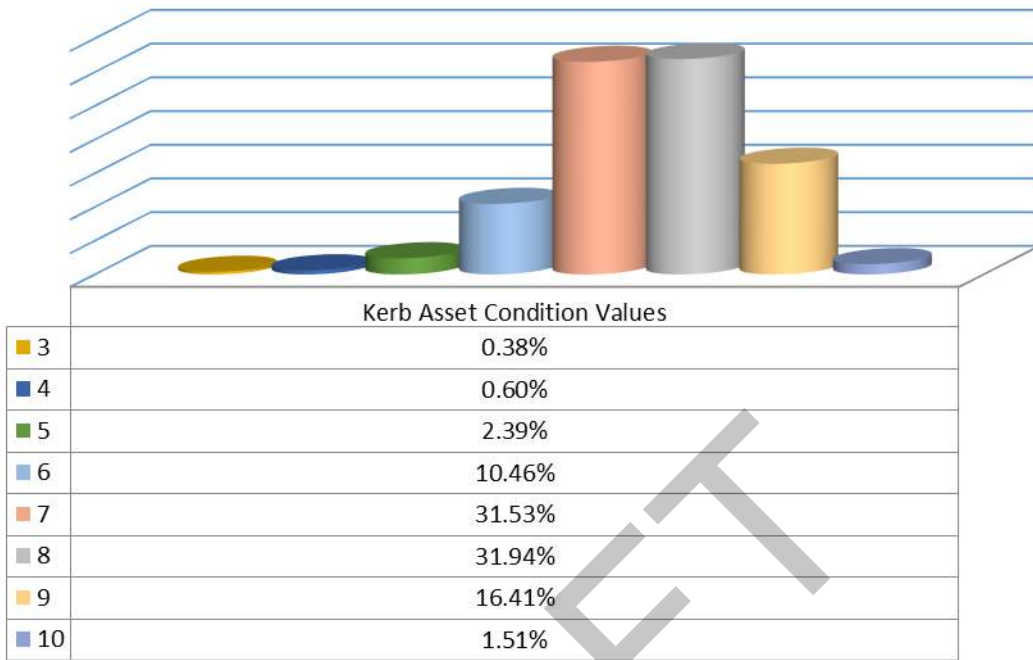
## Pavement Assets by Condition



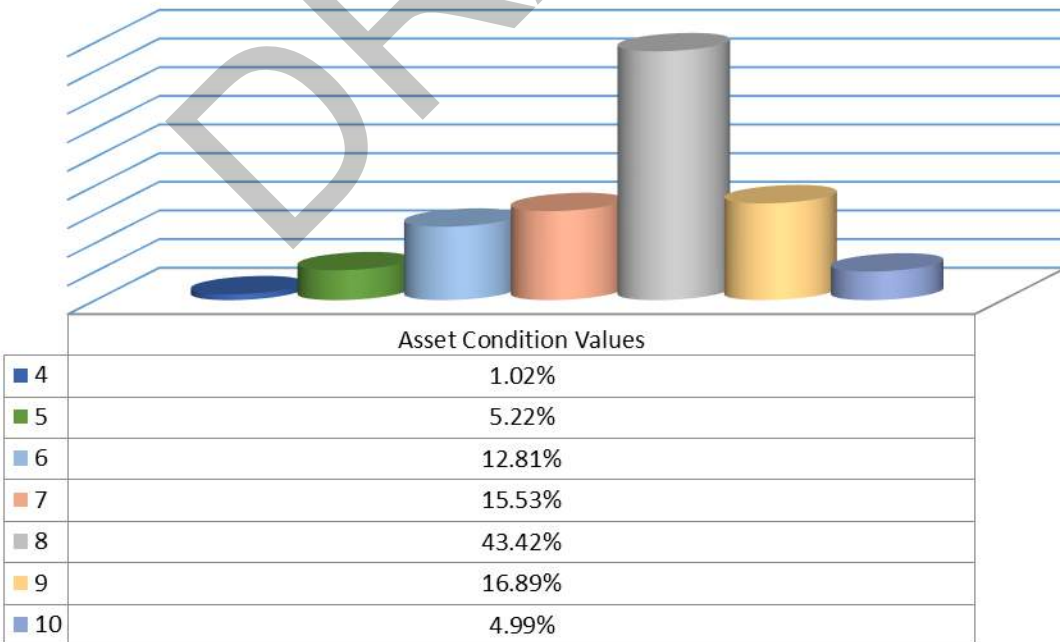
## Seal Assets by Condition



## Kerb Assets by Condition



## Footpath Assets by Condition



### 5.1.4 Asset Valuations

The value of assets as at 1<sup>st</sup> July 2018 covered by this Infrastructure and Asset Management Plan is summarised below.

• Current Replacement Cost	\$150,331,990
• Net Fair Value	\$114,559,761
• Annual Depreciation	\$3,095,497
• Accumulated Depreciation	\$35,772,229

Council's sustainability reporting reports the rate of annual asset consumption and compares this to asset renewal and asset upgrade and expansion.

Asset Consumption	2.11%	$(\$3,172,884 \div \$150,331,990 \times 100)$
Asset Renewal	2.10%	$(\$3,171,200 \div \$150,331,990 \times 100)$
Annual Upgrade/expansion	0.50%	<i>(assets account for land transferred as a result of land divisions and also note the general 'slowing down' of the economy and very low levels of residential development in Mount Gambier in the past 3 years.)</i>

## 5.2 Risk Management Plan

An assessment of risks associated with service delivery from infrastructure assets identifies critical risks to Council. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks.

Council's risk assessment for roads did not uncover any risks in either the high or very high risk category with only 6 out of 11 identified risks as being in the medium risk category. The remaining 5 risks were considered low. (Refer to Council's Risk Management Plan for details)

## 5.3 Routine Maintenance Plan

Routine maintenance is the regular on-going work that is necessary to keep assets operating, including instances where portions of the asset fail and need immediate repair to make the asset operational again. This function is essential to the long term sustainability of the network and is one of several maintenance functions that should receive priority in Council's annual budget.

### 5.3.1 Maintenance Plan

Maintenance includes reactive, planned and cyclic maintenance work activities.

Reactive maintenance is unplanned repair work carried out in response to service requests and management/supervisory directions.

Planned maintenance is repair work that is identified and managed through a maintenance management system (MMS). MMS activities include inspection, assessing the condition against failure/breakdown

experience, prioritising, scheduling, actioning the work and reporting what was done to develop a maintenance history and improve maintenance and service delivery performance.

Cyclic maintenance is replacement of higher value components/sub-components of assets that is undertaken on a regular cycle including road resealing, repainting, building roof replacement, etc. This work generally falls below the capital/maintenance threshold.

Current maintenance expenditure levels are considered to be marginally below adequate to maintain current service levels. Future maintenance and asset renewal expenditure is expected to grow at a rate of 2.5% per annum. Future revision of this Infrastructure and Asset Management Plan will include linking required maintenance expenditures with required service levels as a means to further manage assets in a sustainable manner.

Assessment and prioritisation of reactive maintenance is undertaken by Council staff using experience and judgement.

### 5.3.2 Standards and Specifications

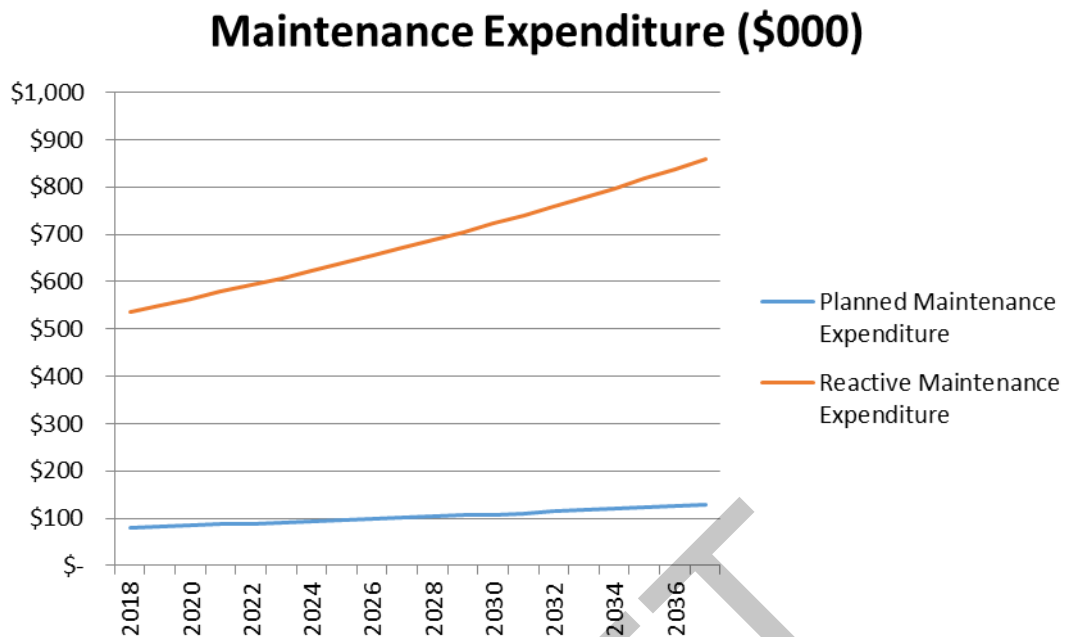
Maintenance work is carried out in accordance with the following Standards and Specifications:

- Current Australian and Industry Standards
- Council Policy - Road Pavement – Excavation and Reinstatement of (revised 2017)
- Council Policy - Land Division (revised 2018)
- Civil Contractors Federation Guidelines
- Work Health Safety Act and Regulations

### 5.3.3 Summary of Future Maintenance Expenditures

Future maintenance expenditure is forecast to trend in line with the value of the asset stock as shown in Fig 4. Note that all costs are shown in 2019 dollar values.

**Fig 4. Maintenance Expenditure**



Deferred maintenance, i.e. works that are identified for maintenance and unable to be funded are to be included in the risk assessment process in the Infrastructure Risk Management Plan.

Maintenance is funded from Council's operating budget. This is further discussed in Section 6.2.

## 5.4 Renewal / Replacement Plan

Renewal expenditure is major work which does not increase the asset's design capacity but restores, rehabilitates, replaces or renews an existing asset to its original service potential. Work over and above restoring an asset to original service potential is upgrade/expansion or new works expenditure.

### 5.4.1 Renewal Plan

Assets requiring renewal are identified from estimates of remaining life obtained from the asset register through the 'Renewal Model'. Candidate proposals are inspected to verify accuracy of remaining life estimate and to develop a preliminary renewal estimate. Verified proposals are ranked by priority and available funds and scheduled in future works programmes. The priority ranking criteria is based on asset condition and is then adopted ultimately by Council.

Renewal will be undertaken using 'low-cost' renewal methods where practical. The aim of 'low-cost' renewals is to restore the service potential or future economic benefits of the asset by renewing the assets at a cost less than replacement cost.

Examples of low cost renewal include footpath asphalt overlay versus complete reconstruction of a bitumen footpath. This method provides a better level of service than currently available at a smaller renewal cost than complete reconstruction, and also provides an extended asset life which matches current service levels.



#### 5.4.2 Renewal Standards

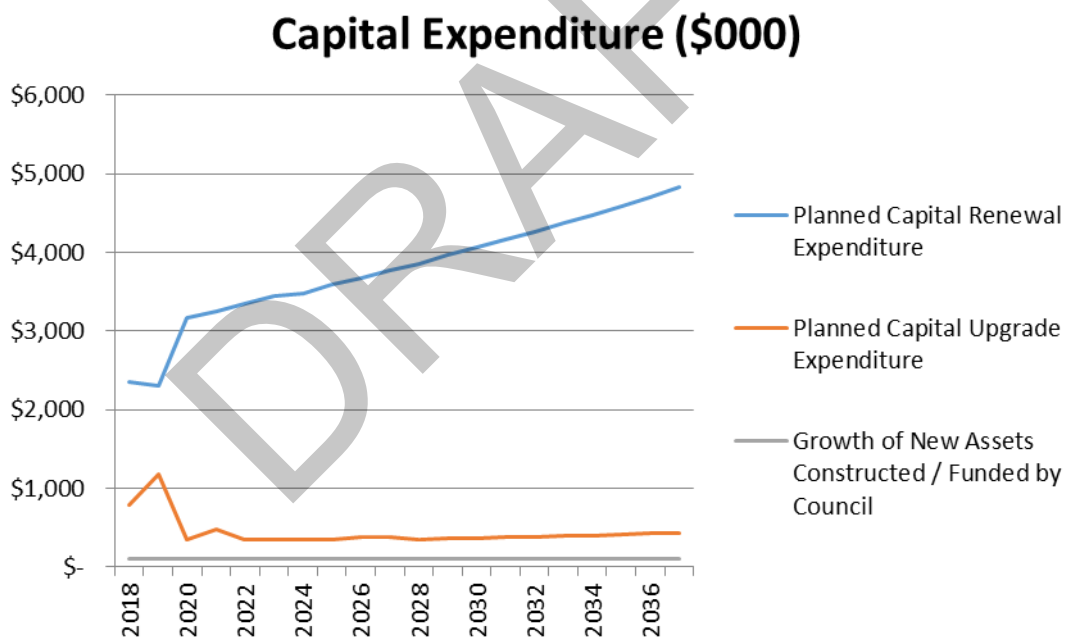
Renewal work is carried out in accordance with the following Standards and Specifications.

- Current Australian and Industry Standards
- Council’s Road Pavement – Excavation and Reinstatement of
- Council’s Land Division Policy
- Civil Contractors Federation Guidelines
- Work Health Safety Act and Regulations

#### 5.4.3 Summary of Future Renewal Expenditure

Projected future renewal expenditures are forecast to increase over time as the asset stock ages. The costs are summarised in Fig 5. Note that all costs are shown in 2019 dollar values.

**Fig 5. Projected Capital Expenditure**



Deferred renewal, i.e. those assets identified for renewal and not scheduled for renewal in capital works programs are to be included in the risk assessment process in the Risk Management Plan.

Renewals are to be funded from Council’s capital works program and grants where available. This is further discussed in Section 6.2.

Note: The flat line trend for “Growth of new assets” depicted by the grey line above, means that Council does not currently have enough detailed information about future costs associated with new assets. Over time it is expected that as more detailed information becomes available, this line will change to reflect these costs more accurately.

## 5.5 Creation / Acquisition / Upgrade Plan

New works are those works that create a new asset that did not previously exist, or works which upgrade or improve an existing asset beyond its existing capacity. They may result from growth, social or environmental needs. Assets may also be acquired at no cost to the Council from land development. These assets from growth are considered in Section 4.4.

### 5.5.1 Selection Criteria

New assets and upgrade/expansion of existing assets are identified from various sources such as community requests, proposals identified by strategic plans or partnerships with other organisations. Candidate proposals are inspected to verify need and to develop a preliminary renewal estimate. Verified proposals are ranked by priority and available funds and scheduled in future works programmes. Council ultimately makes the decision on priority ranking of new assets based on this information.

### 5.5.2 Standards and Specifications

Standards and specifications for new assets and for upgrade/expansion of existing assets are the same as those for renewal shown in Section 5.4.2.

### 5.5.3 Summary of Future Upgrade / New Assets Expenditure

New assets and services are to be funded from Council's capital works program and grants where available. This is further discussed in Section 6.2.

## 5.6 Disposal Plan

Currently there are no assets in the road category that are listed for disposal.

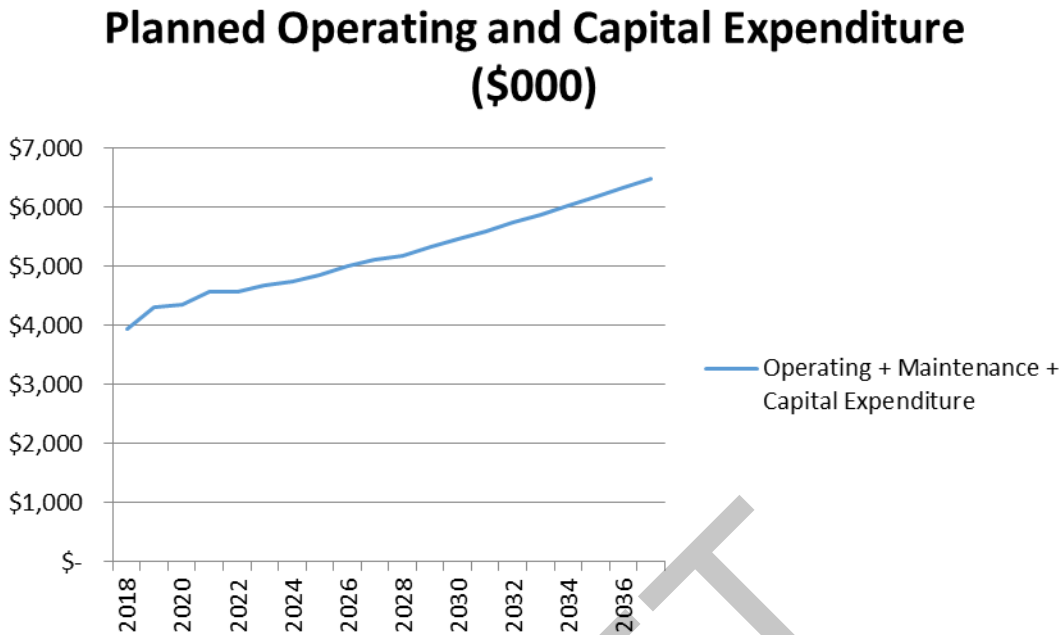
# 6. FINANCIAL SUMMARY

This section contains the financial requirements resulting from all the information presented in the previous sections of this Infrastructure and Asset Management Plan. The financial projections will be improved as further information becomes available on desired levels of service and current and projected future asset performance.

## 6.1 Financial Statements and Projections

The financial projections are shown in Fig 6 for planned operating (operations and maintenance) and capital expenditure (renewal and upgrade/expansion/new assets).

**Fig 6. Planned Operating and Capital Expenditure**



Note that all costs are shown in 2019 dollar values with incremental CPI forecasts.

#### 6.1.1 Sustainability of Service Delivery

There are two key indicators for financial sustainability that have been considered in the analysis of the services provided by this asset category, these being long term life cycle costs and medium term costs over the 10 year financial planning period.

#### 6.1.2 Long Term - Life Cycle Cost

Life cycle costs (or whole of life costs) are the average costs that are required to sustain the service levels over the longest asset life. Life cycle costs include maintenance and asset consumption (depreciation expense). The annual life cycle cost for the services covered in this Infrastructure and Asset Management Plan is \$3,095,497.

Life cycle costs can be compared to life cycle expenditure to give an indicator of sustainability in service provision. Life cycle expenditure includes maintenance plus capital renewal expenditure. Life cycle expenditure will vary depending on the timing of asset renewals. The life cycle expenditure at the start of the plan (2020) is \$3,171,200.

A gap between life cycle costs and life cycle expenditure gives an indication as to whether present consumers are paying their share of the assets they are consuming each year. The purpose of this Infrastructure and Asset Management Plan is to identify levels of service that the community needs and can afford and develop the necessary long term financial plans to provide the service in a sustainable manner.

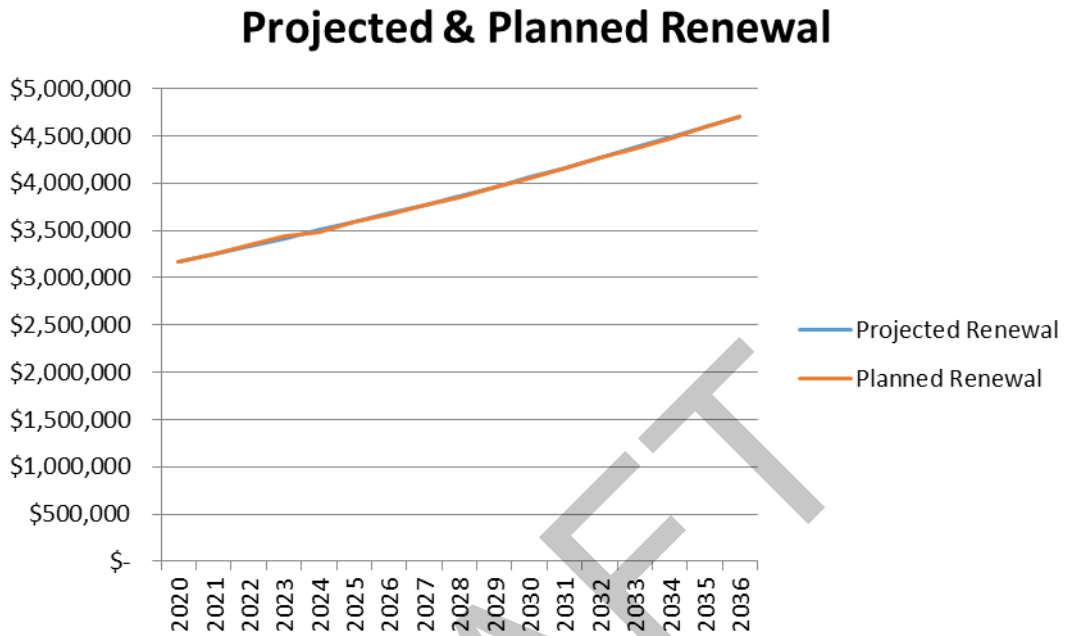
#### 6.1.3 Medium term – 10 Year Financial Planning Period

This Infrastructure and Asset Management Plan identifies the estimated maintenance and capital expenditures required to provide an agreed level of service to the community over a 20 year period for input into a 10 year financial plan and funding plan to provide the service in a sustainable manner.

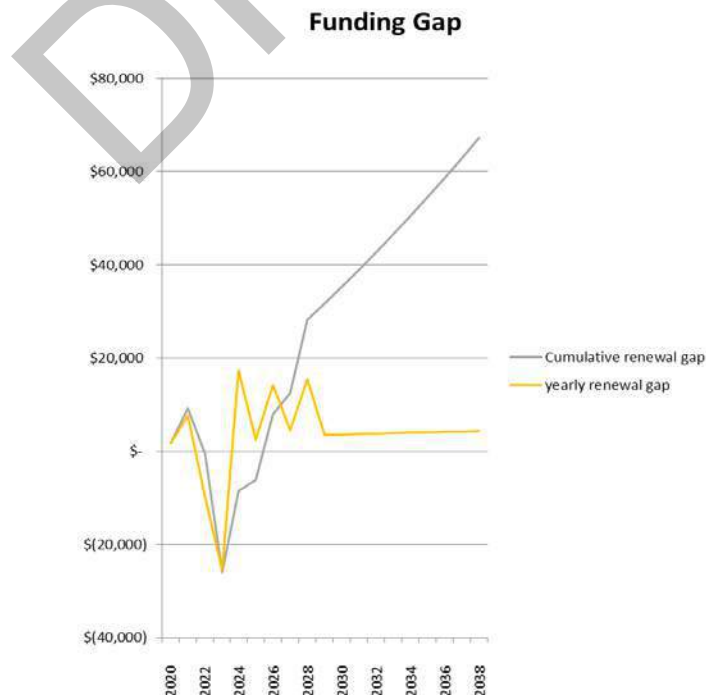
This may be compared to existing or planned expenditures in the 20 year period to identify any gap. In a core Infrastructure and Asset Management Plan, a gap is generally due to increasing asset renewals or underfunding of capital renewal programs.

Fig 7 shows the projected asset renewals in the 20 year planning period from the asset register. The projected asset renewals are compared to planned renewal expenditure in the capital works program and capital renewal expenditure in year 1 of the planning period as shown in Fig 7 Table 6.1.1 shows the annual and cumulative funding gap between projected and planned renewals.

**Fig 7. Projected and Planned Renewals and Expenditure Gap**



This chart shows the difference between Projected funding (funding required to maintain assets to agreed service levels) and Planned funding (actual funding from Council budget and forward works programs). Ideally, there should be no funding gap between these two lines.



This chart shows the difference (in \$'s) between Projected and Planned funding. This difference is referred to as the “Yearly renewal gap”. The cumulative renewal gap is the accumulation of yearly renewal gaps and is equal to the total amount of shortfall in funding at any point in time.

**Table 6.1.1 Projected and Planned Renewals and Expenditure Gap**

Year	Projected Renewals	Planned Renewals	Renewal Funding Gap	Cumulative Gap
2020	\$3,172,884	\$3,171,200	\$1,684	\$1,684
2021	\$3,252,207	\$3,244,600	\$7,607	\$9,291
2022	\$3,333,512	\$3,343,300	-\$9,788	-\$497
2023	\$3,416,849	\$3,442,300	-\$25,451	-\$25,948
2024	\$3,502,271	\$3,484,900	\$17,371	-\$8,577
2025	\$3,589,827	\$3,587,400	\$2,427	-\$6,150
2026	\$3,679,573	\$3,665,400	\$14,173	\$8,024
2027	\$3,771,563	\$3,767,000	\$4,563	\$12,586
2028	\$3,865,852	\$3,850,300	\$15,552	\$28,138
2029	\$3,962,498	\$3,959,000	\$3,498	\$31,636
2030	\$4,061,560	\$4,057,975	\$3,585	\$35,221
2031	\$4,163,099	\$4,159,424	\$3,675	\$38,896
2032	\$4,267,177	\$4,263,410	\$3,767	\$42,663
2033	\$4,373,856	\$4,369,995	\$3,861	\$46,524
2034	\$4,483,203	\$4,479,245	\$3,958	\$50,481
2035	\$4,595,283	\$4,591,226	\$4,056	\$54,538
2036	\$4,710,165	\$4,706,007	\$4,158	\$58,695
2037	\$4,827,919	\$4,823,657	\$4,262	\$62,957
2038	\$4,948,617	\$4,944,248	\$4,368	\$67,326

Average Funding Gap = \$3,453

Note: Projected renewals (based on assumed inflation figures) assumed to increase in value by 2.5% per annum until 2036

Planned renewals (based on assumed Budget figures) assumed to increase by 2.5%

The cumulative gap has been projected from \$0 from 2020. Long term cumulative gap projections will be addressed in future iterations of the IAMP

Providing services in a sustainable manner will require matching of projected asset renewals to meet agreed service levels with planned capital works programs and available revenue.

A gap between projected asset renewal expenditure and actual (planned) expenditure indicates that further work is required to manage required service levels and future planned expenditure funding needs to eliminate any funding gap.

Council will manage the ‘gap’ by developing this Infrastructure and Asset Management Plan to provide guidance on future service levels and resources required to provide these services, and to ensure that the gap does not grow to an uncontrollable level.

## 6.2 Funding Strategy

Projected expenditure identified in Section 6.1 is to be funded from Council's operating and capital budgets. The funding strategy is detailed in the Council's Long Term Financial Plan.

Achieving the financial strategy will require a commitment from Council in further budget considerations to make up the gap between projected and planned expenditure. As can be seen in Table 6.1 and the chart of Projected Renewals V's Planned Renewals, if this gap isn't managed then over a 20 year period there is likely to be a cumulative shortfall in funds of \$67,326. This table can be used to determine what effect future budget adjustments are likely to have on long term asset sustainability and also what injection of funds will be required to close the gap.

Council is relying on external funding sources such as Special Local Roads programs and Roads to Recovery programs to maintain this gap to a manageable level, otherwise there will be increased pressure on rate revenue to maintain asset stocks at current service levels.

## 6.3 Valuation Forecasts

Asset values are forecast to increase as additional assets are added to the asset stock from construction and acquisition by Council and from assets constructed by land developers and others. Depreciation expense values are forecast in line with asset values based on asset condition depreciation and will be adjusted in accordance with asset revaluations which will occur from time to time taking into account condition assessments and additional asset age data.

The depreciated replacement cost (current replacement cost less accumulated depreciation) will vary over the forecast period depending on the rates of addition of new assets, disposal of old assets and consumption and renewal of existing assets. However, it is expected that limited asset disposal will occur in the road asset category.

## 6.4 Key Assumptions made in Financial Forecasts

This section details the key assumptions made in presenting the information contained in this Infrastructure and Asset Management Plan and in preparing forecasts of required operating and capital expenditure and asset values. It is presented to enable readers to gain an understanding of the levels of confidence in the data behind the financial forecasts.

Key assumptions made in this Infrastructure and Asset Management Plan are:

- Asset condition and age has been determined based on engineering knowledge, best available data and previous asset deterioration rates. Some asset categories such as road seals have more accurate data available than other asset categories such as drainage infrastructure. However, current asset age can be reasonably determined by reverse engineering from total asset life and current asset condition. Example, a road seal is rated as being in a condition of 7/10, and has a total life of say 15 years. Therefore the asset still has 70% of its useful life remaining and 30% of its life has been used. The current asset age is therefore 30% of 15 years, i.e. 5 years old.
- Straight line depreciation of asset condition has been assumed but in reality the asset condition tends to drop off significantly towards the end of the asset life. This sharp drop off will impact on funding requirements needed to maintain asset stock in a reasonable condition and therefore Council's approach is to renew assets before this sharp drop in asset condition. i.e. Council intends to continue with its asset renewal plans before assets reach the end of their serviceable life. This Plan includes a residual value of the unit, being set out at a uniform 10% of the replacement value. This assumption reflects that a road asset (albeit in poor condition) is still useful.
- This Infrastructure and Asset Management Plan was put together based on the information at hand at the time of preparing the Plan. As asset information is updated and more accurate information becomes available, the Infrastructure and Asset Management Plan will become more accurate.

However, Council has very detailed asset information on most asset categories covered under this Plan and is therefore confident that this Plan accurately reflects Council's current asset position.

- It is assumed at this point in time that there will be minimal effect to asset service and delivery from future technological changes.
- With respect to Table 6.1.1 projected renewals are assumed to increase in value at a rate of 2.5% per annum. Any variation from 2.5% can affect the cumulative gap significantly (the data presented in this report is very sensitive to this assumption).

Accuracy of future financial forecasts may be improved in future revisions of this Infrastructure and Asset Management Plan by the following actions:

- More accurate data on actual asset life for all asset categories.
- Full cost attribution on future works programs through more sophisticated accounting measures.
- Improved data collection and condition assessment of assets and recording of this data in AIM program.

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Road and Drainage Infrastructure and Asset Management Plan

First year of expenditure projections 2018 (yr ending 30 June 2018)

Road Asset values as at 1st July 2018

Current replacement cost	\$150,332 (000)
Net Fair Value	\$114,560 (000)
Annual depreciation expense	\$3,095 (000)

Calc CRC from Asset Register  
 \$0 (000)  
 This is a check for you.

Operations and Maintenance Costs from New Assets

Additional operations costs	0.05%
Additional maintenance	0.41%
Additional depreciation	2.06%

% of asset value	0.05%
	0.41%
	2.06%

Existing %ages calculated from data in worksheet	0.05%
	0.41%
	2.06%

You may use these values calculated from your data, or overwrite the links.

20 Year Expenditure Projections Note: Enter all values in current 2019 values

Year ending June		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
		\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$001
<b>Operations</b>																						
Management	2.5%	\$63.3	\$64.9	\$66.5	\$68.2	\$69.9	\$71.6	\$73.4	\$75.2	\$77.1	\$79.1	\$81.0	\$83.1	\$85.1	\$87.3	\$89.4	\$91.7	\$94.0	\$96.3	\$98.7	\$101.2	\$103.7
AM systems	2.5%	\$13.5	\$13.8	\$14.2	\$14.5	\$14.9	\$15.3	\$15.7	\$16.0	\$16.4	\$16.9	\$17.3	\$17.7	\$18.2	\$18.6	\$19.1	\$19.6	\$20.0	\$20.5	\$21.1	\$21.6	\$22.1
<b>Total operations</b>		\$78.8	\$78.7	\$80.7	\$82.7	\$84.8	\$86.9	\$89.1	\$91.3	\$93.6	\$95.9	\$98.3	\$100.8	\$103.3	\$105.9	\$108.5	\$111.2	\$114.0	\$116.9	\$119.8	\$122.8	\$125.8
<b>Maintenance</b>																						
Reactive maintenance	2.5%	\$537.1	\$550.5	\$564.3	\$578.4	\$592.9	\$607.7	\$622.9	\$638.4	\$654.4	\$670.8	\$687.5	\$704.7	\$722.3	\$740.4	\$758.9	\$777.9	\$797.3	\$817.3	\$837.7	\$858.6	\$880.1
Planned maintenance	2.5%	\$80.7	\$82.7	\$84.8	\$86.9	\$89.1	\$91.3	\$93.6	\$95.9	\$98.3	\$100.8	\$103.3	\$105.9	\$108.5	\$111.2	\$114.0	\$116.9	\$119.8	\$122.8	\$125.9	\$129.0	\$132.2
<b>Total maintenance</b>		\$617.8	\$633.2	\$649.1	\$665.3	\$681.9	\$699.0	\$716.5	\$734.4	\$752.7	\$771.5	\$790.8	\$810.6	\$830.9	\$851.6	\$872.9	\$894.8	\$917.1	\$940.1	\$963.6	\$987.6	\$1,012.3
<b>Capital</b>																						
Planned Renewal	2.5%	\$2,353.0	\$2,308.0	\$3,171.2	\$3,244.6	\$3,343.3	\$3,442.3	\$3,484.9	\$3,587.4	\$3,665.4	\$3,767.0	\$3,850.3	\$3,959.0	\$4,058.0	\$4,159.4	\$4,263.4	\$4,370.0	\$4,479.2	\$4,591.2	\$4,706.0	\$4,823.7	\$4,944.2
Planned New	2.5%	\$787.0	\$1,187.0	\$355.4	\$485.2	\$354.4	\$346.1	\$356.1	\$345.4	\$380.0	\$384.9	\$344.9	\$358.6	\$367.6	\$376.8	\$386.2	\$395.8	\$405.7	\$415.9	\$426.3	\$436.9	\$447.8
Growth Assets Const/Funded by Council		\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0	\$101.0
<b>Total Planned Upgrade/New</b>		\$3,240.0	\$3,595.0	\$3,626.6	\$3,829.8	\$3,797.7	\$3,888.4	\$3,941.0	\$4,032.8	\$4,145.4	\$4,251.9	\$4,295.2	\$4,417.6	\$4,525.5	\$4,636.2	\$4,749.6	\$4,865.8	\$4,985.0	\$5,107.1	\$5,232.3	\$5,360.6	\$5,493.1
		\$3,936.6	\$4,307.0	\$4,356.4	\$4,577.8	\$4,564.4	\$4,674.3	\$4,746.5	\$4,858.5	\$4,991.7	\$5,119.4	\$5,184.3	\$5,329.0	\$5,459.7	\$5,593.7	\$5,731.0	\$5,871.8	\$6,016.1	\$6,164.0	\$6,315.6	\$6,471.0	\$6,631.3
Planned Disposals		\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0



# PLAN IMPROVEMENT AND MONITORING

## 1. Performance Measures

The effectiveness of the Infrastructure and Asset Management Plan can be measured in the following ways:

- The degree to which the required cashflows identified in this Infrastructure and Asset Management Plan are incorporated into Council’s LTFP and Community Plan;
- The degree to which 1-10 year detailed works programs, budgets, business plans and organisational structures take into account the ‘global’ works program trends provided by the Infrastructure and Asset Management Plan.

## 2. Improvement Plan

The asset management improvement plan generated from this Infrastructure and Asset Management Plan is shown in Table 8.2.

**Table 8.2 Improvement Plan**

Task No	Task	Responsibility	Resources Required	Timeline
1.	Detailed investigation / design on major road work projects leading to higher quality & efficiencies	Engineering Manager	Time	
2.	Increase hotmix overlay programs for footpaths and roads to extend useful life	Engineering Manager	Budget allocation	Ongoing
3.	Improved maintenance practices to increase efficiencies	Engineering Manager	Time	Ongoing
4.	Replacement of small footpath pavers to large format pavers to reduce trip hazards	Engineering Manager	Budget allocation	Ongoing
5.	Improved long term financial planning and forecasting	Council	Time	Ongoing

## 3. Monitoring and Review Procedures

This Infrastructure and Asset Management Plan will be reviewed during annual budget preparation and amended to recognise any changes in service levels and/or resources available to provide those services as a result of the budget decision process.

The Plan has a life of 4 years and is due for revision and updating within 2 years of each Council election.

## REFERENCES

City of Mount Gambier Community Plan – The Futures Paper 2016-2020

City of Mount Gambier Annual Report and Budget

DVC, 2006, 'Asset Investment Guidelines', 'Glossary', Department for Victorian Communities, Local Government Victoria, Melbourne

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, [www.ipwea.org.au](http://www.ipwea.org.au)

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# APPENDICES

Appendix A Maintenance Response Levels of Service

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## LEVELS OF SERVICE

## APPENDIX A

The following table outlines standard levels of service for all council assets. Refer to Infrastructure and Asset Management Plan for information of class specific exceptions, how well the assets are performing and how Target Performance will be sought.

Key Performance Indicator	Level of Service	Performance Measurement Process	Target Performance
<b>Community Utility</b>			
Legislative Compliance	to ensure compliance with relevant acts and legislative requirements	audit and review of compliance requirements	full compliance
Safety	to provide safe access and amenity	audit and review of compliance requirements	full compliance
Customer Satisfaction	to provide assets that meet customer requirements and expectations in relation to accessibility, form and function	conduct customer survey in relation to asset provision	customers to provide an average satisfaction level of good to excellent (greater than 7 on scale 0-10)
<b>Operating or Technical</b>			
Condition	to provide the asset base in a condition that is safe, asesthetic, fit for purpose and meets customer expectations	to complete city wide progressive condition audit and risk assessment audit every two years	90% of assets to have a condition rating of fair to excellent
Responsiveness	to respond to customer requests consistent with corporate standards and service agreements	periodic reports on customer request turn around times and customer satisfaction feedback forms  level of overall customer requests monitored	90% of customer requests to be processed within the agreed timeframes  10% reduction in reactive customer requests per annum
Performance	to ensure the assets perform cost effectively and provide adequate service to the community	performance analysis  level of service reviews and audits	individual asset groups to meet identified needs
Design and Capacity	level to provide assets that meet required service levels and standards, design standards and specifications	endorsed service standards and specifications for the building and maintenance of assets	100% compliance
Cost Effectiveness	to provide and maintain the assets according to best value over the lifecycle while meeting Council objectives	lifecycle cost in conjunction with intervention and deterioration modelling	reduction of lifecycle costs to equivalent of benchmarked best practice

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City of  
Mount Gambier



# Building and Structures Asset Management Plan

2020/2029

March 2019

**Document Control**



Document ID: AR19/9672 City of Mount Gambier Building and Structures Asset Management Plan 2020-2029

Rev No	Date	Revision Details	Author	Reviewer	Approver
1	March 2019	1 <sup>st</sup> version as a stand-alone document	KR	DM	NS

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# TABLE OF CONTENTS

ABBREVIATIONS .....	1
1. INTRODUCTION .....	2
1.1 Background .....	2
1.2 Goals and Objectives of Asset Management .....	3
1.3 Plan Framework .....	4
2. LEVELS OF SERVICE .....	6
2.1 Legislative Requirements .....	6
2.2 Building Importance/Criticality .....	6
2.3 Current Levels of Service .....	8
2.4 Desired Levels of Service .....	10
3. FUTURE DEMAND .....	10
3.1 Demand Forecast .....	10
3.2 Changes in Technology .....	10
3.3 Impact of Climate Change .....	11
3.4 Demand Management Plan .....	11
4. LIFECYCLE MANAGEMENT PLAN .....	12
4.1 Background Data .....	12
4.1.1 Physical Parameters .....	12
4.1.2 Asset Capacity and Performance .....	13
4.1.3 Asset Condition .....	14
4.1.4 Asset Valuations .....	15
4.2 Risk Management Plan .....	16
4.3 Operations and Maintenance .....	16
4.3.1 Maintenance Plan .....	16
4.3.2 Standards and Specifications .....	16
4.3.3 Summary of Future Maintenance Expenditures .....	16
4.4 Renewal / Replacement Plan .....	17
4.4.1 Renewal Plan .....	17
4.4.2 Renewal Standards .....	18
4.4.3 Summary of Future Renewal Expenditure .....	18
4.5 Creation / Acquisition / Upgrade Plan .....	20
4.5.1 Selection Criteria .....	20
4.5.2 Standards and Specifications .....	20
4.5.3 Summary of Future Upgrade / New Assets Expenditure .....	20
4.6 Disposal Plan .....	20
5. FINANCIAL SUMMARY .....	21
5.1 Financial Statements and Projections .....	21
5.1.1 Sustainability of Service Delivery .....	21
5.2 Funding Strategy .....	23
5.3 Valuation Forecasts .....	23
5.4 Key Assumptions made in Financial Forecasts .....	24
5.5 Improvement and Monitoring .....	24
5.5.1 Accounting and financial systems .....	24
5.5.2 Required changes to accounting financial systems arising from this AM Plan .....	25
REFERENCES .....	27
APPENDICES .....	28
Appendix A Preliminary Disability Access Report AR19/9944 .....	28



## ABBREVIATIONS

AMP	Asset Management Plan
CRC	Current replacement cost
DA	Depreciable amount
DDA	Disability Discrimination Act
IRMP	Infrastructure Risk Management Plan
MMS	Maintenance management system
LTFP	Council's Long Term Financial Plan
RV	Residual value

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# 1. INTRODUCTION

## 1.1 Background

The purpose of the Buildings and Structures AMP is to outline a broad approach asset management, demonstrate proactive management of assets (and services provided from those assets) and model the funding required from the assumptions developed for those assets. This Asset Management Plan (AMP) is to be read in conjunction with Council's Asset Management Policy, Asset Management Strategy and the following associated planning documents:

- Community Plan
- Long Term Financial Plan (LTFP)
- Council's Development Plan
- Annual Business Plan and Budget (ABP&B)
- Building Code of Australia (BCA) and National Construction Code
- Disability Discrimination Act requirements (DDA)
- Community Land Management Plans
- Permits for use of Council facilities by external parties
- Management Agreements for the management of Council facilities
- Preliminary Disability Access Report

This AMP covers all Council controlled buildings and structures within the City of Mount Gambier as indicated in the following summary:

**Table 1. Building and Structures covered by this Plan**

Asset Category	Number of	Carrying Value (\$)
Buildings	259*	\$52.167M
Structures	290	\$13.326M
<b>TOTAL</b>		<b>\$65.493M</b>

*\*includes all components of buildings as they are recorded as separate assets on the asset register*

Key stakeholders in the preparation and implementation of this AMP are shown in Table 2.

**Table 2: Key Stakeholders**

Key Stakeholder	Role in AM Plan
Councillors	<ul style="list-style-type: none"><li>• Represent needs of the community and stakeholders</li><li>• Set targeted sustainability ratios</li><li>• Ensure organisation is financial sustainable</li><li>• Adopt Strategic Plans and approve Budgets</li></ul>
Executives	<ul style="list-style-type: none"><li>• Asset Management Plan</li><li>• Annual budget</li><li>• Portfolio sponsor</li></ul>
Customers	<ul style="list-style-type: none"><li>• End users of service/assets</li><li>• Licence/Leaseholders</li></ul>

Insurers	<ul style="list-style-type: none"> <li>• Partner with Council to mutually cover risk exposure</li> </ul>
Contractors/suppliers	<ul style="list-style-type: none"> <li>• Support the provision of human and physical resources</li> <li>• External valuations, including insurance valuations</li> </ul>
Government	<ul style="list-style-type: none"> <li>• Provides occasional grants to Council for building projects</li> </ul>
Building Maintenance Business Unit	<ul style="list-style-type: none"> <li>• Responsible for actual maintenance and renewal for identified buildings and structures</li> <li>• Contract manage relevant building maintenance contracts</li> </ul>
Strategic Finance & Accountability Business Unit Finance Business Unit	<ul style="list-style-type: none"> <li>• Council's LTFP</li> <li>• Asset valuation and depreciation</li> <li>• Procurement facilitation</li> </ul>

## 1.2 Goals and Objectives of Asset Management

The Council exists to provide services to its community. Some of these services are provided by building and structure assets. Council has acquired assets by purchase, construction and by donation/gift.

Council's goal in managing building and structure assets is to meet the defined level of service in the most cost effective manner for present and future consumers. The key elements of building and structure asset management are:

- Taking a life cycle approach to developing cost-effective management strategies for the long term
- Providing a defined level of service and monitoring performance in line with stakeholder needs
- Managing risks associated with asset failures and disasters
- Having an LTFP which identifies required, affordable expenditure and how it will be financed
- Continuous improvement in asset management practices.<sup>1</sup>

This AMP is prepared under the direction of Council's Community Plan which represents the vision, aspirations and priorities of the community now and into the future.

Our Vision is: **An inclusive city where people lead fulfilling lives.**

The objectives contained within the Community Plan fall under four key themes:

Our People	A safe, inclusive city where access to quality services and facilities supports a socially connected, vibrant and healthy community
Our Location	A perfectly centered place where people aspire to live, work, visit and invest
Our Diverse Economy	A diversified, innovative and resilient economy that generates jobs and services
Our Climate, Natural Resources, Arts, Culture and Heritage	A culturally-inspired city that strives to minimise its ecological footprint.

<sup>1</sup> IIMM 2006 Sec 1.1.3, p 1.3

Key envisaged outcomes, projects and services described in the Community Plan that directly relate Council's building and structure asset management are:

- Provide and advocate for appropriate and accessible services and facilities
- Development of public spaces to support community connectedness
- Generate pride in our environment, culture and heritage by actively learning about, promoting and preserving our heritage.

A 'top down' approach has been used where analysis is applied at the system or network level to meet minimum legislative and organisational requirements for sustainable service delivery and long term financial planning and reporting.

Future versions of the AM Plan will move towards 'advanced' asset management using both a hybrid 'top down' and 'bottom up' approach for reporting up to date information about individual assets.

This plan is prepared to facilitate community consultation and in line with section 122(6) and 122(7) of the Local Government Act the draft plan is made available to the public at our principal office for feedback.

Future revisions may include greater community consultation on service levels and costs of provision to assist Council and the community in balancing the level of service needed and/or desired with the community's ability and willingness to pay for the service(s).

### 1.3 Plan Framework

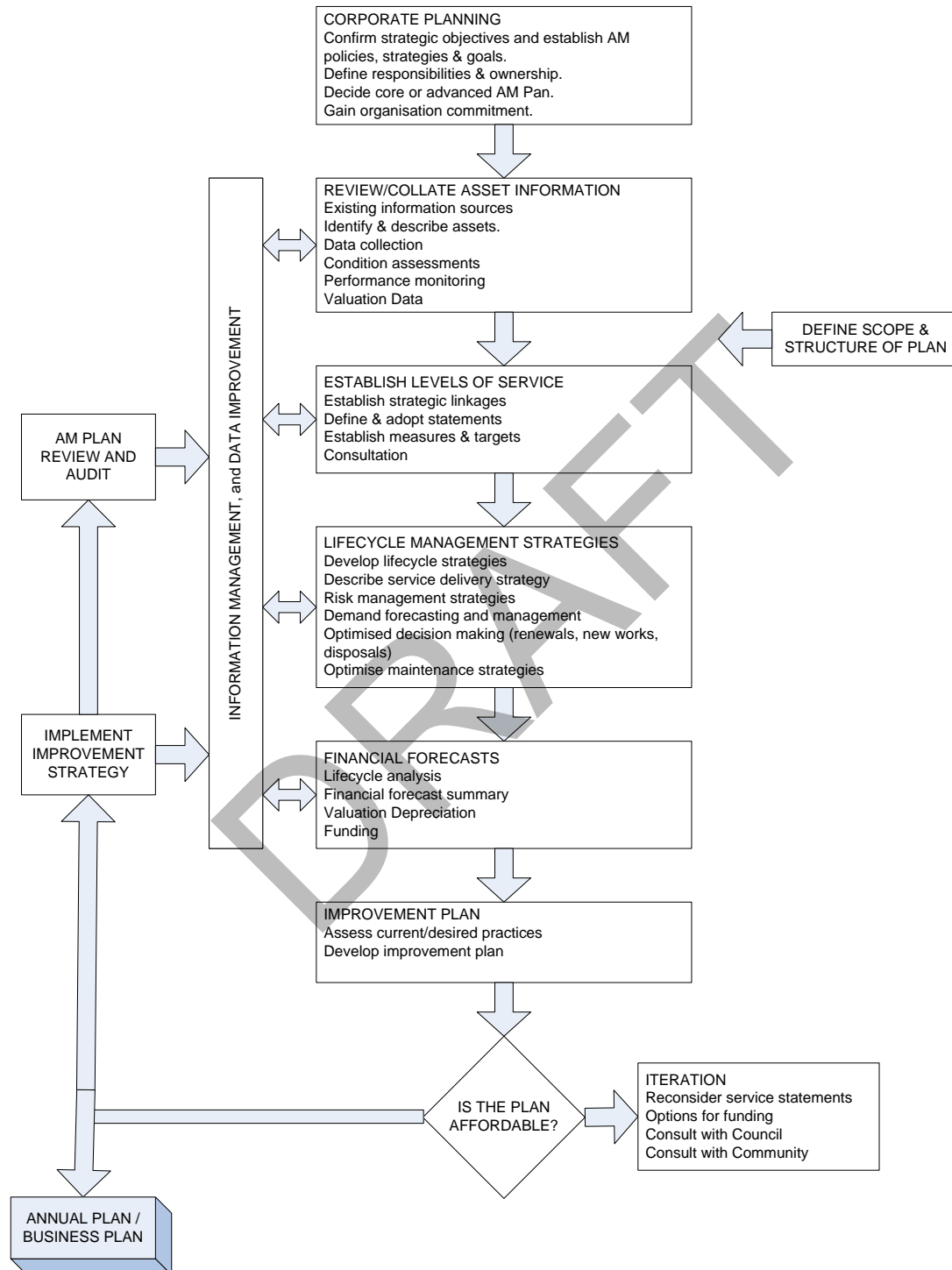
Key elements of the Plan are

- Levels of service – specifies the services and levels of service to be provided by Council.
- Future demand – how this will impact on future service delivery and how this is to be met.
- Life cycle management – how Council will manage its existing and future assets to provide the required services.
- Financial summary – what funds are required to provide the required services.
- Asset management practices.
- Monitoring – how the Plan will be monitored to ensure it is meeting Council's objectives.
- Asset management improvement plan.

A road map for preparing an Asset Management Plan is shown below.

**Figure 1: Road Map for preparing an Asset Management Plan**

Source: IIMM Fig 1.5.1, p 1.11



## 2. LEVELS OF SERVICE

Levels of service provide the basis for life cycle management strategies and works programs, whilst supporting the Council's strategic goals. Ongoing planning for the ownership and management of Council's buildings aims to ensure that building assets provide, or help to provide, appropriate services for the community.

### 2.1 Legislative Requirements

Council has to meet many legislative requirements including Australian and State legislation and State regulations. These include:

Table 3: Legislative Requirements

Legislation	Requirement
Local Government Act, 1999	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a long term financial plan supported by infrastructure and asset management plans for sustainable service delivery.
Development Act and subordinate legislation (example Development Plan and Building Code)	Provides Council with the legislative framework to guide the preservation and enhancement of its buildings and structures.
Heritage Act, 2004	An Act that conserves places with heritage value
Building Code of Australia, 2016	States the minimum requirements for the design, construction and maintenance of buildings
Australian Accounting Standards	Sets out the financial reporting standards relating to the valuation and depreciation of assets
Work Health and Safety Act, 2012	Secures the health, safety and welfare of persons at work
Asbestos Removal Code of Practice	The management and maintenance of asbestos in accordance with the code
Disability Discrimination Act (DDA), 2012	An Act that bans discrimination of people based on a disability
Environmental Protection Act, 1997	An Act that covers the protection of the environment

### 2.2 Building Importance/Criticality

In order to manage Council's buildings more effectively, buildings are in the process of being grouped based on level of importance and criticality. Table 4 provides an outline of Council's envisaged building categorisation.

Development of Council's categorisation and understanding of building and structure assets is a priority to enable better planning for annual budgeting, capital renewal and maintenance requirements. This will

ultimately establish more specific levels of service required per building group/category and expenditure prioritisation into the future.

**Table 4: Building Categories/Groupings**

Category	Criticality rating	Description	Service Standard
A	Significant	High profile facility of major local or regional significance; Facility used as a key revenue generator and/or houses a key service deliverable; Facility is occupied and usage is high; No alternative building or facility available for temporary retention of service delivery; Impacts on Council reputation is at significant risk.	Building and facility to be in best possible condition. High level of accessibility and appearance. Full replacement cost method. Minimal deterioration.
B	High	Facilities are important to operations; Facilities with important public interface and/or heritage; Facilities requiring good public presentation and high quality working environment; Possible alternative building or facility available for temporary retention of service delivery; Impacts on Council reputation is a high risk.	Building to be maintained in good condition operationally and aesthetically.
C	Medium	Non-critical facilities including most buildings supporting typical/standard local government service standards; Usage of facility is adhoc and/or supportive of service rather than a significant provider in its own right; Possible category for community and/or heritage facilities; Impacts on Council reputation is a medium risk.	Building to be in reasonable to good condition, meeting full operational requirements. Likely to reach end of life before renewal.
D	Low	Non-critical facilities used for basic functional performance; Facilities can easily operate in basic condition; Alternative buildings or facilities readily available; Impacts on Council reputation is a low risk.	Building to meet minimal operational requirements. Maintenance is minimal. Will reach end of life before renewal.
E	Minimal	Building is no longer operational. Pending disposal or demolition.	Building can be allowed to deteriorate. Must be marginally maintained to meet minimum statutory safety and aesthetic requirements.

Future iterations of this Plan will expand on this categorisation by providing examples of buildings and numbers of buildings defined per category. At the time of writing this Plan, this information was not yet finalised.

To support these groupings, Council is in the process of developing criteria or attribute questions. These questions record certain attributes of buildings that assist in determining the category (refer Table 4) that the building should be defined as. Examples of attributes currently being developed include:

- Usage of facility
- Facility profile
- Current occupancy
- Community significance
- Revenue generation
- Alternative building availability
- Building closure community reaction.

A key future task of Council is to assess buildings by the attributes determined to ensure a consistent and methodical approach to categorising the relevant assets. Once the grouping of each building asset is known, high-level financial modelling can be completed and assessed in conjunction with Council's long term financial plan and strategies. Future iterations of this Plan will expand on these attributes and asset categorisation to provide a more complex understanding of Council's building assets.

## 2.3 Current Levels of Service

Council has defined service levels in two terms:

### 1. Community Service Levels

These relate to how the community receives the service in terms of safety, quality, function, quantity, reliability, responsiveness and cost/efficiency.

### 2. Operational or Technical Service Levels

These measures relate to the allocation of resources to service activities that the Council undertakes to best achieve the desired community outcomes, whilst meeting all legislative requirements.

Council's current service levels are detailed in Table 5.



**Table 5 Current Service Levels**

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target	Current Performance
<b>COMMUNITY LEVELS OF SERVICE</b>				
Quality	Provide buildings that are fit for purpose	Customer service requests Condition rating	Less than 2 per month for any particular building or structure	Less than 2 per month for any particular building or structure
Function	Buildings and structures are available and accessible for intended use at all times (apart from during times of maintenance)	Customer complaints relating to unavailability of building or structure	Less than 2 per month for any particular building or structure	Less than 2 per month for any particular building or structure
	Building facilities meet user requirements	Usage of facility	Average usage of facility 50% occupancy for each building	TBC
Safety	Provide buildings that comply with the principles of the BCA and DDA Buildings are free from hazards	Number of injury incidents relating to health, safety and disability for Council owned buildings and structures	Less than 3 per month per building or structure	Less than 3 per month per building or structure
Asbestos	Ensure that all building facilities meet asbestos regulations	Asbestos registers onsite and program in place to remove and/or manage asbestos from, in and around buildings	<2 incidents per year	0 incidents reported
<b>TECHNICAL LEVELS OF SERVICE</b>				
Condition	Carry out routine maintenance on buildings and structures	Number of complaints relating to minor maintenance matters	Less than 5 per month for any particular building or structure	Less than 5 per month for any particular building or structure
	Provide facilities that are in a safe and well maintained condition	Condition rating of all buildings by qualified personnel	All Council owned buildings – Average rating no lower than "average"	TBC
Compliance	Compliance with Building Codes and technical standards	All new work and significant refurbishment to comply with current standards	Development Act approval and compliance with Building Code of Australia	Plans and specifications are submitted to gain development approval
Accessibility	Provide DDA compliance to Council buildings and structures	Review all Council owned buildings for DDA compliance	<ul style="list-style-type: none"> <li>Council assesses 50 buildings per annum for DDA compliance</li> <li>Develop and implement annual works program to address identified DDA issues</li> </ul>	Council recently had a consultant prepare a report on disability access to a number of its buildings
Costings/Affordability	Operational expenditure costs are known	Introduction of work order costing system to track maintenance of buildings	All plant, labour and material costs booked to work orders for individual buildings	All plant, labour and material costs booked to work orders for individual buildings
Safety	Condition assessment surveys to identify any issue relating to occupier safety	Building and structure condition assessments to be carried out on a one in three year cycle	Identified safety issues are documented and included in works program for the following financial year	Issues addressed as they are identified, assessment frequency not currently stipulated

## 2.4 Desired Levels of Service

At present, indications of desired levels of service are obtained from various sources including, residents' feedback to Councillors and staff, service requests and correspondence. Council has still to quantify all desired levels of service. This will be incorporated in future revisions of this Infrastructure and AMP.

## 3. FUTURE DEMAND

### 3.1 Demand Forecast

Factors affecting demand include population change, changes in demographics, seasonal factors, consumer preferences and expectations, economic factors, environmental awareness, changing legislative requirements, risk management practices, etc.

Demand factor trends and impacts on service delivery are summarised in Table 6

**Table 6: Demand Factors, Projections and Impact on Services**

Demand factor	Present position	Projection	Impact on services
Population	26,276 ( <i>census 2016</i> )	32,000 people by 2027 <sup>2</sup>	Population growth will have marginal impact on existing services
Demographics	Ageing population		Increase in aged care accommodation and facilities to service the elderly. Disability access will become increasingly important.
Climate change	More demand for indoor recreation facilities, air conditioned buildings and recreational shade/weather protection structures	Demand for indoor multipurpose recreation facilities and weather protection structures over outdoor recreation facilities	capital expenditure as required to meet community needs and expectations
Legislative changes	Compliance with BCA but not 100% compliance with DDA	Increasing legislative and governance demands for full DDA compliance, long term financial sustainability, environmental sustainability for the existing building stock as well as pressure for additional buildings	Demand for retrofitting buildings for DDA, environmental sustainability etc. and impact on financial resources in the provision of new buildings

### 3.2 Changes in Technology

Technology changes are forecast to have little effect on the delivery of services covered by this Plan, but will likely improve customer feedback and advice to Council (eg. Web based communication to Council, smart phone technology, automated monitoring of building services, online/interactive building lighting/art).

Council will face increasing community pressure to retrofit existing facilities with technology that will improve the overall environmental sustainability of the facility and safety.

<sup>2</sup> Referenced from Community and Recreation Hub Feasibility Study

Technology changes forecast to affect the delivery of services covered by this plan are detailed in Table 7.

**Table 7: Forecast changes in technology and effect on service delivery**

Technology Change	Effect on Service Delivery
CCTV Cameras	Council are in the process of implementing CCTV systems and this may be able to be utilised in asset management, assessment and surveillance to assist in reduction of damage to its buildings and structures.
Interactive Building aesthetics	<ul style="list-style-type: none"> <li>• Building projections, permanent architectural projection</li> <li>• Storytelling, interpreting and sharing local heritage</li> <li>• Urban transformation and creative initiatives through public art</li> </ul>
Automatic detection and safety systems	Expansion of electronic access to buildings, automatic closing & locking of buildings (i.e. do not have to be in the facility itself)
Robotics and artificial intelligence	Robotic cleaning equipment and self-cleaning buildings such as self-cleaning toilets and other facilities.
Plant & Equipment	Updated plant & equipment may result in improved service delivery within a more efficient timeframe and to a better standard.
Mobile computing	Use of improved technology for condition rating may lead to increased data integrity and ability to link to GIS for improved visualisation. Will also mean simpler and more efficient information transfer without double handing of data.
Environment Sustainability	Installation of energy and water saving equipment for environmental responsibility and for cost efficiency.

### 3.3 Impact of Climate Change

There is continuing discussion about changing climate conditions including increased rainfall, sea level rise and the magnitude and frequency of major weather events. It is unlikely that climate change will affect building assets significantly during the period covered by this plan.

Mount Gambier is located in a volcanic region and Council's risk assessments and disaster recovery plans provide for catastrophic events such as this and/or other extreme natural phenomena.

### 3.4 Demand Management Plan

Demand for new services will be managed through a combination of managing existing assets, upgrading of existing assets and providing new assets to meet demand. Demand management practices include non-asset solutions, insuring against risks and managing failures.

Non-asset solutions focus on providing the required service without the need for the organisation to own the assets, such as leasing arrangements or providing services from existing infrastructure which may be located in another community area or contributing to capital improvements of another organisation that provide benefits for our community. An example of this includes, the Mount Gambier Airport, located outside the City of Mount Gambier boundary, however Council has committed to contribute funding to

upgrade its facilities. Other non-asset solutions include managing expectations in relation to service standards and service failures by controlling or softening demand.

The current lack of information on the extent of service provision required to meet community demand for buildings makes it difficult to assess the gap between the community desires/needs and existing service provision. Opportunities identified to date for demand management are shown in Table 8. Further opportunities will be developed in future revisions of this AM Plan.

**Table 8: Demand Management Plan Summary**

Service Activity	Demand Management Plan
Operations	Utilise office space more efficiently.  Identify buildings not being used to their full potential and consult the community on other uses.
Financial	Develop long-term financial management plans to ensure financial sustainability
DDA provision improvements	To enact works programs developed as part of the accessibility assessment identified in Table 6
Environmental sustainability	Use Triple Bottom Line analysis (refer CHAT) to assess whether any identified project is to proceed.  Council will need to ensure that the community is aware of this Plan and understands the long term financial implications.
Public Toilet Facilities	Councillors and community have recently encouraged investment in building renewal for primary public toilet facilities.  Intelligent waste management systems.

## 4. LIFECYCLE MANAGEMENT PLAN

The lifecycle management plan details how Council plans to manage and operate the assets at the agreed levels of service (defined in the section “Levels of Service”) while optimising life cycle costs.

### 4.1 Background Data

#### 4.1.1 Physical Parameters

The assets covered by this Plan are shown in Table 1.

Council uses the following components to assist with valuation, condition and more accurately reflect useful life as the components that make up a building are dissimilar in nature.

**Table 9: Building Components and Average useful life**

Building Component	Average Useful Life for component (years)
Structure	77
Roofing	40
Services	50
Fitout	19

Over 5% of Council's building and structure assets are identified as heritage. At the last external valuation completed as at 1 July 2016, significant correspondence was undertaken with the external valuers to better align the useful lives of significant heritage assets based on their historic performance. Due to this, the average useful life of the building structure component has been slightly elevated to 77 years (previously estimated to be between 50-60 years).

Generally the building and structure assets mentioned above are in fair to good condition although asset ages vary considerably across the City. Council has limited data on the age profile of its Asset stock but does have an increasing understanding of the condition data for building and structure asset categories. Council uses a combination of the age and condition data to set future works programs and also to prepare risk control strategies.

#### 4.1.2 Asset Capacity and Performance

Council's services are generally provided to meet design standards where these are available.

Council engaged a consultant in July 2018 to complete a preliminary disability audit on a selection of buildings including public amenities and heritage sites. Refer Appendix A for a copy of the Preliminary Disability Access Report.

The Preliminary Disability Access Report (the Report) provides a snapshot of where Council is at in terms of general disabled access. It also identifies buildings (including surrounds) that are not meeting compliance standards and should be ear marked for demolishing or significant works. At the time of writing this Plan, further analysis of the Report was in progress. Council's key tasks in relation to the Report are to:

- Consult with the community
- Prioritise works to be completed
- Design and project cost works
- Ensure strategic alliance (both financial and non-financial)

Future iterations of this Plan will provide further detail on forward works programming.

### 4.1.3 Asset Condition

Council's building and structure assets were last assessed for condition as at 1 July 2016 by external consultants as part of the revaluation process. The condition is measured using a 0 – 5 rating system.<sup>3</sup>

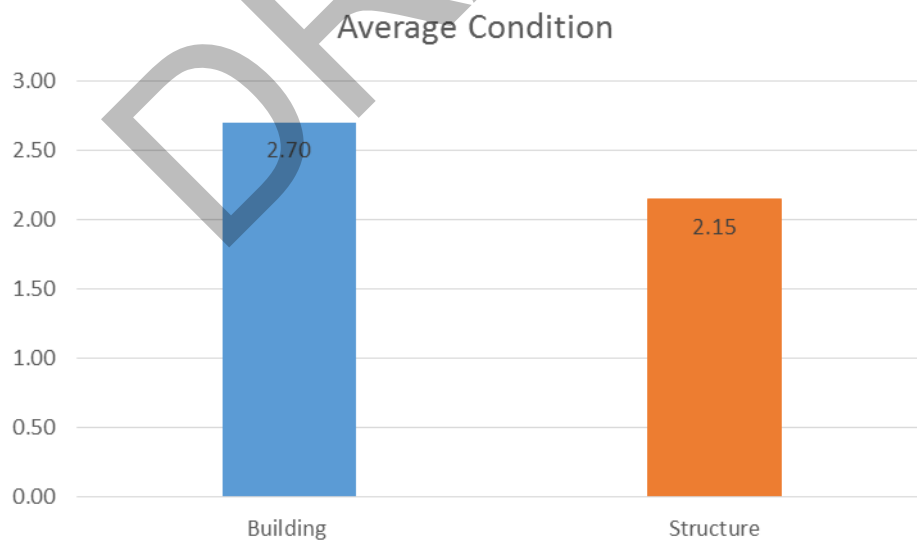
The condition profile of Council's assets will be further assessed by technical building experts and include review of compliance standards, appearance, security, fit for purpose and environmental fitness and be reflected in future updates of this Plan.

**Table 10: Condition Rating Scale**

Rating	Rating Title	Description of Condition
1	Excellent	New or as new condition. Only planned maintenance required
2	Good	Well maintained, good condition. Minor maintenance required plus planned maintenance
3	Average	Average condition with minor maintenance required
4	Poor	Significant renewal/upgrade required (start of rapid decline)
5	Very Poor	Unserviceable/ approaching obsolescence. Asset renewal or disposal required

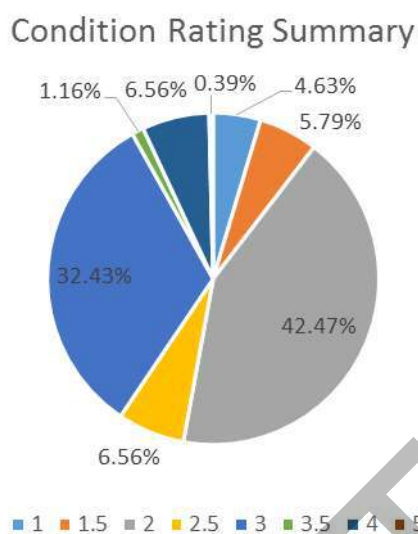
The condition profile of Council's building and structure assets is shown below in figures 2 and 3.

**Figure 2: Building and Structure Asset Condition Profile**



<sup>3</sup> Opteon (SA) Pty Ltd Condition Assessment Method

**Figure 3: Building and Structure Asset Summary by Condition**



#### 4.1.4 Asset Valuations

The value of building and structure assets covered by this AMP is summarised below. Building and Structure assets were last re-valued at 1 July 2016 by Opteon (South Australia) Pty Ltd.

As at 30 June 2018 the value of these assets was:

Total Value (at cost & fair value)	\$ 99,286M
Accumulated Depreciation	\$ 33,793M
Carrying Amount	\$ 65,493M
Annual Depreciation Expense	\$ 2,363M

Council's sustainability reporting shows the rate of annual asset consumption and compares this to asset renewal and asset upgrade and expansion.

Asset Consumption	2.38%	$(\$2,363M \div \$99,286M \times 100)$
Asset Renewal	0.71%	$(\$0.705M \div \$99,286M \times 100)$
Asset Renewal & Upgrade	1.11%	$(\$1,104M \div \$99,286M \times 100)$

These calculations are based on values as at 30 June 2018. The percentages indicate that Council needs to increase its annual expenditure on buildings and structure renewal by a factor of 3.35 times (calculated by:  $2.38 / 0.71 = 3.35$  times).

As mentioned earlier in the Plan, Council is working towards assessing and categorising its buildings and structures assets with the outcome of a considered approach to renewal forward programming to reduce the 3.35 times deficiency. One of the first steps in this process was the commissioning of the Preliminary Disability Access Report.

## 4.2 Risk Management Plan

An assessment of risks associated with service delivery from infrastructure assets identifies critical risks to Council. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks.

## 4.3 Operations and Maintenance

Routine maintenance is the regular on-going work that is necessary to keep assets operating, including instances where portions of the asset fail and need immediate repair to make the asset operational again.

Operational activities are those that consume resources to ensure the asset levels of service are met, for example, cleaning and consumables. Key drivers for these type of expenses are frequency/volume of use and opening hours.

### 4.3.1 Maintenance Plan

Maintenance includes reactive, planned and cyclic maintenance work activities.

Reactive maintenance is unplanned repair work carried out in response to service requests and management/supervisory directions.

Planned maintenance is repair work that is identified and managed through a maintenance management system (MMS). MMS activities include inspection, assessing the condition against failure/breakdown experience, prioritising, scheduling, actioning the work and reporting what was done to develop a maintenance history and improve maintenance and service delivery performance.

Cyclic maintenance is replacement of higher value components/sub-components of assets that is undertaken on a regular cycle and may include painting, re-roofing, replace occasional window etc. This work generally falls below the capitalisation threshold.

Maintenance expenditure trends are shown in Figure 4.

Even with the introduction of a dedicated building maintenance crew within the field staff structure (which began operating from 1 July 2017), current and anticipated maintenance expenditure levels are inadequate to maintain current service levels and the use of contractors is required.

Assessment and prioritisation of reactive maintenance is undertaken by Council staff using experience and judgement.

### 4.3.2 Standards and Specifications

Maintenance work is carried out in accordance with the following Standards and Specifications:

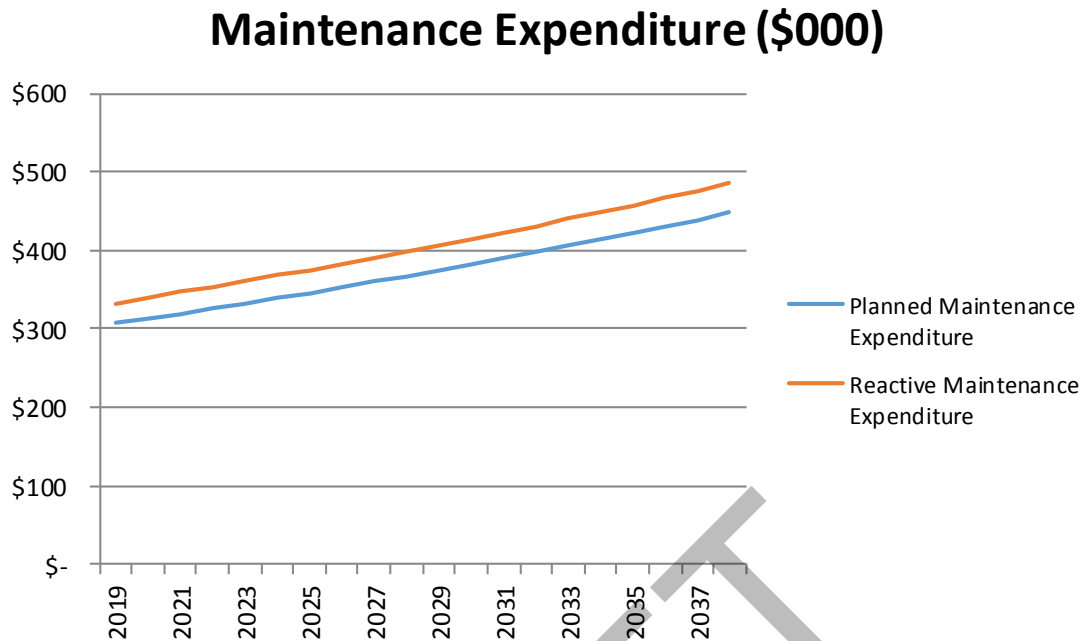
- Current Australian and Industry Standards
- Work Health Safety Act and Regulations.

### 4.3.3 Summary of Future Maintenance Expenditures

Future maintenance expenditure is forecast to trend in line with the value of the asset stock as shown in Figure 4. Note that all costs are shown in current 2019 dollar values.



**Figure 4: Maintenance Expenditure**



Council have recently expanded and are still in the process of refining our use of Work Orders to provide improved data on building maintenance expenditure. Future iterations of this Plan will see improved information in this area.

Deferred maintenance, i.e. works that are identified for maintenance and unable to be funded are to be included in the risk assessment process in the Infrastructure and Asset Risk Management Plan.

Maintenance is funded from Council's operating budget and grants where available. This is further discussed in Section 5.2.

## 4.4 Renewal / Replacement Plan

Renewal expenditure is major work which does not increase the asset's design capacity but restores, rehabilitates, replaces or renews an existing asset to its original service potential. Work over and above restoring an asset to original service potential is upgrade/expansion or new works expenditure.

### 4.4.1 Renewal Plan

Assets requiring renewal are identified from one of three methods:

- Method 1 uses Asset Register data to project the renewal costs using acquisition year and useful life to determine the renewal year
- Method 2 uses capital renewal expenditure projections from external condition modelling systems
- Method 3 uses a combination of average network renewals plus defect repairs.

A combination of methods 1 and 2 were used for this Plan.

Renewal will be undertaken using 'low-cost' renewal methods where practical. The aim of 'low-cost' renewals is to restore the service potential or future economic benefits of the asset by renewing the assets at a cost less than replacement cost.

#### 4.4.2 Renewal Standards

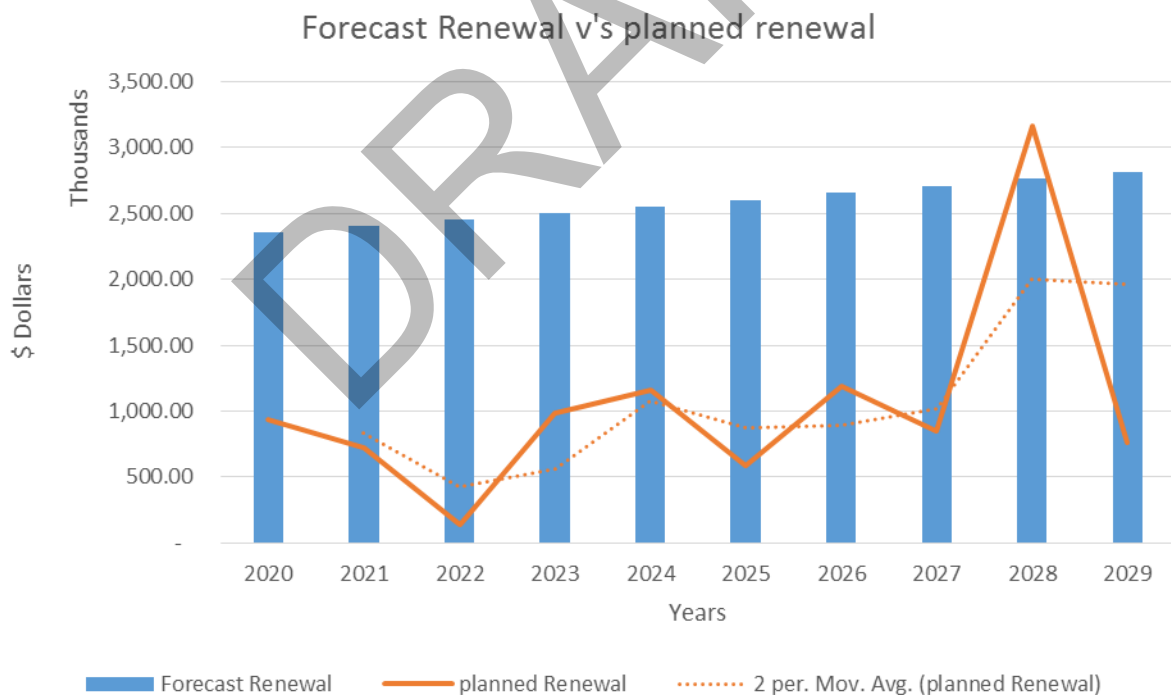
Renewal work is carried out in accordance with the following Standards and Specifications:

- Current Australian and Industry Standards
  - Building Code of Australia 2016
  - Disability Discrimination Act (DDA)
- Work Health Safety Act and Regulations
- Best Industry Practice Standards
  - Asbestos Removal Code of Practice
  - Electrical Wiring Code AS3000

#### 4.4.3 Summary of Future Renewal Expenditure

Projected future renewal expenditures are forecast to increase over time as the asset stock ages. The costs are summarised in Figure 5. Note that all costs are shown in nominal dollar values.

**Figure 5: Projected Capital Expenditure over next 10 years**



Planned renewals are to be funded from Council's capital works program and grants where available. This is further discussed in Section 5.2. Council has recently taken the first step towards improving its buildings and structures planned renewal programming by using remaining useful life estimates. Future iterations of this Plan will become more detailed as Council continues to develop its assets categorisation and information. It should be noted that the forecast renewal is currently based on depreciation. Council's uses straight line depreciation for its building and structure assets and does not believe this to be an accurate reflection of what amount should be spent in any one year on asset renewal. Rather

depreciation can be used as a guide over the life of the asset and hence in some years renewal will be less than depreciation, whilst in other years, renewal will be greater depending on the value of assets that require works.

Deferred renewal, i.e. those assets identified for renewal and not scheduled for renewal in capital works programs are to be included in the risk assessment process in the Risk Management Plan.

Major or significant assets forecast for partial and significant renewal works over the next 10 years are shown in table 11.

**Table 11: Major Assets forecast for renewal works**

Asset	Year	Budget Estimate \$'000
Railway Station Building	2020	\$ 371
Public Amenities – Valley Lake	2020	\$ 200
Vansittart Park – Grandstand	2020	\$ 150
Lakes Area – Lookouts (various)	2021	\$ 241
Lakes Area – Conservation Park (various)	2021	\$ 240
Umpherston Sinkhole – Shelters (various)	2021	\$ 99
Public Amenities – TBA	2022	\$ 208
The Old Gaol and surrounding assets/structures	2023	\$ 406
Cave Gardens – stormwater, structures, street furniture	2023	\$ 220
Lakes Area – Lookouts (various) including underpass	2024	\$ 805
Public Amenities - TBA	2024	\$ 216
Hastings Cunningham Reserve (various)	2025	\$ 79
Vansittart Park (various)	2026	\$ 450
Public Amenities - TBA	2026	\$ 225
Reidy Park Centre	2027	\$ 321
Carinya Gardens (Crematorium)	2027	\$ 340
City Hall	2028	\$ 629
Civic Centre	2028	\$1,800
Public Amenities – TBA	2029	\$ 234
Council Depot – Services	2029	\$ 104
Railway Lands – shelters (various)	2029	\$ 123

These items are subject to change as Council gathers detailed information about its buildings and structures and should be used as a guide only. All amounts are shown at nominal rates.

## 4.5 Creation / Acquisition / Upgrade Plan

New works are those works that create a new asset that did not previously exist, or works which upgrade or improve an existing asset beyond its existing capacity. They may result from growth, social or environmental needs. Assets may also be acquired at no cost to the Council from land development by private developers or gift/donation.

An estimate of \$60,000 pa has been included in financial forecasts for building new facilities, upgraded or additions to facilities within recreational reserves every year for the life of this Plan.

An estimate of \$60,000 pa has also been included in financial forecasts for air conditioning system renewals every year for the life of this Plan.

Council has recently submitted application for funding to build a \$39.1M Community and Recreation Hub. Should the funding applications be successful and Councillors approve to go ahead with building the facility, it will result in the largest infrastructure asset investment in Council's history. For this reason, expenditure on other new assets has been kept minimal pending a successful funding outcome.

### 4.5.1 Selection Criteria

New assets and upgrade/expansion of existing assets are identified from various sources such as community requests, proposals identified by strategic plans or partnerships with other organisations. Candidate proposals are inspected to verify need and to develop a preliminary renewal estimate. Verified proposals are ranked by priority and available funds and scheduled in future works programmes. Council ultimately makes the decision on priority ranking of new assets based on this information.

### 4.5.2 Standards and Specifications

Standards and specifications for new assets and for upgrade/expansion of existing assets are the same as those for renewal shown in Section 4.4.2.

### 4.5.3 Summary of Future Upgrade / New Assets Expenditure

New assets and services are to be funded from Council's capital works program and grant funding where available. This is further discussed in Section 5.2.

## 4.6 Disposal Plan

Currently there are no assets in the buildings and structures category that are listed for disposal. Council is considering the demolition and renewal of public amenities.

At the time of writing this report demolition has been completed for the CWA Building on Lawrence Street and the former SA Ambulance and St Johns Building on Penola Road.

## 5. FINANCIAL SUMMARY

This section contains the financial requirements resulting from all the information presented in the previous sections of this AMP. The financial projections will be improved as further information becomes available on asset technical details and condition, desired levels of service and current and projected future asset performance.

### 5.1 Financial Statements and Projections

#### 5.1.1 Sustainability of Service Delivery

There are two key indicators for financial sustainability that have been considered in the analysis of the services provided by this asset category, these being long term life cycle costs and medium term costs over the 10 year financial planning period.

##### Long term - Life Cycle Cost

Life cycle costs (or whole of life costs) are the average costs that are required to sustain the service levels over the longest asset life. Life cycle costs include maintenance and asset consumption (depreciation expense). The buildings and structures annual consumption cost for the services covered in this Plan is \$2,363M.

Life cycle costs can be compared to life cycle expenditure to give an indicator of sustainability in service provision. Life cycle expenditure includes maintenance plus capital renewal expenditure. Life cycle expenditure will vary depending on the timing of asset renewals.

The average renewal gap between required expenditure, i.e. annual depreciation and proposed expenditure is \$1,530M.

A gap between life cycle costs and life cycle expenditure gives an indication as to whether present consumers are paying their share of the assets they are consuming each year. The purpose of this Plan is to identify levels of service that the community needs and can afford and develop the necessary long term financial plans to provide the service in a sustainable manner so that future generations are not burdened with failing assets.

##### Medium term – 10 Year Financial Planning Period

This AMP identifies the estimated maintenance and capital expenditures required to provide an agreed level of service to the community over a 20 year period for input into a 10 year financial plan and funding plan to provide the service in a sustainable manner.

This may be compared to existing or planned expenditures in the 20 year period to identify any gap and improvements required. In a core AMP, a gap is generally due to increasing asset renewals or underfunding of capital renewal programs.

Figure 5 shows the projected asset renewals in a 10 year planning period from the asset register. The projected asset renewals are compared to planned renewal expenditure in the capital works program and capital renewal expenditure. Figure 6 shows the annual and cumulative funding gap between projected and planned renewals.

**Figure 6: Funding Gap**

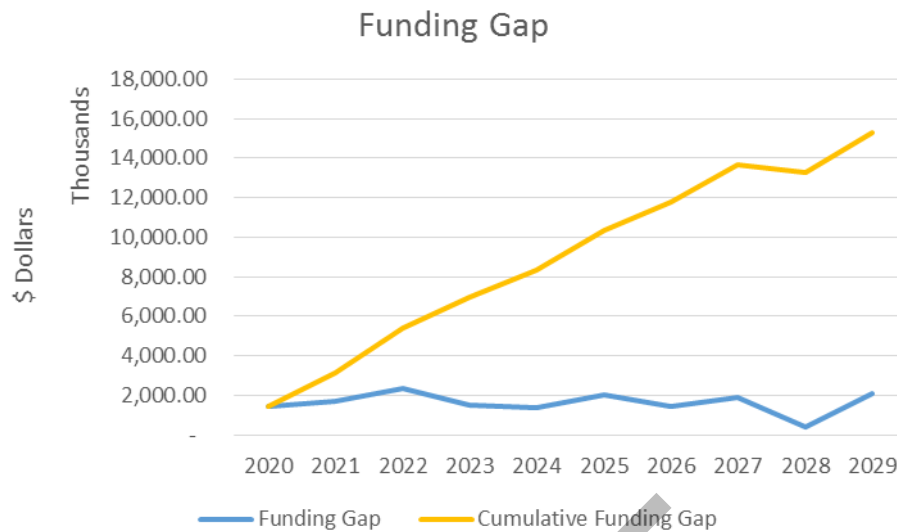


Table 12 shows the difference (in \$'s) between Projected and Planned funding. This difference is referred to as the funding gap referenced by the blue line in Figure 6. The cumulative renewal gap is the accumulation of yearly renewal gaps and is equal to the total amount of shortfall in funding at any point in time. It should be noted, the cumulative funding gap was \$4.91M in year 2019 of the previous version of this Plan, however figure 6 shows a starting point of year zero as the 10 year lifecycle starts from a zero base for comparative purposes.

**Table 12: Projected and Planned Renewals and Expenditure Gap – 20 years**

Year	Projected Renewals \$'000	Planned Renewals \$'000	Renewal Funding Gap \$'000	Cumulative Gap \$'000
2020	2,356	939	- 1,417	- 1,417
2021	2,403	721	- 1,683	- 3,100
2022	2,451	135	- 2,316	- 5,416
2023	2,500	985	- 1,516	- 6,932
2024	2,550	1,165	- 1,386	- 8,317
2025	2,601	588	- 2,014	- 10,331
2026	2,653	1,189	- 1,464	- 11,795
2027	2,706	849	- 1,857	- 13,652
2028	2,760	3,161	401	- 13,251
2029	2,816	758	- 2,058	- 15,309
2030	2,872	3,983	1,111	- 14,198
2031	2,929	7,078	4,148	- 10,050
2032	2,988	2,490	- 498	- 10,548
2033	3,048	2,496	- 552	- 11,100
2034	3,109	438	- 2,671	- 13,771
2035	3,171	6,121	2,950	- 10,821
2036	3,234	3,723	489	- 10,332
2037	3,299	2,377	- 922	- 11,254
2038	3,365	3,428	63	- 11,191
2039	3,432	2,964	- 468	- 11,659

Average Funding Gap = \$582,968

Note: Projected renewals assumed to increase in value by 2% per annum until 2039

Providing services in a sustainable manner will require matching of projected asset renewals to meet agreed service levels with planned capital works programs and available revenue.

A gap between projected asset renewal expenditure and actual (planned) expenditure indicates that further work is required to manage required service levels and future planned expenditure funding needs to eliminate any funding gap.

Council will need to manage the 'gap' by developing this AM Plan to provide guidance on future service levels and resources required to provide these services, and to ensure that the gap closes to a controllable level.

## 5.2 Funding Strategy

Projected expenditure identified in Table 12 is to be funded from Council's operating and capital budgets. The funding strategy is detailed in Council's Long Term Financial Plan.

Achieving the financial strategy will require a commitment from Council in further budget considerations to make up the gap between projected and planned expenditure. As can be seen in Table 12 and figure 5, if this gap isn't managed then over a 20 year period there is likely to be a cumulative shortfall in funds of \$11.6M should renewal funding assumptions remain at 100% of depreciation. Due to the nature of building and structure assets, it may be unreasonable to assume 100% renewal as some assets may never be renewed. Future iterations of this Plan will provide more detail on this area and if any adjustments are likely to have significant effect on long term asset sustainability and also what injection of funds will be required to close the gap.

Other options to assist reducing the cumulative funding gap include:

- Grant funding
- Fundraising
- Alternate revenue streams
- Sale of underutilised assets
- Change in services and service levels
- Refinement of CPI and consumption rates and assumptions.

## 5.3 Valuation Forecasts

Asset values are forecast to increase as additional assets are added to the asset stock from construction and acquisition by Council and from assets constructed by land developers and others. Depreciation expense values are forecast in line with asset values based on asset condition depreciation and will be adjusted in accordance with asset revaluations which will occur from time to time taking into account condition assessments and additional asset age data.

The depreciated replacement cost (current replacement cost less accumulated depreciation) will vary over the forecast period depending on the rates of addition of new assets, disposal of old assets and consumption and renewal of existing assets. Council may wish to explore the option for limited asset disposal of buildings and structures whilst still maintaining a reasonable and acceptable level of service to the community.

## 5.4 Key Assumptions made in Financial Forecasts

This section details the key assumptions made in presenting the information contained in this Plan and in preparing forecasts of required operating and capital expenditure and asset values. It is presented to enable readers to gain an understanding of the levels of confidence in the data behind the financial forecasts.

Key assumptions made in this Plan are:

- Asset condition and valuation has been determined by Opteon (South Australia) Pty Ltd.
- Straight line depreciation of asset condition has been assumed but in reality the asset condition tends to drop off significantly towards the end of the asset life. This sharp drop off will impact on funding requirements needed to maintain asset stock in a reasonable condition and therefore Council's approach is to renew assets before this sharp drop in asset condition. i.e. Council intends to continue with its asset renewal plans before assets reach the end of their serviceable life. Opteon (South Australia) Pty Ltd have determined the residual value for buildings and structures assets.
- This AM Plan was put together based on the information at hand at the time of preparing the Plan. As asset information is updated and more accurate information becomes available, this Plan will become more accurate.
- With respect to Table 12 projected renewals are assumed to increase in value at a rate of 2% per annum. Any variation from 2% can affect the cumulative gap significantly (the data presented in this report is very sensitive to this assumption).
- As the security of funding to build a new Community and Recreation Hub is unknown, depreciation and renewal programming for the purpose of this Plan has not been adjusted. Consideration of these items will have a significant impact on future iterations of this Plan.

Accuracy of future financial forecasts may be improved in future revisions of this Plan by the following actions:

- Full cost attribution on future works programs through more sophisticated accounting measures
- Improved data collection and condition assessment of assets and recording of this data in Council's asset management program.

## 5.5 Improvement and Monitoring

### 5.5.1 Accounting and financial systems

Council uses Civica Authority as its accounting and financial system. This system integrates with Council's asset management system another module of the Civica Authority suite.

The Australian Accounting Standards provide the benchmark against which Council reports on asset accounting. Council's current capitalisation threshold is \$5,000.

The link between asset management and the financial system includes:

- The assumed works programs and trends
- The resulting budget, valuation and depreciation projections
- Useful life analysis (including renewal projections)
- Inputs to Council's LTFP and ABP&B



## 5.5.2 Required changes to accounting financial systems arising from this AM Plan

Changes to accounting and financial systems identified as a result of preparation of this IAMP are:

**Table 13: System Improvements**

System Improvements	Responsibility
<ul style="list-style-type: none"> <li>• Classification of capital expenditure as renewal and upgrade/new               <ul style="list-style-type: none"> <li>○ Apportioning upgrade asset expenditure to more accurately reflect a renewal portion</li> </ul> </li> </ul>	Management Accountant, Assets Officer
<ul style="list-style-type: none"> <li>• Development of a single corporate asset register</li> </ul>	Assets Officer
<ul style="list-style-type: none"> <li>• Improved forecasting and development of asset registers and information including:               <ul style="list-style-type: none"> <li>○ Categorisation of assets</li> <li>○ Assigning assumed financial modelling per asset category</li> <li>○ Determining assets that will not be renewed and are being considered for disposal</li> <li>○ Refining forward works programming and assumptions</li> </ul> </li> </ul>	Executives Management Accountant Elected Members / Executives Management Accountant
<ul style="list-style-type: none"> <li>• Improved recording for planned and reactive maintenance expenditure in the general ledger and workorder Authority set up</li> </ul>	Assets Officer
<ul style="list-style-type: none"> <li>• Identification of leased/licenced assets and consideration of such in relation to renewal modelling</li> </ul>	Management Accountant
<ul style="list-style-type: none"> <li>• Documentation of service standards for each building category</li> </ul>	Executives
<ul style="list-style-type: none"> <li>• Establishment of unit rates for maintenance and renewal works where possible</li> </ul>	Management Accountant, Assets officer
<ul style="list-style-type: none"> <li>• Detailed building condition ratings by technical persons.</li> </ul>	Technical Expert



**Buildings & Structures Infrastructure and Asset Management Plan**

First year of expenditure projections **2019** (yr ending 30 June 2019)

Asset values as at 30th June 2018

Current replacement cost	\$99,286 (000)	Calc CRC from Asset Register	\$0 (000)
Net Fair Value	\$65,493 (000)	This is a check for you.	
Annual depreciation expense	\$2,363 (000)		

**Operations and Maintenance Costs from New Assets**

	% of asset value	Existing %ages calculated from data in worksheet
Additional operations costs	0.08%	0.08%
Additional maintenance	0.65%	0.65%
Additional depreciation	2.38%	2.38%

You may use these values calculated from your data, or overwrite the links.

20 Year Expenditure Projections Note: Enter all values in current 2019 values

Year ending June	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	
<b>Operations</b>																					
Management	2.0%	\$61.8	\$63.0	\$64.3	\$65.6	\$66.9	\$68.2	\$69.6	\$71.0	\$72.4	\$73.9	\$75.3	\$76.8	\$78.4	\$79.9	\$81.5	\$83.2	\$84.8	\$86.5	\$88.3	\$90.0
AM systems	2.0%	\$13.2	\$13.5	\$13.7	\$14.0	\$14.3	\$14.6	\$14.9	\$15.2	\$15.5	\$15.8	\$16.1	\$16.4	\$16.7	\$17.1	\$17.4	\$17.8	\$18.1	\$18.5	\$18.9	\$19.2
<b>Total operations</b>		\$75.0	\$76.5	\$78.0	\$79.6	\$81.2	\$82.8	\$84.5	\$86.2	\$87.9	\$89.6	\$91.4	\$93.3	\$95.1	\$97.0	\$99.0	\$100.9	\$103.0	\$105.0	\$107.1	\$109.3
<b>Maintenance</b>																					
Reactive maintenance	2.0%	\$333.1	\$339.8	\$346.6	\$353.5	\$360.6	\$367.8	\$375.1	\$382.6	\$390.3	\$398.1	\$406.0	\$414.2	\$422.5	\$430.9	\$439.5	\$448.3	\$457.3	\$466.4	\$475.7	\$485.3
Planned maintenance	2.0%	\$307.3	\$313.4	\$319.7	\$326.1	\$332.6	\$339.3	\$346.1	\$353.0	\$360.1	\$367.3	\$374.6	\$382.1	\$389.7	\$397.5	\$405.5	\$413.6	\$421.9	\$430.3	\$438.9	\$447.7
<b>Total maintenance</b>		\$640.4	\$653.2	\$666.3	\$679.6	\$693.2	\$707.1	\$721.2	\$735.6	\$750.3	\$765.3	\$780.6	\$796.3	\$812.2	\$828.4	\$845.0	\$861.9	\$879.1	\$896.7	\$914.6	\$932.9
<b>Capital</b>																					
Planned Renewal		\$862.0	\$938.8	\$720.5	\$135.2	\$984.6	\$1,164.7	\$587.6	\$1,189.3	\$849.1	\$3,161.2	\$757.8	\$3,982.6	\$7,077.7	\$2,490.0	\$2,496.1	\$437.5	\$6,120.7	\$3,723.4	\$2,377.3	\$3,427.9
Planned upgrade/new	2.0%	\$257.0	\$263.4	\$270.0	\$276.8	\$283.7	\$290.8	\$298.0	\$305.5	\$313.1	\$321.0	\$329.0	\$337.2	\$345.6	\$354.3	\$363.1	\$372.2	\$381.5	\$391.1	\$400.8	\$410.9
<b>Total Planned upgrade/New</b>		\$1,119.0	\$1,202.2	\$990.5	\$412.0	\$1,268.3	\$1,455.5	\$885.6	\$1,494.8	\$1,162.2	\$3,482.2	\$1,086.8	\$4,319.8	\$7,423.3	\$2,844.3	\$2,859.2	\$809.7	\$6,502.2	\$4,114.5	\$2,778.1	\$3,838.8
		\$1,834.4	\$1,931.9	\$1,734.8	\$1,171.1	\$2,042.7	\$2,245.3	\$1,691.3	\$2,316.6	\$2,000.4	\$4,337.1	\$1,958.9	\$5,209.3	\$8,330.6	\$3,769.7	\$3,803.2	\$1,772.5	\$7,484.3	\$5,116.2	\$3,799.9	\$4,881.0
Planned Disposals		\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

## REFERENCES

City of Mount Gambier Community Plan – The Futures Paper 2016-2020

City of Mount Gambier Annual Report and Budget

DVC, 2006, 'Asset Investment Guidelines', 'Glossary', Department for Victorian Communities, Local Government Victoria, Melbourne

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, [www.ipwea.org.au](http://www.ipwea.org.au)

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# APPENDICES

Appendix A      Preliminary Disability Access Report AR19/9944

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# DISABILITY ACCESS AUDIT REPORT ON PUBLIC BUILDINGS



FOR CITY OF MOUNT GAMBIER

PREPARED BY DAVE VANDBORG – Building Surveyor MAIBS

JULY 2018

# CONTENTS PAGE

- COVER LETTER
  
- INTRODUCTION
  
- ACCESS INFORMATION
  - ADVISORY NOTICE – UPGRADING ACCESS AND FACILITIES FOR PEOPLE WITH A DISABILITY
  - DEVELOPMENT REGULATIONS 2008 – EXTRACT
  - CV & QUALIFICATIONS OF REPORT AUTHOR D VANDBORG
  
- ACCESS REPORTS

To: City of Mt Gambier

Attention: Manager Engineering Design and Contracts

Re: -Disability Access - Preliminary Audit

Attached please find the Preliminary report on the current state of compliance with respect to Disabled Access for Council Buildings as provided.

The list of buildings provided by Council were in the main older buildings, toilet blocks and some Heritage buildings built well prior to the Disability Discrimination Act of 1992 and appear to be well located for the anticipated use at the time. The majority of toilet blocks appear to have been built in the '70s/'80s of similar design and floor plan with some modifications thereafter to accommodate better access and in some cases, larger pan areas for ease of access.

As initially indicated the report is a "Preliminary Audit" only for an indication of broad levels of compliance.

Dave Vandborg

Building Surveyor

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## Introduction

The following report provides an initial assessment of disability access to certain Council buildings, indicating a broad level of Compliance with respect to current standards.

It is to note that the majority of buildings were constructed in excess of 30 years (old toilet blocks) prior to current legislation in the Building Code of Australia and indeed before little consideration was given to disabled access.

The audit report is confined to Council owned buildings frequently accessed by the public. Buildings on Council land but not owned by Council were not assessed.

The current Australian Standard AS 1428.1 Design for Access and Mobility and the Access to Premises Standard 2010 were used as the reference level as this is what any future development should aim to adhere to.

The audit report does not offer any specific design solutions as many older buildings simply can not be "modified" in any way to meet current standards. Some comment is made on general access to buildings as a guide only.

In addition, due to the general non-compliance of many buildings, and the clear need for reconstruction or major addition, detailed assessment of items such as lighting, tactile indicators, braille, or hearing augmentation has not been carried out as this would be addressed in any new work.

Further, the combined precinct of the main corner with Old Town Hall and Institute building is a complex mix of uses in a State Heritage building. The need for security between uses within this complex does limit access in some areas.

In this instance a more holistic assessment is required which needs to address design options and the impact on Heritage, mixed use and of course the limits of the building foot print.



Attached is an Advisory Note from the Government Dept Planning Transport and Infrastructure which provides some guidance on when buildings need to be upgraded under legislation such as the Building Code of Australia. It should be noted that it is often not feasible; construction or cost implications may limit options to provide full disabled access in existing buildings and the legislation recognises that.

However, Council may determine that buildings be replaced or upgraded based on:

- the level of use – current and projected
- the extent of non-compliance
- community expectations

and develop a policy to prioritise projects in future schedules of works over the next ten years.

Some photos have been included within the report – additional photos are attached in an appendix.

Attached also is a C.V. brief of D. Vandborg.

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# ADVISORY NOTICE

## BUILDING

02/17

re-issue 07/12

*Advisory Notices are issued to assist in the interpretation of the Development Act 1993*

September 2017

### TECHNICAL:

## Upgrading access and facilities for people with a disability

The purpose of this advisory notice is to provide information about the requirements to provide access and facilities for people with a disability in new and existing buildings.

In 2012, amendments were made to provisions in the *Development Act 1993* (the Act) and the *Development Regulations 2008* (the Regulations) for upgrading access for persons with a disability when a building is being altered or extended. These amendments aligned state requirements with those contained in the federal *Disability (Access to Premises) Standards 2010* (the Premises Standard), which were adopted under the *Disability Discrimination Act 1992* on 1 May 2011.

### BACKGROUND

The Premises Standard contains improved access provisions for both new and existing buildings. For new buildings the improved access provisions were simultaneously incorporated into the 2011 edition of the Building Code of Australia (the Building Code).

For existing buildings, the improved access provisions in the Premises Standard were incorporated into the requirements of section 53A of the Act and regulations 80 and 80A of the Regulations. The requirements superseded previous requirements in South Australia for upgrading access in existing buildings.

### UPGRADING REQUIREMENTS

#### Affected part

From 1 October 2012, when an existing building is being altered or added to and the new work is such that it requires assessment against the access provisions of the Building Code, the council or private certifier undertaking the building rules assessment can require that an 'affected part' must also be upgraded to make it accessible.

An 'affected part' of a building includes the principal pedestrian entrance of the building and any other part necessary to provide a continuous accessible path of travel (an accessway) from that entrance to the location of the new building work. Upgrading an 'affected part' to make it accessible means that the main building entrance and an identified accessway to the new building work will have to comply with the access requirements of the Building Code and Australian Standard AS1428.1 (2009). This includes-

- not having any steps, stairways, turnstiles, revolving doors, escalators, moving walks, or other impediments within it that could restrict access for a person with a disability;
- having not less than the prescribed unobstructed widths and heights throughout the accessway and at doorways;
- having sufficient circulation space at doorways.

## **ADVISORY NOTICE BUILDING**

- having passing and turning spaces where necessary;
- having door handles not less than the required height above floor level;
- ensuring that any ramps within the identified accessway have the correct gradient, landings, kerbs and handrails; and
- having suitable slip resistant floor finishes

### **Class 1b buildings**

With regard to Class 1b buildings, the Premises Standards only apply to 'specified Class 1b buildings'. These are defined in the Premises Standard as-

- (a) a new building with 1 or more bedrooms used for rental accommodation; or
- (b) an existing building with 4 or more bedrooms used for rental accommodation; or
- (c) a building that comprises 4 or more single dwellings that are:
  - (i) on the same allotment; and
  - (ii) used for short-term holiday accommodation.

Under these provisions, the upgrading requirements can therefore only be applied to building if it has or will have (as the result of any proposed additions or alterations) 4 or more bedrooms used for rental accommodation. If a building has less than 4 bedrooms available for rental, there is no requirement under the Premises Standard to upgrade access to and within that existing building.

When a building rules consent is being sought for development consisting of an alteration to a Class 1 building and the applicant has applied for a change of classification to a Class 1b building, the council or private certifier needs to be satisfied that the building will be safe and structurally sound before issuing the consent. However, under the Premises Standard there is no requirement to upgrade accessibility of the existing building unless that building, when reclassified, will be a 'specified Class 1b building'.

Councils and private certifiers must take the provisions of the Premises Standard into account when considering a proposed change of classification to a Class 1b building and whether or not the 'building possesses the attributes appropriate to...its intended use' (regulation 82(4)).

### **EXCEPTIONS AND CONCESSIONS**

There are some circumstances under which an 'affected part' of a building cannot be required to be upgraded by the council or private certifier. These are-

- if it would cause 'unjustifiable hardship' to require the work to be carried out;
- if the part of the building being altered is being undertaken by a lessee (other than where the whole building is leased by the same lessee); and
- if the building being altered is a class 2 building constructed before 1 May 2011

A concession also applies to existing lifts and sanitary facilities, ie if they meet the criteria specified in regulation 80(3)(b) and (c), they cannot be required to be upgraded to the amended access requirements that were adopted by the Premises Standard and the Building Code since 1 May 2011.

# ADVISORY NOTICE *BUILDING*

## MODIFICATION OF THE BUILDING CODE AND REFERRALS TO THE STATE PLANNING COMMISSION

The Act and Regulations require all new building work to comply with Building Code. However, in relation to access, regulation 80A provides for the Building Code access provisions to be modified if requiring them would cause unjustifiable hardship. Any person claiming unjustifiable hardship must document their claim (which must include details of the circumstances that are relevant to the particular application) and submit their claim to the person or body undertaking the building rules assessment for consideration.

The council or private certifier must be satisfied that any claim is justifiable as they could share liability if a complaint is made and upheld about their decision at a later date. To reduce potential liability in this regard, the council or private certifier may refer an application to the State Planning Commission, for an independent opinion as to whether or not a particular claim of unjustifiable hardship is justified and the proposed building work will still meet the access performance requirements to the maximum extent possible under the circumstances.

**Note:** From 1 August 2017 the State Planning Commission assumed the functions, powers and duties of the State Commission Assessment Panel.

### CLAIMS OF UNJUSTIFIABLE HARDSHIP

Circumstances that can be taken into account when considering a claim of unjustifiable hardship are listed in Part 4 of the Premises Standard (an extract follows). If a claim is made to modify the access provisions on the grounds of unjustifiable hardship, the applicant and the council or private certifier have an obligation under the Premises Standard to ensure that compliance is still achieved to the maximum extent not involving unjustifiable hardship.

#### Extract from the Disability (Access to Premises – Buildings) Standards 2010

##### **Clause 4.1 Unjustifiable hardship**

- (1) *It is not unlawful for a person to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the person*
- (2) *However, compliance is required to the maximum extent not involving unjustifiable hardship.*
- (3) *In determining whether compliance with a requirement of these Standards would involve unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account, including the following.*
  - (a) *any additional capital, operating or other costs, or loss of revenue, that would be directly incurred by, or reasonably likely to result from, compliance with this requirement;*
  - (b) *any reductions in capital, operating or other costs, or increases in revenue, that would be directly achieved by, or reasonably likely to result from, compliance with this requirement;*
  - (c) *the extent to which the construction of the building has or will be financed by government funding;*

## **ADVISORY NOTICE** BUILDING

- (d) *the extent to which the building:*

  - (i) *is used for public purposes; and*
  - (ii) *has a community function;*

- (e) *the financial position of a person required to comply with these Standards;*
- (f) *any effect that compliance with the requirement is reasonably likely to have on the financial viability of a person required to comply;*
- (g) *any exceptional technical factors (such as the effect of load bearing elements on the structural integrity of the building) or geographic factors (such as gradient or topography), affecting a person's ability to comply with the requirement;*
- (h) *financial, staffing, technical, information and other resources reasonably available to a person required to comply with these Standards, including any grants, tax concessions, subsidies or other external assistance provided or available;*
- (i) *whether the cost of alterations to make a premises accessible is disproportionate to the value of the building, taking into consideration the improved value that would result from the alterations;*
- (j) *benefits reasonably likely to accrue from compliance with these Standards, including benefits to people with a disability, to building users or to other affected persons, or detriment likely to result from non-compliance;*
- (k) *detriment reasonably likely to be suffered by the building developer, building certifier or building manager, or people with a disability or other building users, including in relation to means of access, comfort and convenience, if compliance with these Standards is required;*
- (l) *if detriment under paragraph (k) involves loss of heritage significance – the extent to which the heritage features of the building are essential, or merely incidental, to the heritage significance of the building;*
- (m) *any evidence regarding efforts made in good faith by a person to comply with these Standards, including consulting access consultants or private certifiers;*
- (n) *if a person has given an action plan to the Commission under section 64 of the Act – the terms of the action plan and any evidence about its implementation;*
- (o) *the nature and results of any processes of consultation, including at local, regional, State, national, international, industry or other level, involving, or on behalf of, a building developer, building manager or building certifier and people with a disability, about means of achieving compliance with the requirement, including in relation to the factors listed in this subsection;*
- (p) *any decisions of a State or Territory body established to make recommendations to building authorities about building access matters [in South Australia this would include the State Commission Assessment Panel];*

## ADVISORY NOTICE *BUILDING*

- (4) *If a substantial issue of unjustifiable hardship is raised having regard to the factors mentioned in subsection (3), the following additional factors are to be considered:*
- (a) *the extent to which substantially equal access to public premises is or may be provided otherwise than by compliance with these Standards,*
  - (b) *any measures undertaken, or to be undertaken, by, on behalf of, or in association with, a person or organisation to ensure substantially equal access.*
- *For these Standards, **unjustifiable hardship** is to be interpreted and applied having due regard to the scope and objects of the Act (in particular the object of removing discrimination as far as possible) and the rights and interests of all relevant parties [the Act referred to in this sub-section being the Disability Discrimination Act 1992].*

An [Accredited Access Consultant](#) can provide assistance in preparing a case for unjustifiable hardship.

Further information about access requirements for people with a disability, concessions and unjustifiable hardship can be found on the Government of South Australia website [www.sa.gov.au](http://www.sa.gov.au).

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This Advisory Notice is for general information only and should not be relied upon as legal advice or an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

### Further information

Department of Planning, Transport and Infrastructure  
50 Flinders Street  
GPO Box 1815  
ADELAIDE SA 5001  
[www.sa.gov.au](http://www.sa.gov.au)

Building Policy  
Development Division  
Telephone: 1800 PLANNING

KNET: 11778582



Government  
of South Australia

Department of Planning,  
Transport and Infrastructure

- (2) A person who undertakes building work to which this regulation applies must comply with *Minister's Specification SA 78A* (in addition to the requirements of the *Building Code*).
- (3) For the purposes of this regulation—  
*designated Aboriginal land* is land determined by the Minister to be designated Aboriginal land for the purposes of *Minister's Specification SA 78A*.

### 79—Construction Industry Training Fund

- (1) In this regulation—  
*government authority* has the same meaning as in the *Construction Industry Training Fund Act 1993*.
- (2) A relevant authority must not issue a building rules consent unless it is satisfied—
- (a) that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*; or
  - (b) that no such levy is payable.
- (3) Subregulation (2) does not apply if—
- (a) the building work is to be carried out for or on behalf of a government authority by a person or body other than—
    - (i) an officer or employee of a government authority; or
    - (ii) another government authority; and
  - (b) at the time that building rules consent is sought the government authority has not engaged the person or body to carry out that work.
- (4) If after assessing a proposed development against the building rules the relevant authority is yet to be satisfied that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993* or is not payable, the relevant authority may notify the applicant that it cannot issue a building rules consent until it is satisfied that the levy has been paid or is not payable.
- (5) If a notification is given under subregulation (4)—
- (a) any period between the date of the notification and the date on which satisfactory evidence is provided to the relevant authority pursuant to the notification is not to be included in the time within which the relevant authority is required to decide the application; and
  - (b) if such evidence is not provided to the relevant authority within 4 weeks after the date of the notification, the relevant authority may, if it thinks fit, determine that the application has lapsed.

### 80—Provision of access for people with disabilities—alterations of a prescribed kind

For the purposes of section 53A(2) of the Act the following alterations to a building erected or constructed before 1 January 1980 are alterations of a prescribed kind:

- (a) any alteration of a structural nature to a principal or other entrance to the building;

- (b) the construction of, or any building work incidental to the construction of, or any alteration of a structural nature to, a public foyer, entrance hall, lift lobby or toilet;
- (c) where the floor is not more than 190 millimetres above or below the adjacent finished ground level at the point of entrance to the building—the installation of a replacement shopfront.

#### **80A—Building safety—prescribed date**

For the purposes of the definition of *prescribed date* in section 53A(3) of the Act, 1 January 2002 is prescribed.

#### **80AB—Building inspection policies**

- (1) For the purposes of section 71A(2) of the Act, Class 1 and 2 buildings under the *Building Code* are prescribed.
- (2) For the purposes of section 71A(4a) of the Act, with respect to any building work involving the construction of any roof framing within the area of the council, the following minimum levels of inspection are prescribed:
  - (a) a number of inspections equal to 66% of building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is responsible for the relevant building work;
  - (b) a number of inspections equal to 90% of building rules consents issued over the course of the year for building work involving the construction of roof framing where a licensed building work contractor is not responsible for the relevant building work.
- (3) All classes of buildings, other than Class 10 buildings, under the *Building Code* are prescribed under section 71A(2) of the Act for the purposes of subregulation (2).
- (4) A reference in subregulation (3) to Class 10 buildings does not include a Class 10 building that is attached to any part of the roof framing of a building of another class.
- (5) In this regulation—  
*roof framing* has the same meaning as in regulation 74.



# DAVE VANDBORG BUILDING SURVEYOR M.A.I.B.S

## CURRENT

Self Employed since May 2016 and Consultant to a number of SE Councils and to Private Certifiers in South Australia.

Private Certifier South Aust. Reg # 052, Building Practitioner Northern Territory. Reg # 24366BU

## PREVIOUS EMPLOYMENT

Professional Building Services	Principal Certifier Feb 2009 – May 2016
Coorong District Council	Building Surveyor (part time) 2009 – 2017
Townsville Council	Principal Building Certifier 2008
Professional Building Services	Principal Private Certifier 2002 - 2007
Shire of Broome	1999-2002 Principal Building Surveyor
Building Consultant/Surveyor	1998 Building / Planning Services
City of Pt Adelaide Enfield	1989-1997 Manager Development Control / Building Surveyor
City of Happy Valley	1986-1989 Building Inspector

## EDUCATION

Secondary	Matriculation Seacombe High School (SA)
Technical	- Building Technician Certificate 1976 (SA); - Certificate in Municipal Building Surveying (WA)
Tertiary	University of SA – Bachelor of Building (Miscellaneous)
External	- Australian Institute of Building – Corporate Membership - Certificate in Performance Building Code of Australia

## PROFESSIONAL PARTICULARS

- Member of the Australian Institute of Building Surveyors
- Nationally Accredited Building Surveyor with A.I.B S. #3050 (1994)

[Type here]

## **RESPONSIBILITIES**

- Assess Development Applications under the Development Act and Regulations (Planning & Building) and Building Code of Australia
- Manage the administrative functions and quality control on a consultant basis for Professional Building Services Australia
- Undertake inspections of buildings to ascertain their compliance with the Building Rules, including Disability Discrimination Act, Fire Safety, Health, Amenity and prepare Structural and Dilapidation Audit Reports
- Consultant to several Councils to perform Building Surveying, Planning and Building Fire Safety Committee functions

## **EXPERIENCE**

- Thirty years experience in the Building Development Industry across the Public and Private Sector
- Continuing Professional Development through appropriate studies and courses to remain at the forefront of Performance based Development Control

DRAFT

# Certificate of Accreditation



Given Under the Seal of  
AIBS National Board

This is to certify that

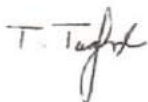
**David Peter Vandborg**

whose qualifications and experience have been  
assessed by the Board is accredited as

**Building Surveyor**

for a period of three years from: **10 May 2018**

Accreditation No: 3050



**Timothy Tuxford**  
National President



**Brett Mace**  
Chief Executive Officer

# Certificate of Membership




This is to certify that

**David Vandborg**

Having met the prescribed requirements for  
membership of the Australian Institute of Building  
Surveyors was admitted as

**Accredited Member**

Approved: 1 July 2017    Member No: 1262

  
Timothy Tuxford  
National President

  
Brett Mace  
Chief Executive Officer

Access reports

**Asset # 485 Lakeside cemetery Toilet Block**

Comment

Level of Compliance - LOW

Public Use for cemetery and for adjacent "Curators Office".

Male and Female 'disabled' . Size as per old legislation - limit on circulation however works

No designated vehicle park and general access via dirt track

Step up to paved area

Recommendation

Possibly Limited use consideration given to upgrading vehicle and pedestrian access

Building remain and assess in 5 years with view to extending.



**Asset # 8054 Lakeside Cemetery Curator's Office**

Comment

Level of Compliance – LOW

Small Heritage building with no toilet facilities

Significant steps to rooms

Recommendation

Heritage with limited and specific use.

Any alteration for access a major structural matter

Building to remain as is.



## Asset # 489 Corriedale Park Toilet

Comment

Level of Compliance - LOW

Not able to get access to building ( tennis only?)

General access limited – grass area only -no dedicated path – no dedicated car park

Recommendation

Based on previous designs unlikely to meet current requirements

Need to determine extent of use and persons to be accounted for.

Structurally OK – alterations necessitate major structural works to add on

Demolition recommended.



## Asset # 507 Bus Facility Toilet - Jubilee Highway

Comment

Compliance Level - Medium

Corrugated iron structure

No designated car bay – access from car park ramp OK

Door 10mm narrow but accessible at 840mm.

Pan has no back rest, flush difficult to access.

Surrounding lighting minimal.

Recommendation

The building remain and assess in 5 years.





**Asset # 513 Engelbrecht Cave - Toilet Block/Office/Kiosk**

Comment

Compliance Level - MEDIUM

Designated car bay for disabled however limits to get past the wheel stop

Path to kiosk OK – door to Kiosk and door to deck with toilets OK

Toilets doors OK to old legislation – size of toilets as old legislation

Recommendation

As a cave there is limited access for any disabled to past the Kiosk

The building provides adequate facilities.

Building to remain – assess alterations to carpark.



**Asset # 517 Toilet – Vansittart Park (behind Grandstand ).**

Comment

Compliance Level - LOW

General access from surrounding paving OK

No disabled toilets – poor standard

No other disabled toilets nearby ( other side of ground near playground)

Recommendation

Poor standard of toilet requires major over haul.

Demolition and construction of appropriate facilities recommended



DRAFT

**Asset # 7942 Public Toilet Block - Vansittart Park(playground)**

Comment

Compliance Level - HIGH

General access is acceptable though some paths leading to it have uneven surfaces and deteriorating edges.

No designated car bay for this

Toilet sizes are satisfactory

Recommendation

High compliance – minor works to paths

Structure to remain – assess in 10 years



**Asset # 519 Vansittart Park - Spectator Stand**

Comment

Compliance Level – MEDIUM

General access ramp can be considered acceptable to limited shelter area.

Recommendation

Consideration to rails at end of high end of ramp.

Assess in 10 Years



## Asset # 7934 – Grandstand – Vansittart Park

Comment

Compliance Level - LOW

Old raised structure with extensive steps to access seating

Designated disabled car bays nearby to allow parking and viewing to Oval - bays are not individual and may be confusing.

Recommendation

Not feasible to provide disabled access to the grandstand unless major works to side which would impact on Heritage nature of building.

Assess whether additional undercover structures may be built

Major works – assess in 3 years



## Asset # 8157 Alex Roberts centre – Vansittart Park

### Comment

Compliance Level – Medium

General access provided to the side of the building with double doors.

Front entry is raised and ramps not appropriate

No designated car bay

Toilets good and in accord with current requirements other than the door which is 20mm short on full clearance ( 830mm as to 850mm )- no impact on access

### Recommendation

Well provided to remain.

Consider changes to car park to suit and better signage/lighting

Assess in 10 years.



DRAFT

**Asset # 533 Radio Club House Olympic Park**

Comment

Compliance level – Not Applicable

Steel frame shed at rear of buildings - used for storage only.

Recommendation

No action to be taken as limited use and access.

No Photo

DRAFT

## Asset # 535 Toilet – Olympic Park

### Comment

Compliance Level – LOW

No designated access from kerbed carpark

Pathway OK – Structure OK

No disabled toilets within the building

Size of building limits options

### Recommendation

Formally assess need for nearby sporting area – to provide disabled requires demolition - or major addition could be considered as there is room to do this.

If a required ablution block schedule works soon 12 months.





## Asset # 541 Toilet Block – Hastings Cunningham Reserve

Comment Compliance Level – LOW

Generally no suitable access – lawn, mud – no designated car bay

Appears to limited use from within the park

Disabled toilet has been built as per old standard – door narrow – limited circulation space

Size of structure limits options

### Recommendation

Assess against the need – possible to add on however overall access to the building needs to be considered – demolish and re-build preference. Assess 12 months.



DRAFT

**Asset # 594 Toilet Block – Valley Lake Conservation (Wildlife ) Park**

Comment

Compliance Level – LOW

No designated car park – access path is loose rubble

No disabled toilet

Structure OK – room to add on

Recommendation

Assess ability to add on new section and upgrade parking and access. 12 months.



DRAFT

## Asset # 595 Toilet Block Valley Lake – Playground

Comment

Compliance level - Medium

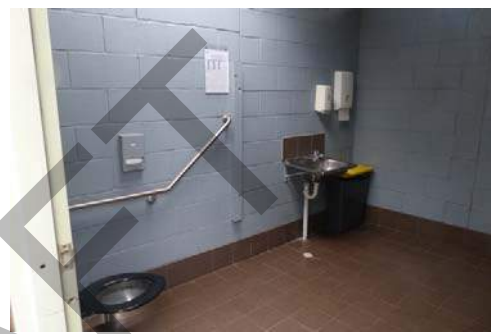
Dedicated access ramp quite lengthy – dedicated central disabled toilet has minor issues such as hand towels etc.

Structure OK

Recommendation

Assess to rectify minor matters next 12 months.

Assess again in 5 years



DRAFT

**Asset # 652 Riddoch Art Gallery**

Comment

Compliance Level – HIGH (noting within the Main Corner complex )

One disabled toilet exists within the main corner complex an access to this is good.

Access within the gallery area is good and a lift exists for access to higher level.

Recommendation

The current situation remain. As part of the main corner complex this complete development requires a formal assessment taking into account the link with the Main Corner Building, Old Town Hall and Institute Building which have certain constraints on access to certain areas.

DRAFT

**Asset # 7127 Main Corner Building.**

Comment

Compliance Level – HIGH

Good access to entrance, through out and provision of toilets.

No toilet at upper level though lift access down to toilets.

Recommendation

In conjunction with Old Town Hall etc complete review to be undertaken. Next two years.

Main Corner section to remain as is.

DRAFT

**Asset # 7891 Old Town Hall**

Comment

Compliance Level – LOW

There is a lift to upper level though upper toilets are not accessible at all.

Access throughout is quite cumbersome with various uses and security required in places.

Recommendation

That complete review be undertaken in the next two years in conjunction with the overall main Corner and Institute building.

DRAFT

Asset # 8085 Main Corner – Roof – Not Applicable

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**Asset # 13659 City Hall**

Comment

Compliance Level – HIGH

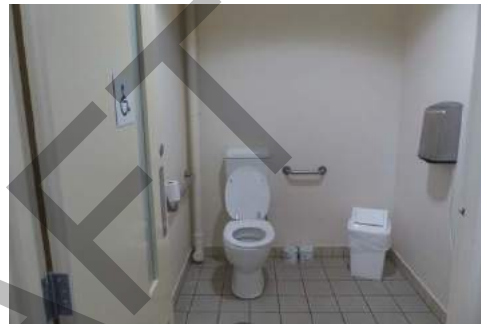
Good access and Adequate toilet facilities. Minor issues such as back rests to pan etc - meets previous standard well.

Recommendation

Within the Main Corner complex as such and may be part of complete review.

Suggest this remain as a separate entity.

Review in 10 years.



DRAFT



**Asset # 13758 Institute Building**

Comment

Compliance Level – LOW

Within the main Corner complex as such and should form part of the overall review.

Recommendation.

DRAFT

## Asset # 662 Toilet Block – Ripley Arcade – James Street

### Comment

Compliance Level – MEDIUM

Structurally sound - good access from car park

Some rails missing and minor matters to address

### Recommendation

Assess to rectify repairs in next 12 months. To remain.

Further assess in 5 years.



DRAFT

## Asset # 665 Umpherston Sinkhole – Entrance

Comment

Compliance Level – MEDIUM

Ramp to lookout point may be slightly steep -swale drain excessive depth for disabled.

Recommendation

Provide a 'passing lane' area mid way along the path.



DRAFT

## Asset # 8042 Umpherston Sinkhole – Toilet Block

Comment

Compliance level – MEDIUM

Designated Female/Disabled toilet.

Access is a long path from road/park and whilst bitumen, it is steep up to the toilet.

Circulation issues.

Recommendation

Location may be the issue and consideration given to a new structure closer to the parking with better access.

Currently appears not to be an extended stay when looking at the sink hole thus toilets not heavily used?

Major review in 2 years with view to new complex.



DRAFT

## Asset # 8046 Umpherston Sinkhole – Kiosk

Comment

Compliance Level – Medium

Carpark access utilises common access way as part of required width.

Single WC opens to shop. Meets previous standards. Limited use.

Recommendation

Provide exhaust fan .

To remain and review in 10 years.



DRAFT

**Asset # 8050 Umpherston Sinkhole - Log Truck Pavilion**

Comment

Compliance Level – N/A

General access around the display building – access from car park across driveway.

Recommendation

Assess repair work to roadway and path to building to ensure smooth access over next 12 months.



DRAFT

**Asset # 672 Blue Lake Sport Park – Toilet Block ( Main Oval )**

Comment

Compliance Level – LOW

No car bay access.

Poor access over lawn, mud, Down pipes drain to entrance,

No disabled toilet

Poor state of repair with significant rusted roof etc

Recommendation

Structurally at risk if added to.

Demolish and new construction. Review next 12 months for Budget



DRAFT

**Asset # unallocated - Blue Lake Sport Park – Toilet Block ( near Cycling )**

Comment

Compliance level – LOW

Disabled toilet not of adequate size and poor pan support.

As above – significant issues with general access from driveway and general ground area.

Recommendation

Demolish and new construction. Review next 12 months for Budget.



DRAFT



**Asset # 680 Blue Lake Sport Park – Toilet Block ( near Hockey )**

Comment

Compliance Level – LOW

No disabled toilet

General access across grounds poor. Drainage poor.

Recommendation

Demolish and new building.

Detailed assessment on extent of use with view to relocating for better access from parking and providing general access etc. Assess next 12 months with view to Budget for replacement .



## Asset # 7850 – Recycling Centre - Office etc –

### Comment

Compliance Level – MEDIUM

No designated car bay though carparking area could be adapted.

General access to the Building OK. Access passage OK.

No signage for toilets including the disabled.

Disabled are in accord with previous legislation. Limits to circulation and position of dispensers ( minor ) back rest and position of rails.

Front counter not suited to disabled persons.

### Recommendation

May be considered useable. To remain with assessment for minor matters within toilet and alterations to counter.

Review in 10 years.



**Asset # 7858 - Western Border Soccer Association – James Street.**

Comment

Unable to access. Older building with steps and limited access points.  
For Further assessment.

DRAFT

## Asset # 7903 – Senior Citizen Centre – James Street

### Comment

Compliance Level – MEDIUM

Access from front OK noting adjacent car park.

Double front doors OK. Disabled toilet to rear. Door width as previous legislation (minor).

Size of disabled toilet as per previous legislation, limitation on size, circulation, door width and some fittings.

Building limitations on extending.

### Recommendation

Assess to install additional rails and relocate fittings.

Major works to assess in 10 years.



**Asset # 7874 – SE Community Legal Building – Penola Road**

Comment

Not able to access the building ( not occupied).

General car park can provide access to rear ramp – door as previous legislation.

Recommendation

Hold for further assessment prior to any further occupation.

DRAFT

**Asset # 7895**

Comment  
Compliance Level –

This one has been missed !

DRAFT

**Asset # 7899 – Toilet – James Street**

Comment

Compliance Level – MEDIUM

Includes Baby Feed Area

General access OK.

Minor aspects not in accord with current Regs – back rest, proximity to hand basin

Recommendation

To remain and review in 5 years.



## Asset # 7907 0 Aquifer Tours – Toilet Block

Comment

Compliance Level – MEDIUM

Good general Access, In accord with previous Regulations, good circulation space

Minor matters Back rest

Recommendation

To remain and review in 5 years



DRAFT



## Asset # 7911 – Lady Nelson Tourist Facility

### Comment

Compliance Level - MEDIUM

Car park Area does not have allocated width

Access ramp OK - Auto door OK

Internal ramp to display not adequate width and turning

Counter area suitable

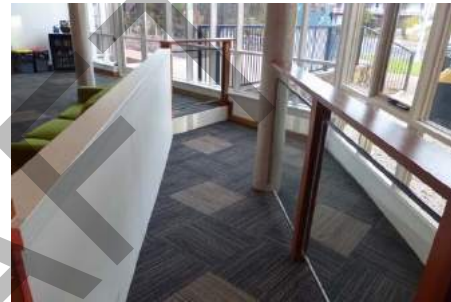
Toilet in accord with previous legislation, limited circulation, no back rest

### Recommendation

Requires minor works to toilets.

Major works to partition walls to allow access to display areas

Review within next 12 months for inclusion in works.



## Asset # 7915 – Council Depot Administration

Comment

Compliance Level – LOW

General access to the building from the front is OK as is the front door, however the carpark is well within the Depot and not well indicated.

Access from the depot area restricted with kerb, no specific carpark.

No disabled toilet.

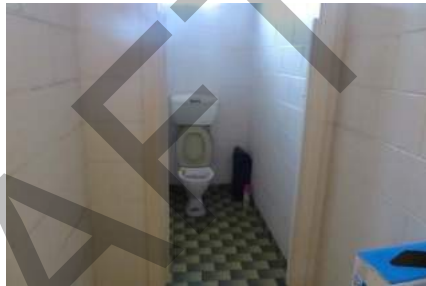
As a public counter need to address suitability for disabled persons.

Recommendation

Determine if public access to Office – need to have accessible Counter etc.

Need for disabled toilet to be assessed. Major works to provide accessible toilet.

Assess within next 12 months to cost modifications to existing toilet and change room etc to include disabled (unisex ) toilet.



**Asset # 7930 - Men's Shed**

Comment

Compliance Level – MEDIUM

General Access OK – one designated car bay not adequate marking or width.

Disabled toilet OK – minor aspects – back rest etc – need extra rail

Recommendation

Assess within the next 2 years to carry out minor works.



DRAFT

**Asset # 7946 - Frew centre - Common Building**

Comment

Compliance Level - LOW

General Access OK. Door step large but main glass doors provide access.  
No toilet facilities in this building.

Recommendation

Assess in conjunction with adjacent toilet block within next 12 months.



DRAFT

**Asset # 7950 – Frew Park - Toilet Block**

Comment

Compliance Level – LOW

Old Besser block structure – steep bitumen access

No disabled facilities – downpipes discharge to front area

Recommendation

Major facilities for Oval and community Centre

Major structural to accommodate

Demolish and new building to accommodate facilities for centre and Oval use taking into account siting/levels. Assess within the next 12 months.



DRAFT

**Asset # 7958 Civic Centre – Administration Office**

Comment

Compliance Level - LOW

Does not include Theatre and foyer areas.

Limited access throughout via small lift to upper levels,

Only disabled toilet is at lowest level and does not meet current standards.

Recommendation

Major review required independently of these preliminary findings. Major construction ramifications to provide facilitate at upper levels which are used for public meetings.

Long term evaluation of the nature of use of the building suggested. Review within next 5 years.

DRAFT

**Asset # 7962 – Varcoes Foundry Building – Ferrers Street**

Comment

Compliance Level – LOW

Building used by Country Arts – public use though infrequent.

Side entrance for disabled but limited within building.

One single toilet within poor access and totally not suitable for disabled.

Recommendation

Toilet appears to have non-loadbearing walls and modifications may be possible.

Minor works to improve access within. Signage to be improved.

Assess within 12 months with view to major works within 3 years.



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**Asset # 7966 – Public Library**

Comment

Compliance Level – HIGH

Very good access and provision of facilities.

Recommendation

To remain as is – no changes required – review in 10 years.

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**Asset # 7970 – Freemans Land – Valley Lake – Toilet Block (old dressing shed)**

Comment

Compliance Level - LOW

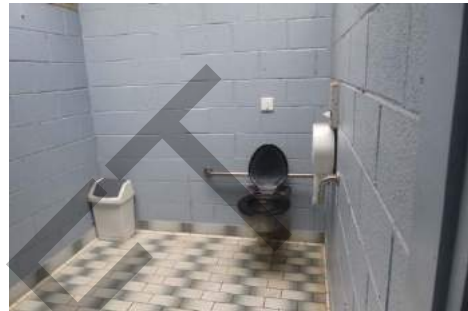
No dedicated car park – access bitumen path.

Disabled toilet needs many items, back rest, handles, hand basin

Recommendation

Major works required to meet current standards.

Review within next 2 years re extent of use and suitability of location.



**Asset # 7974 – Vacant Building – Elizabeth Street**

Comment

Access not possible. No report.

DRAFT

**Asset # 7978 – Reidy Park- toilet – ( on Wehl street )**

Comment

Compliance level – LOW

Poor access from footpath/street – poor access from Park is grass and mud – 300mm step.  
No disabled toilet.

Recommendation

Review within next 12 months as to extent of use. Significant work to add on and achieve levels for access though room to do this. Suggest major additions within 2 years.



DRAFT

## Asset # 7982 – Old Tafe Theatre - Wehl Street

### Comment

Compliance Level – LOW

Access is from the rear though no specific car park – general only.

Ramp to rear of building appears excessive then to 'stage door' to get to seating area.

Access to disabled toilet has to be via outside patio area to additional rear access.

Toilet is as per previous legislation toilet roll holder to be rectified, doors are width as previous legislation – however circulation may be considered satisfactory.

### Recommendation

Review within next 12 months with view to:-

- Revising carparking area to formalise bays
- New ramp construction
- Assess provision of covered verandah(s) for access to rear door to disabled toilet.



**Asset # 7990 – Old Gaol Backpackers – Margaret Street.**

Comment

Compliance Level – LOW

Noted this is a Heritage building

Limited access to majority of rooms which are raised form old step up construction

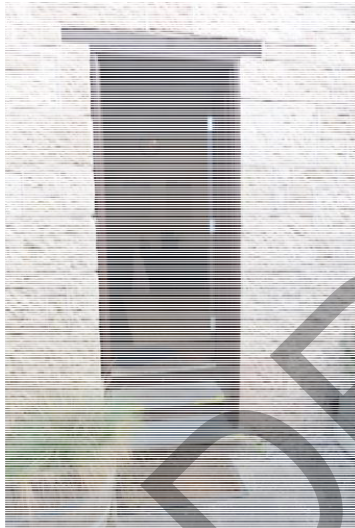
Existing toilet blocks have no disabled toilets. Manager advises that persons booking have to be made aware of this.

To meet access requirements is a major Structural concern with old stone construction.

Rooms near Private Residence have individual toilets and may be able to be modified for disabled access.

Recommendation

Specific review in conjunction with Heritage as to extent of works that may be accommodated within the next 5 years.



## Asset # 8002 – AF Sutton Reserve - Toilet Block

Comment

Compliance Level – LOW

Old Besser block structure in the middle of the reserve – very poor access -grass and mud  
Building is structurally damaged, trashed and graffitied.

No disabled facility and existing standard facilities are damaged.

Skate park has been built adjacent.

Recommendation

Review within 12 months with view to complete demolition and new complex closer to road and any parking area whilst accessible from the skate park.



## Asset # 8010 - Baptist Church – Olympic Park

Comment

Compliance Level - LOW

No designated car bay access – front area grass.

Front door as previous legislation

Only one Toilet a as disabled unisex not current standard though reasonable circulation and some rails.

Appears to be a lean-to addition to old hall - limited usage

Recommendation

Review in 5 years with view to alterations to toilet to accommodate new standards and assess number of persons to determine if additional toilet would be appropriate. Could be accommodated within existing area with changes to store.



## Asset # 8022 – Aquatic centre – Margaret Street

Comment

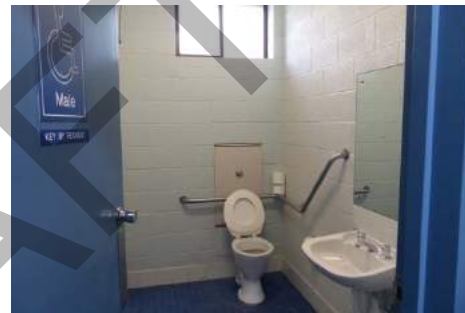
Compliance Level – Medium

Note – NO Assessment has been made of the Public Swimming Pools and surrounding area.

Designated car bay which needs to be widened and access path to main entrance  
Toilets and showers are accessible and generally in accord with previous legislation  
Limited circulation and some fittings require review.  
Overall well provided with facilities which satisfy need

### Recommendation

It is understood that there may be significant changes to the building in the near future and any review of changes to significant toilet and shower areas to depend on what development occurs.





**Asset # 8026 - Reidy Park Centre – Main Buildings – Olympic Park**

**Comment**

Compliance Level – LOW

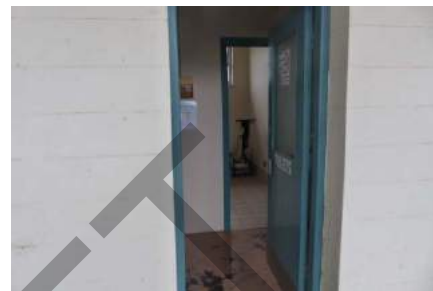
No designated car park areas – ramp to main area OK

Doors are as per previous legislation – WC areas good though doors as previous legislation

No back rest etc.

**Recommendation**

Review in next 5 years to assess structural works to re-do toilet areas.



**AND – Old Class Rooms – Martial Arts**

**Comment**

Compliance level - Medium

Has ramp access – new stairs. Large WC area direct form main area.

Limited rail, no back rest.

**Recommendation**

Review within 2 years for minor works.



**Asset # 8030 – Centenary Tower**

Comment

Tower access is via steep cliff track. Not feasible to establish any disabled access or toilet facility.

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## Asset # 8034 – Crematorium – Carinya Gardens

Comment

Compliance Level – LOW

No toilet facilities within the building – large number of persons congregation for limited periods.

Access to toilets is down paths to Office building – 200 metres away.

General access from front port cochere OK and at upper level car park with long ramp down to this building.

Recommendation

Review within next 3 years with view to toilets at this level and revised access ramp with respect to grade and width, passing areas etc.



**Asset # 8038 – Office for Cemetery – Carinya Gardens**

Comment

Compliance Level – HIGH

Excellent access and toilet facilities. Minor matter back rest. Location of toilet roll holder

Recommendation

Facilities to remain - review within 12 months for any minor matters.



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**Asset # 8058 – Gymnasium ( Karate ) – Percy Street**

Comment

Unable to access building. Access form front car park poor.

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**Asset # 8062 – Pavilion -Toilet within – Marist Park**

Comment

Compliance Level – LOW

No designated car park – access from lawn area.

Limited paving around building and to doors

Recommendation

Review within 3 years - extent of use – view to extensions.



DRAFT

## Asset # 11668 – Old Hospital Laundry – Toilet Block

### Comment

Compliance level - HIGH ( building )

New Exceloo installation with good access from main building area.

Access form car park areas are some distance away with narrow path to main building.

Limited signage from car park areas to get to toilets.

### Recommendation

Within next 2 years assess access pathways and signage with view to alterations and modifications to path for passing areas.



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City of  
Mount Gambier



# Plant and Equipment Asset Management Plan

2020/2029

March 2019

**Document Control**



Document ID: AR19/9675 City of Mount Gambier Asset Management Plan – Buildings and Structures

Rev No	Date	Revision Details	Author	Reviewer	Approver
1	March 2019	1 <sup>st</sup> version as a stand alone document	KR	NS	NS

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# TABLE OF CONTENTS

ABBREVIATIONS.....	1
1. SUMMARY .....	2
What does it Cost? .....	2
Plans for the Future .....	2
Income and Expenditure.....	2
Relationship to Long Term Financial Plan and Annual Budgets .....	3
2. FINANCIAL SUMMARY .....	3
2.1 Financial Statements and Projections .....	3
2.1.1 Sustainability of Service Delivery.....	3
2.2 Funding Strategy .....	5
2.3 Valuation Forecasts.....	5
ASSET MANAGEMENT PRACTICES.....	6
3. Accounting / Financial Systems .....	6
4. Asset Management Systems.....	6
5. Information Flow Requirements and Processes.....	6
PLAN IMPROVEMENT AND MONITORING.....	7
6. Performance Measures .....	7
7. Improvement Plan .....	7
8. Monitoring and Review Procedures.....	8
REFERENCES.....	9
APPENDICES.....	10
Appendix A Plant and Equipment Planned Renewal Program.....	10

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## ABBREVIATIONS

AM	Asset Management
AMP	Asset Management Plan
IRMP	Infrastructure Risk Management Plan
LTFP	Council's Long Term Financial Plan

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# 1. SUMMARY

Plant and equipment owned by Council is summarised as follows, 101 units of plant ranging from large earthmoving equipment, refuse collection vehicles, work utilities and small trucks, mowers, office vehicles, and specialised equipment such as footpath sweeping machine and paver laying machine.

## What does it Cost?

Total Carrying Value of Plant and Equipment as at 30 June 2018 was \$5.133M with annual consumption approximately \$701,000 (i.e. annual depreciation expense). Council's goal is to align the consumption of plant and equipment reasonably over the life of the asset with its planned renewal so that minimal gap exists between the annual depreciation cost and the actual budget expenditure.

## Plans for the Future

Council plans to manage its plant and equipment fleet to achieve the following strategic objectives.

- Ensure the fleet is maintained at a safe and functional standard and is fit for purpose.
- Provide for plant and equipment renewal in accordance with Council Policy C375 (as amended from time to time).
- Project plant and equipment renewals over a 20 year period, see Appendix D (values have been included based on anticipated dollar value at the time of purchase).
- Council has historically only owned plant and equipment to satisfy 'core function' activities and has sub-contracted or contracted specialist equipment on an as needs basis (e.g. excavators, backhoes, bobcats, asphalt laying equipment).
- Identify and dispose of any surplus equipment or equipment that becomes available of a specialist nature which will help provide and/or improve efficient service delivery to the community.
- Review the most efficient and effective means of owning fleet, for e.g. lease, hire purchase, own outright, buy new, and buy second hand.
- Complete cyclical audits on its plant and equipment fleet to ensure they are stored correctly, onsite and ready for use.

## Income and Expenditure

In order to ensure full cost attribution of plant and equipment to the various works, activities and functions undertaken by Council, a plant hire rate is applied and charged in line with the use of the plant and equipment.

With reference to the original budget as at 30 June 2018 it is estimated that the allocation from internal plant hire for the year will be \$1.625 million.

Operating costs for plant and equipment was estimated at \$580,000 (including mechanics labour hours), fuels and oils \$320,000 and registrations and insurances \$120,000.

## Relationship to Long Term Financial Plan and Annual Budgets

Plant and equipment purchases are not uniform in value and annual budget allocations can vary significantly from year to year. This Asset Management Plan (AMP) includes, at Appendix A, the projected cost of purchase for the next ten years which will inform both the Annual Budget and the Long Term Financial Plan (LTFP). It is also important to note that yearly expenditure on plant maintenance, fuels and oils and registrations and insurances are relatively constant (typically increasing in line with inflationary costs).

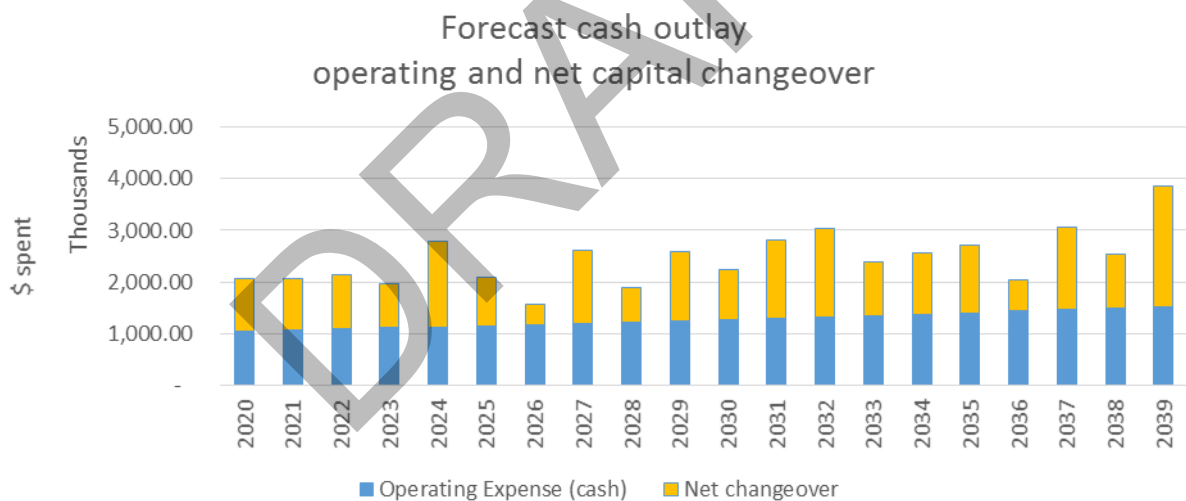
## 2. FINANCIAL SUMMARY

This section contains the financial requirements resulting from all the information presented in the previous sections of this AMP. The financial projections will be improved as further information becomes available on desired levels of service and current and projected future asset performance.

### 2.1 Financial Statements and Projections

The financial projections are shown in Figure 1 for planned operating and net capital changeover expense.

**Figure 1: Planned Operating and Capital Expenditure**



Note that all costs are shown in nominal values.

#### 2.1.1 Sustainability of Service Delivery

There are two key indicators for financial sustainability that have been considered in the analysis of the services provided by this asset category, these being long term life cycle costs and medium term costs over the 10 year financial planning period.

##### Long term - Life Cycle Cost

Life cycle costs (or whole of life costs) are the average costs that are required to sustain the service levels over the longest asset life. Life cycle costs include maintenance and asset consumption (depreciation expense).

Life cycle costs can be compared to life cycle expenditure to give an indicator of sustainability in service provision. Life cycle expenditure includes maintenance plus capital renewal expenditure. Life cycle expenditure will vary depending on the timing of asset renewals, refer Figure 1.

A gap between life cycle costs and life cycle expenditure gives an indication as to whether present consumers are paying their share of the assets they are consuming each year. The purpose of this AMP is to identify levels of service that the community needs and can afford and develop the necessary long term financial plans to provide the service in a sustainable manner.

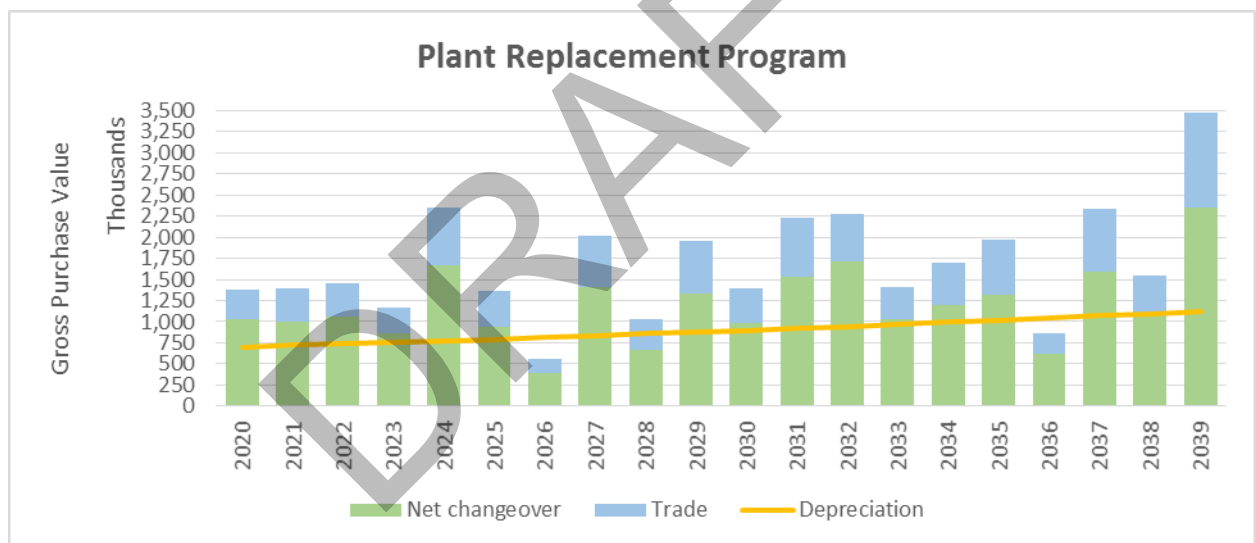
### Medium term – 10 Year Financial Planning Period

This AMP identifies the estimated maintenance and capital expenditures required to provide an agreed level of service to the community over a 20 year period for input into a 10 year financial plan and funding plan to provide the service in a sustainable manner.

This may be compared to existing or planned expenditures in the 10 year period to identify any gap. In a core AMP, a gap is generally due to increasing asset renewals or underfunding of capital renewal programs.

Figure 2 shows the projected asset renewals in the 20 year planning period from the asset register. The projected asset renewals are compared to planned renewal expenditure in the capital works program.

**Figure 2: Projected and Planned Renewals and Expenditure Gap**



This chart shows the difference between projected funding (funding required to maintain assets to agreed service levels) and planned funding (actual funding from council budget and forward works programs). Over the life of the asset there should be minimal funding gap between projected renewal (depreciation) and planned renewal. Due to the significant disposal values obtained for plant and equipment and reflection of these values in residual values, which directly affects depreciation, the net changeover value is the key comparison with plant and equipment renewal programming.

Table 1 provides a breakdown over the next 10 years comparing projected renewals (depreciation) and planned renewals. In most cases it is evidenced that Council's planned renewals (net changeover) exceed projected renewals (depreciation).



**Table 1: Projected and Planned Renewals and Expenditure Gap**

Year	Projected Renewals \$'000	Planned Renewals \$'000	Renewal Funding Gap/Excess \$'000	Cumulative Gap \$'000
2020	702	1,028	326	326
2021	720	995	275	601
2022	738	1,060	322	924
2023	756	869	113	1,036
2024	775	1,672	897	1,933
2025	794	932	138	2,071
2026	814	399	-415	1,656
2027	835	1,413	578	2,234
2028	855	662	-193	2,041
2029	877	1,334	457	2,498

Providing services in a sustainable manner will require matching of projected asset renewals to meet agreed service levels with planned capital works programs and available revenue.

A gap between projected asset renewal expenditure and actual (planned) expenditure indicates that further work is required to manage required service levels and future planned expenditure funding needs to eliminate any funding gap or excess.

Future iterations of this Plan will refine the assumptions used to project plant and equipment renewals with the objective of better aligning net changeover values to depreciation over the life of the asset.

## 2.2 Funding Strategy

Projected expenditure identified in Section 2.1 is to be funded from Council's operating and capital budgets. The funding strategy is detailed in the Council's Long Term Financial Plan.

## 2.3 Valuation Forecasts

Asset values are forecast to increase as additional assets are added to the asset stock from construction and acquisition by Council. Depreciation expense values are forecast in line with asset values based on asset useful life and expected residual values. Due to the high turnover and nature of Council's plant and equipment assets, Council does not revalue this asset category.

The depreciated replacement cost (current replacement cost less accumulated depreciation) will vary over the forecast period depending on the rates of addition of new assets, disposal of old assets and consumption and renewal of existing assets.

## 3. ASSET MANAGEMENT PRACTICES

### 3.1. Accounting / Financial Systems

- Local Government authorities in South Australia are established under the provisions of the Local Government Act, 1999.
- Financial and Accounting practices and procedures are required to be in accordance with the Local Government Act 1999, Local Government (Financial Management) Regulations and the Australian Accounting Standard.
- Council's financial and accounting function is subject to a comprehensive Internal Control Policy and has reporting responsibilities to Council's Audit Committee whose membership is derived from persons both internal and external of the organisation.
- Council's audit regime includes the required annual statutory audit required by legislation and also a periodic 'procedural' audit. This process is also completed on an annual basis.
- Council's accounting and financial systems utilise the Civica local government enterprise software solution entitled 'AUTHORITY'.
- The 'AUTHORITY' software solution enables integration of all Council operations including the Accounting and Asset Management functions.

## 4. Asset Management Systems

Council uses the Civica software "AIM" program as its core asset management program. Council are in the process of developing this program to record all asset classes owned by Council together with all the relevant information on each asset (at present it is only used for Land, Buildings and Structures and Transport Infrastructure). It allows assets to be linked to inspection and condition assessments as well as the historical information about the asset.

The AIM program allows the linking of Capital Value Records (CVR) for all assets and for the posting of actual costs for either planned work or maintenance work on assets through the work order system. The system also allows for the general ledger information to be directly linked and reported from within the AIM program

## 5. Information Flow Requirements and Processes

The key information that flows into this AMP are:

- The asset register data on size, age, value, remaining life of the network
- The adopted service levels
- Projections of various factors affecting future demand for services
- Correlations between maintenance and renewal, including decay models
- Data on new assets acquired by Council.

The key information flows *from* this AMP are:

- The assumed Works Program and trends
- The resulting budget, valuation and depreciation projections

- The useful life analysis
- Funding gap/excess considerations
- Improvements for AM planning.

These will impact on the LTFFP, Community Plan, Annual Budget and business unit plans and budgets.

## PLAN IMPROVEMENT AND MONITORING

### 6. Performance Measures

The effectiveness of the AMP can be measured in the following ways:

- The degree to which the required cash flows identified in this AMP are incorporated into Council's LTFFP.
- The degree to which 1-5 year detailed works programs, budgets, business plans and organisational structures take into account the 'global' works program trends provided by the AMP.

### 7. Improvement Plan

Improvements identified in the lifecycle of plant and equipment as an asset class of Council are listed in Table 2.

**Table 2 Improvement Plan**

Task No	Task	Responsibility	Resources Required	Timeline
1	Development of 20 year forward works program	Management Accountant	Time	Achieved
2	Develop Assets Officer to be both financial and technically sound	Management Accountant	Time	Achieved
3	Audit of Plant & Equipment	Assets Officer	Time	Ongoing
4	Review of ownership models eg buy versus lease	Management Accountant & General Manager City Infrastructure	Time	TBA
5	Improved long term financial planning and forecasting	Council	Time	Ongoing
6	Review of forward programming against actuals and adjust accordingly	Management Accountant	Time	Annual
7	Investment in Fleet Management Module of Authority & subsequent reporting module in BIS to assist with regular plant usage reporting and estimates without the need for onerous spreadsheets	Management Accountant & Engineering Manager	\$ Budget allocation	Ongoing licence fees
8	Expanding the use of AIM in authority to list all asset classes including plant and equipment with the objective of having one register for all assets.	Assets Officer	Time	TBA
9	Review Policy C375	Executives	Time	Sept 2019

## 8. Monitoring and Review Procedures

This AMP will be reviewed during annual budget preparation and amended to recognise any changes in service levels and/or resources available to provide those services as a result of the budget decision process.

The Plan has a life of 4 years and is due for revision and updating within 2 years of each Council election in accordance with the Local Government Act.

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## REFERENCES

City of Mount Gambier Community Plan – The Futures Paper 2016-2020

City of Mount Gambier Annual Report and Budget

DVC, 2006, 'Asset Investment Guidelines', 'Glossary', Department for Victorian Communities, Local Government Victoria, Melbourne

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, [www.ipwea.org.au](http://www.ipwea.org.au)

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# APPENDICES

Appendix A Plant and Equipment Planned Renewal Program AR19/10110

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Alias	Description	Capital Expense	Sales Revenue	Useful Life	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover	Purchase	Trade	Net changeover						
					2020	2020	2020	2021	2021	2021	2022	2022	2022	2023	2023	2023	2024	2024	2024	2025	2025	2025	2026	2026	2026	2027	2027	2027	2028	2028	2028	2029	2029	2029
No 126 Tourism																																		
126 Division	7300.4013.0094	4280.1801.0194	2					32,000	-	13,000	19,000																							
127 No 127 Mayoral	7300.4014.0094	4280.1801.0194	2					47,000	-	14,000	33,000																							
No 128 General Use																																		
128 No 129 General Use	7300.4015.0094	4280.1801.0194	2					22,000	-	12,000	10,000																							
129 2	7300.4018.0094	4280.1801.0194	2					27,000	-	13,000	14,000																							
142 No 142 Tip Truck	7320.4055.0094	4280.1802.0194	10																															
143 No 143 Van	7400.4130.0094	4280.1801.0194	10																															
144 No 144 Mower	7400.4132.0094	4280.1807.0194	6	94,000	-	11,000	83,000																											
No 145 Nissan																																		
145 Forklift (Doppel)	7450.4301.0094	4280.1808.0194	10					36,000	-	5,000	31,000																							
No 146 Water Truck																																		
146 (Trucks)	7320.4056.0094	4280.1802.0194	10					116,000	-	20,000	96,000																							
147 No 147 Utility	7400.4137.0094	4280.1801.0194	10																															
No 148 Building																																		
Maintenance Use																																		
148 (Trucks)	7320.4057.0094	4280.1802.0194	7											24,000	-	10,000	14,000																	
222 No 222 (Tractors)	7390.4099.0094	4280.1806.0194	15																															
Mower Trailer (for																																		
293 (stent 79)	7450.4301.0094	4280.1808.0194	5	8,000	-	8,000																												
307 Machinery Trailer	7450.4301.0094	4280.1808.0194	5																															
320 Tipper Trailer	7450.4301.0094	4280.1808.0194	5																															
356 Tandem Trailer	7450.4301.0094	4280.1808.0194	10																															
No 362 Utility - Parks																																		
362 & Gardens																																		
372 Gardens																																		
Tungsten Cutter																																		
1054 (Grader)	7450.4301.0094	4280.1808.0194	5																															
Totals					1,377,000	-348,000	1,028,000	1,399,000	-404,000	995,000	1,455,000	-395,000	1,060,000	1,161,000	-292,000	869,000	2,352,000	-680,000	1,672,000	1,385,000	-433,000	932,000	555,000	-156,000	399,000	2,018,000	-605,000	1,413,000	1,029,000	-367,000	662,000	1,953,000	-619,000	1,334,000

112 total items count  
 101 items (count) (excluding strike through items & items not yet purchased)

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City of  
Mount Gambier



# Caroline Landfill Asset Management Plan

2020/2029

March 2019

<b>Document Control</b>					
Document ID: AR19/7528 City of Mount Gambier Asset Management Plan – Caroline Landfill					
Rev No	Date	Revision Details	Author	Reviewer	Approver
1	March 2019	Creation of separate Asset Management Plan for Caroline Landfill	KR	DM	NS

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# TABLE OF CONTENTS

ABBREVIATIONS.....	1
1. INTRODUCTION.....	2
1.1 Background.....	2
1.2 Assumptions.....	2
1.3 Goals and Objectives of Asset Management.....	4
1.4 Plan Framework.....	5
2. LEVELS OF SERVICE.....	6
2.1 Legislative Requirements.....	6
2.2 Current Levels of Service.....	7
2.3 Desired Levels of Service.....	8
3. FUTURE DEMAND.....	9
3.1 Demand Forecast.....	9
3.2 Changes in Technology.....	9
3.3 Demand Management Plan.....	10
4. LIFECYCLE MANAGEMENT PLAN.....	11
4.1 Background Data.....	11
4.1.1 Physical Parameters.....	11
4.1.2 Asset Capacity and Performance.....	11
4.1.3 Asset Condition.....	13
4.1.4 Asset Valuations.....	13
4.2 Risk Management Plan.....	13
4.3 Routine Maintenance Plan.....	14
4.3.1 Maintenance Plan.....	14
4.3.2 Standards and Specifications.....	15
4.3.3 Summary of Future Maintenance & Operating Expenditures.....	15
4.4 Renewal / Replacement Plan.....	16
4.4.1 Renewal Plan.....	16
4.4.2 Renewal Standards.....	16
4.4.3 Summary of Future Renewal Expenditure.....	16
4.5 Creation / Acquisition / Upgrade Plan.....	17
4.5.1 Selection Criteria.....	17
4.5.2 Summary of Future Upgrade / New Assets Expenditure.....	18
4.6 Disposal Plan.....	18
5. FINANCIAL SUMMARY.....	18
5.1 Financial Statements and Projections.....	18
5.1.1 Sustainability of Service Delivery.....	19
5.2 Funding Strategy.....	19
5.3 Valuation Forecasts.....	19
5.4 Key Assumptions made in Financial Forecasts.....	20
5.5 Systems and Monitoring.....	20
5.5.1 Accounting and financial systems.....	20
5.5.2 Required changes to accounting financial systems arising from this AM Plan.....	20
REFERENCES.....	21
APPENDICES.....	22
Appendix A Caroline Landfill – Future Cell Construction & Capping Plan 2020-2029.....	22

## ABBREVIATIONS

<b>ABP&amp;B</b>	Annual Business Plan and Budget
<b>AMP</b>	Asset Management Plan
<b>IRMP</b>	Infrastructure Risk Management Plan
<b>MMS</b>	Maintenance management system
<b>LTFP</b>	Council's Long Term Financial Plan

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# 1. INTRODUCTION

## 1.1 Background

Caroline Landfill Asset Management Plan is to be read in conjunction with Council's Asset Management Policy, Asset Management Strategy and the following associated planning documents:

- Community Plan
- Long Term Financial Plan (LTFP)
- Annual Business Plan and Budget (ABP&B)
- Landfill Environmental Management Plan
- Future Cell Construction & Capping Plan 2020-2029 (Appendix A).

The Landfill components covered by this Asset Management Plan (AMP) are shown in Table 1.

**Table 1 Landfill assets covered by this Plan**

**(As at 1 July 2018)**

Asset Category	Number	Net Fair Value (\$)
Caroline Landfill Existing (incorporates Cells 1 and 2 construction and cap)	2	\$1.28M
Caroline Landfill Cell 3	1	\$0.602M
Caroline Landfill Cap Cell 3	1	\$2.1M
<b>TOTAL</b>		<b>\$3.98M</b>
Remaining Caroline Landfill Cells yet to be constructed, filled and capped (refer Appendix A)	13	

## 1.2 Assumptions

This Landfill AM Plan is based on the Environmental Management Plan (EMP) which is the overarching document that determines the operational and management activities that occur onsite in accordance with Council's EPA licence for the operation of a landfill facility.

It is assumed that the current financing approach will continue.

Key stakeholders in the preparation and implementation of this Asset Management Plan are shown in Table 2.

**Table 2: Key Stakeholders**

Key Stakeholder	Role in AM Plan
Councillors	<ul style="list-style-type: none"> <li>• Represent needs of the community and stakeholders</li> <li>• Set targeted sustainability ratios</li> <li>• Annual budget approvals</li> </ul>
Executives	<ul style="list-style-type: none"> <li>• Adopt Asset Management Plan</li> <li>• Portfolio sponsor</li> </ul>
Regulatory Authority	<ul style="list-style-type: none"> <li>• Provide guidelines/standards</li> <li>• Compliance audits</li> </ul>
Customers	<ul style="list-style-type: none"> <li>• End users of service/assets</li> </ul>
Insurers and Lessors	<ul style="list-style-type: none"> <li>• Partner with Council to mutually cover risk exposure</li> <li>• Partner with Council to provide alternate financial solutions</li> </ul>
Engineering Business Unit	<ul style="list-style-type: none"> <li>• Plan and facilitate asset construction and capping in accordance with this plan</li> <li>• Establish service levels</li> <li>• Mitigate risk exposure</li> <li>• Monitor assets (including condition)</li> <li>• Coordinate planned and reactive maintenance with Council staff</li> <li>• Management of operational requirements</li> <li>• Ensure compliance with legislative requirements</li> </ul>
Technical Experts/Consultants	<ul style="list-style-type: none"> <li>• Environmental consulting</li> <li>• Testing and monitoring reports</li> </ul>
Strategic Finance & Accountability Business Unit  Finance Business Unit	<ul style="list-style-type: none"> <li>• Council's LTFP</li> <li>• Asset valuation and depreciation</li> <li>• Procurement facilitation</li> </ul>

### 1.3 Goals and Objectives of Asset Management

The Council exists to provide services to its community; one of these services is Waste Management. Caroline Landfill is the only engineered landfill site located in the South East of South Australia and began operations in 1997. Council's goal in managing landfill assets is to meet the agreed level of service in the most cost effective manner for present and future consumers. The key elements of landfill asset management are:

- Taking a life cycle approach to developing cost-effective management strategies for the long term
- Providing a defined level of service and monitoring performance in line with stakeholder needs and environmental licence requirements
- Managing risks associated with asset failures and disasters
- Continuous improvement in asset management practices.<sup>1</sup>

Our Vision is: **An inclusive city where people lead fulfilling lives.**

The objectives contained within the Community Plan fall under four key themes:

Our People	A safe, inclusive city where access to quality services and facilities supports a socially connected, vibrant and healthy community
Our Location	A perfectly centered place where people aspire to live, work, visit and invest
Our Diverse Economy	A diversified, innovative and resilient economy that generates jobs and services
Our Climate, Natural Resources, Arts, Culture and Heritage	A culturally-inspired city that strives to minimise its ecological footprint.

Key envisaged outcomes, projects and services described in the Community Plan that directly relate to Council's landfill asset management are:

- Sustainability and environmental practices embedded in Council processes and decision making
- A healthy and pristine natural environment, including underground aquifer system
- Educate and support the community to reduce greenhouse gas emissions, water consumption and waste
- Strive to make Mount Gambier a recognised environmentally sustainable place
- Develop innovative programs to protect our environment
- Develop and implement a strategy to facilitate a reduction in greenhouse gas emissions

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<sup>1</sup> IIMM 2006 Sec 1.1.3, p 1.3



- Reduce waste received at the landfill.

A 'bottom up' approach has been used to develop organisational requirements for sustainable service delivery and long term financial planning and reporting. This is mainly due to the key drivers that influence when and how construction and capping of landfill cells is required. The key drivers are:

- The amount (in tonnes) of waste to be entombed
- The strict legislative requirements surrounding waste management practices and landfill operations.

This plan is prepared to facilitate community consultation and in line with section 122(6) and 122(7) of the Local Government Act the draft plan is made available to the public at our principal office for feedback prior to adoption by Council.

Future revisions may include greater community consultation on service levels and costs of provision to assist Council and the community in balancing the level of service needed and/or desired with the community's ability and willingness to pay for the service(s) incorporating a wider view of all waste management services.

## 1.4 Plan Framework

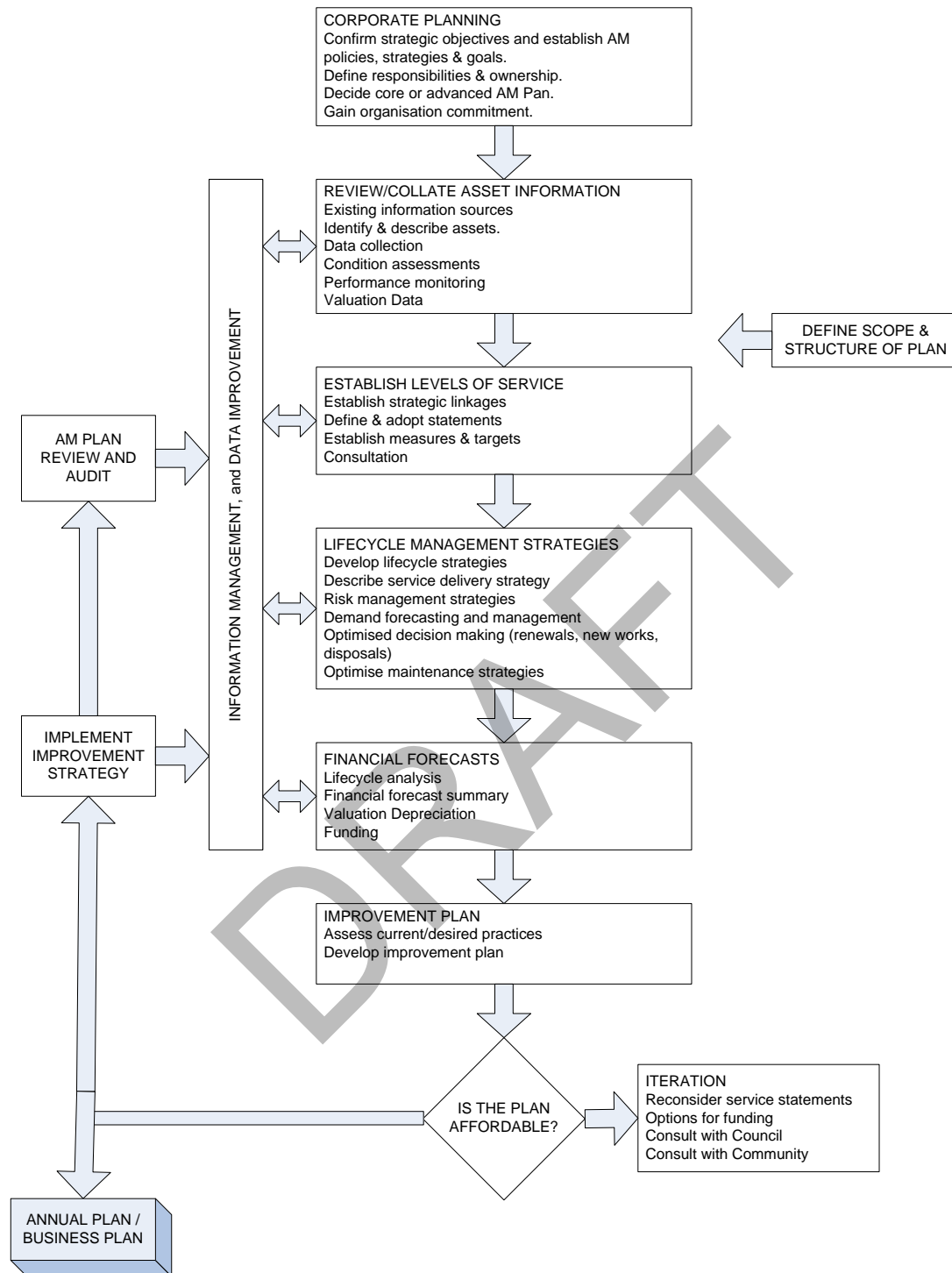
Key elements of the Plan are

- Levels of service – specifies the services and levels of service to be provided by Council
- Future demand – how this will impact on future service delivery and how this is to be met
- Life cycle management – how Council will manage its existing and future assets to provide the required services
- Financial summary – what funds are required to provide the required services
- Asset management practices
- Monitoring – how the Plan will be monitored to ensure it is meeting Council's objectives
- Asset management improvement plan.

A road map for preparing an Asset Management Plan is shown below.

**Figure 1: Road Map for preparing an Asset Management Plan**

Source: IIMM Fig 1.5.1, p1.11



**Table 3: Legislative Requirements**

Legislation	Requirement
Local Government Act, 1999	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a long term financial plan supported by Infrastructure and Asset Management Plans for sustainable service delivery.
Development Act and subordinate legislation (example Development Plan and Building Code)	Provides Council with the legislative framework to guide the preservation and enhancement of its landfill.
Environment Protection Act	To regulate the development and operation of Caroline Landfill
State Records Act, 1997	Set out responsibilities and requirement in relation to the management of Council records.
Work Health and Safety Act, 2012	Sets out roles and responsibilities to secure the health, safety and welfare of persons at work

## 2.2 Current Levels of Service

Council has defined service levels in two terms:

### 1. Community Service Levels

These relate to how the community receives the service in terms of safety, quality, function, quantity, reliability, responsiveness and cost/efficiency.

### 2. Operational or Technical Service Levels

These measures relate to the allocation of resources to service activities that the Council undertakes to best achieve the desired community outcomes, whilst meeting all legislative requirements.

Community Levels of Service relate to how the community receives the service in terms of safety, quality, function, quantity, reliability, responsiveness, cost/efficiency and legislative compliance.

Supporting the community service levels are operational or technical measures of performance developed to ensure that the minimum community levels of service are met. These technical measures relate to service criteria such as:

Operations – the regular activities to provide services such as opening hours, compacting and covering of waste.

Maintenance – the activities necessary to retain assets as near as practicable to their original condition for example repairing weather damage.

Renewal – the activities that return the service capacity of an asset up to that which it had originally, for example, frequency and cost of new landfill cell construction.

Upgrade - upgrading the activities to provide a higher level of service for example, extending opening hours, introducing a new initiative such as gas collection and utilisation facilities, installing a weighbridge at the landfill site.

Quantity – ability to accept varying volumes of waste.

Safety – protection of person(s) from injury and accidents, for example, safe work method statements.

Council’s current service levels are detailed in Table 4.

**Table 4: Current Service Levels**

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target	Current Performance
<b>COMMUNITY LEVELS OF SERVICE</b>				
Quality	Landfill is tidy and accessible	customer complaints	1 complaint per year	TBA
Function	Tip face is compacted and covered with appropriate cover material each day it is operational	Manager to review	100%	TBA
Safety	Public and customer access is clearly monitored and signed	Reported accidents and incidents	zero	TBA
<b>TECHNICAL LEVELS OF SERVICE</b>				
Condition	1) Site is managed to legislative requirements/ best practice standards 2) Machinery is reliable and well maintained	1) EPA Reports and responses, customer complaints 2) Machine availability	1) Zero 2) 100% of scheduled time	TBA
Safety	Site is safe and meets all legislative requirements	reported accidents/ incidents	Zero	TBA
Cost Effectiveness	Landfill is operated within budget	\$/% amount over/underspent of the budget	Expense within 5% of budget and does not exceed income generated	TBA

For details on current service levels, refer to the Landfill Environmental Management Plan. Future iterations of this AMP will include further details on current performance.

### 2.3 Desired Levels of Service

At present, indications of desired levels of service are obtained from various sources including the residents’ feedback to Councillors and staff, service requests and correspondence. Council has still to quantify all desired levels of service. This will be incorporated in future revisions of this AMP.

### 3. FUTURE DEMAND

#### 3.1 Demand Forecast

Drivers affecting demand include population change, changes in demographics, seasonal factors, consumer preferences and expectations, technological advances, economic factors, environmental awareness, changing legislative requirements, risk management practices, etc.

Demand factor trends and impacts on service delivery are summarised in Table 5.

**Table 5 Demand Factors, Projections and Impact on Services**

Demand factor	Present position	Projection	Impact on services
Population	26,276 ( <i>census 2016</i> )	32,000 people by 2027 <sup>3</sup>	Should the target projection be met filling rates at the landfill would increase. It is expected that these would be offset by increased rates and user pays revenue.
Demographics	Ageing population  Already servicing wider District Council of Grant area		Demographic factors unlikely to have significant impact on waste management facilities as Council is already servicing a much wider region.
Climate change	susceptible to el nino conditions periods of intense rainfall can have adverse effects on leachate contamination at the landfill site	Once in every 10 years	Large impact on budget to manage contamination in line with EPA requirements
Legislative changes	Landfill Environmental Management Plan (LEMP) Meeting all EPA requirements	Continuation of LEMP and meeting all EPA requirements	No significant impacts to services

#### 3.2 Changes in Technology

Technology changes are forecast to have effect on the delivery of services covered by this Plan, and will likely reduce operating costs due to real-time monitoring (eg. Web based communication to Council, smart phone and mobile technology, leachate monitoring systems, automatic monitoring systems for gas collection and utilisation, GPS tracking on compacting machinery, drone technology for site surveying).

Council will face increasing community pressure to retrofit existing facilities with technology that will improve the overall environmental sustainability of the facility.

Technology changes forecast to affect the delivery of services covered by this plan are detailed in Table 6.

<sup>3</sup> Referenced from Community and Recreation Hub Feasibility Study

**Table 6: Forecast changes in technology and effect on service delivery**

Technology Change	Effect on Service Delivery
Introduction of weighbridge at landfill site	<p>At present customers weigh in at the Waste Transfer Centre before driving to Caroline Landfill to deposit their load of waste. This requires the site operator to check all tickets before allowing the load to be unloaded. A weighbridge onsite has potential to:</p> <ul style="list-style-type: none"> <li>• automate gate opening and security over site</li> <li>• mobile technology to automatically deliver results to landfill operator and officers located offsite to the Landfill</li> <li>• provide more accurate data</li> <li>• provide increased control</li> <li>• reduces risk of customers collecting rubbish after they have weighed in at the Waste Transfer Station</li> </ul>
CCTV Cameras	Council are in the process of implementing CCTV systems and this may be able to be utilised in asset management, assessment and surveillance to assist in reduction of damage to infrastructure and machinery.
Gas Utilisation and Collection	Council is currently seeking tenders for the provision of landfill gas management services utilising automated technology to monitor and provide data.

### 3.3 Demand Management Plan

Demand for new services will be managed through a combination of managing existing assets, upgrading of existing assets and providing new assets to meet demand and demand management. Demand management practices include non-asset solutions, insuring against risks and managing failures.

Non-asset solutions focus on providing the required service without the need for the organisation to own the assets, such as leasing arrangements or providing services from existing infrastructure which may be located in another community area. They also include managing expectations in relation to service standards and service failures.

Opportunities identified to date for demand management are shown in Table 7. Further opportunities will be developed in future revisions of this AMP.

**Table 7: Demand Management Plan Summary**

Service Activity	Impact	Demand Management Plan
Operational expectations, financial sustainability and continuous improvement	Need for mobile solutions and systems due to location of Caroline Landfill	Engage with i-Services to identify
Containment of contamination and leachate	Reduction in leachate overflow and contamination.	Installation of vetiver grasses and leachate pumping alternatives. The vetiver grasses are currently in trial phase but have the potential (if proved successful) to reduce the reliance on pond storage and evaporation as well as offsite disposal. This has the potential to reduce the operational costs of leachate management
Environmental sustainable solutions for gas emissions	Reduction in methane gases currently entering the atmosphere from waste decomposition	Tender currently seeking interest in gas management services

## 4. LIFECYCLE MANAGEMENT PLAN

The Lifecycle Management Plan details how Council plans to manage and operate the assets at the agreed levels of service (defined in the section “Levels of Service”) while optimising life cycle costs.

### 4.1 Background Data

#### 4.1.1 Physical Parameters

The assets covered by this plan are shown in Table 1 and Appendix A.

#### 4.1.2 Asset Capacity and Performance

Council’s services are generally provided to meet design and environmental standards where these are available. Areas targeted for improvement are detailed in Table 8.

**Table 8: Improvements**

Service	Improvement
Cover Material	Identification of alternative cover materials from stock piles of concrete, brick and limestone to meet EPA requirements. Aim to reduce on site stockpiles and utilise as cover. In addition, alternative daily cover materials are being investigated such as water based chemicals that will replace the need for daily soil covers
Litter	Reduction of windblown litter.
Critical machinery	Alternative solutions should the landfill compactor be out of action  Consideration of insurance to cover loss of production/revenue.
Leachate Ponds	Alternative solutions to vetiver grasses include covering leachate ponds to reduce increase in volume due to rainfall. Consideration of alternate options should the vetiver grass trial not be successful. I.e. utilisation of onsite gas to pre heat or boil off the leachate is one such example being investigated

Approximately 25,000 tonnes of waste per annum has been entombed at Caroline Landfill since the 2017 financial year. At the time of writing this plan, Council is on target to receive approximately 25,000 tonnes again for the financial year ended 30 June 2019.

**Table 9: Tonnes of Waste entombed to Caroline Landfill**

Financial year ended 30 June	Tonnes entombed	Tonnes entombed by Council	% of Council Waste entombed
2014	19,892	6,531	33%
2015	20,560	6,644	32%
2016	21,801	7,199	33%
2017	25,648	7,099	28%
2018	24,606	7,165	29%



### 4.1.3 Asset Condition

The condition profile of Council's Landfill Cell's is not a key driver for renewal. The capacity used in the cell is a key driver as this relates to the amount of airspace remaining for waste to be entombed.

The buildings and structures, plant and machinery currently used at Caroline Landfill are captured under their own category of asset management plans. Asset condition is a key driver for the buildings located at the landfill site, but is not a key driver for renewal of the critical plant and machinery required to be used to operate the site.

The value of Caroline Landfill assets in this IAMP relates to cell construction and capping only. Landfill remediation and cell development assets are amortised on a consumption basis over the individual landfill cell's capacity to receive waste. At the time of construction of a cell, Council includes the present value of estimated costs to cap and close the cell into the landfill cell. This estimate is offset by the recognition of a provision. This recognition of the capping costs is amortised in line with the consumption of the landfill cell's capacity used in any one year. Unwinding of present values are completed annually to bring values into alignment with present day.

As at 30 June 2018 the value of these assets was:

Total Value (at cost & fair value)	\$8.876M
Accumulated Depreciation	\$6.068M
Carrying Amount	\$2.808M
Annual Depreciation Expense	\$0.623M

## 4.2 Risk Management Plan

An assessment of risks associated with service delivery from infrastructure assets identifies critical risks to Council. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks.

Table 10 shows a summary of risk assessments undertaken for aspects of Caroline Landfill operations and capital expenditure.

**Table 10: Caroline Landfill Risk Assessments**

Asset	Method/Description	Responsibility
Current		
Tana Compactor (machinery)	Plant Assessor – in relation to the machine itself does not factor the environment it is operating in	Mechanics
Cell Construction (for individual cells)	Council template – identifies risks for the construction project of an individual cell only	Engineering
Safe Work Method Statements (SWMS)		Operational Staff/WHS

Environmental Management Plan		General Manager City Infrastructure
Improvements		
Overarching Risk Assessment  (in particular items not covered by the Landfill Environmental Management Plan)	Needs to address the following risks  <ul style="list-style-type: none"> <li>- loss of critical compaction machinery</li> <li>- loss of revenue</li> <li>- succession planning for staff</li> <li>- financial ability/cash flow of Council</li> <li>- legislative changes</li> </ul>	Executives

A formal approach to assessing the overarching risks with Council's Caroline Landfill assets was not complete at the time of writing this Plan. Further iterations of this Plan will contain details on risks, risk ratings, treatments and estimated costs.

### 4.3 Routine Maintenance Plan

Routine maintenance is the regular on-going work that is necessary to keep assets operating, including instances where portions of the asset fail and need immediate repair to make the asset operational again.

#### 4.3.1 Maintenance Plan

Maintenance includes reactive, planned and cyclic maintenance work activities.

Reactive maintenance is unplanned repair work carried out in response to service requests and management/supervisory directions.

Planned maintenance is repair work that is identified and managed through a maintenance management system (MMS). MMS activities include inspection, assessing the condition against failure/breakdown experience, prioritising, scheduling, actioning the work and reporting what was done to develop a maintenance history and improve maintenance and service delivery performance.

Cyclic maintenance is replacement of higher value components/sub-components of assets that is undertaken on a regular cycle and may include painting, re-roofing, replace occasional window etc.

Assessment and prioritisation of reactive maintenance is undertaken by Council staff using experience and judgement.

Actual past maintenance and operating expenditure is shown in Table 11. Figures presented in this table include employee costs, utilities, equipment and finance costs, but exclude depreciation and building maintenance (building maintenance is included in the Buildings and Structures AM Plan).

**Table 11: Actual past maintenance and operating expenditure**

Year	\$'000
2016	1,021
2017	1,697
2018	1,668

#### 4.3.2 Standards and Specifications

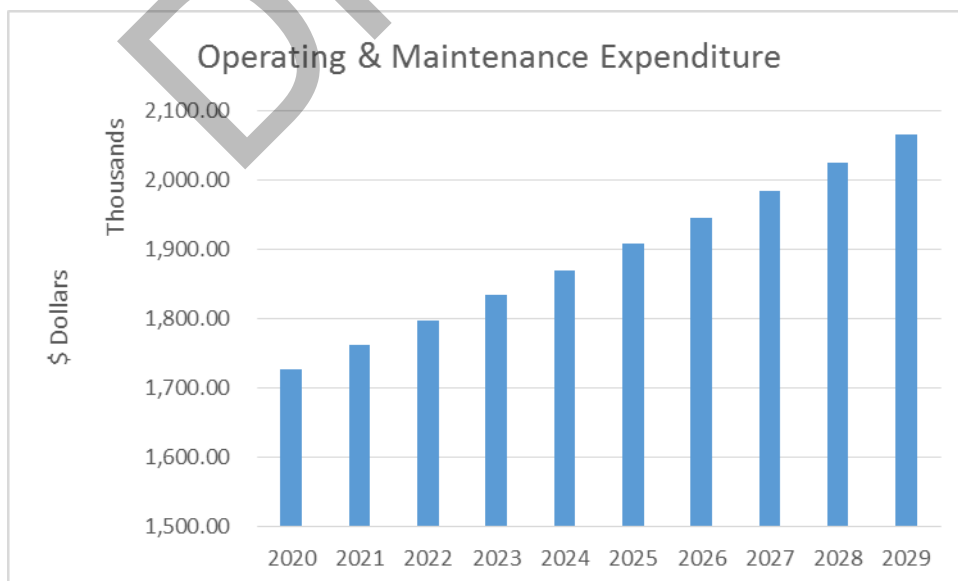
Maintenance work is carried out in accordance with the following Standards and Specifications:

- Current Australian and Industry Standards
- Environmental Guidelines
- Environmental Management Plan
- Work Health Safety Act and Regulations
- Council Standards and Specifications

#### 4.3.3 Summary of Future Maintenance & Operating Expenditures

Future maintenance expenditure is forecast to trend in line with the value of the asset stock as shown in Figure 2. Note that all costs are shown in nominal values.

**Figure 2. Maintenance and Operating Expenditure**



## 4.4 Renewal / Replacement Plan

Renewal expenditure is major work which does not increase the asset's design capacity but restores, rehabilitates, replaces or renews an existing asset to its original service potential. Work over and above restoring an asset to original service potential is upgrade/expansion or new works expenditure.

### 4.4.1 Renewal Plan

Assets requiring renewal are identified from one of three methods:

Method 1 uses Asset Register data to project the renewal costs using acquisition year and useful life to determine the renewal year

Method 2 uses capital renewal expenditure projections from external condition/usage modelling systems

Method 3 uses a combination of average network renewals plus defect repairs.

Method 2 was used for this Plan using in-house engineering construction plans and modelling.

Renewal will be undertaken using 'low-cost' renewal methods where practical. The aim of 'low-cost' renewals is to restore the service potential or future economic benefits of the asset by renewing the assets at a cost less than replacement cost.

### 4.4.2 Renewal Standards

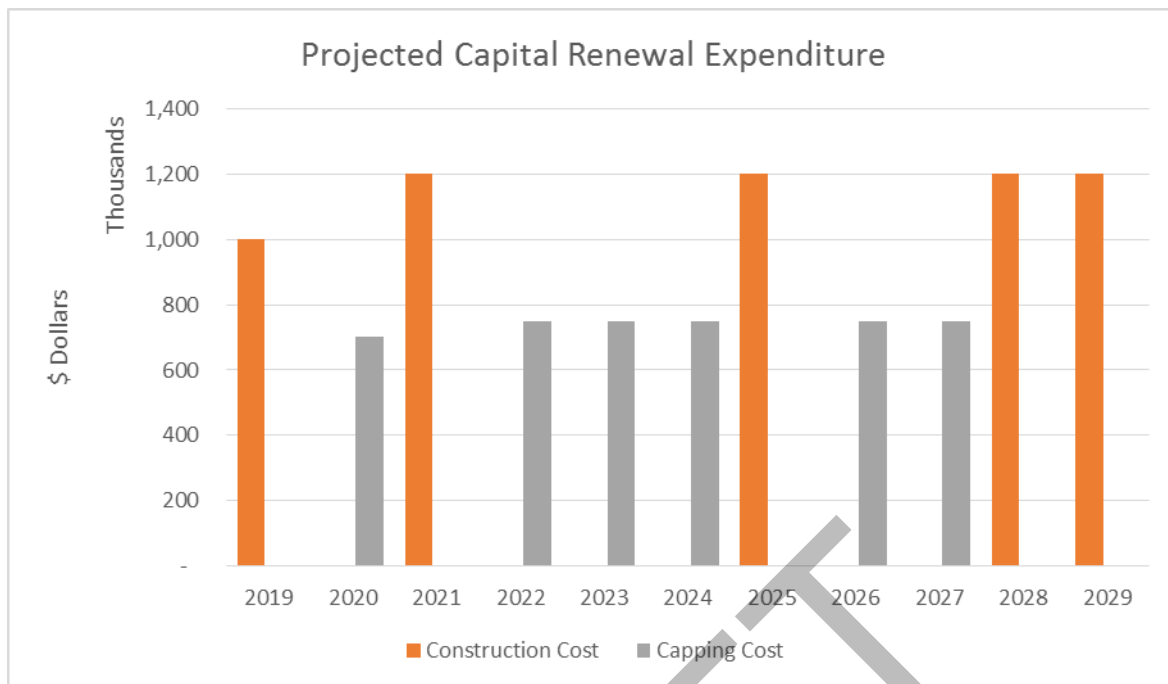
Renewal work is carried out in accordance with the following Standards and Specifications:

- Current Australian and Industry Standards
- Environmental Guidelines
- Work Health Safety Act and Regulations
- Best Industry Practice Standards
- Planning and scheduling renewal projects to meet defined service levels in the most efficient and effective manner.

### 4.4.3 Summary of Future Renewal Expenditure

Projected future renewal expenditures are forecast to increase over time as the cost of contractors, materials and employees increases. The costs are summarised in Figure 3. Note that all costs are shown in real dollar values.

**Figure 3: Projected Capital Renewal Expenditure**



Deferred renewal, i.e. those assets identified for renewal and not scheduled for renewal in capital works programs are to be included in the risk assessment process in Council's Risk Management Plan. Renewal and replacement expenditures in Council's capital works program will be accommodated in Council's LTFFP.

Renewals are to be funded from Council's capital works program and grants where available.

#### 4.5 Creation / Acquisition / Upgrade Plan

New works are those works that create a new asset that did not previously exist, or works which upgrade or improve an existing asset beyond its existing capacity. They may result from growth, social or environmental needs. Assets may also be acquired at no cost to the Council from land development. These assets from growth are considered in Section 4.4.

##### 4.5.1 Selection Criteria

New assets and upgrade/expansion of existing assets are identified from various sources such as community requests, Councillor/Executive requests, proposals identified by strategic plans or partnerships with other organisations. Candidate proposals are investigated to verify need and to develop a preliminary renewal estimate. Verified proposals are ranked by priority and available funds and scheduled in future works programs. Council ultimately makes the decision on priority ranking of new assets based on this information.

At the time of writing this plan, no priority ranking standards had been documented by Council. Future iterations of this plan will incorporate such agreed standards.

#### 4.5.2 Summary of Future Upgrade / New Assets Expenditure

New assets and services are to be funded from Council's capital works program and grants where available. This is further discussed in Section 5.

#### 4.6 Disposal Plan

There are no assets identified for possible decommissioning and disposal at the time of writing this plan. Due to the unique nature of Landfill Cells the purpose of their construction is to provide airspace capacity to entomb waste. Once the airspace capacity of the cell has been consumed, the Landfill cell has no net fair value and therefore no requirement for disposal.

### 5. FINANCIAL SUMMARY

This section contains the financial requirements resulting from all the information presented in the previous sections of this AMP. The financial projections will be improved as further information becomes available on desired levels of service and current and projected future asset performance.

#### 5.1 Financial Statements and Projections

The financial projections are shown in Table 12 for planned operating (operations and maintenance) and capital expenditure (renewal and upgrade/expansion/new assets).

Note that all costs are shown in nominal dollar values.

**Table 12: Projected and Planned Renewals and Expenditure Gap**

Year	Projected Renewals \$'000	Planned Renewals \$'000	Renewal Funding Gap \$'000	Cumulative Gap \$'000
2019	895	1,000	105	105
2020	895	700	-195	-90
2021	692	1,224	532	442
2022	692	780	88	530
2023	692	796	104	634
2024	692	812	120	754
2025	713	1,325	612	1,366
2026	713	845	132	1,498
2027	713	861	148	1,646
2028	750	1,406	656	2,302
2029	765	1,434	669	2,971

Providing services in a sustainable manner will require matching of projected asset renewals to meet agreed service levels with planned capital works programs and available revenue.

A gap between projected asset renewal expenditure and actual (planned) expenditure indicates that further work is required to manage required service levels and future planned expenditure funding needs to eliminate any funding gap.

Council will need to manage the 'gap' by developing this AMP to provide guidance on future service levels and resources required to provide these services, and to ensure that the gap closes to a controllable level.

### 5.1.1 Sustainability of Service Delivery

There are two key indicators for financial sustainability that have been considered in the analysis of the services provided by this asset category, these being long term life cycle costs and medium term costs over the 10 year financial planning period.

#### Long term - Life Cycle Cost

Life cycle costs (or whole of life costs) are the average costs that are required to sustain the service levels over the longest asset life. Life cycle costs include maintenance and asset consumption (depreciation expense). The landfill annual life cycle cost for the services covered in Part 2 of this AMP is \$2.623 million.

Life cycle costs can be compared to life cycle expenditure to give an indicator of sustainability in service provision. Life cycle expenditure includes maintenance plus capital renewal expenditure. Life cycle expenditure will vary depending on the timing of asset renewals. The life cycle expenditure at the start of the plan (2019 budget) is \$2.589 million.

A gap between life cycle costs and life cycle expenditure gives an indication as to whether present consumers are paying their share of the assets they are consuming each year. The purpose of this AMP is to identify levels of service that the community needs and can afford and develop the necessary long term financial plans to provide the service in a sustainable manner.

#### Medium term – 10 Year Financial Planning Period

This AMP identifies the estimated maintenance and capital expenditures required to provide an agreed level of service to the community over a 20 year period for input into a 10 year financial plan and funding plan to provide the service in a sustainable manner.

This may be compared to existing or planned expenditures in the 20 year period to identify any gap. In a core AMP, a gap is generally due to increasing asset renewals or underfunding of capital renewal programs.

## 5.2 Funding Strategy

Projected expenditure identified in Section 6.1 is to be funded from Council's operating and capital budgets. The funding strategy is detailed in the Council's Long Term Financial Plan.

## 5.3 Valuation Forecasts

Asset values are forecast to increase as additional assets are added to the asset stock from construction and acquisition by Council. Depreciation expense values are forecast in line with estimated capacity of use.

The depreciated replacement cost (current replacement cost less accumulated depreciation) will vary over the forecast period depending on the consumption and renewal of existing assets.

## 5.4 Key Assumptions made in Financial Forecasts

This section details the key assumptions made in presenting the information contained in this AMP and in preparing forecasts of required operating and capital expenditure and asset values. It is presented to enable readers to gain an understanding of the levels of confidence in the data behind the financial forecasts.

Key assumptions made in this AMP are:

- Units of Production method of depreciation which results in a charge based on the expected use or output of the asset. In the case of the Caroline Landfill, it refers to the expected use of airspace.
- The construction of a new cell is considered renewal expenditure as Council is renewing its capacity to receive waste and operate.
- Dollars are in real terms and no indexation has been applied.
- This AMP was put together based on the information at hand at the time of preparing the Plan. As asset information is updated and more accurate information becomes available, the AMP will become more accurate.

Accuracy of future financial forecasts may be improved in future revisions of this AMP by the following actions:

- Full cost attribution on future works programs through more sophisticated accounting measures.
- Improved data collection and assessment of assets and recording of this data in AIM program through centralised asset management and data analysis.

## 5.5 Systems and Monitoring

### 5.5.1 Accounting and financial systems

Council uses Civica Authority as its accounting and financial system. This system integrates with Council's asset management system another module of the Civica Authority suite.

The Australian Accounting Standards provide the benchmark against which Council reports on asset accounting. Council's current capitalisation threshold is \$5,000.

The link between asset management and the financial system includes:

- The assumed works programs and trends
- The resulting budget, valuation and depreciation projections
- Useful life analysis (including renewal projections)
- Inputs to Council's LTFFP and ABP&B.

### 5.5.2 Required changes to accounting financial systems arising from this AM Plan

Changes to accounting and financial systems identified as a result of preparation of this IAMP are:

- Classification of capital expenditure as renewal and upgrade/new
- Development of a single corporate asset register
- Improved forecasting and development of unit rates.



## REFERENCES

City of Mount Gambier Community Plan – The Futures Paper 2016-2020

City of Mount Gambier Annual Report and Budget

DVC, 2006, 'Asset Investment Guidelines', 'Glossary', Department for Victorian Communities, Local Government Victoria, Melbourne

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, [www.ipwea.org.au](http://www.ipwea.org.au)

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# APPENDICES

Appendix A Caroline Landfill – Future Cell Construction & Capping Plan 2020-2029

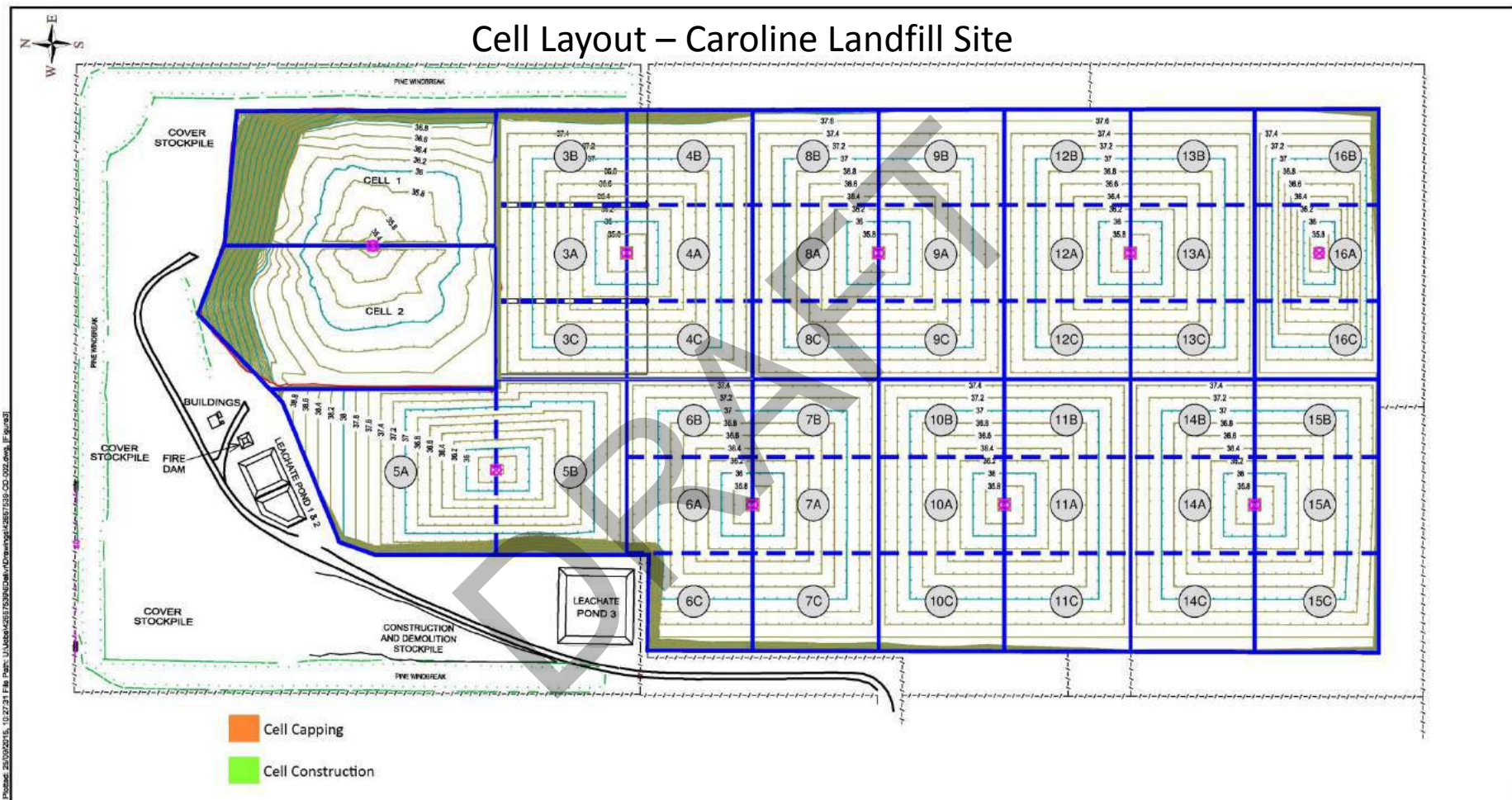
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# CAROLINE LANDFILL – FUTURE CELL CONSTRUCTION & CAPPING PLAN 2020 - 2029



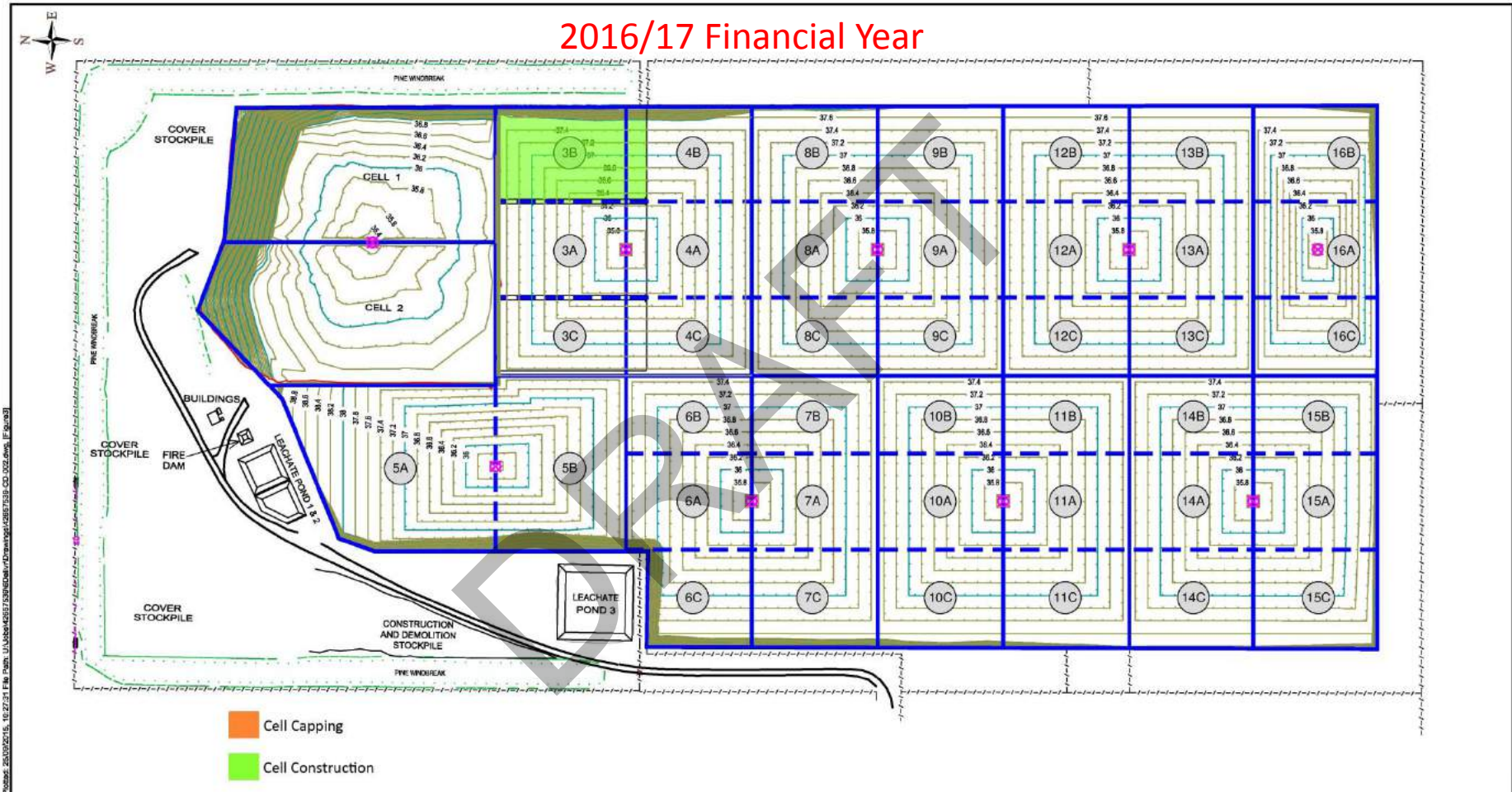
Updated 19/2/2019

# Cell Layout – Caroline Landfill Site



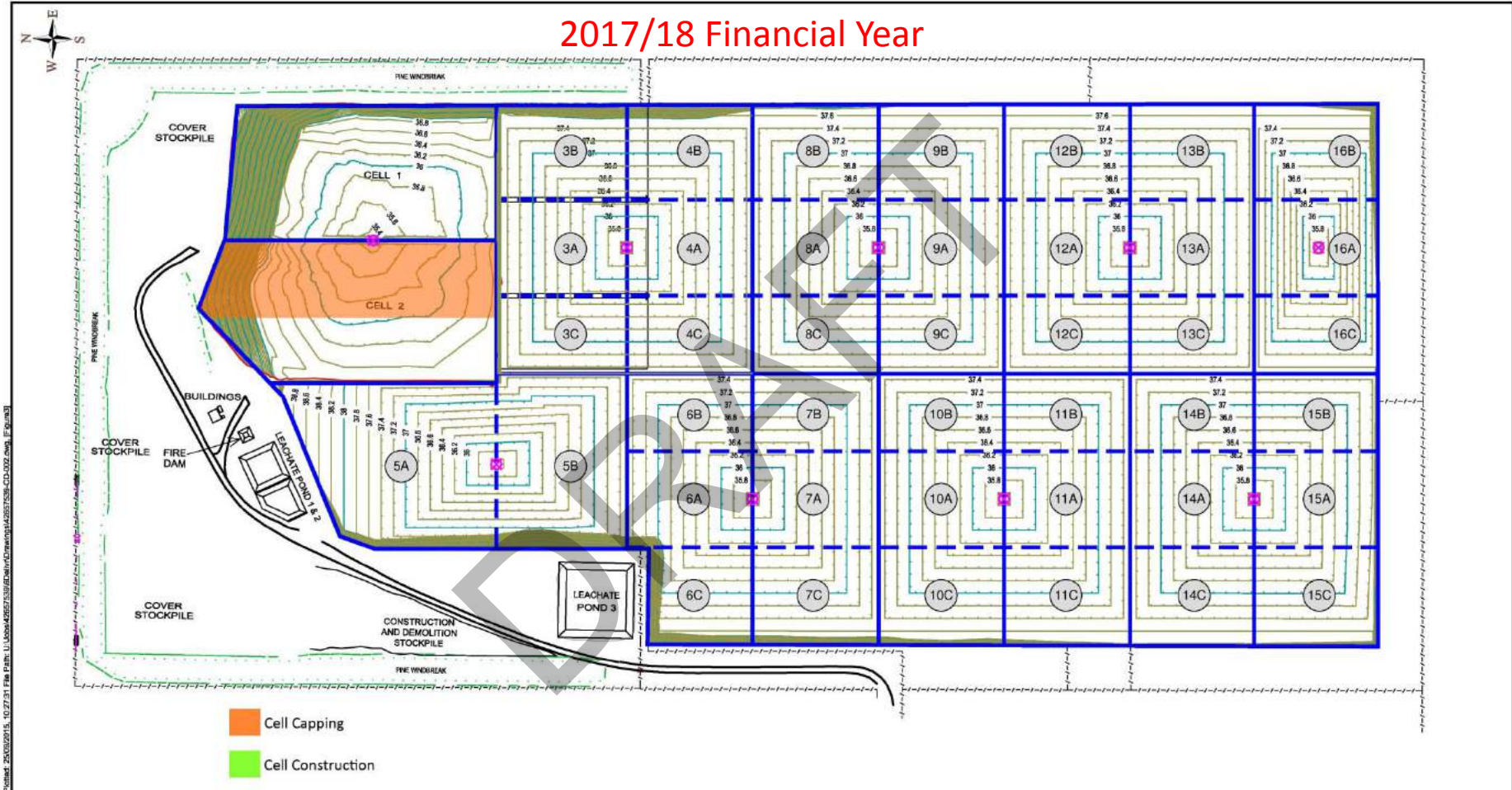
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# 2016/17 Financial Year



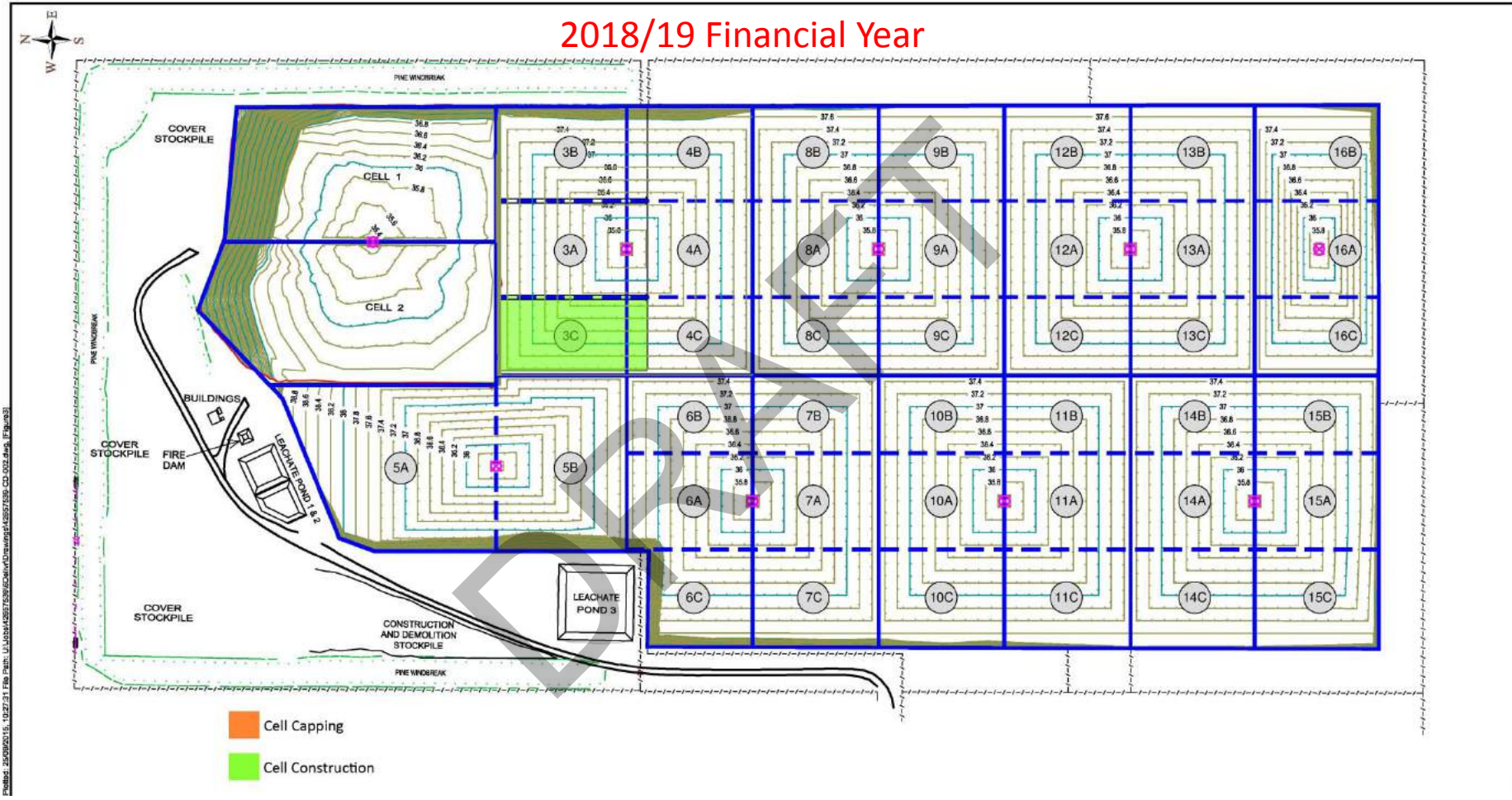
\$720,000

# 2017/18 Financial Year



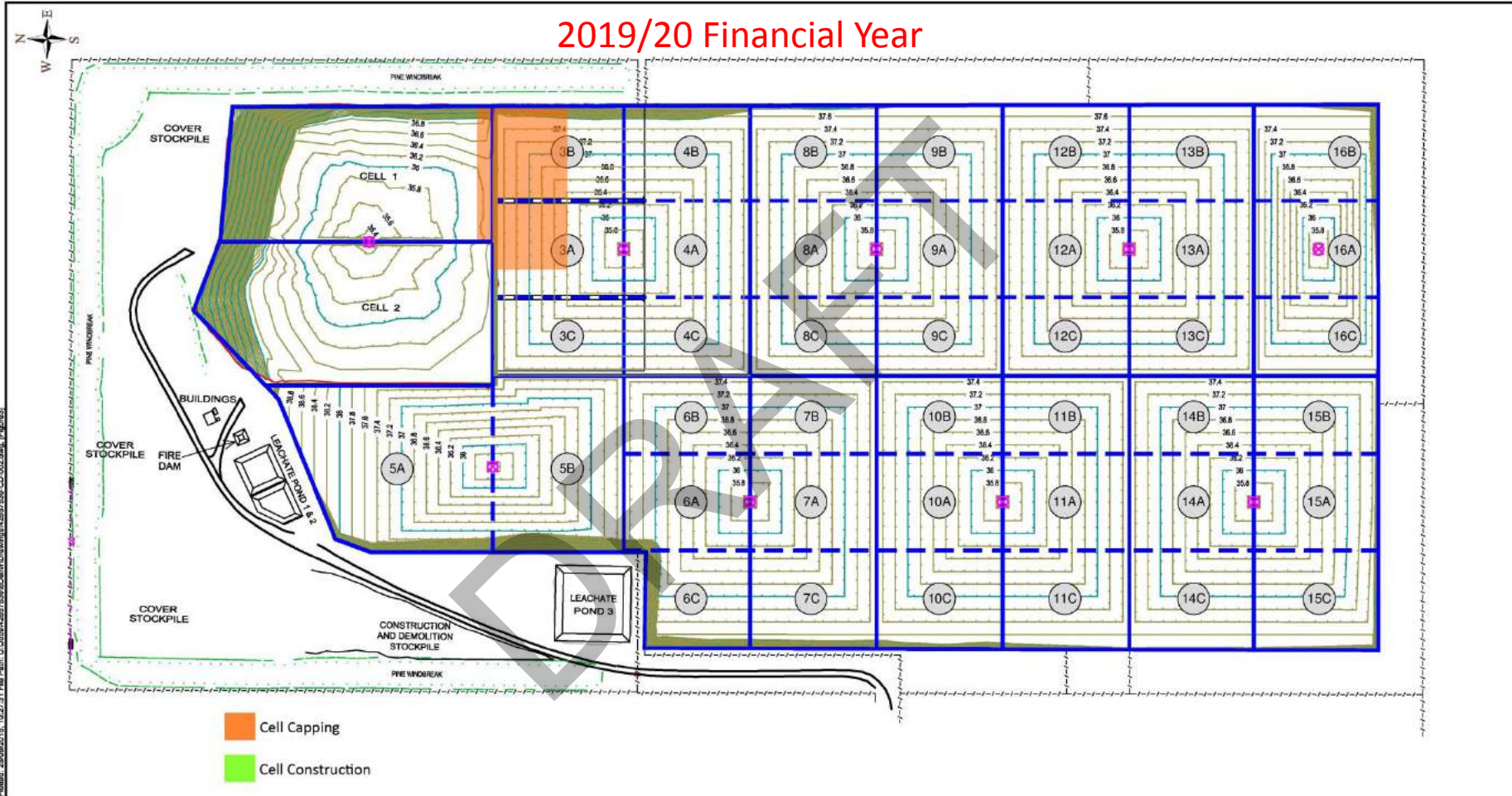
\$1,000,000

# 2018/19 Financial Year



\$1,000,000

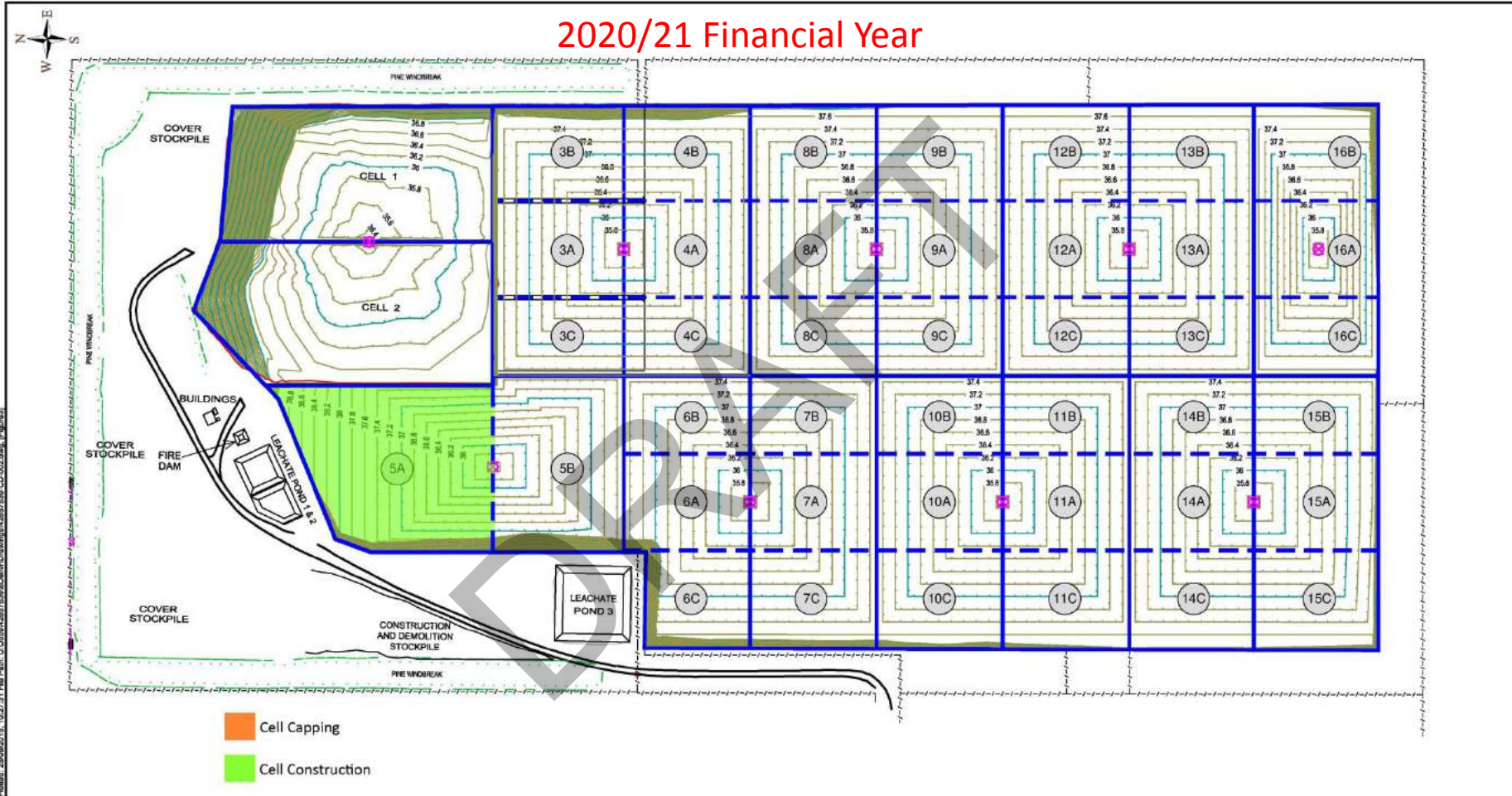
# 2019/20 Financial Year



\$700,000

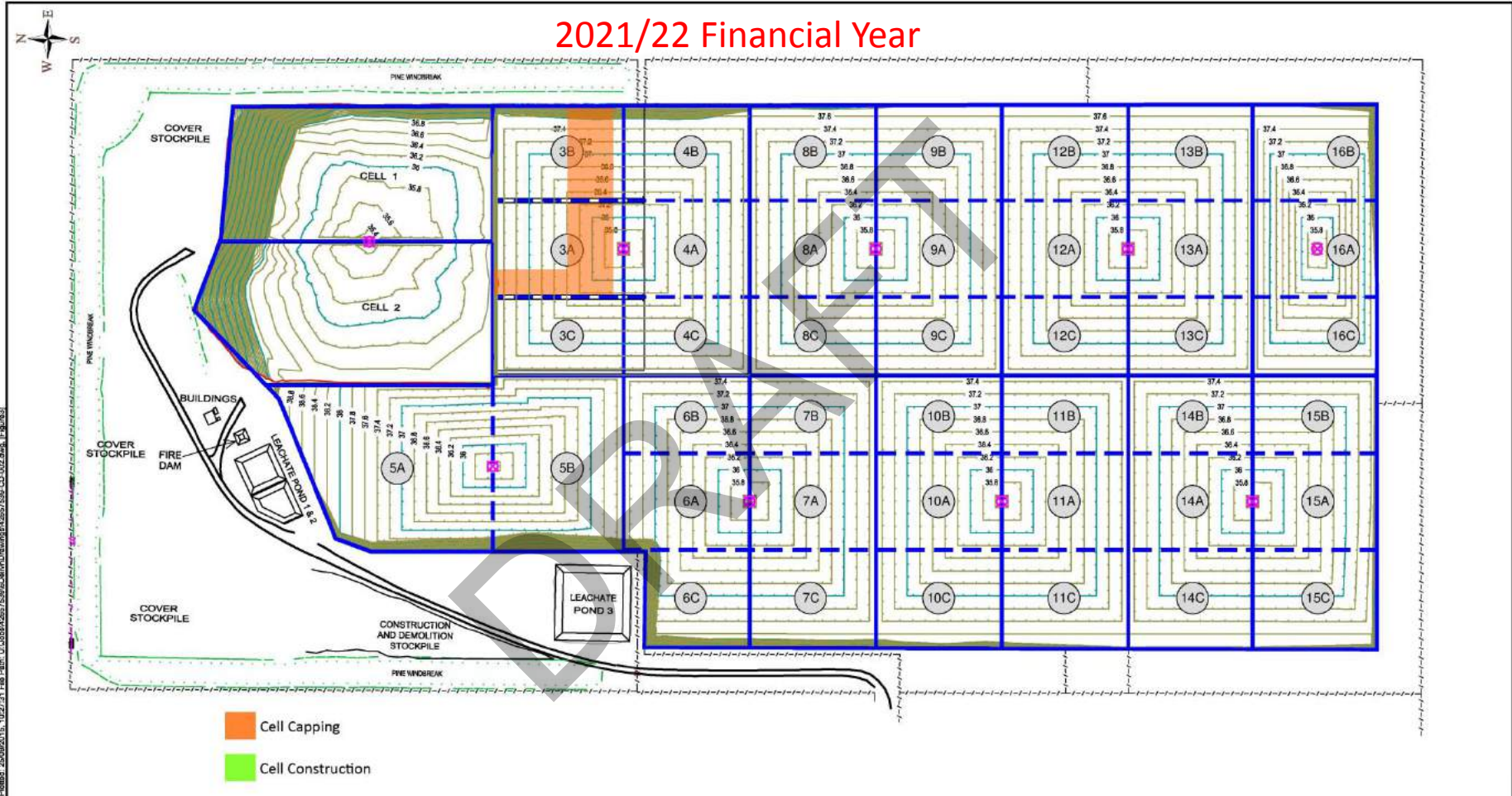


# 2020/21 Financial Year



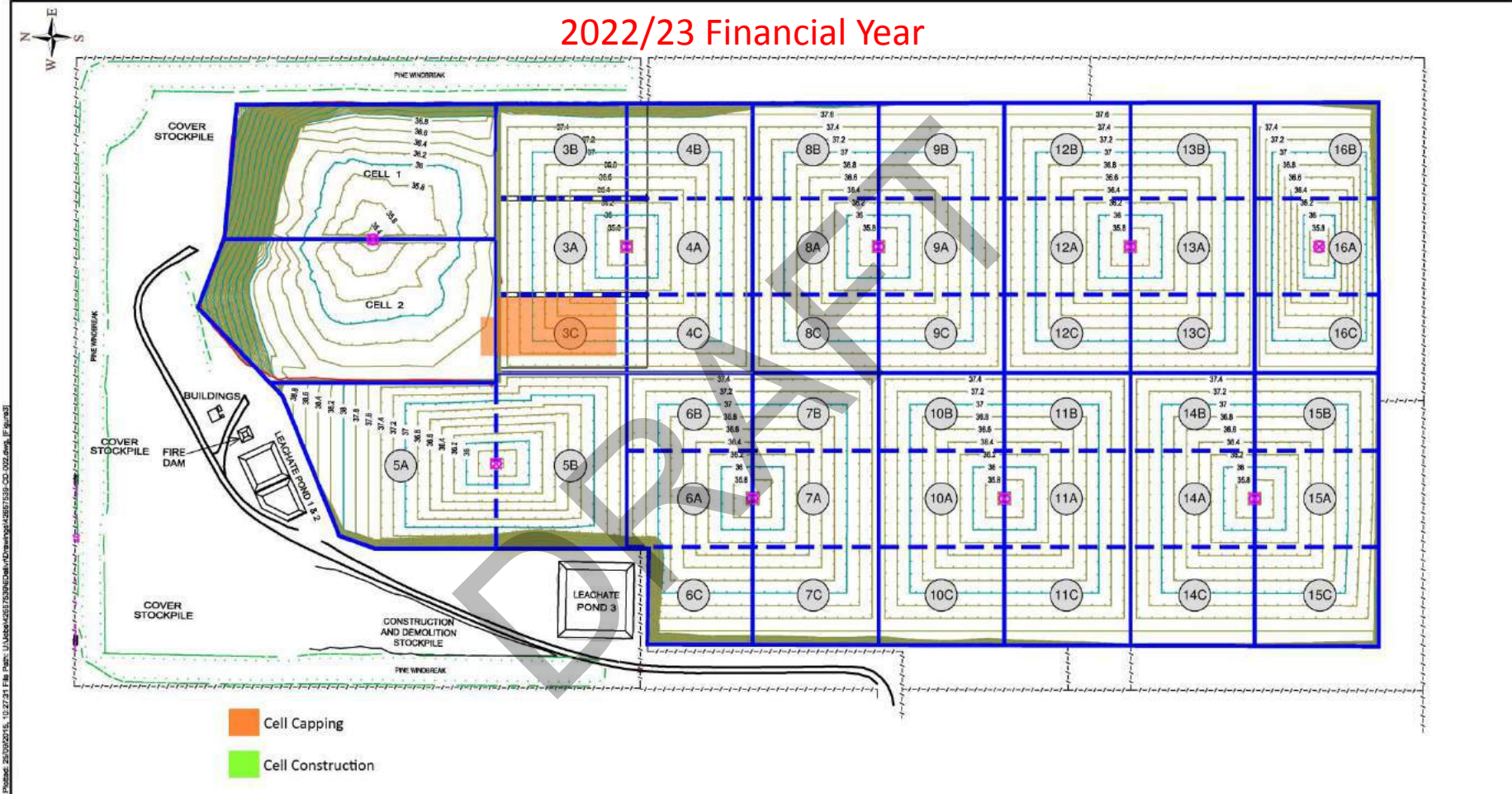
\$1,200,000

# 2021/22 Financial Year



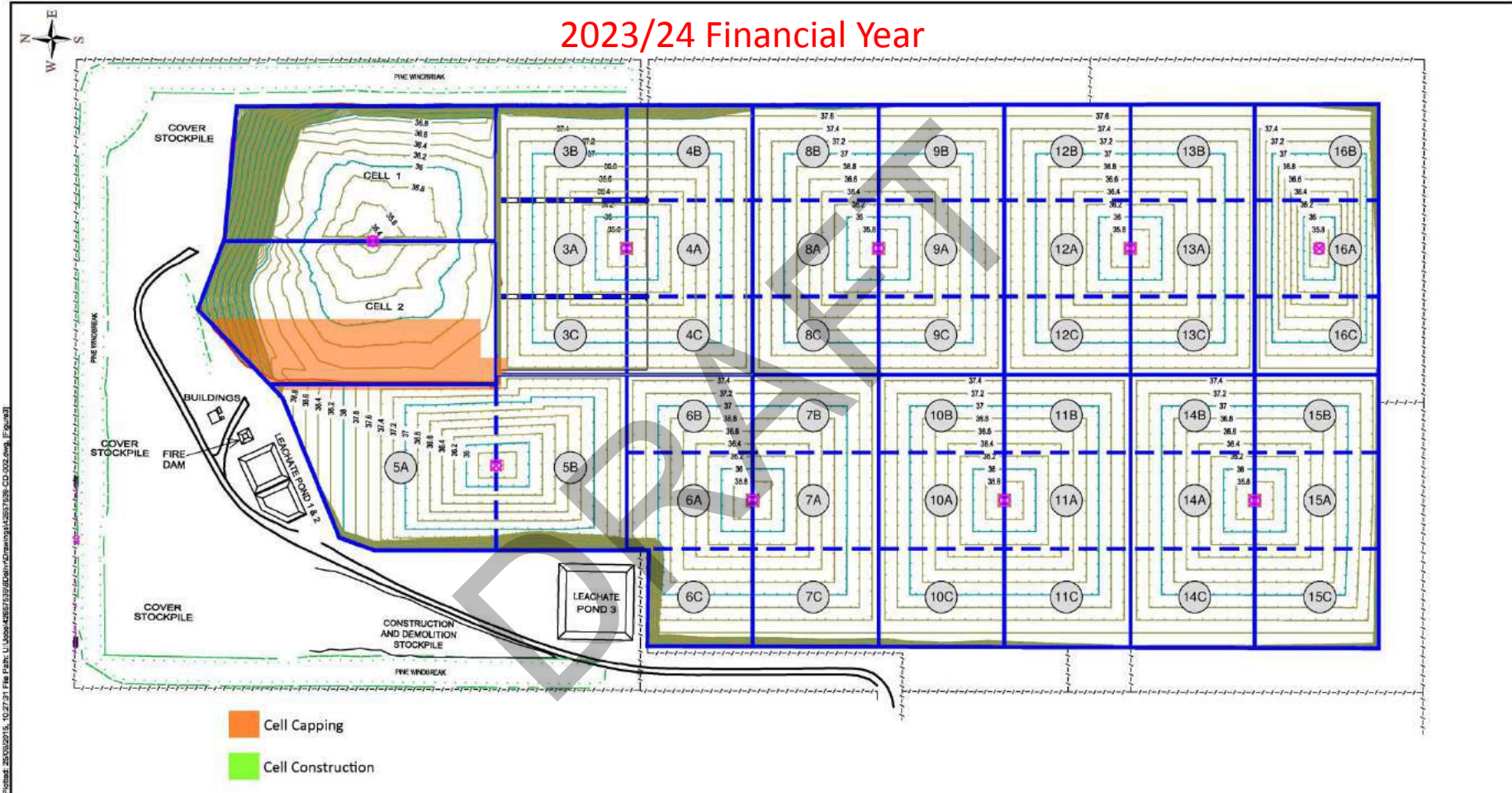
\$750,000

# 2022/23 Financial Year



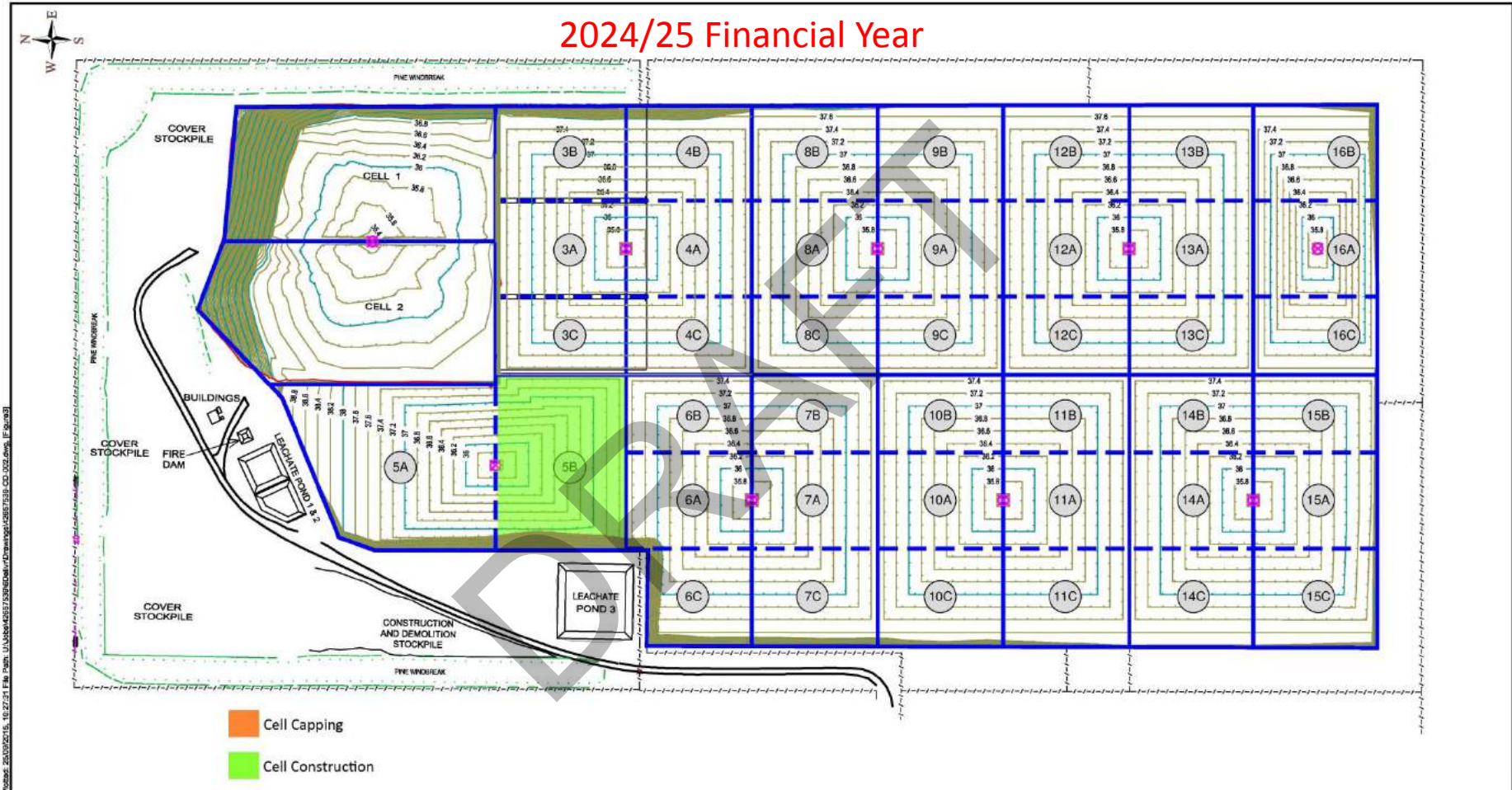
\$750,000

# 2023/24 Financial Year



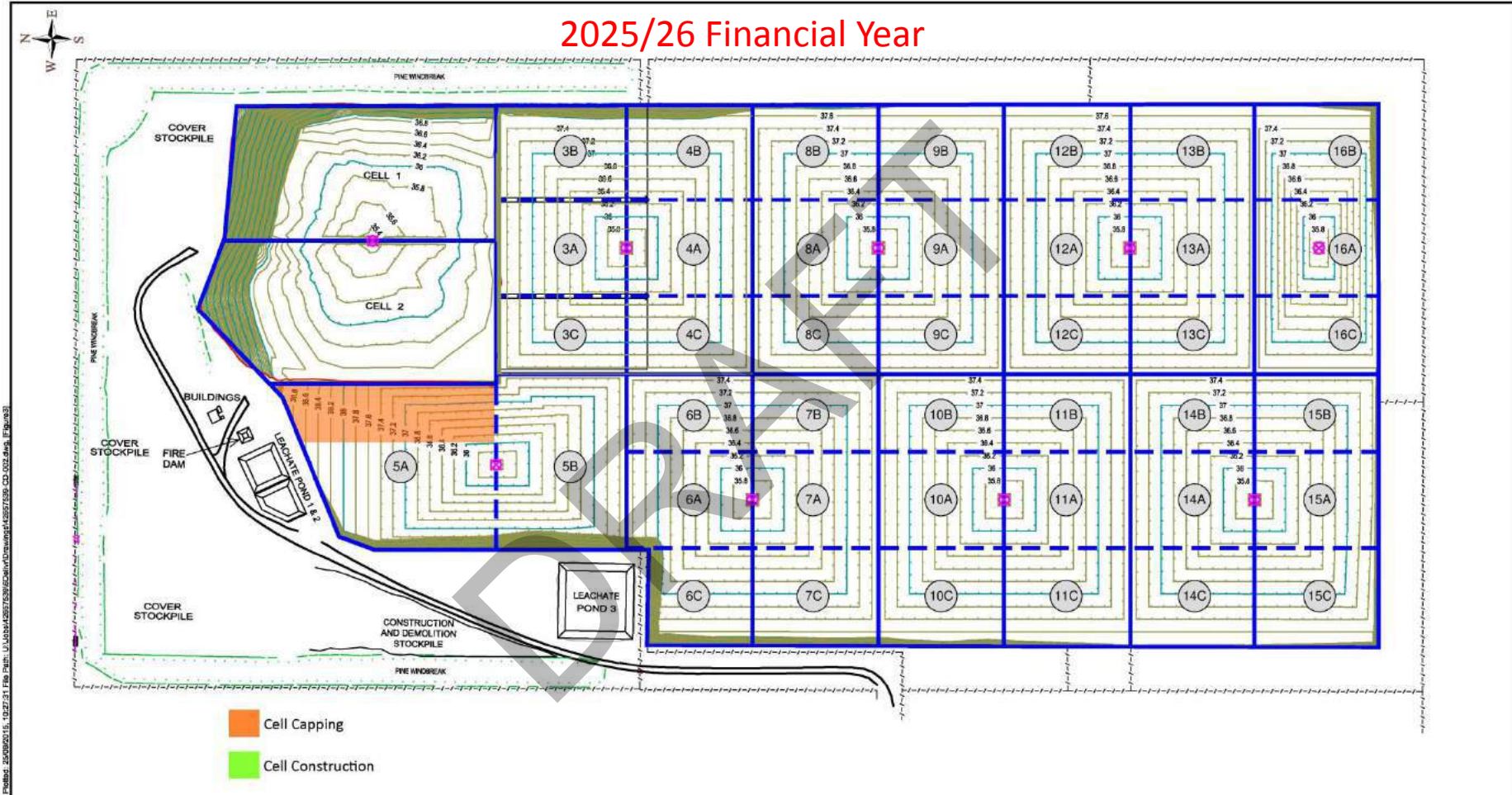
\$750,000

# 2024/25 Financial Year



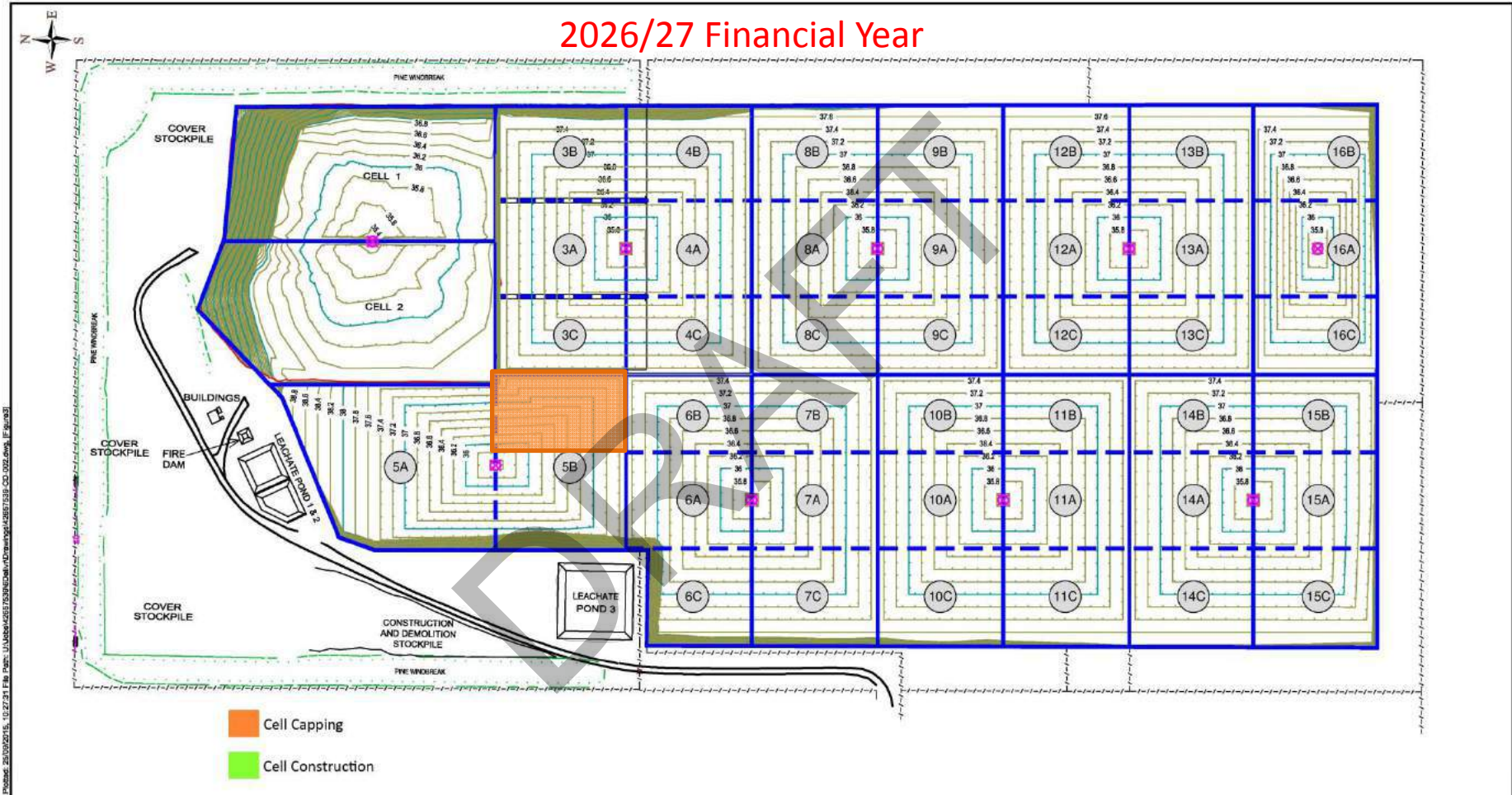
\$1,200,000

# 2025/26 Financial Year



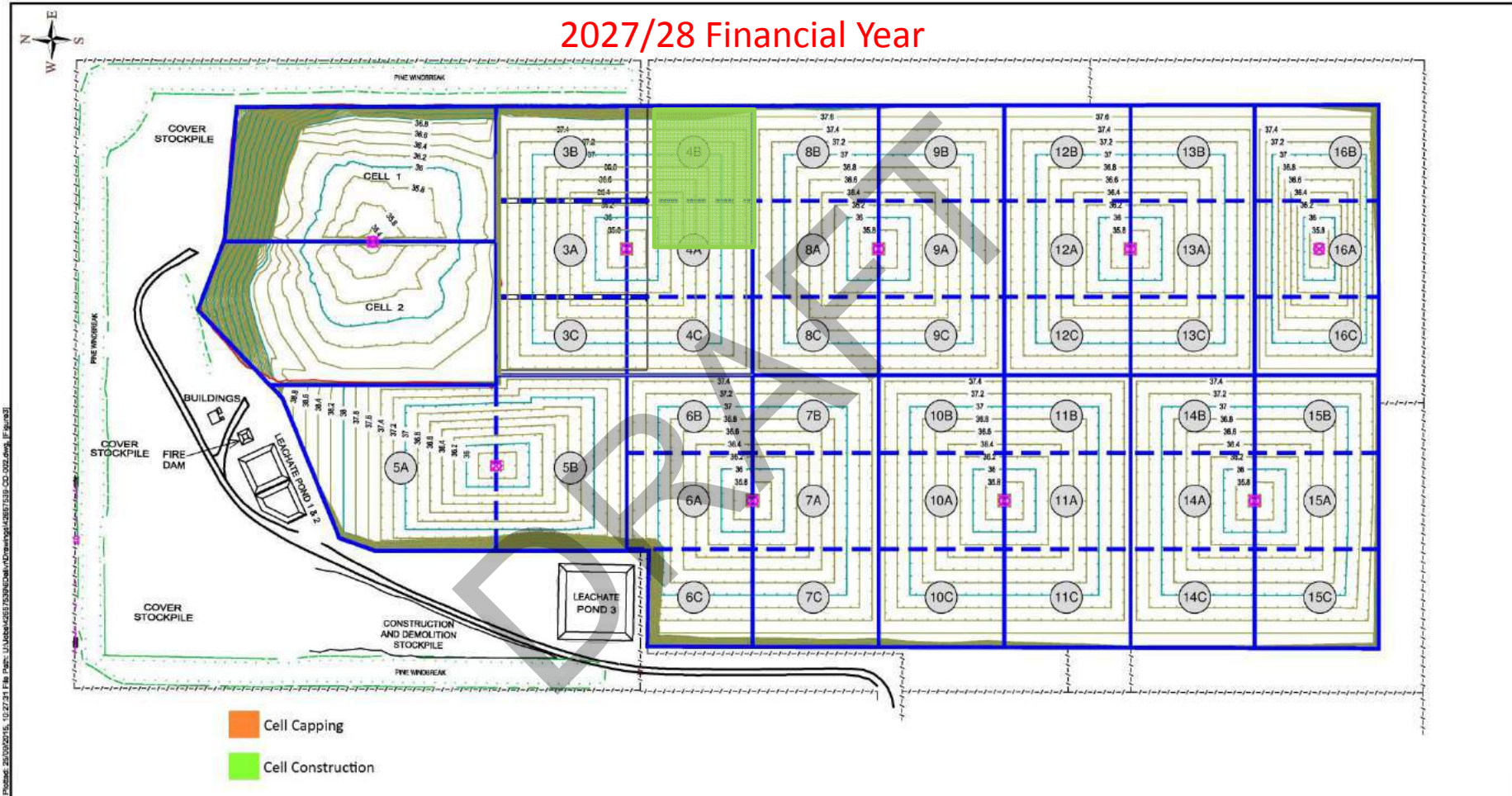
\$750,000

# 2026/27 Financial Year



\$750,000

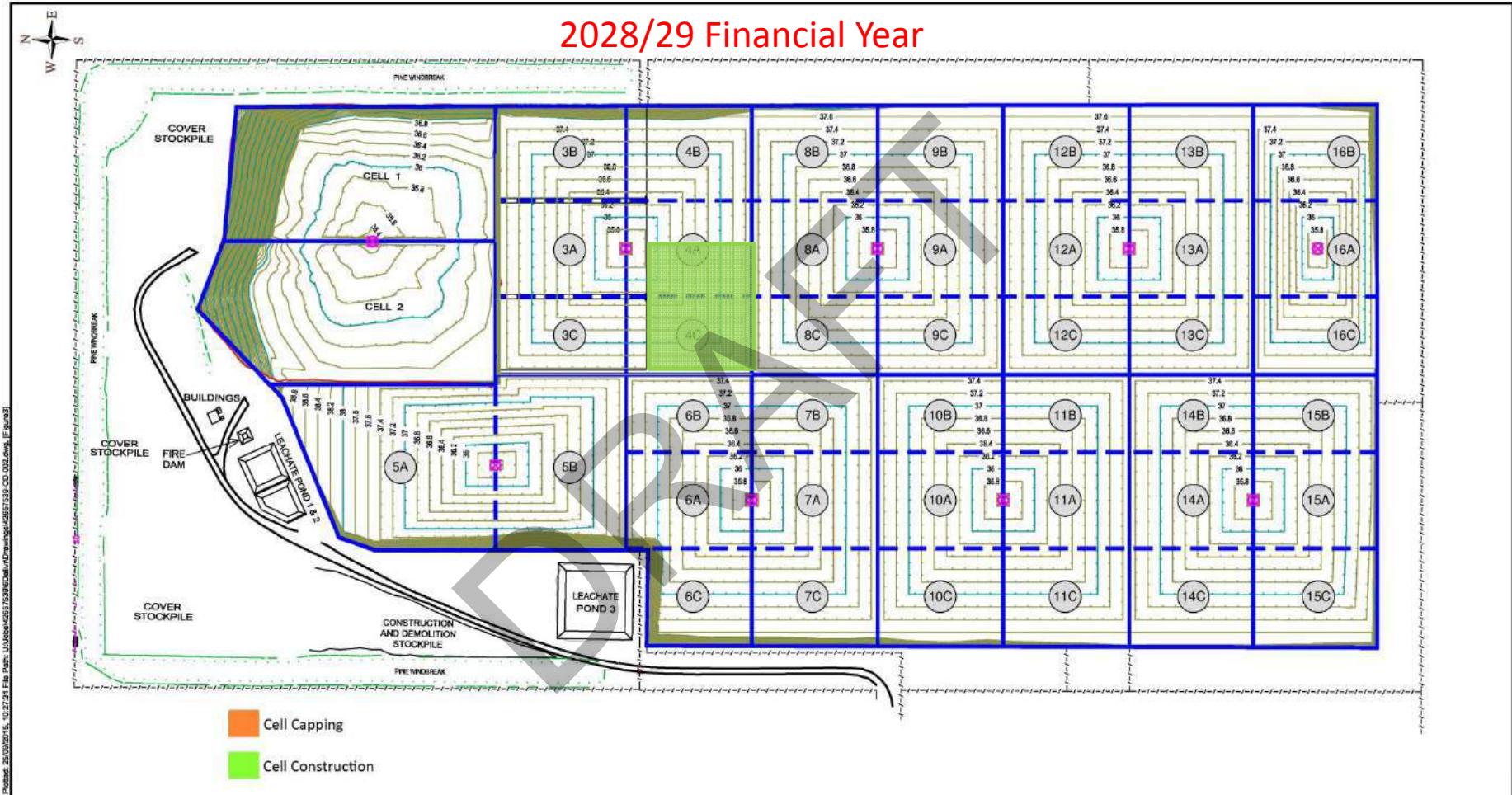
# 2027/28 Financial Year



\$1,200,000



# 2028/29 Financial Year



\$1,200,000

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City of  
Mount Gambier



# Information Technology and Systems Asset Management Plan

2020/2029

March 2019

**Document Control**



Document ID: AR19/7157 City of Mount Gambier Asset Management Plan – Information Technology and Systems

Rev No	Date	Revision Details	Author	Reviewer	Approver
1	March 2019	Creation of separate Asset Management Plan for Information Technology and Systems	KR	PL	NS

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# TABLE OF CONTENTS

ABBREVIATIONS.....	1
INFORMATION TECHNOLOGY (IT) ASSETS.....	2
1. INTRODUCTION.....	2
1.1 Background.....	2
1.2 Assumptions.....	2
1.3 Goals and Objectives of Asset Management.....	3
1.4 Plan Framework.....	4
2. LEVELS OF SERVICE.....	6
2.1 Legislative Requirements.....	6
2.2 Current Levels of Service.....	6
2.3 Desired Levels of Service.....	7
3. FUTURE DEMAND.....	7
3.1 Demand Forecast.....	7
3.2 Demand Management Plan.....	8
4. LIFECYCLE MANAGEMENT PLAN.....	9
4.1 Background Data.....	9
4.1.1 Physical Parameters.....	9
4.1.2 Asset Capacity and Performance.....	9
4.1.3 Asset Condition.....	10
4.1.4 Asset Valuations.....	10
4.2 Risk Management Plan.....	10
4.3 Routine Maintenance Plan.....	11
4.3.1 Maintenance Plan.....	11
4.3.2 Standards and Specifications.....	11
4.4 Renewal / Replacement Plan.....	11
4.4.1 Renewal Plan.....	11
4.4.2 Renewal Standards.....	12
4.4.3 Summary of Future Renewal Expenditure.....	12
4.5 Creation / Acquisition / Upgrade Plan.....	13
4.5.1 Selection Criteria.....	13
4.5.2 Summary of Future Upgrade / New Assets Expenditure.....	13
4.6 Disposal Plan.....	14
5. FINANCIAL SUMMARY.....	14
5.1 Financial Statements and Projections.....	14
5.2 Funding Strategy.....	16
5.3 Key Assumptions made in Financial Forecasts.....	16
5.3.1 Forecast reliability and confidence.....	16
5.4 Improvement and Monitoring.....	16
5.4.1 Accounting and financial systems.....	16
5.4.2 IT asset management.....	17
REFERENCES.....	18
APPENDICES.....	19
Appendix A i-Services LTFP (AR19/7766).....	19

## ABBREVIATIONS

<b>ABP&amp;B</b>	Annual Business Plan and Budget
<b>AMP</b>	Asset Management Plan
<b>IT</b>	Information Technology
<b>LTFP</b>	Council's Long Term Financial Plan
<b>MMS</b>	Maintenance Management System

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# INFORMATION TECHNOLOGY (IT) ASSETS

## 1. INTRODUCTION

### 1.1 Background

The IT Asset Management Plan is to be read in conjunction with Council's Asset Management Policy, Asset Management Strategy and the following associated planning documents:

- Community Plan
- Long Term Financial Plan (LTFP)
- Annual Business Plan and Budget (ABP&B)
- i-Services Strategy and Roadmap
- IT Hardware and Software Registers.

The IT asset categories covered by this Asset Management Plan are shown in Table 1.

**Table 1: IT Asset Categories**

Asset Category	Quantity Owned	Quantity Leased
IT Hardware and Equipment		
Computers, Monitors & Desktops	86	252
Printers, Scanners, Copiers	21	1
Mobile & Tablet Devices	80	20
Other Equipment (Audio/Visual)	15	3
Servers (including IT disaster recovery)	14	4
Software		
Council-Wide	20	-
Technical/Specialised	30	-

\*Information derived from IT Hardware and Software Registers

### 1.2 Assumptions

This IT Asset Management Plan is based on current service levels.

It is assumed that the current financing approach will continue; therefore where assets are currently leased, this plan assumes they will continue to be leased.

Key stakeholders in the preparation and implementation of this Asset Management Plan are shown in Table 2.



**Table 2: Key Stakeholders**

Key Stakeholder	Role in AM Plan
Councillors	<ul style="list-style-type: none"> <li>• Represent needs of the community and stakeholders</li> <li>• Set targeted sustainability ratios</li> <li>• Adopt Asset Management Plan</li> <li>• Annual budget approvals</li> </ul>
Executives	<ul style="list-style-type: none"> <li>• Portfolio sponsor</li> <li>• Prepare annual budget</li> </ul>
Customers	<ul style="list-style-type: none"> <li>• End users of service/assets</li> </ul>
Insurers and Lessors	<ul style="list-style-type: none"> <li>• Partner with Council to mutually cover risk exposure</li> <li>• Partner with Council to provide alternate financial solutions</li> </ul>
i-Services Business Unit	<ul style="list-style-type: none"> <li>• Plan and facilitate asset acquisition, renewal, upgrade and disposal in accordance with this plan</li> <li>• Establish service levels</li> <li>• Mitigate risk exposure</li> <li>• Monitor assets (including condition)</li> <li>• Coordinate planned and reactive maintenance with Council staff</li> </ul>
Strategic Finance & Accountability Business Unit Finance Business Unit	<ul style="list-style-type: none"> <li>• Council's LTFP</li> <li>• Asset valuation and depreciation</li> <li>• Procurement facilitation</li> </ul>

### 1.3 Goals and Objectives of Asset Management

The Council exists to provide services to its community. Many of these services are supported by IT assets. Council has acquired IT assets by purchase, donation and operating lease.

Council's goal in managing IT assets is to meet the agreed level of service (as amended from time to time) in the most cost effective manner for present and future consumers. The key elements of IT asset management are:

- Taking a life cycle approach to developing cost-effective management strategies for the long term
- Providing a defined level of service and monitoring performance in line with stakeholder needs
- Managing risks associated with asset failures and disasters
- Continuous improvement in asset management practices.<sup>1</sup>

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<sup>1</sup> IIMM 2006 Sec 1.1.3, p 1.3

This Asset Management Plan is prepared under the direction of Council’s Community Plan which represents the vision, aspirations and priorities of the community now and into the future.

Our Vision is: **An inclusive city where people lead fulfilling lives.**

The objectives contained within the Community Plan fall under four key themes:

Our People	A safe, inclusive city where access to quality services and facilities supports a socially connected, vibrant and healthy community
Our Location	A perfectly centered place where people aspire to live, work, visit and invest
Our Diverse Economy	A diversified, innovative and resilient economy that generates jobs and services
Our Climate, Natural Resources, Arts, Culture and Heritage	A culturally-inspired city that strives to minimise its ecological footprint.

A ‘top down’ approach has been used where analysis is applied at the system or network level to meet minimum legislative and organisational requirements for sustainable service delivery and long term financial planning and reporting.

Future versions of the AM Plan will move towards ‘advanced’ asset management using a ‘bottom up’ approach for gathering information about individual assets.

Council’s IT Assets contain items that service the community directly, through the provision of

- Wi-Fi to selected public areas
- Online information via our website
- Access to computers and printing facilities via our Library and other Council Facilities
- Design editing suites and virtual reality experiences via our Main Corner and Riddoch Art Gallery Facilities

And indirectly by providing technology solutions to staff who use this as a tool to provide a range of services to the community.

This plan is prepared to facilitate community consultation and in line with section 122(6) and 122(7) of the Local Government Act the draft plan is made available to the public at our principal office for feedback.

Future revisions may include greater community consultation on service levels and costs of provision to assist Council and the community in balancing the level of service needed and/or desired with the community’s ability and willingness to pay for the service(s).

## 1.4 Plan Framework

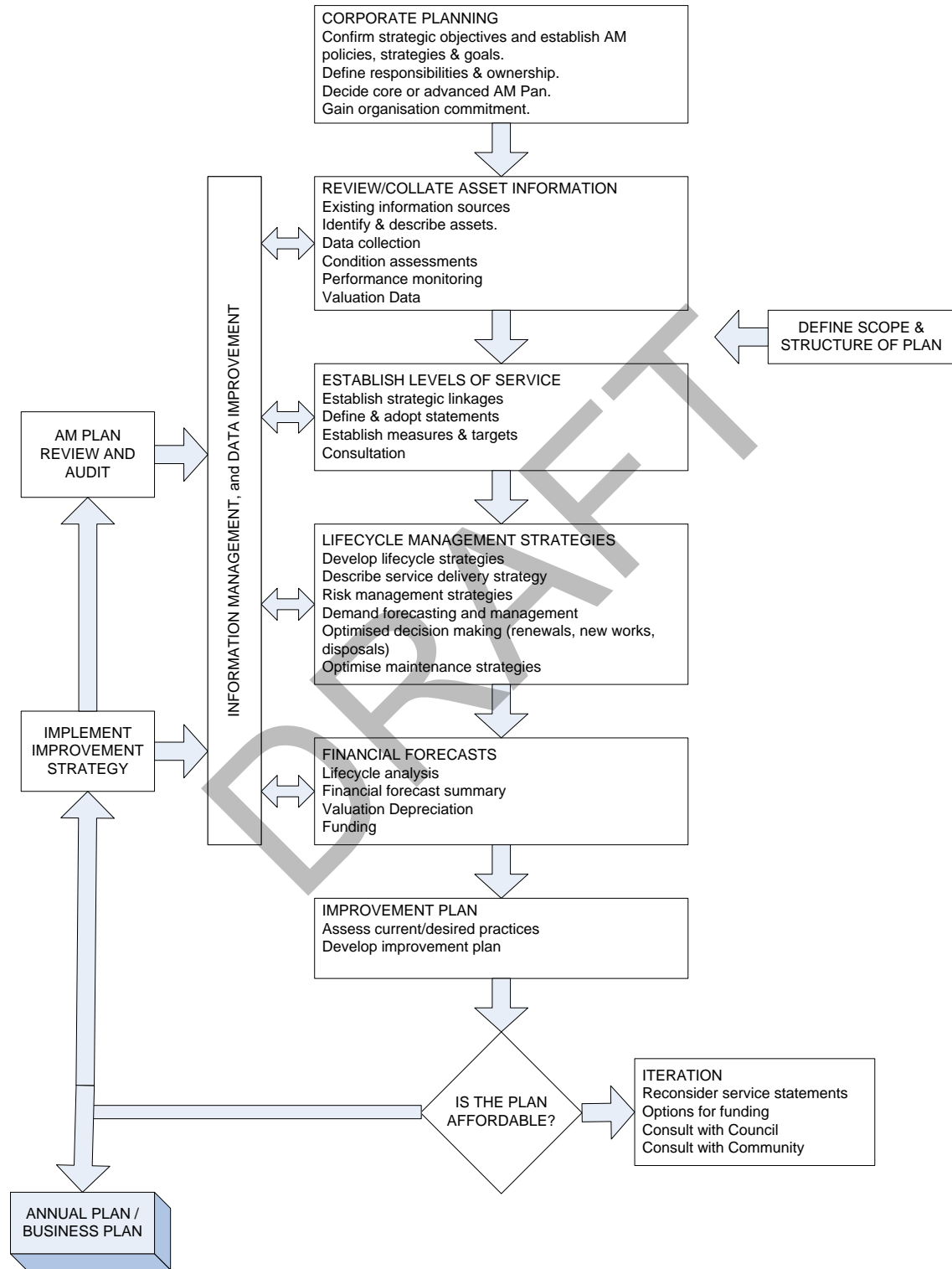
Key elements of the Plan are

- Levels of service – specifies the services and levels of service to be provided by Council
- Future demand – how this will impact on future service delivery and how demand will be met
- Life cycle management – how Council will manage its existing and future assets to provide the defined levels of service
- Financial summary – what funds are required to provide the required services
- Asset management practices
- Monitoring – how the Plan will be monitored to ensure it is meeting Council’s objectives
- Asset management improvement planning.

A road map for preparing an AMP is shown below.

**Figure 1: Road Map for preparing an Asset Management Plan**

Source: IIMM Fig 1.5.1, p 1.11



## 2. LEVELS OF SERVICE

### 2.1 Legislative Requirements

Council has to meet many legislative requirements including Australian and State legislation and State regulations. These include:

**Table 3: Legislative Requirements**

Legislation	Requirement
Local Government Act, 2009	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a long term financial plan supported by Infrastructure and Asset Management Plans for sustainable service delivery.
State Records Act, 1997	Set out responsibilities and requirement in relation to the management of Council records.
Work Health and Safety Act, 2012	Sets out roles and responsibilities to secure the health, safety and welfare of persons at work

### 2.2 Current Levels of Service

There are three aspects to service level in relation to IT management:

- Appropriate facilities (hardware and software) provided to users, replacement of which is usually cyclical in nature and determined by age and technology development rather than deterioration of the asset.
- Integrity of systems, monitoring and maintenance of network security and implementation of disaster recovery measures to ensure that facilities remain operational to meet service levels. Mitigating the risk associated with the loss of functionality from IT assets, including disaster recovery.
- Resolution of user problems, recording and monitoring of reactive IT maintenance and optimising customer service levels.

Table 4 sets out Council's current service standards.

**Table 4: Current Service Standards**

Responsiveness	Definition	Target for Completion
Priority 1 – Critical Impact	Affects all or large groups of users, or mission critical systems	< 24 hours
Priority 2 – High Impact	Affects multiple users or prevents multiple users from performing their work	< 48 hours, or dependent on external service provider
Priority 3 – Moderate Impact	Affects fewer than 5 users with workarounds available	< 5 business days or dependent on external service provider
Priority 4 – Low Impact	Affects individual users but does not prevent them from performing their work	< 20 business days, or dependent on external service provider

These services can be further defined in two terms:

### 1. Community Service Levels

These relate to how the community receives the service in terms of safety, quality, function, quantity, reliability, responsiveness and cost/efficiency.

### 2. Operational Service Levels

These support the community service levels and are developed to ensure that the minimum community levels of service are met.

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target	Current Performance
<b>COMMUNITY LEVELS OF SERVICE</b>				
Quality & Function	Provide IT assets that are fit for purpose	Customer service requests		
Safety	Provide IT assets that meet Australian Standards are proven to be safe and reliable and are positioned/set up and accessible in a safe manner	Number of incidents relating to safety and hazards		
<b>TECHNICAL LEVELS OF SERVICE</b>				
Condition and Function	Carry out routine maintenance on IT assets to ensure fit for purpose	Number of requests relating to minor maintenance matters		
Research & Development	Technological advances to ensure efficient and effective operations			
Accessibility	Review of access levels, risk mitigation and appropriateness			

## 2.3 Desired Levels of Service

Council has still to quantify all desired levels of service. This will be incorporated in future revisions of this Asset Management Plan.

## 3. FUTURE DEMAND

### 3.1 Demand Forecast

Drivers affecting demand include population change, changes in demographics, seasonal factors, consumer preferences and expectations, technological advances, economic factors, environmental awareness and risk management practices, etc.

Advances in technology will have significant impact on Council's IT assets and the expectations of our community to keep up to date with these changes. We are already experiencing exponential computer processing growth and major progress with the internet of things. Areas anticipated to be of future transformational significance include Block chain and artificial intelligence technology.

Demand factor trends and impacts on service delivery are summarised in Table 5.

**Table 5 Demand Factors, Projections and Impact on Services**

Demand factor	Present position	Projection	Impact on services
Population	26,276 (30 <sup>th</sup> June 2016)	32,000 people by 2027 <sup>2</sup>	Increase access to IT assets, especially mobile devices and connectivity
Demographics	Ageing population		Increase in IT assets to assist our ageing population
Climate change	More demand for indoor recreation facilities	Indoor recreation facilities	
Community Expectations	As per community plan		Increased investment in resources required to meet demand and maintain existing services
Asset renewal and maintenance demand			Increased investment in resources required to meet demand and maintain existing services
Operational expectations, financial sustainability and continuous improvement		<ul style="list-style-type: none"> <li>• Authority single sign on</li> <li>• Business Intelligence tool</li> <li>• Mobile friendly solutions and devices to record infield data</li> <li>• Council-wide integrated systems including facilities bookings</li> </ul>	Increased investment in resources required to meet demand and maintain existing services

### 3.2 Demand Management Plan

Demand for new services will be managed through a combination of managing existing assets, upgrading of existing assets and providing new assets to meet demand and demand management. Demand management practices include non-asset solutions, insuring against risks and managing failures.

Non-asset solutions focus on providing the required service without the need for the organisation to own the assets, such as leasing arrangements or providing services from existing infrastructure which may be located in another community area. They also include managing expectations in relation to service standards and service failures.

Opportunities identified to date for demand management are shown in Table 6. Further opportunities will be developed in future revisions of this Infrastructure and Asset Management Plan.

<sup>2</sup> Referenced from Community and Recreation Hub Feasibility Study

**Table 6 Demand Management Plan Summary**

Service Activity	Impact	Demand Management Plan
Community expectations and interactions	Increase in online presence and demand for online services. Reallocation of resources from front-facing customer service management to online customer service management.	Deliver expanded digital services so that our customers feel connected and can interact with us 24/7
	Design our community places and spaces to anticipate technological advances and to deliver sustainability	Extensive research and investment in technological solutions for Council projects
Operational expectations, financial sustainability and continuous improvement	Need for mobile solutions and systems. Automation of processes and reduction in double handing. Reallocation of resources from data entry based roles to value-adding system and integrity of information roles.	

## 4. LIFECYCLE MANAGEMENT PLAN

The lifecycle management plan details how Council plans to manage and operate the assets at the agreed levels of service (defined in the section “Levels of Service”) while optimising life cycle costs.

### 4.1 Background Data

This is the first iteration of Council identifying and formally planning for our IT assets. Data gathering has begun to holistically identify Council’s IT hardware and software, both owned and leased.

#### 4.1.1 Physical Parameters

The assets covered by this Plan are shown in Table 1.

#### 4.1.2 Asset Capacity and Performance

Council’s services are generally provided to meet design standards where these are available. Areas targeted for improvement are detailed in Table 7.

**Table 7: Improvements**

Service	Improvement
IT Asset Accountability	Identification of IT assets including location and responsibility. Automated process from time of purchase. Procedure to hold responsible officers accountable for all items assigned on a periodic basis.
IT Asset Acquisitions	Development of a procurement and acquisition planning procedure to ensure a certain level of scrutiny over all IT asset acquisitions. Aim is to continue with a decentralised purchasing approach, however incorporate a centralised review prior to purchase.

Enterprise IT applications	Upgrading of Enterprise wide systems to ensure not using outdated, unsupported technology and support Council on its continuous improvement regime.
Information Management	An overarching framework and formal procedures are needed in relation to operational information management and identification of standard mediums to register information management. These include: standard use Customer Relationship Management (CRM) tools; Roles and responsibilities clearly identified; Categorisation of information, sources of information and security over information to protect our critical information assets.
IT Asset Capitalisation	Development of an asset strategy defining appropriate thresholds for capitalisation, useful lives and cost allocations suitable for the nature and relatively quick turnover of IT assets. New assets priority ranking criteria and standards.

#### 4.1.3 Asset Condition

Due to the relatively short life of IT assets, condition is not a key driver for renewal. Advancements in technology and user expectations drive renewal needs.

#### 4.1.4 Asset Valuations

The value of IT Assets recorded in Council's overarching asset register is not representative of the IT assets currently held and maintained. A major contributor to this is the fact that Council's capitalisation threshold is set to \$5,000 for all types of assets. Due to the nature of IT assets and the relatively quick turnover times, altering the capitalisation thresholds has been identified as an improvement (see Table 7) to enable a more holistic approach to asset management.

The value of IT assets recorded as at 30 June 2018 was:

At Cost	\$2.060M
Accumulated Depreciation	\$1.648M
Carrying Amount	\$0.412M
Annual Depreciation Expense	\$0.158M

Due to the nature of IT assets and regularity in which they are turned over or out of date it should be noted that Council does not revalue this asset class.

## 4.2 Risk Management Plan

An assessment of risks associated with service delivery from IT assets identifies critical risks to Council. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks.

A formal approach to assessing the risks with Council's IT assets was complete at the time of writing this Plan. Further iterations of this Plan will contain details on risks, risk ratings, treatments and estimated costs.



## 4.3 Routine Maintenance Plan

Routine maintenance is the regular on-going work that is necessary to keep assets operating, including instances where portions of the asset fail and need immediate repair to make the asset operational again. Council is currently implementing a monitoring tool to ensure that equipment is being utilised efficiently.

### 4.3.1 Maintenance Plan

Maintenance includes reactive, planned and cyclic maintenance work activities.

Reactive maintenance is unplanned repair work carried out in response to service requests and management/supervisory directions.

Planned maintenance is repair work that is identified and managed through a maintenance management system (MMS). MMS activities include inspection, assessing the condition against failure/breakdown experience, prioritising, scheduling, actioning the work and reporting what was done to develop a maintenance history and improve maintenance and service delivery performance.

Cyclic maintenance is replacement of higher value components/sub-components of assets that is undertaken on a regular cycle and may relate to regular server maintenance, monitoring public access Wi-Fi and ensuring usability.

Assessment and prioritisation of reactive maintenance is undertaken by Council staff using experience and judgement.

### 4.3.2 Standards and Specifications

Maintenance work is carried out in accordance with the following Standards and Specifications:

- Manufacturer Warranty Conditions
- Current Australian and Industry Standards
- Work Health Safety Act and Regulations
- Council Standards and Specifications.

Council's maintenance and operational costs are derived from 2 key sources:

In-house – employment costs for technical staff

External – Use of technical experts (contractors/consultants).

## 4.4 Renewal / Replacement Plan

Renewal expenditure is major work which does not increase the asset's design capacity but restores, rehabilitates, replaces or renews an existing asset to its original service potential. Work over and above restoring an asset to original service potential is classed as upgrade/expansion or new works expenditure.

### 4.4.1 Renewal Plan

Assets requiring renewal are identified from one of three methods:

- Method 1 uses Asset Register data to project the renewal costs using acquisition year and useful life to determine the renewal year
- Method 2 uses capital renewal expenditure projections from external condition modelling systems
- Method 3 uses a combination of average network renewals plus defect repairs.

Method 1 was used for this AMP.

Asset useful lives were reviewed with the development of this plan in 2019 and can be shown in Table 8.

**Table 8: Useful Lives**

Asset Category	Useful Life	Comments
IT Hardware and Equipment		
Computers, Monitors & Desktops	3-5 years	Includes laptops
Printers, Scanners, Copiers	3-7 years	
Mobile & Tablet Devices	3-5 years	Includes mobile phones, tablet devices
Other Equipment (Audio/Visual)	5-7 years	Includes smart boards, projection equipment
Servers (including IT disaster recovery)		
Software		
Council-Wide	5-10 years	
Technical/Specialised	3-7 years	

#### 4.4.2 Renewal Standards

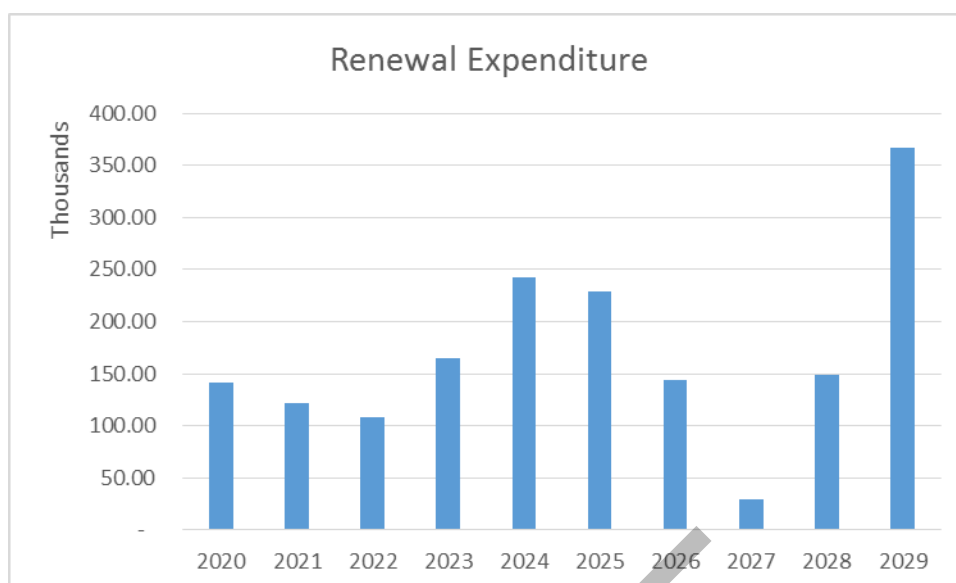
Renewal work is carried out in accordance with the following Standards and Specifications:

- Current Australian and Industry Standards
- Work Health Safety Act and Regulations
- Best Industry Practice Standards
- Planning and scheduling renewal projects to meet defined service levels in the most efficient and effective manner.

#### 4.4.3 Summary of Future Renewal Expenditure

Projected future renewal expenditures are forecast to increase over time as the asset stock increases from growth and demand. The costs are summarised in Figure 2. Note that all costs are shown in nominal dollar values.

**Figure 2: Projected renewal costs**



Deferred renewal, i.e. those assets identified for renewal and not scheduled for renewal in capital works programs are to be included in the risk assessment process in Council's Risk Management Plan. Renewal and replacement expenditures in Council's capital works program will be accommodated in Council's LTFP.

## 4.5 Creation / Acquisition / Upgrade Plan

New assets are those that create a new asset that did not previously exist, or works which upgrade or improve an existing asset beyond its existing capacity. They may result from technology growth, social or environmental needs. Community IT assets may also be acquired at no initial cost to Council from generous public and business donations.

### 4.5.1 Selection Criteria

New assets and upgrade/expansion of existing assets are identified from various sources such as community requests, Councillor/Executive requests, proposals identified by strategic plans or partnerships with other organisations. Candidate proposals are inspected to verify need and to develop a preliminary renewal estimate. Verified proposals are ranked by priority and available funds and scheduled in future works programs. Council ultimately makes the decision on priority ranking of new assets based on this information.

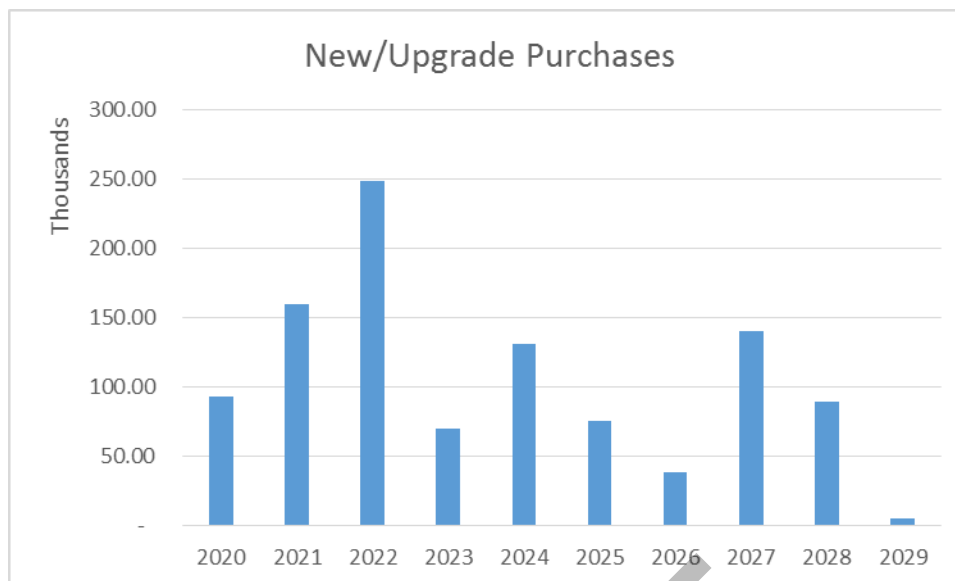
At the time of writing this plan, no priority ranking standards had been documented by Council. Future iterations of this plan will incorporate such agreed standards.

### 4.5.2 Summary of Future Upgrade / New Assets Expenditure

New assets and services are to be funded from Council's capital works program and grants where available. This is further discussed in Section 6.2.

Projected upgrade/new asset expenditures are summarised in Figure 3. The detail capital works program is shown at Appendix A. All amounts are show in nominal values.

**Figure 3: Projected New/Upgrade Costs**



## 4.6 Disposal Plan

Council recently built a re-use facility and its main purpose is to reduce the tonnes of waste ending up in landfill. Upon opening the Re-Use Market facility, Council also amended its Procurement and Disposal of Assets Policy (P420) to allow IT assets owned by Council that have reached end of life to be put up for sale to the public.

Majority of Council's physical IT assets are leased and sent back to the lessor at end of term in line with the leasing agreement.

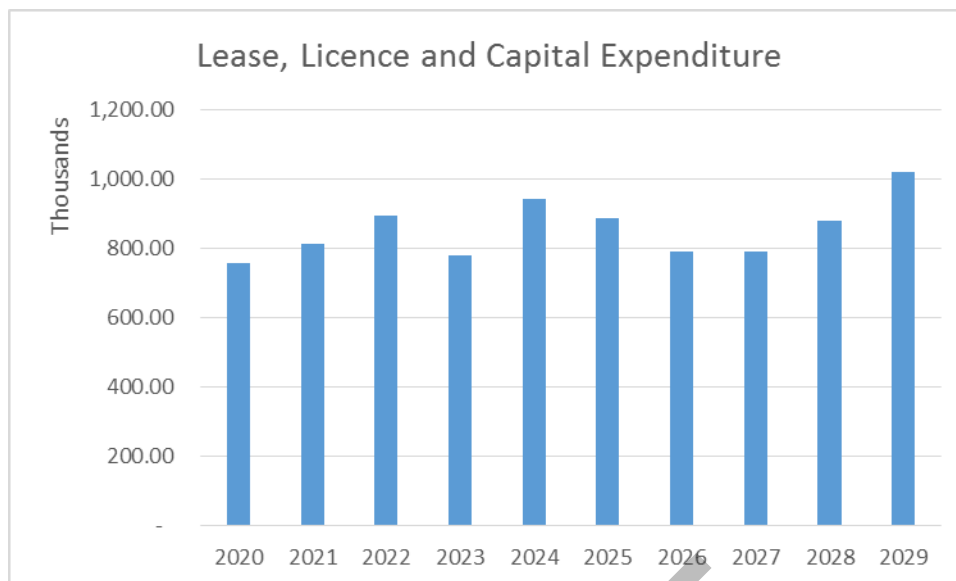
## 5. FINANCIAL SUMMARY

This section contains the financial requirements resulting from all the information presented in the previous sections of this Asset Management Plan. The financial projections will be improved as further information becomes available on desired levels of service and current and projected future asset performance.

### 5.1 Financial Statements and Projections

The financial projections are shown in Figure 4 for planned operating (lease and licence expenditure) and capital expenditure (renewal and upgrade/expansion/new assets). Future iterations of this Plan will include full operational costs (e.g. Salaries and Wages, Contractors, consumables etc).

**Figure 4: Planned Operating and Capital Expenditure**



Note that all costs are shown in nominal values.

**Table 9: Projected and Planned Renewals and Expenditure Gap**

Year	Projected Renewals \$'000	Planned Renewals \$'000	Renewal Funding Gap \$'000	Cumulative Gap \$'000
2020	161	142	-19	-19
2021	164	122	-42	-61
2022	167	108	-59	-120
2023	170	165	-5	-125
2024	173	243	70	-55
2025	176	229	53	-3
2026	180	143	-37	-39
2027	184	29	-155	-194
2028	188	149	-39	-233
2029	192	367	175	-58

Average Funding Gap = \$6,000

Note: Projected renewals assumed to increase in value by 2% per annum until 2029

Providing services in a sustainable manner will require matching of projected asset renewals to meet agreed service levels with planned capital works programs and available revenue.

A gap between projected asset renewal expenditure and actual (planned) expenditure indicates that further work is required to manage required service levels and future planned expenditure funding needs to eliminate any funding gap.

Council will need to manage the 'gap' by developing this Infrastructure and Asset Management Plan to provide guidance on future service levels and resources required to provide these services, and to ensure that the gap closes to a controllable level.

## 5.2 Funding Strategy

Projected expenditure identified in Section 6.1 is to be funded from Council's operating and capital budgets. The funding strategy is detailed in the Council's Long Term Financial Plan.

## 5.3 Key Assumptions made in Financial Forecasts

This section details the key assumptions made in presenting the information contained in this Asset Management Plan and in preparing forecasts of required operating and capital expenditure and asset values. It is presented to enable readers to gain an understanding of the levels of confidence in the data behind the financial forecasts.

Key assumptions made in this Asset Management Plan are:

- Increased use of cloud applications which result in a shift from capital to operating funds.
- Straight line depreciation of asset condition has been assumed.
- Based on the information at hand at the time of preparing the Plan. As asset information is updated and more accurate information becomes available, the Asset Management Plan will become more accurate.
- With respect to Table 6.1.1 projected renewals are assumed to increase in value at a rate of 2.5% per annum. Any variation from 2.5% can affect the cumulative gap significantly (the data presented in this report is sensitive to this assumption).

Accuracy of future financial forecasts may be improved in future revisions of this Infrastructure and Asset Management Plan by the following actions:

- Full cost attribution on future works programs through more sophisticated accounting measures.
- Improved data collection and assessment of assets and recording of this data in AIM program through centralised asset management and data analysis.

### 5.3.1 Forecast reliability and confidence

The expenditure, values and projections in this Plan are based on the best available data. Currency and accuracy of data is critical to effective asset and financial management. With the majority of IT assets being manufactured overseas, fluctuations in the Australian dollar will naturally impact the projections.

## 5.4 Improvement and Monitoring

### 5.4.1 Accounting and financial systems

Council uses Civica Authority as its accounting and financial system. This system integrates with Council's asset management system another module of the Civica Authority suite.

The Australian Accounting Standards provide the benchmark against which Council reports on asset accounting. Council's current capitalisation threshold is \$5,000, however this has been identified as an area for improvement to enable more accurate IT asset management due to their nature, timing and value.

## 5.4.2 IT asset management

Council has recently purchased a licence for Manage Engine Service Desk Plus to assist in managing and monitoring IT assets and customer requests. This system is currently in implementation phase. This program will be used to automate the IT Hardware and Software Registers and will include:

- Adopted service levels
- Assignment of responsibility for IT assets
- Reporting
  - Customer requests
  - Leased v's owned assets
  - Categorisation of assets

The link between asset management and the financial system includes:

- The assumed works programs and trends
- The resulting budget, valuation and depreciation projections
- Useful life analysis (including renewal projections)
- Inputs to Council's LTFP and ABP&B

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## REFERENCES

City of Mount Gambier Community Plan – The Futures Paper 2016-2020

City of Mount Gambier Annual Report and Budget

IPWEA, 2006, 'International Infrastructure Management Manual', Institute of Public Works Engineering Australia, Sydney, [www.ipwea.org.au](http://www.ipwea.org.au)

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# APPENDICES

Appendix A i-Services LTFP (AR19/7766)

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Asset Class - iServices

LTFP

Prepared: 20/2/2019

Project / Initiative	Plan / Strategy Reference	Capex/Opex	New/ Renew	Annual increase	By	0	1	2	3	4	5	6	7	8	9	10	Total	
						2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	\$	
1 Desktop Refreah - Round 1 and 2	iServices Strategy & Roadmap	Capex	Renew	2.0%	Lease	\$ 100,000.00	\$ 102,000.00		\$ 106,120.80	\$ 108,243.22		\$ 112,616.24	\$ 114,868.57		\$ 119,509.26	\$ 121,899.44	\$ 885,257.52	
2 Copier refreshment x 4 sites	iServices Strategy & Roadmap	Capex	Renew		Lease												\$ -	
3 Authority upgrades	iServices Strategy & Roadmap	Capex	New	4.0%	Purchase	\$ 60,000.00			\$ 65,000.00			\$ 70,000.00		\$ 75,000.00			\$ 270,000.00	
4 Authority system enhancements/improvements initial implementation project - Heierarchy, Menu Security, BIS Standard Views  - AP Workflow - Online time sheets - Facilities Booking - Fleet Management - Other improvements - Project Management Office	iServices Strategy & Roadmap	Capex	Renew	2.0%	Purchase					\$ 25,000.00	\$ 25,500.00	\$ 26,010.00	\$ 26,530.20	\$ 27,060.80	\$ 27,602.02	\$ 28,154.06	\$ 185,857.08	
		Capex	Renew		Purchase	\$ 100,000.00												\$ 100,000.00
		Opex	New		Purchase		\$ 25,000.00											\$ 25,000.00
		Opex	New		Purchase		\$ 15,000.00	\$ 15,000.00										\$ 30,000.00
		Opex	New		Purchase			\$ 25,000.00										\$ 25,000.00
		Opex	New		Purchase				\$ 25,000.00									\$ 25,000.00
		Opex	New		Purchase					\$ 20,000.00	\$ 20,400.00	\$ 20,808.00	\$ 21,224.16	\$ 21,648.64	\$ 22,081.62	\$ 22,523.25	\$ 22,974.88	\$ 148,685.67
5 Authority enhancements annual fee	iServices Strategy & Roadmap	Opex	BAU		Lease	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 72,000.00	
6 InField Data Device	iServices Strategy & Roadmap	Capex	New		TBC		\$ 10,000.00		\$ 15,000.00		\$ 20,000.00		\$ 25,000.00		\$ 30,000.00		\$ 100,000.00	
7 Civica Managed Services Fee	iServices Strategy & Roadmap	Opex	BAU	2.0%	Purchase	\$ 330,000.00	\$ 330,480.00	\$ 337,089.60	\$ 350,573.18	\$ 364,596.11	\$ 379,179.96	\$ 394,347.15	\$ 410,121.04	\$ 426,525.88	\$ 435,056.40	\$ 443,757.53	\$ 4,201,726.85	
8 Civica Authority Pre Paid Services Fee	iServices Strategy & Roadmap	Opex	BAU	3.0%	Purchase	\$ 25,000.00	\$ 25,750.00	\$ 26,522.50	\$ 27,318.18	\$ 28,410.90	\$ 29,263.23	\$ 30,141.13	\$ 31,045.36	\$ 31,976.72	\$ 32,936.02	\$ 33,924.10	\$ 322,288.14	
9 Server ugrades - Council, Civica	iServices Strategy & Roadmap	Capex	Renew		Purchase		\$ 40,000.00		\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 90,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 146,000.00	
10 Phone infrastructure and telephony replacement	iServices Strategy & Roadmap	Capex	Renew		TBC			\$ 120,000.00									\$ 120,000.00	
11 Back up generator - Civic Centre	iServices Strategy & Roadmap	Capex	New		TBC			\$ 150,000.00	\$ 150,000.00	\$ 5,000.00	\$ 5,100.00	\$ 5,202.00	\$ 5,306.04	\$ 5,412.16	\$ 5,520.40	\$ 5,630.81	\$ 337,171.42	
12 Smart City Technology -	Digital Strategy	Capex	New		Purchase				\$ 65,000.00	\$ 57,000.00				\$ 60,000.00			\$ 182,000.00	
13 Public WiFi - Round 2	Digital Strategy	Capex	New		Purchase		\$ 3,500.00		\$ 3,500.00		\$ 3,500.00		\$ 3,500.00		\$ 3,500.00		\$ 17,500.00	
14 Simple App. - Development	Media and Communications Strategy and Roadmap	Capex	New		Purchase		\$ 40,000.00										\$ 40,000.00	
15 Simple Mobile App. - Annual opex	Media and Communications Strategy and Roadmap	Opex	New		Purchase			\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 45,000.00	
16 Committee Room Smart Systems refreshment	iServices Strategy & Roadmap	Capex	Renew		Purchase				\$ 30,000.00								\$ 30,000.00	
17 Library RFID	iServices Strategy & Roadmap	Capex	Renew		Lease	\$ 215,000.00					\$ 215,000.00					\$ 215,000.00	\$ 645,000.00	
18 Library Print Management System - PayTech maintenance \$1kpm and \$2.2kpm lease cost for 5 yrs	iServices Strategy & Roadmap	Opex	Renew		Lease	\$ 43,200.00	\$ 43,200.00	\$ 43,200.00	\$ 43,200.00	\$ 43,200.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 486,000.00	
19 Livestreaming Council meetings - infrastructure	Media and Communications Strategy and Roadmap	Capex	New		Purchase	\$ 20,000.00											\$ 20,000.00	
20 Livestreaming Council meetings - fee		Opex	New		Purchase	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 105,000.00	
21 CX Management System and Hardware	CX Strategy and Roadmap	Capex	New		Lease		\$ 40,000.00		\$ 15,000.00		\$ 45,000.00		\$ 5,000.00		\$ 50,000.00		\$ 155,000.00	
22 Procurement Portal	Procurement Strategy and Road	Opex	New		Purchase		\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 100,000.00	
23 Main Corner touchtables, video editing, tablets	iServices Strategy & Roadmap	TBC	Renew		TBC		\$ 15,000.00	\$ 10,000.00	\$ 16,000.00	\$ 11,000.00	\$ 17,000.00	\$ 12,000.00	\$ 18,000.00	\$ 13,000.00	\$ 19,000.00	\$ 14,000.00	\$ 145,000.00	
24 Trend (anti virus) software	iServices Strategy & Roadmap		Renew			\$ 7,000.00	\$ 7,140.00	\$ 7,282.80	\$ 7,428.46	\$ 7,577.03	\$ 7,728.57	\$ 7,883.14	\$ 8,040.80	\$ 8,201.62	\$ 8,365.65	\$ 8,532.96	\$ 85,181.01	
25 Automated Key and FOB Register		Capex	New		Purchase			\$ 10,000.00									\$ 10,000.00	
<b>Total</b>						<b>\$ 910,200.00</b>	<b>\$ 757,070.00</b>	<b>\$ 813,267.40</b>	<b>\$ 895,524.89</b>	<b>\$ 780,663.91</b>	<b>\$ 943,602.73</b>	<b>\$ 887,276.33</b>	<b>\$ 790,287.33</b>	<b>\$ 791,905.81</b>	<b>\$ 878,128.03</b>	<b>\$ 1,019,504.96</b>	<b>\$ 9,467,431.39</b>	

Check \$ 9,467,431.39

757,070.00 813,267.40 895,524.89 780,663.91 943,602.73 887,276.33 790,287.33 791,905.81 878,128.03 1,019,504.96

DRAFT

City of  
Mount Gambier



10 Watson Terrace (PO Box 56)  
Mount Gambier SA 5290

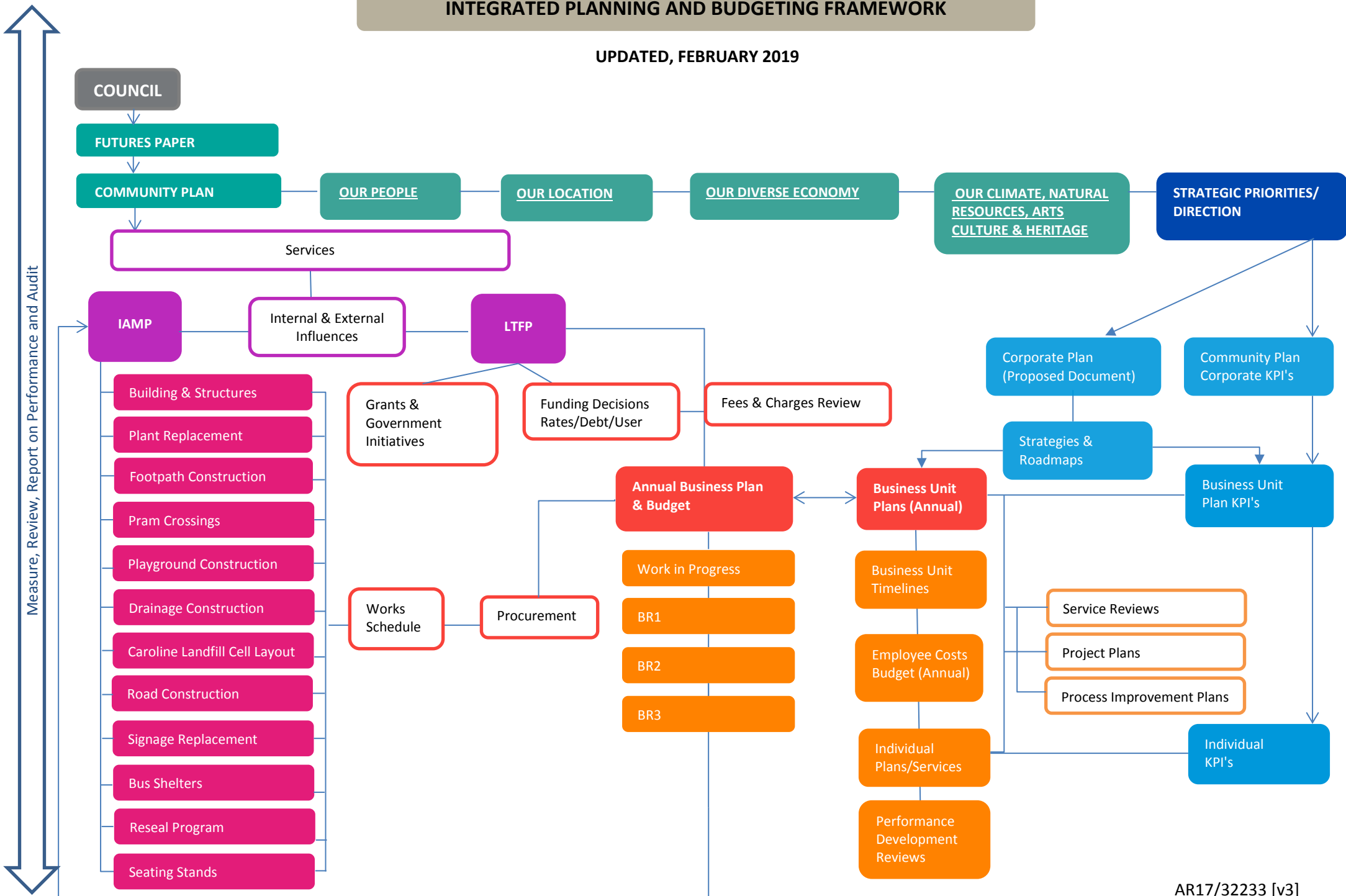
**Phone** 08 8721 2555

**Email** [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

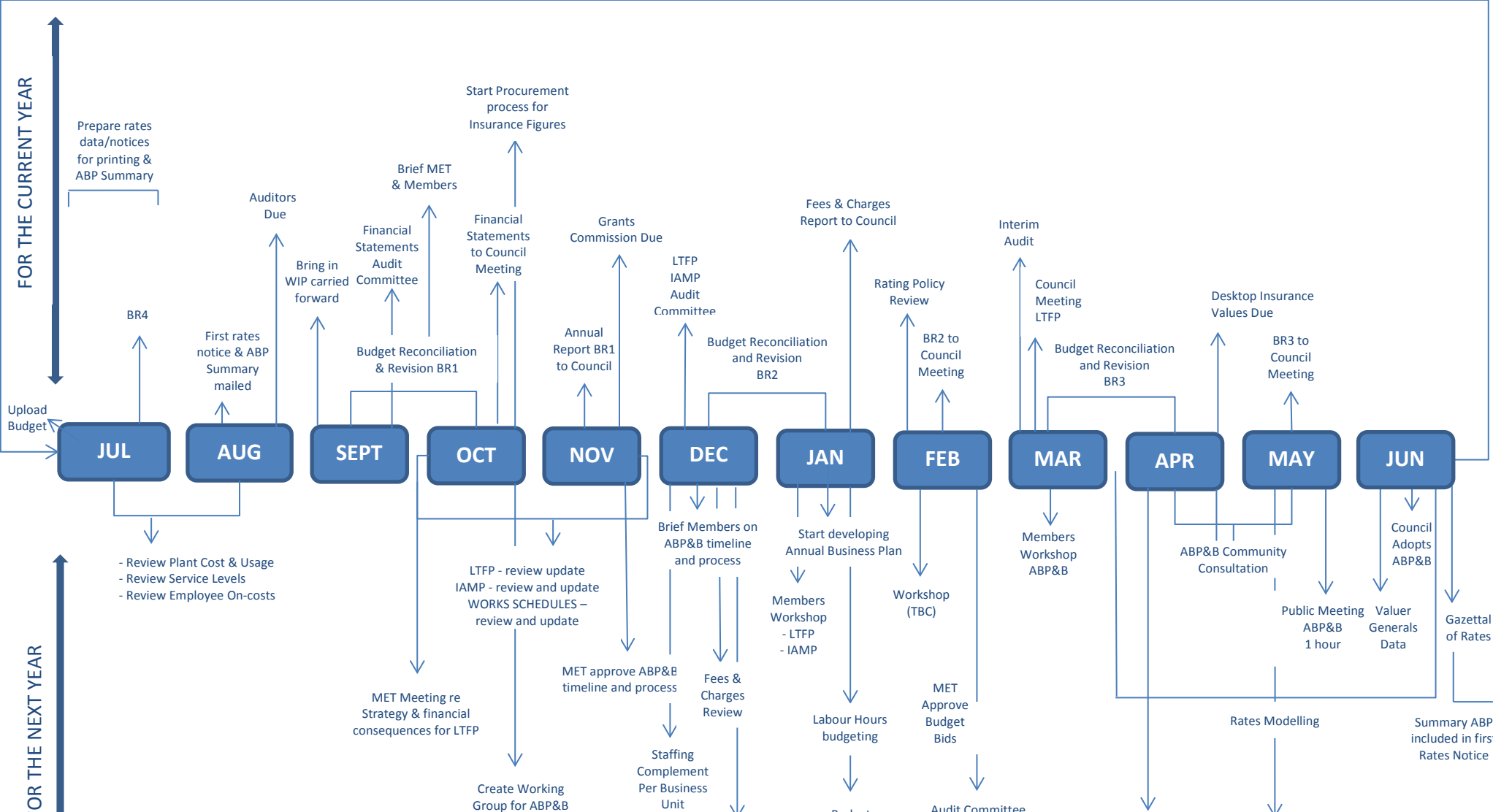
[www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)

# INTEGRATED PLANNING AND BUDGETING FRAMEWORK

UPDATED, FEBRUARY 2019



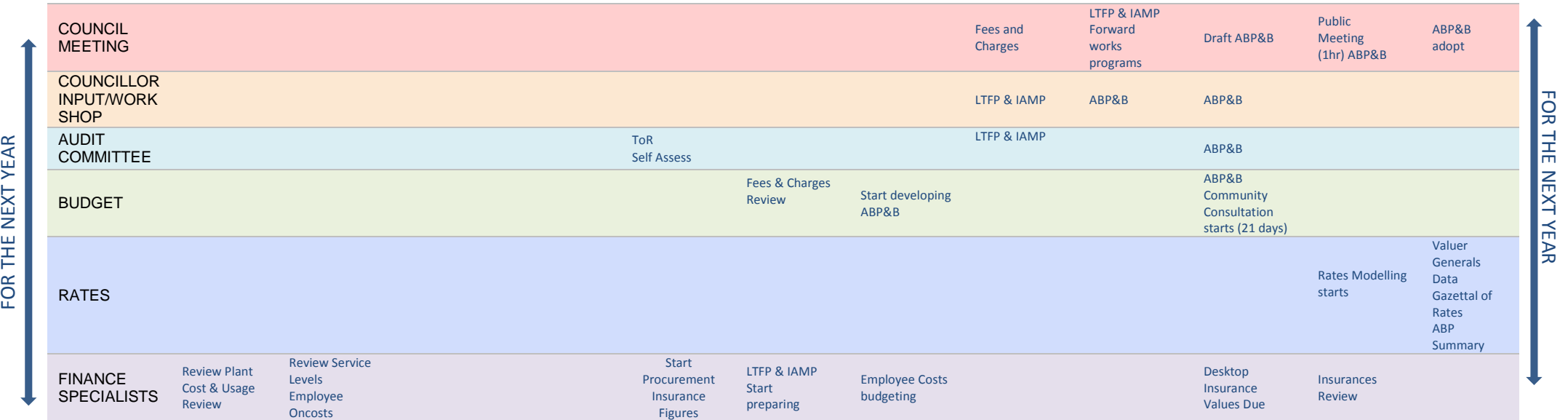
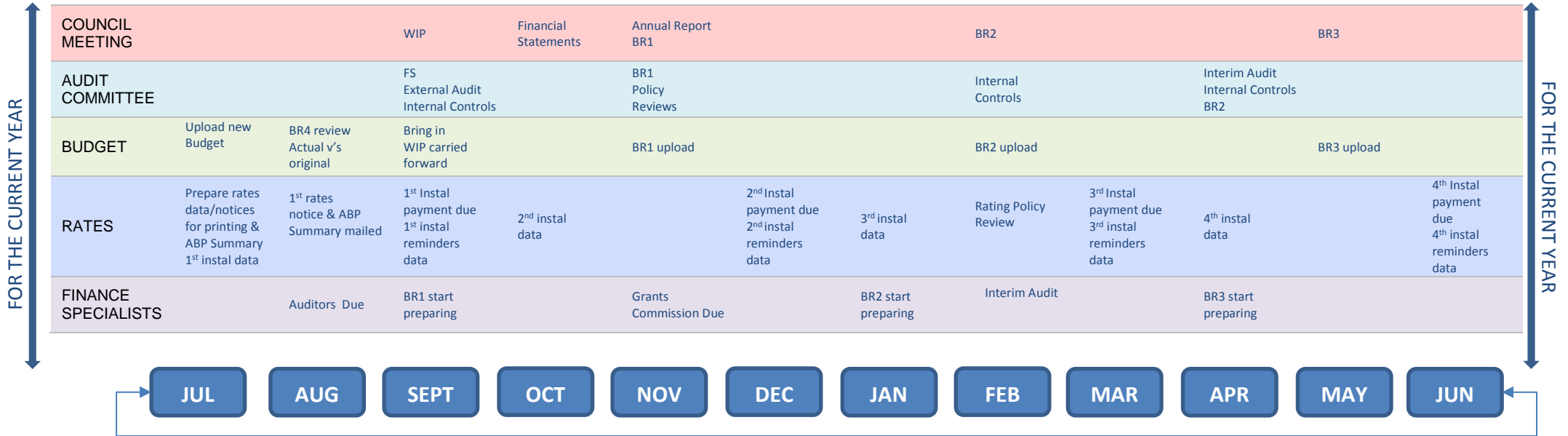
# INTEGRATED PLANNING AND BUDGET FRAMEWORK TIMELINE



**ABBREVIATIONS**

- LTFP - Long Term Financial Plan
- BR - Budget Revision
- ABP&B - Annual Business Plan and Budget
- IAMP - Infrastructure Asset Management Plan
- WIP - Work in Progress

# INTEGRATED PLANNING AND BUDGET FRAMEWORK TIMELINE



## ABBREVIATIONS

ABP	-	Annual Business Plan	Instal	-	Instalment
ABP&B	-	Annual Business Plan and Budget	LTFP	-	Long Term Financial Plan
BR	-	Budget Revision	ToR	-	Terms of Reference
FS	-	Financial Statements	WIP	-	Work in Progress
IAMP	-	Infrastructure Asset Management Plan			

## **MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING**

Minutes of Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Tuesday, 12 March 2019 at 5:45 p.m.

**PRESENT** Cr Christian Greco (Presiding Member)  
Cr Kate Amoroso  
Cr Paul Jenner  
Cr Steven Perryman

**COUNCIL OFFICERS** Chief Executive Officer - Mr G Maxwell  
General Manager Community Wellbeing - Ms B Cernovskis  
General Manager City Infrastructure - Mr N Serle  
Team Leader General Inspectorate - Mr Derek Ferguson  
Executive Administrative Officer - Mrs M Telford

**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.**

### **1. APOLOGY(IES)**

Apology received from Mayor Martin

That the apology from Mayor Martin be received.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

### **2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES**

Meeting held on 12 February 2019

That the minutes of the Operational Standing Committee meeting held on 12 February 2019 as attached be confirmed.

Moved: Cr Greco

Seconded: Cr Amoroso

Carried

### **3. QUESTIONS**

#### **3.1. With Notice**

Nil submitted.

#### **3.2. Without Notice**

Nil submitted.

### **4. DEPUTATIONS**

Cr Greco granted permission for the following presentations:

6.00 p.m. Mr Steve Toope and Chair of Mount Gambier Community Events Management, Mr Bert Bacher - New Year's Eve Celebrations.



6.18 p.m. Alexandra Lewis - Stakeholder Engagement, Steve Wachtel - Manager Network Asset Management and Kev Connell - Manager Vegetation of SA Power Networks.

*Documents tabled: Strategic Vegetation Management - Mount Gambier  
SA Power Networks - Protocol for vegetation management  
near powerlines 2016-2018  
SA Power Networks - Powerline Friendly Trees*

6.55 p.m. Mr Trevor Twilley - President - South East Animal Welfare League.

*Documents tabled: Submission to the Operational Standing Committee  
SEAWL Tri Partied Draft Funding Agreement  
Number of Dogs and Cats  
Year to Date Financials - December 2018*

## 5. OPERATIONAL STANDING COMMITTEE REPORTS

### 5.1. Works in Progress - City Infrastructure - Report No. AR19/9678

#### COMMITTEE RECOMMENDATION

- (a) That Council Report No. AR19/9678 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 March 2019 be noted.

Moved: Cr Greco

Seconded: Cr Perryman

Carried

### 5.2. Quarter Two Budget Review for Financial Year Ending 30 June 2019 - Report No. AR19/6412

#### COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR19/6412 titled '*Quarter Two Budget Review for Financial Year Ending 30 June 2019*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That the Quarter Two Budget Review (BR2) be adopted for the financial year 1 July 2018 to 30 June 2019 as detailed in Attachment 1 of the report titled '*Quarter One Budget Review for the Financial Year Ending 30 June 2019*' which reflects a \$632k forecast operating surplus representing a net change from the Original Budget forecast operating surplus of \$303k.

Moved: Cr Greco

Seconded: Cr Perryman

Carried





**5.3. Council Assessment Panel - Expression of Interest to Fill Vacancy - Report No. AR/9114**

**COMMITTEE RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/9114 titled '*Council Assessment Panel - Expression of Interest to fill the vacancy*' as attached be noted.
- (b) That the Council Assessment Panel continue to operate with the current membership.

Moved: Cr Jenner

Seconded: Cr Greco

Carried

**5.4. Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project Rotary - Report No. AR19/7887**

**COMMITTEE RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/7887 titled '*Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That Council approve the installation of a seat and plaque to commemorate the fictional character, Sam McGregor and his horse Musket in the 1982 storybook "The Ballad of the Blue Lake Bunyip".
- (c) That the proposed location for the seat be between the pedestrian path and John Watson Drive at the eastern side of the Blue Lake between light poles 21 & 22 and be supplied and installed at the cost of Rotary Club of Mount Gambier West.
- (d) That endorsement be subject to achieving all necessary development approvals and State Heritage compliance.
- (e) Council reserves the right to remove any infrastructure involved in this project should it become historically or culturally sensitive.

Moved: Cr Perryman

Seconded: Cr Greco

Carried



**5.5. Letter from Mount Gambier Agricultural and Horticultural Society - Report No. AR19/10237**

**COMMITTEE RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/10237 titled '*Letter from Mount Gambier Agricultural and Horticultural Society*' as attached be noted.
- (b) That the Mount Gambier Agricultural and Horticultural Society be thanked for their letter received on 5 March 2019.
- (c) That the Mount Gambier Agricultural and Horticultural Society be asked to submit an application that includes their last audited financial statements and their forward strategic plan.
- (d) The Mount Gambier Agricultural and Horticultural Society be invited to attend the next meeting of the Operational Standing Committee.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

**5.6. Future PLEC Schemes - Report No. AR19/10220**

**COMMITTEE RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/10220 titled '*Future PLEC Schemes*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That Council adopt the 6 projects as presented in this report as the future PLEC plan and commence relevant design works and discussions with PLEC representatives in order to realise the first project in the 2020/2021 financial year (subject to Council making the relevant budget allocation), and
- (c) That Council Officers invite the PLEC Committee to meet with the Operational Services Committee and to inspect the proposed future PLEC projects.

Moved: Cr Jenner

Seconded: Cr Amoroso

Carried

**6. MOTION(S) - With Notice**

Nil Submitted.



## 7. URGENT MOTION(S) - Without Notice

### 7.1. Infrastructure - Committees - Limestone Coast Local Government Association - Roads and Transport Working Group - AF15/457

#### COMMITTEE RECOMMENDATION

- (a) Council write to the Limestone Coast Local Government Association proposing that the City of Mount Gambier representative on the Roads and Transport Working Group be changed from Cr Kate Amoroso to Cr Paul Jenner.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

### 7.2. SA Power Networks - State Member for Mount Gambier - Liaison - AF11/953, AF11/2545

#### COMMITTEE RECOMMENDATION

- (a) Council write to SA Power Networks thanking them for their presentation.
- (b) Council write to Mr Troy Bell MP expressing Council's support of the proposed legislative changes in the Electricity Act and the Electricity (Principles of Vegetation Clearance) Regulations.

Moved: Cr Perryman

Seconded: Cr Jenner

Carried

### 7.3. Committees - Operational Standing Committee - Terms of Reference - AF17/225

#### COMMITTEE RECOMMENDATION

- (a) The Operational Standing Committee Terms of Reference be amended to include a provision that a letter of thanks from the Operational Standing Committee be sent to all organisations or individuals that make deputations to the Committee.

Moved: Cr Greco

Seconded: Cr Amoroso

Carried

Meeting closed at 8.11 p.m.

AR19/11296



**5.1. Works in Progress - City Infrastructure - Report No. AR19/9678**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/9678
<b>RM8 REFERENCE</b>	AF17/505
<b>AUTHOR</b>	Daryl Morgan
<b>SUMMARY</b>	Update of works that are currently being undertaken and/or completed by the City Infrastructure Department.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location

**REPORT RECOMMENDATION**

- (a) That Council Report No. AR19/9678 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 12 March 2019 be noted.

Moved:

Seconded:



## Background

Works in progress and works completed are reported on a monthly basis to Council as part of the governance process to ensure planned and budgeted infrastructure works are completed in a timely manner.

## Discussion

The following projects have field work currently in progress:

Commenced Tasks	% Completed
• Landfill Cell 3C construction	70%
• Rail Trail shared path construction (Jub Hwy West to Wandilo Rd)	20%
• Finch St road reconstruction	20%
• Robin St road reconstruction	10%
• Road bitumen reseal program	70%
• Line marking program	10%
• John St – Davison St footpath construction	60%
• Carnoustie Crt / Pinehurst Dr playground construction	60%

## Completed Tasks

- Frew Park RV car park and dump point construction
- O'Halloran Tce footpath Construction
- Hay Dr bridge demolition and road construction
- Argyle Place road reconstruction

## Conclusion

It is recommended that this report be received and noted for information by Council.

## Attachments

Nil



**Daryl MORGAN**  
MANAGER ENGINEERING DESIGN & CONTRACTS



**Nick SERLE**  
GENERAL MANAGER CITY INFRASTRUCTURE

4 March 2019  
DM



**5.2. Quarter Two Budget Review for Financial Year Ending 30 June 2019 - Report No. AR19/6412**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/6412
<b>RM8 REFERENCE</b>	AF18/227
<b>AUTHORS</b>	Jeroen Zwijnenburg
<b>SUMMARY</b>	This report provides the Quarter Two Budget Review for the period ending 31 December 2018 within the financial year ending 30 June 2019 for consideration and adoption.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/6412 titled '*Quarter Two Budget Review for Financial Year Ending 30 June 2019*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That the Quarter Two Budget Review (BR2) be adopted for the financial year 1 July 2018 to 30 June 2019 as detailed in Attachment 1 of the report titled '*Quarter One Budget Review for the Financial Year Ending 30 June 2019*' which reflects a \$632k forecast operating surplus representing a net change from the Original Budget forecast operating surplus of \$303k.

Moved:

Seconded:



## Background

In accordance with the Local Government (Financial Management) Regulations 2011, Regulation 9 requires Council to prepare and consider the following reports relating to the review of budgets:

- 9.1(a) *At least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year (where at least 1 report must be considered before the consideration of the report under sub regulation (1)(b), and at least 1 report must be considered after consideration of the report under sub regulation (1)(b)) - a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances;*
- 9.1(b) *Between 30 November and 15 March (both dates inclusive) in the relevant financial year - a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.*
- 9.2 *A council must also include in a report under sub regulation (1)(b) revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.*

Council has scheduled to undertake and present the budget reviews as follows:

Budget Review	Inclusive Dates	Council Meeting in
Quarter One (BR1)	1 July to 30 September	November (December due to elections)
Quarter Two (BR2)	1 October to 31 December	February
Quarter Three (BR3)	1 January to 31 March	May

Section 123 7(a)(b) of the Local Government Act 1999 (the 'Act) states that each budget of council must:

- 7(a) *Be considered in conjunction with the council's annual business plan (and must be consistent with that plan, as adopted); and*
- 7(b) *Be adopted by the council after the council has adopted its annual business plan.*

Table 1: Financial matters resolved by Council since adoption of the original 2018/2019 Budget and indication of inclusion of the financial implications in a Budget Reviews for this financial year.

Council Meeting Item	Description	Resolution	Note	Impact on 2018/2019 Budget
13.12	New Year's Eve Event	(b) That the Operational Standing Committee notes the application for Events funding from Mount Gambier Community Events for \$10,000 cash and \$5,000 in kind to assist running the New Year's Eve event in 2018. (c) That Council provide \$5,000 in cash and \$3,000 in-kind on the condition that other funding support is forthcoming.	Reallocated from within Existing Budget	\$0



17.02	Architectural Design Stage One - Mount Gambier Sport and Recreation Centre	(b) That Council accept the tender of Design Inc. Adelaide for the completion of Intermediate Design Stage One for \$40,000 and Detailed Design Stage 2 (subject to securing future funding) for the Mount Gambier Regional Sport and Recreation Centre (as identified in Tender AF18/244) for funding applications.	Included in Original Budget	\$0
13.14	Joint Boundary Roads Advisory Group - 5 year Work Plan	(b) That Council adopt the five year works program and proceed, with the concurrence of the District Council of Grant with the following projects in 2018/2019 to be funded out of carry over funds and budgeted 2018/2019 boundary roads contributions of \$30,000 from District Council of Grant and City of Mount Gambier; <ul style="list-style-type: none"> <li>- Tollner Road (reseal) \$18,000</li> <li>- Hawkins Road (reseal) \$10,000</li> <li>- McCormick Road (reseal) \$39,000</li> <li>- Pinehall Avenue (reseal) \$11,000</li> <li>- Kennedy Ave./Bishop Rd staggered T junction (surveying, land acquisition, fencing) \$50,000</li> </ul>	WIP Original Original Original WIP	\$0
13.19	CBD Footpath Sweeping Options	(b) Extend footpath sweeping to Commercial Street from Ferrers Street to Krummel St twice per week and the footpath sweeping program be monitored subject to review in 6 months.	Reallocated from within existing budget	\$0
13.20	2019 Fringe Festival	(b) That Council write to the relevant State Government Minister seeking a \$20,000 funding commitment as a matter of urgency to support the Mount Gambier Fringe Festival in 2019.  (c) The Council contribute an additional \$15,000 to the 2019 Mount Gambier Fringe Festival subject to the State Government confirming a financial commitment of \$20,000	BR2	\$15k opex
14.02	Mount Gambier Regional Sport and Recreation Centre	(e) To meet the requirements of a comprehensive elector survey seeking feedback from the Mount Gambier community an estimated budget of \$65,000 is required and the CEO is authorised to expend up to this amount with adjustments in the 2018/2019 budget being made from the operating surplus at Budget Review Number 3.	BR3	\$65k opex
13.15	Capital Work in Progress Budget Carry Overs from 2017/2018	(b) That the capital works in progress budget carry overs from 2017/2018 of \$1,108,500 be adopted and reflected in the 2018/2019 budget.	WIP	\$1,108k capex





13.16	Great Victorian Bike Ride 2019	(b) That Council approve the allocation of \$12,000 cash sponsorship and up to \$5,000 of in kind for the 2019 Great Victorian Bike Ride, conditional upon the proponents obtaining all necessary funds and approvals from the relevant authority. (c) Funding to be allocated to account number 6350.0038.70 in the 2019/2020 budget.	Next Year Budget 2019/2020	\$0
13.32	CEO Recruitment & Selection Committee - Appointment of Interim Chief Executive Officer AF18/584	(a) The information from Mr Graeme Maxwell outlining his terms and conditions to act as Interim CEO be noted. (b) Committee agreed on the appointment of Mr Graeme Maxwell to fill the role of Interim CEO to commence Monday 18 February 2019 and through to Friday 17 May 2019.	BR2	\$59k opex
17.04	In Confidence - Request for Quote - CEO Selection and Recruitment	Refer to 'In Confidence' report.	BR2	\$16k opex
14.17	Lion's Brass Band Festival Funding	(b) That Council endorses funding for the Lions Brass Band Festival for a three year period as follows • \$10,000 for 2019 • \$8,000 for 2020 • \$8,000 for 2021	BR2	\$3k opex
14.21	Sport and Recreation Major Capital Works Program 2018/2019 - additional application for consideration	(b) That Mount Gambier Golf Club Inc. receive funding of \$11,000 and budget lines 6530 and 6560 be adjusted in the next budget review.	BR2	\$0 opex
	<b>Total - Opex</b>		<b>BR2</b>	<b>\$158k</b>
	<b>Total - Capex</b>		<b>BR2</b>	<b>\$1,108k</b>

## Discussion

### Comparison to the adopted Annual Business Plan and Budget 2018/2019

	<b>BR2 2018/2019 \$'000</b>	<b>BR1 2018/2019 \$'000</b>	<b>Original 2018/2019 \$'000</b>
Revenues - City Growth	1,369	1,434	1,434
Revenues - City Infrastructure	3,995	4,115	4,115
Revenues - Community Wellbeing	497	436	436
Revenues - Council Business Services	24,829	24,590	24,590
Revenues - Total	30,690	30,575	30,575



Expenses - City Growth	4,868	4,327	4,238
Expenses - City Infrastructure	13,669	14,474	14,524
Expenses - Community Wellbeing	4,801	4,852	4,852
Expenses - Council Business Services	4,910	4,788	4,847
Expenses - Office of CEO	1,810	1,806	1,786
Expenses - Total	30,058	30,247	30,247
Council - Total	632	328	328

### Comparison to the adopted Annual Business Plan and Budget 2018/2019

The original adopted 2018/2019 Annual Business Plan and Budget included:

- An operating surplus of \$328k
- Net capital expenditure (Capex) \$8,159k

Subsequently, \$1,109k in capex carried forward from 2017/2018 financial year, bringing the approved capex for 2018/2019 to \$9,268k.

The 2018/2019 Quarter Two Budget Review includes a total capex budget of \$9,406k, which represents an increase of \$192k compared to the original budget of \$9,268k. Major contributors being the receipt of capital grant monies enabling increased capital expenditure.

### Commentary on Quarter Two Budget Review for 2018/2019

The Quarter Two Budget Review reflects a \$632k forecast operating surplus. This represents a change of \$303k variance from the Original Budget forecast operating surplus.

The major adjustments in the Quarter Two Budget Review outcomes are:

- Reduction in Statutory charges of \$91k, including income from Development Act fees, Town Planning fees and other licences, fees & fines. It also includes a reduction of \$53k YTD in Animal Registration fees and charges around the DACO system implementation.
- Reduction in User charges of \$207k, primarily within City Infrastructure, relating to reduced recycling income. Another part relates to City Growth where Bus ticketing related income is down by about 17% compared to budget with more visiting medical professionals rather than people travelling to capital cities for medical treatment.
- Increases in Grants, Subsidies and Contributions of \$338k, including:
  - The original budget assumed a General Purpose Grant of \$2,480k. Correspondence received in November 2018 from the Minister for Transport, Infrastructure and Local Government advised Council that the grant would be \$2,676k, being \$196k more than the original budget.
  - The Local Roads Grant was budgeted at \$405k, while the actual is based on \$415k or a \$9k difference.
  - At the same time we received Supplementary Local Road Funding of \$200k, which was not budgeted for.
- Other Income increase of \$102k.

Total income movement is an increase of \$115k from the original budget in BR2.



- Materials, contracts & other expenses show a decrease by \$129k for BR2, including lower insurance and contractors actuals compared to budget combined with other smaller movements. The net saving incorporates the financial implications of the various Council Resolutions impacting the BR2 within this budget year (see table above).
- Depreciation and amortisation is \$52k lower in BR2, primarily due to delays in Capex acquisitions within the budget year.

Total expenses movement is a decrease of \$189k from the original budget in BR2.

### Operating Surplus

Combined, the above results in a \$303k improvement in forecasted operating surplus for the 2018/2019 financial year based on current estimates.

### Conclusion

The Quarter Two Budget Review forecasts an operating surplus for the financial year of \$632k.

The major contributors for the movement to a better than original budgeted result as at Quarter Two Budget Review include:

- \$196k General Purpose Grant Funding, and
- \$200k Supplementary Local Road Funding, combined with
- \$158k new spending through Council Resolutions.

This budget review allows for the delivery of the 2018/2019 Annual Business Plan adopted by Council on 3 July 2018.

### Attachments

[Attachment 1 \(AR19/8571\): City of Mount Gambier Proforma Comprehensive Financial Statements as at 31 December 2018](#)



**Kahli ROLTON**  
MANAGEMENT ACCOUNTANT



**Jeroen Zwijnenburg**  
MANAGER FINANCE AND CUSTOMER SERVICE



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

28 February 2019  
JZ and PL



**5.3. Council Assessment Panel - Expression of Interest to Fill Vacancy - Report No. AR/9114**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	13 March 2018
<b>REPORT NO.</b>	AR19/9114
<b>RM8 REFERENCE</b>	AF18/598
<b>AUTHOR</b>	Tracy Tzioutziouklaris
<b>SUMMARY</b>	To fill the vacancy of the Council Assessment Panel.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location
	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Operational Standing Committee Report No. AR19/9114 titled '<i>Council Assessment Panel - Expression of Interest to fill the vacancy</i>' as attached be noted.</p> <p>(b) That the Council Assessment Panel continue to operate with the current membership.</p>

Moved:

Seconded:



## Background

At the January 2019 Council meeting a report to appoint a new membership of the Council Assessment Panel (CAP) was considered as the current term of membership of the CAP expired in February 2019.

In January Council appointed three new Independent Members to the CAP, however 1 vacancy remained on the CAP for an additional Independent Member.

It was resolved that *“Council seek interest from people with relevant qualification to fill the remaining vacancy on the Council Assessment Panel.”*

## Discussion

Council sought expressions of interest to fill the vacancy for an Independent Member on the CAP with the expressions of interest closing on Friday 1<sup>st</sup> March, 2019.

No Expressions of Interest were received by Council by Friday 1<sup>st</sup> March, 2019.

The Planning, Development and Infrastructure Act, 2016 identifies that the membership of the Council Assessment Panel must be no more than 5 members, only 1 of which may be a Member of Council. The Act does not identify the minimum number of members required to form an assessment panel.

The CAP is able to continue operating within the current membership of 4 members, comprise of 3 independent members and 1 Council Member.

## Conclusion

The Council Assessment Panel is able to continue to operate with the current membership comprised of 4 members, comprised of 3 Independent Members and 1 Council Member.

Council has the ability to review the composition of its Panel at any time.



**Tracy TZIOUTZIOUKLARIS**  
MANAGER DEVELOPMENT SERVICES



**Judy NAGY**  
GENERAL MANAGER - CITY GROWTH

1 March 2019  
MTT



**5.4. Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project Rotary - Report No. AR19/7887**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/7887
<b>RM8 REFERENCE</b>	AF17/225
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	Council consider the reviewed proposal from Rotary Club of Mount Gambier West for Community Art/Literacy Project.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/7887 titled '*Update to Rotary Club of Mount Gambier West - Community Art/Literacy Project*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That Council approve the installation of a seat and plaque to commemorate the fictional character, Sam McGregor and his horse Musket in the 1982 storybook "The Ballad of the Blue Lake Bunyip".
- (c) That the proposed location for the seat be between the pedestrian path and John Watson Drive at the eastern side of the Blue Lake between light poles 21 & 22 and be supplied and installed at the cost of Rotary Club of Mount Gambier West.
- (d) That endorsement be subject to achieving all necessary development approvals and State Heritage compliance.
- (e) Council reserves the right to remove any infrastructure involved in this project should it become historically or culturally sensitive.

Moved:

Seconded:



## Background

As per the 15 January 2019 resolution of Council, the Rotary Club of Mount Gambier West have reviewed their plans to commemorate the fictional character, Sam McGregor in the 1982 storybook "The Ballad of the Blue Lake Bunyip" by locating a seat, plaque and life-sized horse and horseman structure.

### **14.20 Rotary Club of Mount Gambier West – Community Art/Literacy Project - Report No. AR19/1024**

<b>COUNCIL RESOLUTION</b>	
(a)	<i>That Council Report No. AR19/1024 titled 'Rotary Club of Mount Gambier West - Community Art/Literacy Project' as presented to the Council on 15 January 2019 be noted.</i>
(b)	<i>Council write to the Rotary Club of Mount Gambier West thanking them for their submission and acknowledging their foresight in seeking to visually retell a distinctively Mount Gambier story.</i>
(c)	<i>That the Rotary Club of Mount Gambier West be encouraged to engage an artist and resubmit alternate options.</i>
(d)	<i>That endorsement will be subject to achieving all necessary development approvals and State Heritage compliance.</i>
(e)	<i>That the proposal be supplied and installed at the cost of Rotary.</i>
(f)	<i>Council reserves the right to remove any infrastructure involved in this project should it become historically or culturally sensitive.</i>

## Discussion

The Rotary Club of Mount Gambier West are actively seeking an alternate artistic interpretation to the life-sized statue of the fictional character Sam McGregor astride his horse Musket and have reviewed their January proposal.

It is now proposed that the project be undertaken in three stages:

- Stage 1 - Installation of a seat and plaque on the south east side of the Blue Lake
- Stage 2 - Installation of an artistic interpretation of Sam McGregor and his horse Musket
- Stage 3 - Further interpretative signage

The Rotary Club of Mount Gambier are seeking via this report endorsement for stage one only, for the installation of a seat and plaque (Attachment 1) to be located between the pedestrian path and John Watson Drive at the eastern side of the Blue Lake between light poles 21 & 22 (Attachment 2) as per their original proposal to Council in 2017.



Extract: 16 May 2017 Council resolution:

- (b) *Council engage with Rotary to further develop plans to locate a seat on the south east side of the Lake to commemorate the failed attempt of Sam McGregor and his horse Musket to jump the Blue Lake on horseback. The seat to be located in a position that can benefit the community and supplied and installed at the cost of Rotary.*

## Conclusion

The Rotary Club of Mount Gambier West seek endorsement from Council to progress with stage one of their revised proposal, with a view to finalise installation in time for their 50th birthday celebrations on 26 April 2019.

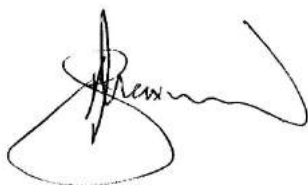
## Attachments

[Attachment 1 \(AR19/10008\): Structure Image](#)

[Attachment 2 \(AR19/10009\): Site Location](#)



**Barbara Cernovskis**  
GENERAL MANAGER COMMUNITY WELLBEING



**Graeme Maxwell**  
CHIEF EXECUTIVE OFFICER

4 March 2019  
BJC





**5.5. Letter from Mount Gambier Agricultural and Horticultural Society - Report No. AR19/10237**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/10237
<b>RM8 REFERENCE</b>	AF11/212
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents a letter addressed to the Operational Standing Committee from the Mount Gambier Agricultural and Horticultural Society.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Operational Standing Committee Report No. AR19/10237 titled '<i>Letter from Mount Gambier Agricultural and Horticultural Society</i>' as attached be noted.</p> <p>(b) That the Mount Gambier Agricultural and Horticultural Society be thanked for their letter received on 5 March 2019.</p> <p>(c) That the Mount Gambier Agricultural and Horticultural Society be asked to submit an application to one of Council's grant application programs together with the relevant supported documentation and information.</p>

Moved:

Seconded:



## Background

The Mount Gambier Agricultural and Horticultural Society has requested the attached letter (Attachment 1) received by Council on 5 March 2019 be tabled at the Operational Standing Committee meeting.

## Discussion

The attached letter from the Mount Gambier Agricultural and Horticultural Society provides '*with recent Council decisions now impacting our limited supplementary income, we seek assistance from the City Council in a bid to maintain the show grounds facility*'. The letter also notes a projected loss of income in excess of \$80,000 per year.

The financial information provided shows the income and expense budget associated with the 2018 Mount Gambier Spring Show Event with an actual profit of \$18,115.36; however this figure does not represent the annual financial position of the Mount Gambier Agricultural and Horticultural Society.

Further, the letter has not specified what kind or extent of support is sought from Council.

## Conclusion

This report recommends that the Mount Gambier Agricultural and Horticultural Society be asked to submit an application to one of Council's grant application programs together with the relevant supported documentation and information.

## Attachments

[Attachment 1 \(AR19/10147\): Letter from Mount Gambier Agricultural and Horticultural Society received 5 March 2019](#)



**Michael McCARTHY**  
MANAGER EXECUTIVE ADMINISTRATION



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES

6 March 2019  
MMcC



**5.6. Future PLEC Schemes - Report No. AR19/10220**

<b>COMMITTEE</b>	Operational Standing Committee
<b>MEETING DATE:</b>	12 March 2019
<b>REPORT NO.</b>	AR19/10220
<b>RM8 REFERENCE</b>	AF11/1196
<b>AUTHOR</b>	Daryl Morgan
<b>SUMMARY</b>	In response to Council resolution of February 2019, Council Officers have prepared a PLEC plan (including indicative costings) which includes 6 projects that meet the PLEC project guidelines for Council's consideration.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location
	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Operational Standing Committee Report No. AR19/10220 titled '*Future PLEC Schemes*' as presented to the Operational Standing Committee on 12 March 2019 be noted.
- (b) That Council adopt the 6 projects as presented in this report as the future PLEC plan and commence relevant design works and discussions with PLEC representatives in order to realise the first project in the 2020/ 2021 financial year (subject to Council making the relevant budget allocation), and
- (c) That Council Officers invite the PLEC Committee to meet with the Operational Services Committee and to inspect the proposed future PLEC projects.

Moved:

Seconded:



## Background

PLEC (Power Line Environment Committee) is a committee responsible for assessing and recommending to the minister, the undergrounding of overhead power lines.

The PLEC scheme is a 1/3 Council, 2/3 PLEC funded scheme that is designed to assist Council's to introduce street scape improvements by removing overhead powerlines from specific areas. Councils need to have identified the area as an urban renewal project to justify the need for the project and typically PLEC will only fund projects that have a strong justification for streetscape improvement.

The justification criteria for PLEC schemes when making an application are:

- Size / characteristic of community likely to benefit
- Significance of route / area in tourism, heritage, gateway, city centre etc.
- Detailed plans for streetscaping of road / area to improve visual amenity and commitment from Council to complete this work following the PLEC scheme.

The PLEC program has delivered over \$209M worth of projects since it began in 1990 with 64% of funding going to Metro areas and the remainder 36% delivered to projects in regional areas.

Typically the City of Mount Gambier has been very successful in obtaining PLEC funding (over \$5M) for numerous projects such as:

- Commercial St East and West
- Sturt St - Helen St
- James St
- Wehl St South
- Percy St
- Ferrers St
- Compton St
- Caldwell St / Lawrence St / Penola Rd (last project completed in 2012-2013)

Whilst Council has not actively pursued PLEC funding since 2012, the benefits of previous projects have allowed Council to deliver significant streetscape improvements and to improve the overall visual amenity of the area.

## Discussion

The below table identifies 6 possible future PLEC projects within the CBD area that are likely to satisfy the criteria for PLEC funding. It is also worth noting that Council should also have these areas listed for future streetscape improvements to support the PLEC application as this is likely to strengthen the likelihood of receiving PLEC funding.

It is suggested that the first year of possible PLEC funding is likely to be in 2020/21 as the call for applications normally occurs in July and for the project construction to be undertaken in the following financial year. (eg July 2019 - applications, July 2020 - construction). However, due to the existing number of PLEC applications currently being considered by PLEC and also the lead time required to scope, design and estimate the first project in more detail, this may see the first possible PLEC project occur in the 2021/22 financial year.



Project No	Year	Project Name	Project description	Road length	Project estimate	Council contribution (1/3 +)
1	20/21	Commercial St East	East of Crouch St to Mark St	473m	\$1.5M	\$0.5M
2	21/22	Crouch St – Sturt St	Crouch St (south of Commercial St to Heriot St), Sturt St (Anthony St to Krummel St)	870m	\$2.7M	\$0.9M
3	22/23	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)	502m	\$1.6M	\$0.53M
4	23/24	Railway Tce – Elizabeth St	Railway Tce (Elizabeth St to Bay Rd), Elizabeth St (south of Helen St to Railway Tce)	483m	\$1.5M	\$0.5M
5	24/25	Wehl St South	Wehl St (south of James St to Margaret St), Eleanor St (full length)	583m	\$1.8M	\$0.6M
6	25/26	Percy St – Crouch St	Percy St (Hedley St to Crouch St), Crouch St (Percy St to John St)	560m	\$1.75M	\$0.58M
					<b>\$10.85M</b>	<b>\$3.61M</b>

## Notes:

- Project cost estimates are based on an average of \$2500/m of power cable placed. Note that this is different from the project road length and estimates should allow for road crossings and customer connections. This figure is based on recent PLEC projects not constructed in Mount Gambier.
- Council is responsible for funding 1/3 the project “PLEC” cost but is also responsible for additional costs such as public notification, acquisition of easements etc.
- Streetscaping costs are not included in the above estimates and would be fully funded by Council at a later point in time.
- Above estimates are indicative only and will be subject to final detailed design taking into consideration factors such as cable length, line voltage, lighting standards, existing underground services etc.

## Conclusion

Whilst Councils resolution of February 2019 requested that the “*PLEC committee be invited to meet with the Operational Services Committee and undertake an inspection of the proposed stages identified in the report*”, unfortunately there was not enough lead time to arrange this site visit and subsequent meeting.



However, it will be recommended that:

- Council adopt the 6 projects as presented in this report as the future PLEC plan and commence relevant design works and discussions with PLEC representatives in order to realise the first project in the 2020/ 2021 financial year (subject to Council making the relevant budget allocation), and
- Council Officers invite the PLEC Committee to meet with the Operational Services Committee and to inspect the proposed future PLEC projects.

### Attachments

[Attachment 1 \(AR19/10227\): PLEC Scheme Future Proposals](#)

[Attachment 2 \(AR19/10228\): Commercial Street East - Anthony Street](#)

[Attachment 3 \(AR19/10230\): Crouch Street - Sturt Street](#)

[Attachment 4 \(AR19/10231\): Bay Road - Heriot Street](#)

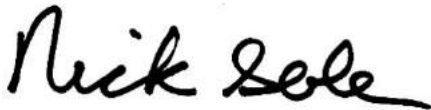
[Attachment 5 \(AR19/10233\): Railway Terrace - Elizabeth Street](#)

[Attachment 6 \(AR19/10234\): Wehl Street South - Eleanor Street](#)

[Attachment 7 \(AR19/10235\): Percy Street - Crouch Street - John Street](#)



**Daryl MORGAN**  
MANAGER ENGINEERING DESIGN & CONTRACTS



**Nick SERLE**  
GENERAL MANAGER CITY INFRASTRUCTURE

6 March 2019  
AL



## City of Mount Gambier

**PROFORMA STATEMENT OF COMPREHENSIVE INCOME**  
**Budget FY2019, Budget Review 1 & 2 FY2019 and Actual FY2018**

	FY Budget 2019	FY BR2 2019	FY BR1 2019	2018
	\$'000	\$'000	\$'000	\$'000
<b>INCOME</b>				
Rates	21,496	21,481	21,496	20,607
Statutory charges	457	416	507	447
User charges	4,855	4,648	4,855	4,543
Grants, subsidies and contributions	3,321	3,659	3,321	3,906
Investment income	48	67	48	62
Reimbursements	97	64	97	24
Other income	252	355	252	513
<b>Total Income</b>	<b>30,525</b>	<b>30,690</b>	<b>30,575</b>	<b>30,102</b>
<b>EXPENSES</b>				
Employee costs	11,578	11,589	11,599	11,044
Materials, contracts & other expenses	11,430	11,330	11,459	10,012
Depreciation, amortisation & impairment	7,032	6,980	7,032	7,004
Finance costs	157	159	157	236
<b>Total Expenses</b>	<b>30,197</b>	<b>30,058</b>	<b>30,247</b>	<b>28,296</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>328</b>	<b>632</b>	<b>328</b>	<b>1,805</b>
Asset disposal & fair value adjustments	399	116	399	(243)
Amounts received specifically for new or upgraded assets	-	110	-	445
Physical resources received free of charge	-	-	-	463
<b>NET SURPLUS / (DEFICIT)</b>	<b>727</b>	<b>858</b>	<b>727</b>	<b>2,470</b>
transferred to Equity Statement				
<b>Other Comprehensive Income</b>				
<i>Amounts which will not be reclassified subsequently to operating result</i>				
Changes in revaluation surplus - infrastructure, property, plant & equipment				22,325
Impairment (expense) / recoupments offset to asset revaluation reserve				(1,217)
<b>Total Other Comprehensive Income</b>	-	-	-	<b>21,108</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>727</b>	<b>858</b>	<b>727</b>	<b>23,578</b>

## City of Mount Gambier

### PROFORMA STATEMENT OF FINANCIAL POSITION Budget FY2019, Budget Review 1 & 2 FY2019 and Actual FY2018

	FY Budget 2019 \$'000	FY BR2 2019 \$'000	FY BR1 2019 \$'000	2018 \$'000
<b>ASSETS</b>				
<b>Current assets</b>				
Cash and cash equivalents	5,314	5,445	5,314	4,587
Trade & other receivables	1,524	1,524	1,524	1,524
Inventories	304	304	304	304
<b>Total current assets</b>	<u>7,142</u>	<u>7,273</u>	<u>7,142</u>	<u>6,415</u>
<b>Non-current assets</b>				
Financial assets	-	-	-	-
Infrastructure, property, plant & equipment	246,964	246,964	246,964	246,964
<b>Total non-current assets</b>	<u>246,964</u>	<u>246,964</u>	<u>246,964</u>	<u>246,964</u>
<b>Total assets</b>	<u>254,107</u>	<u>254,237</u>	<u>254,106</u>	<u>253,379</u>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Trade & other payables	2,429	2,429	2,429	2,429
Borrowings	218	218	218	218
Provisions	2,332	2,332	2,332	2,332
<b>Total current liabilities</b>	<u>4,979</u>	<u>4,979</u>	<u>4,979</u>	<u>4,979</u>
<b>Non-current liabilities</b>				
Borrowings	2,572	2,572	2,572	2,572
Provisions	3,593	3,593	3,593	3,593
<b>Total non-current Liabilities</b>	<u>6,165</u>	<u>6,165</u>	<u>6,165</u>	<u>6,165</u>
<b>Total liabilities</b>	<u>11,144</u>	<u>11,144</u>	<u>11,144</u>	<u>11,144</u>
<b>NET ASSETS</b>	<u>242,962</u>	<u>243,093</u>	<u>242,962</u>	<u>242,235</u>
<b>EQUITY</b>				
Accumulated surplus	65,495	65,626	65,496	64,768
Asset revaluation reserves	176,619	176,619	176,619	176,619
Other reserves	848	848	848	848
<b>TOTAL EQUITY</b>	<u>242,962</u>	<u>243,093</u>	<u>242,962</u>	<u>242,235</u>



# City of Mount Gambier

## PROFORMA STATEMENT OF CHANGES IN EQUITY Budget Review 2 FY2019 and Actual FY2018

	Accumulated surplus	Asset revaluation reserve	Other reserves	Total equity
2019	\$'000	\$'000	\$'000	\$'000
Balance at end of previous reporting period	64,768	176,619	848	242,235
Restated opening balance	64,768	176,619	848	242,235
<b>Net surplus / (deficit) for the year</b>	<b>858</b>			<b>858</b>
<b>Other Comprehensive Income</b>				
Transfers between reserves	-		-	-
<b>Balance at end of period</b>	<b>65,626</b>	<b>176,619</b>	<b>848</b>	<b>243,093</b>
<b>2018</b>	\$'000	\$'000	\$'000	\$'000
Balance at end of previous reporting period	61,333	155,509	3,030	219,872
<b>Net surplus / (deficit) for the year</b>	<b>1,253</b>			<b>1,253</b>
<b>Other Comprehensive Income</b>				
Gain on revaluation of infrastructure, property, plant & equipment		22,325		22,325
Impairment (expense) / recoupments offset to asset revaluation res		(1,217)		(1,217)
Other equity adjustments	(0)	2	0	2
Transfers between reserves	2,183		(2,183)	-
<b>Balance at end of period</b>	<b>64,768</b>	<b>176,619</b>	<b>848</b>	<b>242,235</b>

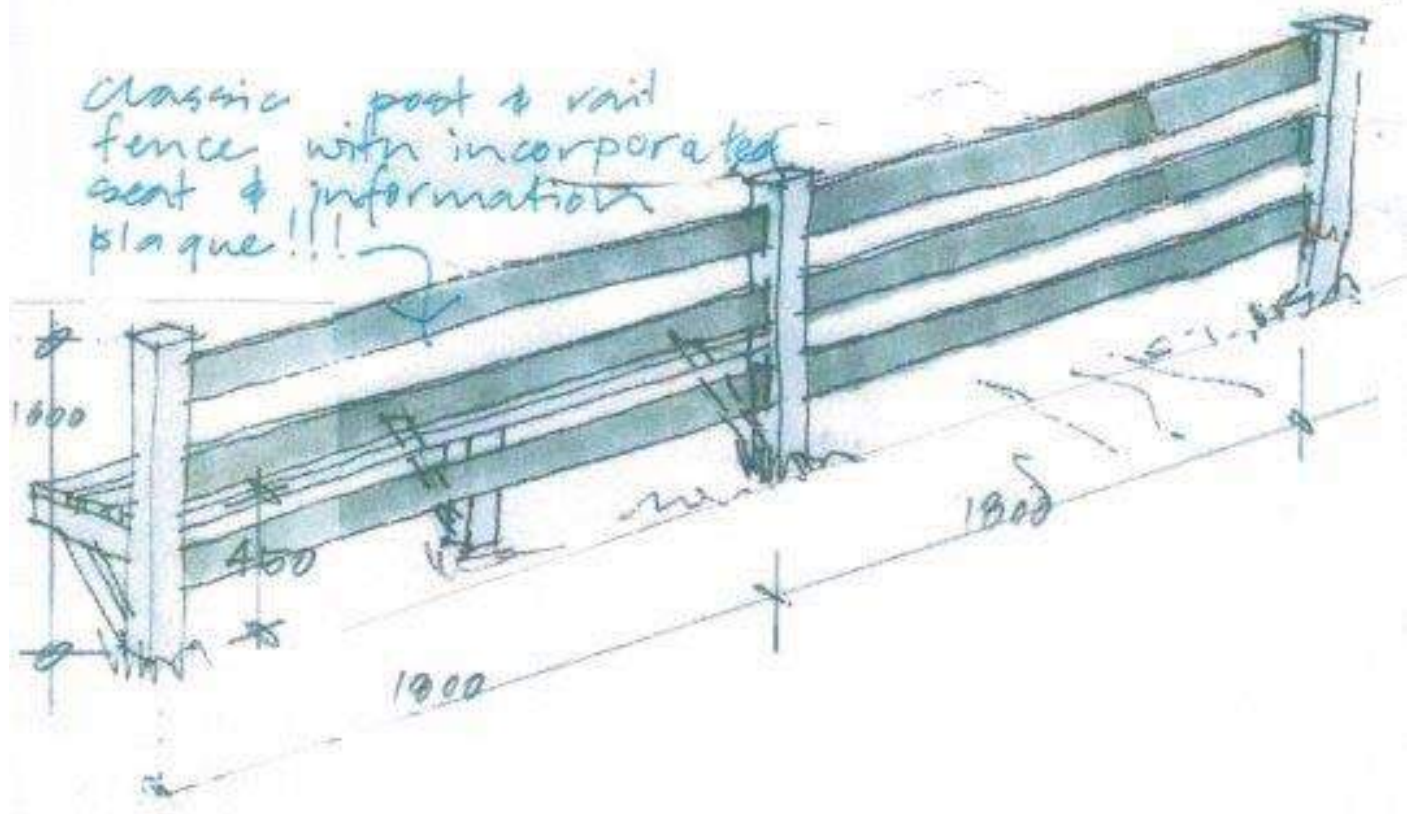
# City of Mount Gambier

## STATEMENT OF CASH FLOWS

Budget FY2019, Budget Review 1 & 2 FY2019 and Actual FY2018

	FY Budget 2019 \$'000	FY BR2 2019 \$'000	FY BR1 2019 \$'000	2018 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<u>Receipts</u>				
Rates - general & other	20,370	20,369	20,370	19,522
Fees & other charges	457	416	507	447
User charges	4,855	4,648	4,855	4,381
Investment receipts	-	-	-	62
Grants utilised for operating purposes	3,321	3,659	3,321	3,906
Reimbursements	97	64	97	24
Other revenues	252	355	252	587
<u>Payments</u>				
Employee costs	(12,763)	(12,824)	(12,784)	(12,781)
Materials, contracts & other expenses	(9,120)	(8,983)	(10,659)	(8,467)
Finance payments	(157)	(159)	(157)	(172)
<b>Net cash provided by (or used in) Operating Activities</b>	<b>7,312</b>	<b>7,545</b>	<b>5,802</b>	<b>7,509</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
<u>Receipts</u>				
Amounts specifically for new or upgraded assets	-	110	-	445
Sale of replaced assets	399	69	352	-
Repayments of loans by community groups	-	-	-	35
<u>Payments</u>				
Expenditure on renewal/replacement of assets	(4,374)	(4,193)	(4,678)	(3,919)
Expenditure on new/upgraded assets	(2,610)	(2,673)	(748)	(2,300)
<b>Net cash provided by (or used in) Investing Activities</b>	<b>(6,585)</b>	<b>(6,687)</b>	<b>(5,075)</b>	<b>(5,739)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
<u>Payments</u>				
Repayments of borrowings	-	-	-	(206)
<b>Net cash provided by (or used in) Financing Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(206)</b>
<b>Net increase / (decrease) in cash held</b>	<b>727</b>	<b>858</b>	<b>727</b>	<b>1,563</b>
Cash & cash equivalents at beginning of period	4,587	4,587	4,587	3,024
<b>Cash &amp; cash equivalents at end of period</b>	<b>5,314</b>	<b>5,445</b>	<b>5,314</b>	<b>4,587</b>

# 'Sam McGregor's Leap' memorial seat concept.





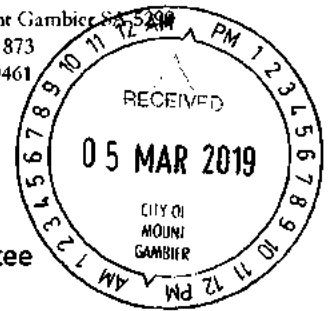
# Mount Gambier Agricultural and Horticultural Society Inc.

ABN: 62 938 345 306

Office: Showgrounds, Pick Avenue  
Office Hours: Monday to Friday 9.00am – 3.00pm  
Email: [admin@mgshow.com.au](mailto:admin@mgshow.com.au)  
Web: [www.mgshow.com.au](http://www.mgshow.com.au)



P.O. Box 106 Mount Gambier SA 5204  
Phone: (08) 8725 1873  
Fax: (08) 8724 9461



To members of the Mount Gambier City Council Operational Standing Committee

The Mount Gambier Agricultural and Horticultural Society is a community based organisation and strives to promote our city and surrounding areas. As a show society with a membership of over 300 we strive to remain relevant to our communities needs and aim to promote a variety of events and functions that cater for a diverse and multi-cultural community.

The Show Society now finds itself seeking assistance from the City Council in a bid to enable us to maintain and provide the necessary improvements to the 72 acre site, so as to remain relevant and functional for the community. Funds raised at the annual spring show are invested back into the following year's event. Monies that are raised elsewhere on the grounds throughout the year is what is allocated to maintain and improve our facility. We therefore strive to optimise our opportunities and utilize our facilities to its full potential throughout the entire year.

Unfortunately our current circumstances now indicate a significant shortfall in our predicted income for the upcoming 12 month period. With recent council decisions now impacting our limited supplementary income, we seek assistance from the City Council in a bid to maintain the show grounds facility.

Projected loss of income is in excess of \$80,000.00 per year

Please find attached a copy of the Financial Evaluation Sheet for the 2018 Spring Show. With a net profit of \$18,115.36 achieved, it is obvious that supplementary income is vital to our survival.

Unfortunately the works programme currently listed for completion this year will no longer be achievable with our projected financial situation.

1. Installation of traffic speed humps on main vehicular driveway
2. Resealing of bitumen driveways and walkways
3. Purchase of ride on mower
4. Installation of security cameras
5. Improved signage

All monies raised by the show society are put back into the community facility with the following upgrades being undertaken in the past 2 years, at a cost of in excess of \$200,000.00

1. Increased toilet and shower facilities in the camp ground area (also utilized by the Harness Racing Club on race nights)
2. Construction of a new AG Learning Centre facility
3. Construction of Emergency Evacuation yards (to be used in the event of a local disaster)
4. Replacement of flooring in one third of the main show hall
5. Painting the interior of the main show hall
6. Purchase of a new New Holland Tractor and slasher for grounds maintenance
7. Upgrade of Ladies toilet facility in the main show hall

Our show grounds complex provides facilities and club rooms for the following Clubs and Organisations

1. Harness Racing Club
2. Mount Gambier Table Tennis Association
3. Mount Gambier Show Jumping Club
4. South East Dressage Club
5. Mount Gambier Championship Dog Club
6. South East Cake Decorators Club
7. Work for the Dole Programme hosted by Harness Racing Club
8. Work for the Dole Programme hosted by the Jubilee Christian Centre
9. The Justice Department for Offenders work programmes
10. 5 Long Term Stable Hires for Harness Racing Trainers
11. Several Sewing and Handicraft groups

The Mount Gambier Show Society complex is an asset to Mount Gambier. It provides a Main Hall capable of seating up to 400 together with a fully functional kitchen area, several outbuildings suitable for livestock, poultry and dog shows and spacious grounds for outdoor activities and events.

Events hosted at the Show grounds complex, in addition to the Annual Spring Show, during the last year include

1. The Distributors Product Launch
2. The Great Outdoor Expo
3. Splash'N'Bounce Water Park
4. Arts and Craft Alive Expo
5. The Truck Show
6. The Mount Gambier Rock and Rollers Event
7. Circus Events
8. Lego Exhibition
9. Easter Dog Show
10. Beef Breeders Field Day
11. Cattle Handlers Workshop
12. Show Jumping Workshops
13. Dressage Competitions
14. South East Motorkana Events

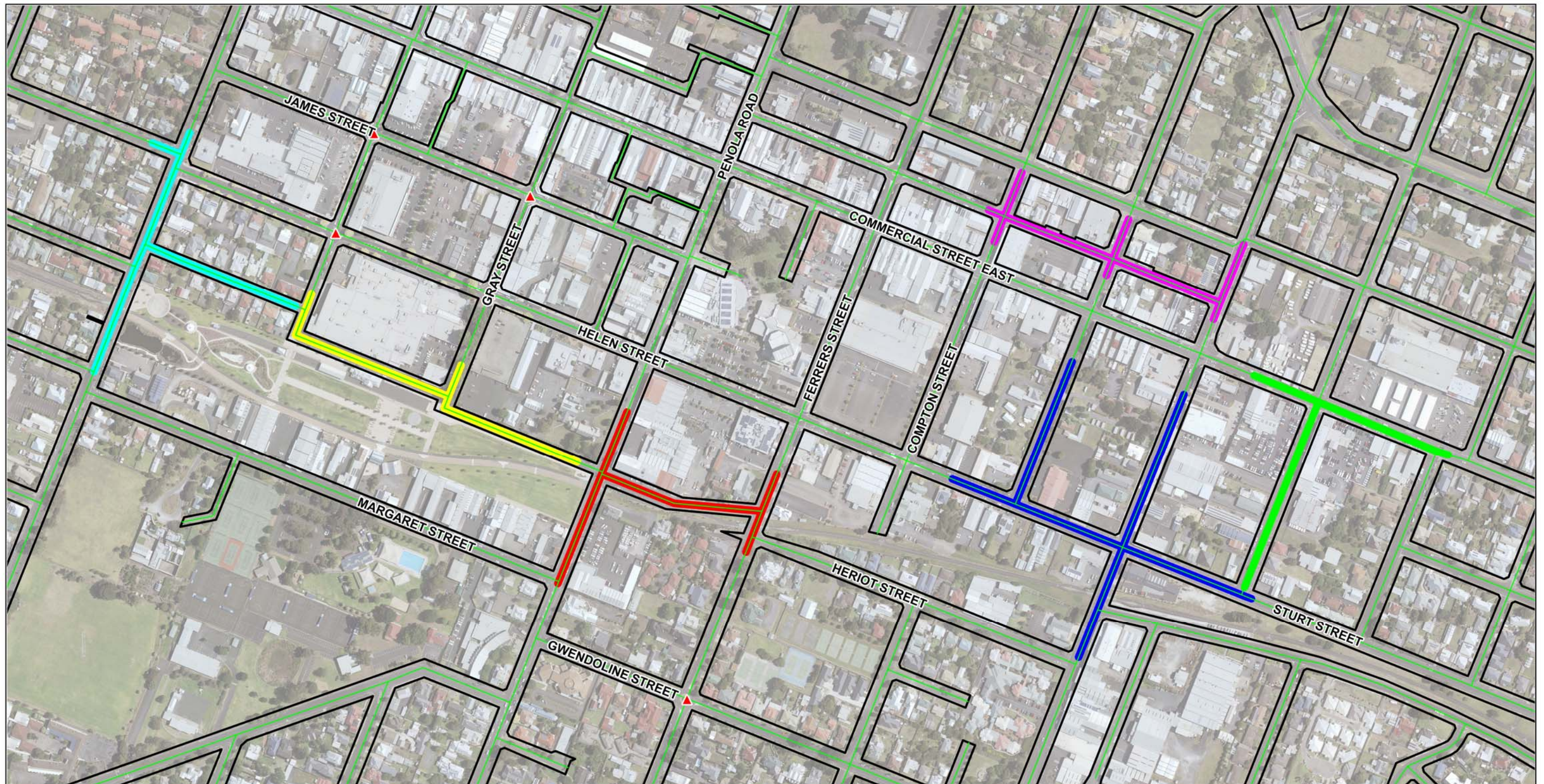
I strongly urge council to assist the show society in maintaining the community site, to a safe and usable standard for the many clubs, associations and patrons that utilize this complex throughout the year.

Yours Sincerely

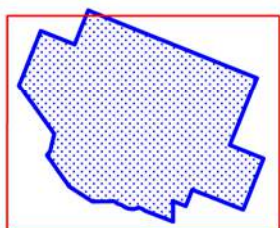


Kerry Hill  
President  
Mount Gambier Agricultural and Horticultural Society

<b>Mount Gambier Spring Show Event Budget 2018 (after event)</b>		
<b>Show Expenses</b>	<b>Predicted</b>	<b>Actual</b>
Post Office (Correspondance)	\$ 1,000.00	850.00
Baxter Hire (Porto Loos etc)	\$ 1,700.00	1,700.00
Limestone Coast Party Hire	\$ 1,930.00	1,400.00
C-US Electrical	\$ 200.00	950.00
Comfort Inn Silver Birch	\$ 1,700.00	1,400.00
Correction Victoria (Ribbons, Sashes)	\$ 2,500.00	2,499.78
Printing Cost	\$ 2,000.00	1,500.00
Entertainment	\$ 33,000.00	31,625.00
Howard & Sons (Fireworks)	\$ 11,000.00	11,000.00
Security	\$ 6,500.00	6,065.00
Advertising	\$ 15,000.00	9,950.00
Lumo Energy	\$ 6,000.00	6,000.00
Macs Trash Pak	\$ 5,000.00	6,016.00
Judges & Stewards Expenses	\$ 13,000.00	8,927.86
Affiliation Fees	\$ 4,000.00	4,248.06
Ticketing	\$ 1,500.00	1,000.00
Cleaning Products	\$ 1,800.00	1,708.17
St Johns Ambulance	\$ 900.00	1,395.00
PA Systems	\$ 1,300.00	1,250.00
Ag Learning Centre	\$ 5,000.00	3,990.00
Prize Money	\$ 26,500.00	36,580.00
Insurance	\$ 27,500.00	34,010.00
Catering	\$ 5,000.00	5,000.00
Wages for Gates	\$ 8,500.00	7,700.00
Wages for Grounds Staff	\$ 4,500.00	2,450.00
Wages for Cleaning	\$ 1,500.00	2,100.00
Wages for Office Staff	\$ 6,000.00	8,000.00
<b>Total Show Expenses</b>	<b>\$ 194,530.00</b>	<b>199,314.87</b>
<b>Show Income</b>		
Ticket Sales (Gate, estimated)	\$ 116,000.00	104,000.00
Membership	\$ 7,200.00	6,850.00
Sponsorship	\$ 30,000.00	48,000.00
Trade Space	\$ 28,000.00	24,000.00
Sideshowes	\$ 16,000.00	16,000.00
Ag Learning Centre	\$ 6,000.00	4,500.00
Entry fees for sections	\$ 17,000.00	15,850.00
<b>Total Income</b>	<b>\$ 220,200.00</b>	<b>219,200.00</b>
<b>Net Profit/Loss</b>	<b>\$ 25,670.00</b>	<b>18,115.36</b>



## PLEC Scheme Future Proposals



### PLEC Scheme

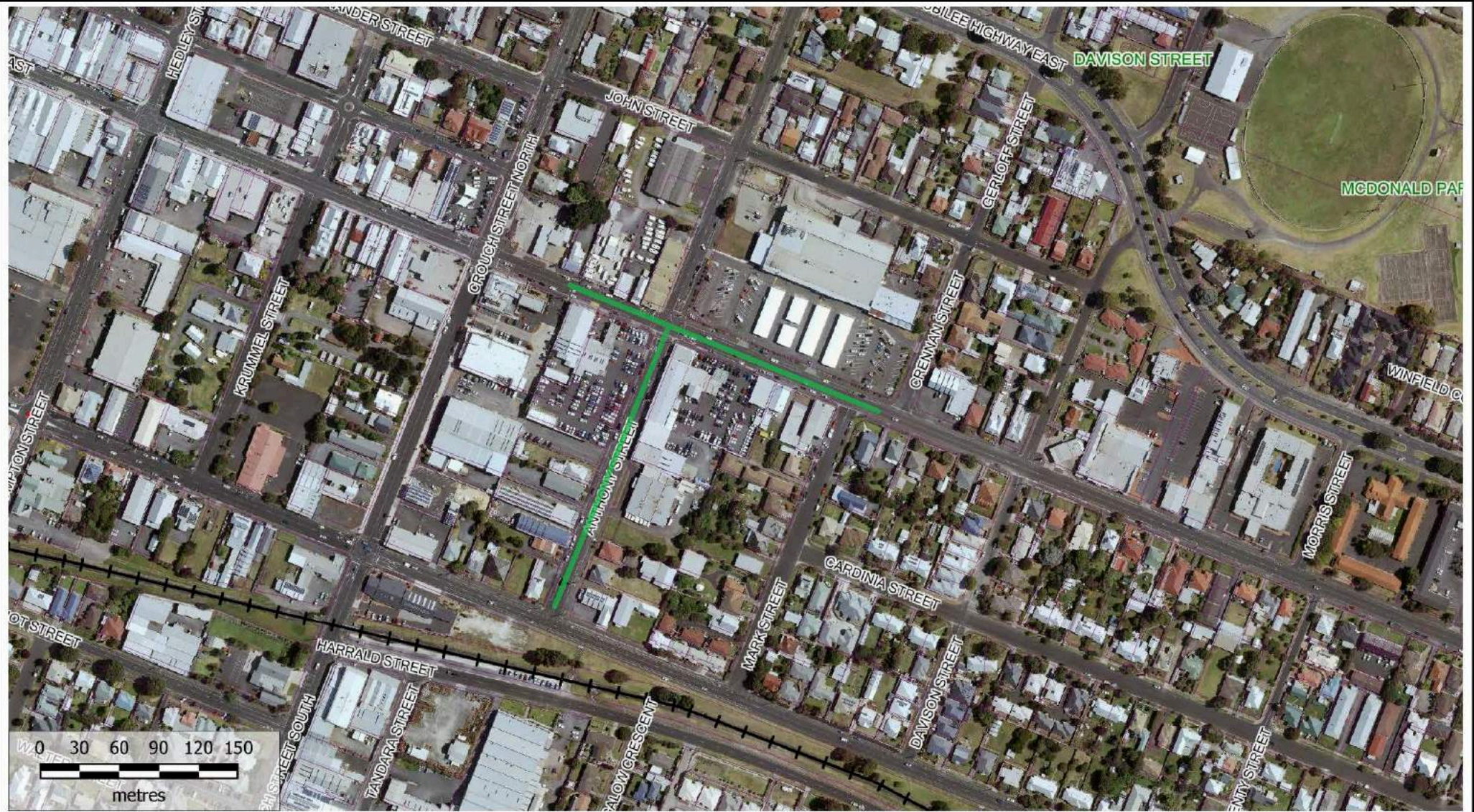
- YEAR 1 - Commercial Street East - Anthony Street - 473m
- YEAR 2 - Crouch Street South - Sturt Street - 870m
- YEAR 3 - Bay Road - Heriot Street - Ferrers Street - 502m
- YEAR 4 - Railway Terrace - Elizabeth Street - 483m
- YEAR 5 - Wehl Street South - Eleanor Street - 533m
- YEAR 6 - Percy Street - Crouch Street - Hedley Street - 560m







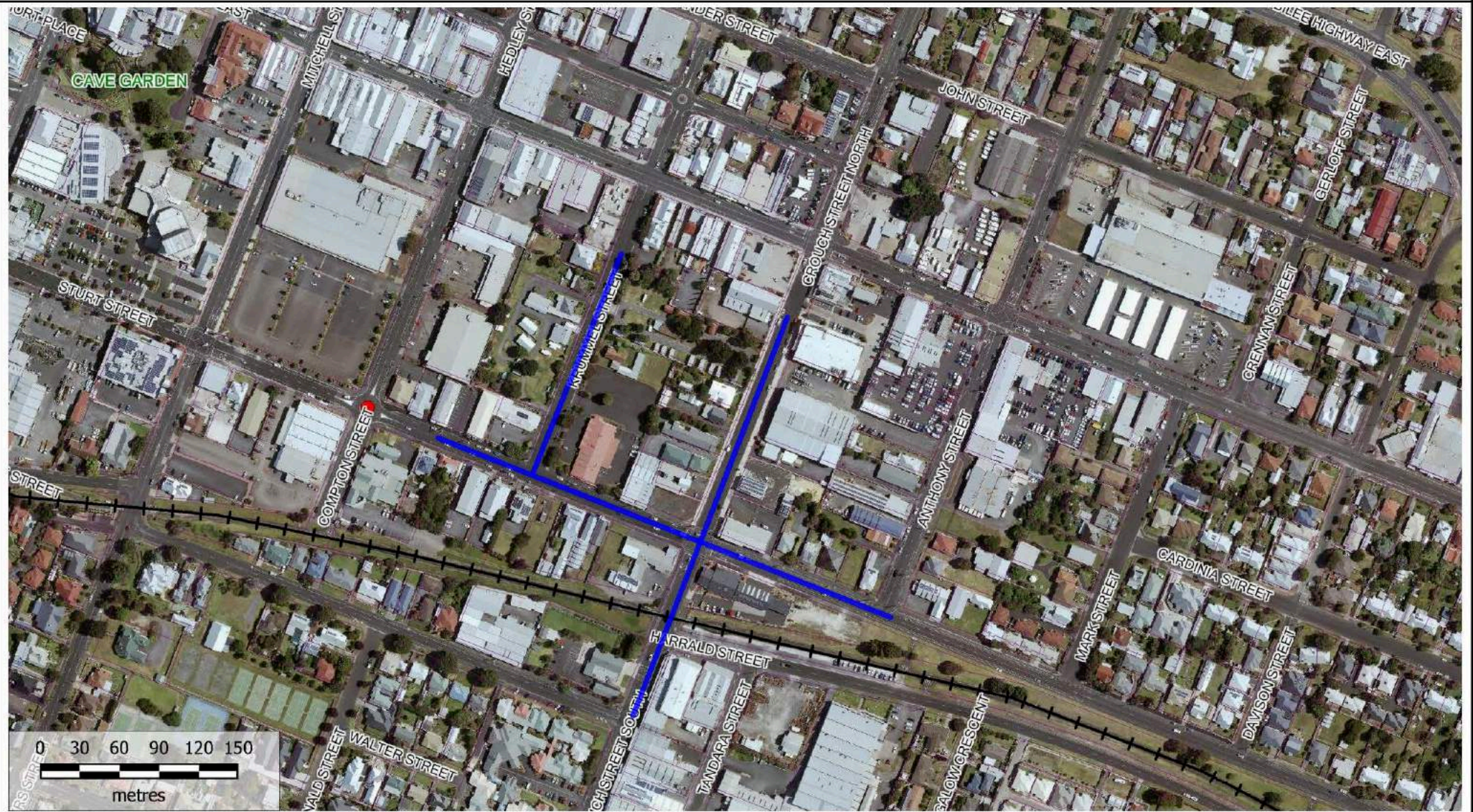
YEAR 1 - Commercial Street East - Anthony Street - 473m



Map Zoom: 1097 m  
Plot Date: Thursday, 21 February 2019



YEAR 2 - Crouch Street South - Sturt Street - 870m



Map Zoom: 1098 m  
Plot Date: Thursday, 21 February 2019



YEAR 3 - Bay Road - Heriot Street - Ferrers Street - 502m



Map Zoom: 1098 m  
Plot Date: Thursday, 21 February 2019



YEAR 4 - Railway Terrace - Elizabeth Street - 483m



Map Zoom: 1098 m  
Plot Date: Thursday, 21 February 2019



YEAR 5 - Wehl Street South - Eleanor Street - 533m



Map Zoom: 1099 m  
Plot Date: Thursday, 21 February 2019



YEAR 6 - Percy Street - Crouch Street - Hedley Street - 560m



Map Zoom: 1096 m  
Plot Date: Thursday, 21 February 2019

## **MINUTES OF COUNCIL ASSESSMENT PANEL MEETING**

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Thursday, 21 February 2019 at 5:45 p.m.

**PRESENT** Mr I Von Stanke (Presiding Member)  
Cr P Jenner  
Mr M Teakle  
Mr P Seebohm

**COUNCIL OFFICERS** Manager Development Services - Mrs T Tzioutziouklaris  
Senior Planning - Mr S Wiseman  
Planning Officer - Mrs E Ruffin

**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.**

### **1. APOLOGY(IES)**

Nil

### **2. CONFIRMATION OF COUNCIL ASSESSMENT PANEL MINUTES**

Meeting held on 17 January 2019

That the minutes of the Council Assessment Panel meeting held on 17 January 2019 as attached be confirmed.

Moved: Cr Jenner

Seconded: Mr Seebohm

Carried

### **3. INVITES**

The Presiding Member read the following statement to the Applicant/Owner/Representor that attended the meeting:

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the new Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- The Assessment Panel continues to operate under the Development Act, until such time as the new Planning, Development and Infrastructure Act 2016 is fully functional.
- When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
- This will involve a judgement based on whether or not the proposed development meets and satisfies planning principles.
- The Council Assessment Panel consists of four Independent Members and one Elected Council Member.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.



- Once the Panel has heard your representation, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decision in confidence.
- You may ring the Council tomorrow afternoon to find out the result of tonight's meeting.

**3.1. Development Application No. 381/0367/2018 - (Item 4.3)**

- Toufic Kaissi, the Applicant, did not attend the meeting.
- Bevan Staude, the Representor, spoke in relation to this matter at 5.50 p.m.

**3.2. Development Application No. 381/0334/2018 - (Item 4.4)**

- Roger Saunders, on behalf of the Owner/Applicant, spoke in relation to this matter at 6.14p.m.
- Kerry Hill, on behalf of the Owner/Applicant, spoke in relation to this matter at 6.21 p.m.
- Fiona Williams, the Representor, did not attend the meeting.
- Rick Macera, the Representor, did not attend the meeting.
- Mark Lane, the Representor, did not attend the meeting.
- Julie Cowley, the Representor, spoke in relation to this matter at 6.10 p.m.
- Nathan Seal, the Representor, spoke in relation to this matter at 6.06 p.m.
- Joy Lorraine Bowd, the Representor, spoke in relation to this matter at 6.13 p.m.
- Tim Rowett (to be represented by Julie Cowely), the Representor, spoke in relation to this matter at 6.10 p.m.

**3.3. Development Application No. 381/0309/2018 - (Item 4.5)**

- Mark and Karen Forster, the Owners, did not attend the meeting
- Jason Cooper, the Applicant, did not attend the meeting.

**3.4. Development Application No. 381/0318/2018 - (Item 4.7)**

- Cameron Scheidl, the Owner, spoke in relation to this matter at 5.58 p.m.





**4. COUNCIL ASSESSMENT PANEL REPORTS**

**4.1. Council Assessment Panel Report No. AR19/1106**

<b>DEVELOPMENT NUMBER</b>	N/A	
<b>APPLICANT</b>	N/A	
<b>OWNER</b>	N/A	
<b>DESCRIPTION</b>	A report was prepared for Council detailing the requirements for referral to the Heritage Advisor in Development Applications.	
<b>ADDRESS</b>	N/A	
<b>NATURE OF DEVELOPMENT</b>	N/A	Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. AR19/1106 be noted.</p> <p>(b) That Operational Standing Committee Report No. AR18/41818 titled 'Heritage Advisor role in Development Applications' as presented to the Operational Standing Committee on 11 December 2018 be noted.</p>

The Council Assessment Panel moved:

Carried



**4.2. Council Assessment Panel Report No. AR19/4100**

<b>COMMITTEE</b>	Council Development Assessment Panel
<b>MEETING DATE:</b>	21 February 2019
<b>REPORT NO.</b>	AR19/4100
<b>RM8 REFERENCE</b>	AF15/598
<b>AUTHOR</b>	Tracy Tzioutziouklaris
<b>SUMMARY</b>	The Code of Conduct, Terms of Reference and the disclosure of financial interest are all documents to assist in the accountable and transparent operation of the Council Assessment Panel.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Council Development Assessment Panel Report No. AR19/4100 titled 'Council Assessment Panel – Terms of Reference, Code of Conduct and Return of Financial Interests' as attached be noted.
- (b) That all Members of the CAP are encouraged to familiarise themselves with these documents and disclose his or her financial interests using the prescribed form and provided.

The Council Assessment Panel moved:

Carried



**4.3. Council Assessment Panel Report No. AR19/664**

<b>DEVELOPMENT NUMBER</b>	381/0367/2018	
<b>APPLICANT</b>	TK Building Design	
<b>OWNER</b>	Mr. A. Obaun	
<b>DESCRIPTION</b>	To construct a child care centre with associated car parking, retaining walls and fencing.	
<b>ADDRESS</b>	29 Stafford Street, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 2
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. AR19/664 be noted.</p> <p>(b) The Manager Development Services in consultation with the Presiding Member of the Council Assessment Panel be delegated the power, function and/or duty to grant Development Plan Consent upon confirmation of the type of rainwater tank to be located on site and the requirement for this rainwater tank to be appropriately screened.</p> <p>(c) Upon the satisfactory resolution of (b) as above the Applicant and owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is not considered to be at serious variance with Council’s Development Plan and other relevant documentation and that Development Plan Consent be granted subject to the following conditions;</p> <ol style="list-style-type: none"> <li>(1) The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval.</li> <li>(2) The building and land shall not be used for purposes other than those approved by Council.</li> <li>(3) The car parking and driveway areas and footpath crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line-marked and maintained in a usable condition at all times.</li> <li>(4) Directional signs for traffic shall be placed on the site of the proposed development.</li> <li>(5) Provision shall be made for all loading and unloading of goods on the subject land.</li> </ol>



- (6) Provision shall be made for the onsite disposal of stormwater and surface drainage.
- (7) Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established evergreen trees and shrubs.
- (8) All the commercial wastes accumulated on the allotment shall be removed on a regular basis.
- (9) The fit-out and operation of a food business must comply with the relevant SA Food Act, SA Food Regulations and Standards. This includes the Australia New Zealand Food Safety Standards (Code). The Code requires notification to the relevant authority (Council) on the approved form. The food owner/operator is required to submit an application for a food business notification (FBN) number to operate in South Australia prior to any food handling being undertaken (Standard 3.2.2 - 4). The FBN form and a general advice fit-out checklist are available on Council's Food Safety web page or by contacting Council. Reference to the Australian Standard for Design, construction and fit-out of food premises can be used as a guide to meet the Code.

Child care centres may require a food safety program for food service to vulnerable persons (Standard 3.3.1).

The requirements of the Safe Drinking Water Act 2011 must be met.

- (10) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
  - (11) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste containers shall be provided and maintained on site of the development at all times.
  - (12) The rainwater tank shall be appropriately screened from view from public spaces at all times.
  - (13) Dust generated during any on site construction work shall be appropriately managed and contained on site.
- (d) The Applicant be advised the reasons for the Conditions of Consent are:
- (1) The proposed development is an envisaged land use within the Residential Zone.
  - (2) So as to ensure the proposed development does not detract from the residential character and amenity within the subject locality.
  - (3) To ensure the proposed development is an orderly and proper development.

The Council Assessment Panel moved:

Carried



**4.4. Council Assessment Panel Report No. PR19/1119**

<b>DEVELOPMENT NUMBER</b>	DA 381/0334/2018	
<b>APPLICANT</b>	Mount Gambier Agricultural and Horticultural Show Society Inc	
<b>OWNER</b>	Mount Gambier Agricultural and Horticultural Show Society Inc	
<b>DESCRIPTION</b>	To establish an additional twenty one (21) camping sites on the site of the existing showgrounds in addition to the eight (8) existing camping sites.	
<b>ADDRESS</b>	1 Pick Avenue, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 3
<b>ZONING</b>	Public Purposes (Show Grounds)	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. PR19/1119 be noted.</p> <p>(b) The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered to be at serious variance with the Council's Development Plan, the application be refused Development Plan Consent, for the following reasons;</p> <ol style="list-style-type: none"> <li>(1) The proposed expansion of the camping ground prejudices the delivery of the objectives for the area.</li> <li>(2) The proposed development will detrimentally effect on the amenity of the location.</li> <li>(3) A camping ground is not an envisaged form of development within the Public Purposes (Show Grounds) Zone.</li> <li>(4) The camping ground is not an ancillary use to the use of the land as showgrounds.</li> </ol>

The Council Assessment Panel moved.

Carried



**4.5. Council Assessment Panel Report No. PR19/1210**

<b>DEVELOPMENT NUMBER</b>	DA 381/0309/2018	
<b>APPLICANT</b>	Jason Cooper on behalf of Mark and Karen Forster	
<b>OWNER</b>	Mark and Karen Forster	
<b>DESCRIPTION</b>	To demolish an existing garage and to construct a garage and a second dwelling with attached garaging on the site of an existing dwelling which is a Local Heritage Place.	
<b>ADDRESS</b>	83 Bay Road, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	Local Heritage Place	Bay Road Historic (Conservation) Policy Area

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. PR19/120 be noted.</p> <p>(b) The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan, and the application be granted Development Plan Consent subject to the following conditions:</p> <ol style="list-style-type: none"> <li>(1) The development shall be constructed in accordance with the amended plans dated 22/01/2019, Drawing Numbers 2018-011-PD01, 2018-011-PD02, 2018-011-PD03, 2018-011-PD04, 2018-011-PD05, 2018-011-PD06, 2018-011-PD07, 2018-011-PD08.</li> <li>(2) The existing landscaping to remain on site shall be kept in a good condition and maintained at all times so as to maintain the existing landscaped character of the subject locality.</li> <li>(3) The onsite garaging shall be used in association with the existing residential land use on the subject site.</li> </ol> <p>(c) The Applicant be advised the reasons for the conditions of consent are:</p> <ol style="list-style-type: none"> <li>(1) To ensure the development does not detract from the existing character and amenity of the subject locality,</li> <li>(2) To ensure orderly and proper development.</li> </ol>

The Council Assessment Panel moved:

Carried



**4.6. Council Assessment Panel Report No. AR19/7174**

<b>DEVELOPMENT NUMBER</b>	381/041/2019	
<b>APPLICANT</b>	Ian & Anthea Duryea	
<b>OWNER</b>	Lano Developments Pty Ltd	
<b>DESCRIPTION</b>	To change the use to a workshop (servicing, repairs of small appliances), office and associated car parking.	
<b>ADDRESS</b>	210 Commercial Street West, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Non-Complying	/ Category 3
<b>ZONING</b>	Local Centre	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
(a) That Council Assessment Panel Report No. AR19/7174 be noted.
(b) The Council Assessment Panel resolve to proceed with the assessment of the application.

The Council Assessment Panel moved:

Carried



**4.7. Council Assessment Panel Report No. PR19/1578**

<b>DEVELOPMENT NUMBER</b>	DA 381/0318/2018	
<b>APPLICANT</b>	Adam Fosdike – Mates Rates Australia	
<b>OWNER</b>	Cameron Scheidl	
<b>DESCRIPTION</b>	To demolish an existing garage and to construct a detached garage in association with an existing detached dwelling.	
<b>ADDRESS</b>	3 Quail Place, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. PR19/1578 be noted.</p> <p>(b) The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council’s Development Plan, and be granted Development Plan Consent subject to the following conditions and note:</p> <ol style="list-style-type: none"> <li>1. The development shall be undertaken in accordance with the plans as submitted to Council on 17<sup>th</sup> of December, 2018.</li> <li>2. The garage shall be used in association with the Residential use of the subject property.</li> </ol> <p style="padding-left: 40px;">Note: SA Water approval is required prior to the construction of any structure on the SA Water Easement located at the rear of the subject property.</p> <p>(c) The Applicant be advised the reasons for the Conditions of Consent are:</p> <ol style="list-style-type: none"> <li>1. To ensure the development does not detract from the character and amenity of the subject locality.</li> <li>2. To ensure orderly and proper development.</li> </ol>

The Council Assessment Panel moved:

Carried





**4.8. Council Assessment Panel Report No.**

<b>DEVELOPMENT NUMBER</b>	DA 381/026/2019	
<b>APPLICANT</b>	JAKA Assets Pty Ltd	
<b>OWNER</b>	JAKA Assets Pty Ltd	
<b>DESCRIPTION</b>	To construct nine (9) storage units on the site of ten (10) existing storage units, and bus servicing and repair workshop	
<b>ADDRESS</b>	4 Turnbull Drive, Worrolong	
<b>NATURE OF DEVELOPMENT</b>	Non-Complying	/ Category 3
<b>ZONING</b>	Country Living	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. PR19/28 be noted.</p> <p>(b) As the development is a non-complying form of development, Council Development Assessment Panel as the relevant planning authority must resolve to:</p> <ol style="list-style-type: none"> <li>1. proceed with an assessment of the application</li> </ol>

The Council Assessment Panel moved:

Carried



**4.9. Council Assessment Panel Report No.**

<b>DEVELOPMENT NUMBER</b>	DA 381/045/2019	
<b>APPLICANT</b>	Bruce and Kelly Morale	
<b>OWNER</b>	Bruce and Kelly Morale	
<b>DESCRIPTION</b>	To construct an addition to an existing outbuilding, including a garage extension and second storey 'rumpus' room	
<b>ADDRESS</b>	3/90 Tollner Road, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Country Living	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. PR19/1736 be noted.</p> <p>(b) That the applicant and Owner be advised that having regard to the Development Plan and all the supporting documentation, the proposal is not considered to be seriously at variance with Council's Development Plan and Development Plan Consent be issued subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The development shall be carried out in accordance with the plans as approved by Council, (Plan Reference Project: Proposed Shed Extension. Client: B &amp; K Morale. Location: Lot 202 Tollner Road, Mount Gambier. Plan reference, Drawing No: 19-006 Revision: A. Sheet No: 1 to 3) and in accordance with the Conditions of Approval, and maintained thereafter.</li> <li>2. The garage and rumpus room shall only be used for purposes associated with the existing residential land use of the subject property.</li> </ol> <p>(c) The Applicant be advised the reasons for the Conditions of Consent are:</p> <ol style="list-style-type: none"> <li>1. To ensure the development does not detract from the residential character and amenity of the subject locality.</li> <li>2. To ensure orderly and proper development.</li> </ol>

The Council Assessment Panel moved.

Carried



**5. MOTION(S) - With Notice**

Nil submitted.

**6. MOTION(S) - Without Notice**

Nil submitted

Meeting closed at 7.30 p.m.

AR19/7890




## Confidentiality Orders in Operation - to 31 January 2019

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Reason for Release	Date Last Reviewed	Comments
18-Dec-18	CEO Selection and Recruitment Committee	Request for Quote – CEO Selection and Recruitment	(k)	All details	All details including tabled attachments Resolution a & b to be released on execution of a service agreement.	Current			
18-Dec-18	Council	Property Management	(b)(d)(g)	All details	Until Council has agreed on a course of action with regard to the matter, to be reviewed once every twelve months in accordance with the Local Government Act.	Current			Contains 3rd parties confidential information
21-Aug-18	Operational Standing Committee	Item 17.2 Mount Gambier Aquatic Centre 2018-19 Business Plan - Report No. AR18/30233	(g)	All details	Until permission is obtained from Innovative Leisure Management as per 18.2 of the Management Agreement.	Current			Contains operators commercial-in-confidencen infomration
19-Jun-18	Operational Standing Committee	Item 17.5 Illegal Development – Cessation of the Storage of Scrap Items, Goods and Materials on the Subject Property No. AR18/21507	(a) & (f)	All details	Cessation of the Storage of Scrap Items, Goods and Materials on the Subject Property No. AR18/21507	Current			Subject of current regulatory/legal matter
19-Jun-18	Operational Standing Committee	Item 17.2 Illegal Development - Report No. AR18/21607	(a) & (f)	All details	Until the matter has been resolved.	Current			Subject of current regulatory/legal matter
15-May-18	Operational Standing Committee	Item 17.2 Illegal Development - Development constructed at variance to the Development Approval - Report No. AR18/16548	(a) & (f)	All Details	Until the matter has been resolved. Where duration exceeds 12 months. To be reviewed at least once.	Current			Subject of current regulatory/legal matter
17-Apr-18	Operational Standing Committee	Item 17.11 Illegal Development and Intervention Order - Report No. AR18/12877	(a) & (f)	All Details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once	Current			Subject of current regulatory/legal matter
17-Apr-18	Operational Standing Committee	Item 17.8 Condition of Property - Report No. AR18/12359	(a) & (f)	All Details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once	Current			Subject of current regulatory/legal matter
17-Apr-18	Strategic Standing Committee	Item 17.2 Surplus Government Property Notice - Report No. AR18/12667	(j)	All Details	Until:  A public announcement has been made by the State Government on the intended manner in which the property matter is to be dealt.	Current			Contains information provided in-confidence by a government agency
21-Nov-17	Council	Item 17.5 Report No. AR17/47214 – Surplus Government Property Notice	(b)	All details	Until:  A public announcement has been made by the State Government on the intended manner in which the property matter is to be dealt.	Current		17/07/2018	Contains information provided in-confidence by a government agency
21-Nov-17	Operational Standing Committee	Item 17.2 Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd - Report No. AR17/44088	(i)	All details	Until:  The matter is resolved or abandoned, to be reviewed at least once in every year.	Current		17/07/2018	Subject of current regulatory/legal matter
18-Apr-17	Council	COUNCIL ITEM 1 - CEO REPORT ON CONFIDENTIAL MATTERS - Ref. AF11/1894	(g)	All details (including report, tabled attachment, discussion and resolution)	Ongoing;  To be reviewed at least once in every year	Current		18/12/2018	relates to a matter the disclosure of which would breach state legislation
21-Feb-17	Operational Services Committee	Item 13 - DEVELOPMENT CONTROL - Illegal Development - Operation of a Storage Yard - Ref. AF11/304	(a) (i)	All Details	Until the matter is resolved or abandoned, to be reviewed at least once in every year	Current		18/12/2018	Subject of current regulatory/legal matter
31-Jan-17	Council (Special)	ALLEGATIONS REGARDING MAYOR ANDREW LEE TO BE REFERRED TO ICAC – Ref. AF13/275	(g)	All	Ongoing – to be reviewed annually	Current		17/07/2018	Relates to a matter the disclosure of which would breach state legislation
		OPERATIONAL SERVICES REPORT NO. 7/2016 - Tender AF16/277 - Caroline Landfill Development (Stage 3) Construction of Cell 3 (B	(k)	All Details	Until considered by Council	Expired	Conditions for release met (Resolution Only)		Only release Resolution

### Confidentiality Orders in Operation - to 31 January 2019

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Reason for Release	Date Last Reviewed	Comments
18-Oct-16	Operational Services Committee	& C) and Leachate Pond 4		Identity of successful tenderer and contract value associated with Tender AF16/277	Until a decision has been made by Council	Expired	Conditions for release met (Resolution Only)		Only release Resolution
				Operational Services Report No. 7/2016 - Tender AF16/277 and Attachments	Until contract(s) have been entered into for all stages of work associated with Tender AF16/277 (to be reviewed every 12 months)	Current		17/07/2018	TBC
18-Oct-16	Operational Services Committee	FINANCIAL MANAGEMENT - Caroline Landfill - Economic Analysis - Ref. AF16/159	(b)	All Details	Until: Council's commercial business clientele for the relevant business operations have been advised of Council's determination in relation to the item.	Current		17/07/2018	TBC
16-Feb-16	Corporate and Community Services	CORPORATE AND COMMUNITY SERVICES REPORT NO. 14/2016 – Frew Park Ambulance Station Development - Ref. AF16/11	(d)	CCS Report 14/2016 (attachments 1 & 2)	Until the details contained in Attachments 1 & 2 to CCS Report 14/2016 have been made publicly available by the respective proponents.	Current		18/12/2018	
18-Aug-15	Operational Services Committee	PROPERTY MANAGEMENT - Railway Lands - Expression of Interest - Management of Communtiy Markets	(b)	All details	Until a contractual arrangement has been entered into with a respondent(s), to be reviewed in 12 months in accordance with S91(9)	Current		18/12/2018	Contain 3rd party business proposal
18-Aug-15	Operational Services Committee	PROPERTY MANAGEMENT - Railway Lands - Expression of Interest - Occupation and Use of Old Railway Station Building	(b)	All details	Until a contractual arrangement has been entered into with a respondent(s), to be reviewed in 12 months in accordance with S91(9)	Current		18/12/2018	Contain 3rd party business proposal
15/04/2014	City of Mount Gambier Junior Sports Fund Assistance Committee		(a)	All information, details concerning the personal, financial circumstances and identity of each nominee	On-going, to be reviewed annually in accordance with the provisions of the Local Government Act	Current	Redacted version of agenda/minutes to be released	18/12/2018	The name of the Member Organisation(s) of the successful recipient(s) and the amount allocated to each Member Organisation only be released. <b>Redacted Agenda and Minutes to be released</b>
17/12/2013	City of Mount Gambier Junior Sports Fund Assistance Committee	COMMERCIAL CLUB INC. - Donation to exceptional junior sportsperson	(a)	All information, details concerning the personal circumstances and identity of each nominee	On-going, to be reviewed annually in accordance with the provisions of the Local Government Act	Current	Redacted version of agenda/minutes to be released	18/12/2018	The name of the successful awardee, that persons Member Organisation and the essential achievement(s) of the awardee only be released. <b>Redacted Agenda and Minutes to be released</b>
17/12/2013	City of Mount Gambier Junior Sports Fund Assistance Committee	ROTARY CLUB OF MOUNT GAMBIER LAKES - Donations to Financially Disadvantaged Junior Sportspersons	(a)	All information, details concerning the personal, financial circumstances and identity of each nominee	On-going, to be reviewed annually in accordance with the provisions of the Local Government Act	Current	Redacted version of agenda/minutes to be released	18/12/2018	The name of the Member Organisation(s) of the successful recipient(s) and the amount allocated to each Member Organisation only be released. <b>Redacted Agenda and Minutes to be released</b>
18/06/2013	Corporate and Community Services	SOCIAL, CULTURAL AND COMMUNITY SERVICES - Committees - City of Mount Gambier Junior Sports Assistance Fund ( Section 41 ) Committee - Minutes of Meeting held 22nd May, 2013 – Ref. AF11/725	(a)	Retain all information concerning the personal and financial affairs and identify of donation recipients. All other information to be released.	On-going	Current		18/12/2018	Retain all information concerning the personal and financial affairs and identity of donation recipients.  All other information to be released <b>Redacted Agenda and Minutes to be released</b>


 City of Mount Gambier	APPENDIX [ 12 ]	Version No:	4
	<b><u>INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997</u></b>	Delegation Made:	19 March, 2019

## **NOTES**

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

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

<b>APPLICATION FOR REVIEW OF COMMISSIONER'S DECISION</b>	
The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	
<b>1. Extension of Trading Area</b>	
1.1	The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.
<b>2. Rights of Intervention</b>	
2.1	The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.
<b>3. Noise</b>	
3.1	The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).
3.2	The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.
3.3	The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).

	APPENDIX [ 12 ]	Version No:	4
	<b><u>INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997</u></b>	Delegation Made:	19 March, 2019

<b>4. Disciplinary Action Before the Court</b>
<p>4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.</p>
<b>5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action</b>
<p>5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.</p>
<b>6. Control of consumption etc of liquor in public places</b>
<p>6.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.</p>
<p>6.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.</p>
<p>6.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.</p>







## APPENDIX [ 14 ]

### INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

#### NOTES

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

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
<b>1. Composition and Wards</b>	
1.1	The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,
1.1.1	alter the composition of the Council;
1.1.2	divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.
1.2	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to
1.2.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
1.2.2	alter the name of: <ul style="list-style-type: none"> <li>1.2.2.1 the Council;</li> <li>1.2.2.2 the area of the Council;</li> </ul>
1.2.3	give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).
1.3	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.
1.4	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.
1.5	Deliberately left blank.
1.6	Deliberately left blank.
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
	governance issues that may arise with respect to the matters under review.
1.8	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.
1.9	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).
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:
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
1.10.2	sets out:
1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and
1.10.2.2	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and
1.10.3	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.
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.
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.
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.
1.14	With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:
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
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.
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:

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
	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.
<b>3.</b>	<b>Deliberately left blank</b>
<b>4.</b>	<b>Deliberately left blank</b>
<b>5.</b>	<b>Council Initiated Proposal</b>
5.1	Deliberately left blank
5.2	Deliberately left blank
5.3	The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council, request or consent to the Minister:
5.3.1	amending the proposal;
5.3.1	substituting an alternative proposal.
<b>6.</b>	<b>Public Initiated Submissions</b>
6.1	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or
6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.
6.2	Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Minister are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Minister, pursuant to Section 28(23)(f) and (g).
<b>7.</b>	<b>General Powers and Capacities</b>
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.
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.
7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
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.
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.
<b>8. Provision Relating to Contract and Transactions</b>	
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.
<b>9. Committees</b>	
9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.
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.
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.
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.
<b>10. Delegations</b>	
10.1	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.
10.2	The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.
<b>11. Principal Office</b>	
11.1	The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.
11.2	The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.
11.3	The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.
<b>12. Commercial Activities</b>	

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
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').
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.
<b>13. Interests in Companies</b>	
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.
<b>14. Prudential Requirements for Certain Activities</b>	
14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
14.00.1	acts with due care, diligence and foresight; and
14.00.2	identifies and manages risks associated with a project; and
14.00.3	makes informed decisions; and
14.00.4	is accountable for the use of Council and other public resources.
14.0	The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.
14.1	Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:
14.1.1	Deliberately left blank.
14.1.2	engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -
14.1.2.1	where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
14.1.2.2	where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or
14.1.2.3	where the Council or Delegate considers that it is necessary or appropriate.
14.2	Deliberately left blank.
14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
	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).
<b>15. Contracts and Tenders Policies</b>	
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:
15.0.1	obtaining value in the expenditure of public money; and
15.0.2	providing for ethical and fair treatment of participants; and
15.0.3	ensuring probity, accountability and transparency in procurement operations.
15.1	Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:
15.1.1	the contracting out of services; and
15.1.2	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and
15.1.3	the use of local goods and services; and
15.1.4	the sale or disposal of land or other assets.
15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:
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
15.2.2	provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and
15.2.3	provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and
15.2.4	are consistent with any requirement prescribed by the regulations.
15.3	The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).
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.
<b>16. Public Consultation Policies</b>	
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:
16.1.1	in cases where the Act requires the Council to follow its public consultation policy; and
16.1.2	in other cases involving Council decision making, if relevant.
16.2	The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
	appropriate to other classes of decisions, within the scope of the policy.
16.3	The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:
16.3.1	the publication of a notice:
16.3.1.1	in a newspaper circulating within the area of the Council; and
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
16.3.2	the consideration of any submissions made in response to that invitation.
16.4	The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.
16.5	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:
16.5.1	prepare a document that sets out its proposal in relation to the matter; and
16.5.2	publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;
16.5.3	consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.
16.6	The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.
16.7	The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.
<b>17.</b>	<b>Deliberately left blank</b>
<b>18.</b>	<b>Inspection of Register</b>
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.
<b>19.</b>	<b>Reimbursement of Expenses</b>
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.
<b>20.</b>	<b>Register of Allowances and Benefits</b>



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
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.
<b>21. Insurance of members</b>	
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.
<b>22. Training and Development</b>	
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.
22.2	The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.
22.3	The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.
22.4	The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).
<b>23. Committee Meetings</b>	
23.1	The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.
23.2	The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account: <ul style="list-style-type: none"> <li>23.2.1 the availability and convenience of members of the committee; and</li> <li>23.2.2 the nature and purpose of the committee.</li> </ul>
<b>24. Meetings To Be Held in Public Except in Special Circumstances</b>	
24.1	The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.
24.2	The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.
24.3	The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.
<b>25. Minutes and Release of Documents</b>	
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.
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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT</b>	
<b>Section and Power/Function Delegated</b>	
	the meeting and to keep those minutes on display for a period of 1 month.
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:
25.3.1	minutes of the Council and Council committee meetings; and
25.3.2	reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and
25.3.3	recommendations presented to the Council in writing and adopted by resolution of the Council; and
25.3.4	budgetary or other financial statements adopted by the Council.
<b>26. Access to Meetings and Documents – Code of Practice</b>	
26.1	The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.
26.2	The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.
26.3	The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.
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.
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.
<b>27. Meetings of Electors</b>	
27.1	The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.
27.2	The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.
27.3	The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).
<b>28. Obstructing of Meetings</b>	
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.
<b>29. Register of Remuneration Salaries and Benefits</b>	

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

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.

**30. Certain Periods Of Service To Be Regarded As Continuous**

30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.

30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.

30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.

**31. Deliberately left blank**

**32. Application of Division**

32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.

**33. Certain Aspects of Strategic Management Plans**

33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.

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.

**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.

34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.

34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:  
 34.3.1 a facility for asking and answering questions; and  
 34.3.2 the receipt of submissions,  
 on the Council's website during the public consultation period.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

- 34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:
  - 34.4.1 ensure:
    - 34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and
    - 34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and
  - 34.4.2 ensure:
    - 34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
    - 34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge),  
at the principal office of the Council; and
  - 34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.

**35. Accounting Records to be Kept**

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

**36. Internal Control Policies**

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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

**37. Audit Committee**

37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.

37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.

**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.

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.

38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.

38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.

38.5 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.

**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.

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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

- 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;
  - 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.

**41. Other Investigations**

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

**42. Annual Report to be Prepared and Adopted**

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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:

42.4.1 the Presiding Member of both Houses of Parliament; and

42.4.2 to the persons or body prescribed by the Regulations,  
on or before the date determined under the Regulations.

42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.

42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

**43. Access to Documents**

43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:

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

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.

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).

43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:

43.3.1 agendas for meetings of the Council or Council committees;

43.3.2 minutes of meetings of the Council or Council committees;

43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;

43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;

43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;

43.3.6 the Council's budget (as adopted by the Council for a particular year);

43.3.7 a list of fees and charges imposed by the Council under this Act;

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;

43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;

43.3.10 the audited financial statements of the Council;

43.3.11 the annual report of the Council;

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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**Section and Power/Function Delegated**

**44. Related Administrative Standards**

44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:

44.1.2 to ensure compliance with any statutory requirements; and

44.1.2 to achieve and maintain standards of good public administration.

**45. Sources of Funds**

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



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>46. Ability of a Council to Give Security</b>	
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: <ul style="list-style-type: none"><li>46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);</li><li>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);</li><li>46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.</li></ul>
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: <ul style="list-style-type: none"><li>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</li><li>46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.</li></ul>
<b>47. Expenditure of Funds</b>	
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.
<b>48. Investment Powers</b>	
48.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.
48.2	The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to: <ul style="list-style-type: none"><li>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</li><li>48.2.2 avoid investments that are speculative or hazardous in nature.</li></ul>
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: <ul style="list-style-type: none"><li>48.3.1 the purposes of the investment;</li><li>48.3.2 the desirability of diversifying Council investments;</li><li>48.3.3 the nature of and risk associated with existing Council investments;</li><li>48.3.4 the desirability of maintaining the real value of the capital and income of the investment;</li><li>48.3.5 the risk of capital or income loss or depreciation;</li><li>48.3.6 the potential for capital appreciation;</li><li>48.3.7 the likely income return and the timing of income return;</li><li>48.3.8 the length of the term of a proposed investment;</li><li>48.3.9 the period for which the investment is likely to be required;</li><li>48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</li><li>48.3.11 the aggregate value of the assets of the Council;</li><li>48.3.12 the likelihood of inflation affecting the value of a proposed investment;</li><li>48.3.13 the costs of making a proposed investment;</li><li>48.3.14 the results of any review of existing Council investments.</li></ul>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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: 48.4.1 the anticipated community benefit from an investment; and 48.4.2 the desirability of attracting additional resources into the local community.
48.5	The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.
<b>49. Review of Investment</b>	
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.
<b>50. Gifts to a Council</b>	
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 <i>Gazette</i> , within 28 days after that order is made.
<b>51. Duty to Insure Against Liability</b>	
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.
<b>52. Writing off Bad Debts</b>	
52.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council: 52.1.1 if the Council has no reasonable prospect of recovering the debts; or 52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.
52.2	The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified: 52.2.1 reasonable attempts have been made to recover the debt; or 52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.
<b>53. Recovery of Amounts due to Council</b>	
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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<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>
<p><b>54. Land Against Which Rates May be Assessed</b></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>
<p><b>55. Basis of Rating</b></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>
<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>
<p><b>56. General Rates</b></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>
<p><b>57. Service Rates and Service Charges</b></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>
<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>
<p><b>58. Basis of Differential Rates</b></p>
<p>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.</p>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<p>58.2</p>	<p>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 -</p> <p>58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and</p> <p>58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.</p>
<p>58.3</p>	<p>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.</p>
<p><b>59. Notice of Differentiating Factors</b></p>	
<p>59.1</p>	<p>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.</p>
<p><b>60. Preliminary</b></p>	
<p>60.1</p>	<p>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.</p>
<p>60.2</p>	<p>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).</p>
<p>60.3</p>	<p>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%.</p>
<p>60.4</p>	<p>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.</p>
<p><b>61. Rebate of Rates - Community Services</b></p>	
<p>61.1</p>	<p>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:</p> <p>61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and</p> <p>61.1.27 provides community services without charge or for charge that is below the cost to the body of providing their services; and</p> <p>61.1.3 does not restrict its services to persons who are members of the body.</p>
<p><b>62. Rebate of Rates - Educational Purposes</b></p>	
<p>62.1</p>	<p>The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</p> <p>62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or</p> <p>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</p> <p>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>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>63. Discretionary Rebates of Rates</b>	
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;
63.1.4	any other matter considered relevant by the Council or the Delegate.
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;
63.2.8	where the land is being used to provide accommodation for the aged or disabled;
63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;
63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;
63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;
63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>66. Objections to Valuations Made by Council</b>	
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).
66.2	The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.
66.3	The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.
66.4	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is: 66.4.1 in the prescribed manner and form; 66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and 66.4.3 accompanied by the prescribed fee.
66.5	The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.
<b>67. Notice of Declaration of Rates</b>	
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 <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.
<b>68. Alterations to Assessment Record</b>	
68.1a	The duty pursuant to and in accordance with Section 172(1) to ensure that a record (the assessment record) is kept.
68.1	The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
68.2	The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.
<b>69. Inspection of Assessment Record</b>	
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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.
73.5	The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.
73.6	The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.
73.7	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:
73.7.1	the payment of instalments of rates in advance; or
73.7.2	prompt payment of rates.
73.8	The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.
73.9	The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.
73.10	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:
73.10.1	the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and
73.10.2	the Delegate must give at least 30 days notice before an instalment falls due.
<b>74. Remission and Postponement of Payment</b>	
74.1	The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:
74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or
74.1.2	remit the rates in whole or in part.
74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:
74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);
74.2.2	to grant the postponement on other conditions determined by the Delegate; and
74.2.3	to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates: 74.3.1 to assist or support a business in the Council's area; or 74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.
74.4	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).
74.5	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.
74.6	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).
<b>75.</b>	<b>Postponement of Rates - Seniors</b>
75.1	The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.
75.2	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to: 75.2.1 reject an application for the postponement of rates; or 75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.
<b>76.</b>	<b>Application of money in respect of rates</b>
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.
<b>77.</b>	<b>Sale of Land for Non-Payment of Rates</b>
77.1	The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
77.2	The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record: 77.2.1 stating the period for which the rates have been in arrears; and 77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and 77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.
77.3	The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act: 77.3.1 to any owner of the land who is not the principal ratepayer; and 77.3.2 to any registered mortgagee of the land; and 77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

77.4	If: 77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or 77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent, the power pursuant to Section 184(4) of the Act to effect service of the notice by: 77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and 77.4.4 leaving a copy of the notice in a conspicuous place on the land.
77.5	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.
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.
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.
77.8	The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.
77.9	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.
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.
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.
<b>78.</b>	<b>Objection, Review or Appeal</b>
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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>79. Certificate of Liabilities</b>	
79.1	The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:
79.1.1	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and
79.1.2	any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.
<b>80. Investigation by Ombudsman</b>	
80.1	The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:
80.1.1	the Ombudsman; and
80.1.2	if relevant, the person who made the complaint.
80.2	The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.
<b>81. Fees and Charges</b>	
81.1	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:
81.1.1	for the use of any property or facility owned, controlled, managed or maintained by the Council;
81.1.2	for services supplied to a person at his or her request;
81.1.3	for carrying out work at a person's request;
81.2	The power pursuant to Section 188(3) of the Act to provide for:
81.2.1	specific fees and charges;
81.2.2	maximum fees and charges and minimum fees and charges;
81.2.3	annual fees and charges;
81.2.4	the imposition of fees or charges according to specified factors;
81.2.5	the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and
81.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.
81.3	The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
81.4	The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
81.5	The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>82. Acquisition of Land by Agreement</b>	
82.1	The power pursuant to Section 190 of the Act to acquire land by agreement.
<b>83. Compulsory Acquisition of Land</b>	
83.1	The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.
83.2	The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.
<b>84. Assumption of Care, Control and Management of Land</b>	
84.1	The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
84.2	The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .
<b>85. Classification</b>	
85.1	The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> 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.
<b>86. Revocation of Classification of Land as Community Land</b>	
86.1	The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:
86.1.1	prepare and make publicly available a report on the proposal containing:
86.1.1.1	a summary of reasons for the proposal; and
86.1.1.2	a statement of any dedication, reservation or trust to which the land is subject; and
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
86.1.1.4	an assessment of how implementation of the proposal would affect the area and the local community; and
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
86.1.2	follow the relevant steps set out in the Council's public consultation policy.
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.
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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>87. Effect of Revocation of Classification</b>	
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.
<b>88. Management Plans</b>	
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: <ul style="list-style-type: none"> <li>88.1.1 identifies the land to which it applies; and</li> <li>88.1.2 states the purpose for which the land is held by the Council; and</li> <li>88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and</li> <li>88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</li> </ul>
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: <ul style="list-style-type: none"> <li>88.2.1 identify the owner of the land; and</li> <li>88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</li> <li>88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</li> </ul>
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.
<b>89. Public Consultation on Proposed Management Plan</b>	
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: <ul style="list-style-type: none"> <li>89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and</li> <li>89.1.2 follow the relevant steps set out in Council's public consultation policy.</li> </ul>
89.2	The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
<b>90. Amendment or Revocation of Management Plan</b>	
90.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.
90.2	The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.
<b>91. Effect of Management Plan</b>	
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.
<b>92. Use of Community Land for Business Purposes</b>	
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.
<b>93. Sale or Disposal of Local Government Land</b>	
93.1	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:
93.1.1	vested in the Council in fee simple; or
93.1.2	vested in the Council as lessee.
93.2	The power pursuant to Section 201(2) of the Act to:
93.2.1	grant an easement (including a right of way) over community land; and
93.2.2	grant an easement (excluding a right of way) over a road or part of a road.
<b>94. Alienation of Community Land by Lease or Licence</b>	
94.1	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:
94.1.1	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
94.1.2	the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);
94.1.3	any other matter relevant to the use or maintenance of the land.
94.2	The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:
94.2.1	the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
94.3	The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.
94.4	The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**100. Power to Carry Out Roadwork**

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

**101. Recovery of Cost of Roadwork**

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

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

- 102.1 Where roadwork is 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 brought.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>103. Special Provisions for Certain Kinds of Roadwork</b>	
103.1	If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to: 103.1.1 ensure that adjoining properties have adequate access to the road; and 103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.
103.2	The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion: 103.2.1 there is no significant risk of damage to the adjoining property; or 103.2.2 the road work does not significantly increase the risk of damage to adjoining property.
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.
<b>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</b>	
104.1	The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.
104.2	The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: 104.2.1 any proposal to make an order; and 104.2.2 if an order is made, any order, under Section 216(1) of the Act.
<b>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</b>	
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: 105.1.1 to carry out specified work by way of maintenance or repair; or 105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.
105.2	Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.
<b>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</b>	
106.1	The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
106.2	The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: 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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</b>	
107.1	The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.
107.2	The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.
107.3	Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to: <ul style="list-style-type: none"> <li>107.3.1 give the adjoining council at least 2 months notice of the proposed change; and</li> <li>107.3.2 consider any representations made by the adjoining council in response to that notice.</li> </ul>
107.4	The duty pursuant to Section 219(3) of the Act to: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
107.5	The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.
107.6	The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.
107.7	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.
107.8	The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act: <ul style="list-style-type: none"> <li>107.8.1 in the Gazette; and</li> <li>107.8.2 in a newspaper circulating in the area of the council; and</li> <li>107.8.3 on a website determined by the Chief Executive Officer.</li> </ul>
<b>108. Numbering of Premises and Allotments</b>	
108.1	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.
108.2	The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.
108.3	The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.
108.4	The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.
108.5	The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.
108.6	The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt,

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

	alter or substitute a numbering system.
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.
<b>109. Alteration of Road</b>	
109.1	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:
109.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
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
109.1.3	changing or interfering with the construction, arrangement or materials of the road; or
109.1.4	changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or
109.1.5	planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.
109.2	Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:
109.2.1	unduly obstruct the use of the road; or
109.2.2	unduly interfere with the construction of the road; or
109.2.3	have an adverse effect on road safety.
109.3	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:
109.3.1	for a particular act or occasion; or
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.
<b>110. Permits for Business Purposes</b>	
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.
110.2	Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.
110.3	The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>111. Public Consultation</b>	
111.1	The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit: 111.1.1 that confers a right of exclusive occupation; or 111.1.2 that would have the effect of restricting access to a road; or 111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.
111.2	The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.
<b>112. Conditions of Authorisation or Permit</b>	
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.
<b>113. Cancellation of Authorisation or Permit</b>	
113.1	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition. 113.1.1 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 113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.
113.2	The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to: 113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and 113.2.2 consider any representations made in response to the notice.
113.3	The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.
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.
<b>113A Location Rules – General</b>	
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.
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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**114. Register**

114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:

114.1.1 includes the information required by regulation; and

114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.

114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.

**115. Trees**

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

115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -

115.1.1 environmental and aesthetic issues; and

115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and

115.1.3 road safety matters; and

115.1.4 other matters (if any) considered relevant by the Delegate; and

115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.

**116. Damage**

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

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

117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:

117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or

117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.

117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.

117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>118. Deposit of Rubbish etc</b>	
118.1	The power pursuant to Section 235(1) of the Act to authorise or permit the following: 118.1.1 the deposit of rubbish on a public road or public place; or 118.1.2 the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.
<b>119. Abandonment of Vehicles and Farm Implements</b>	
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 or farm implement abandoned on a public road or public place.
<b>120. Removal of Vehicles</b>	
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: 120.1.1 by written notice in the prescribed form: 120.1.1.1 served on the owner personally; or 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 120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
120.2	If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.
120.3	The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if: 120.3.1 the vehicle is offered for sale but not sold; or 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.
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.
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.
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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

goods.
<b>121. Time Limits for Dealing with Certain Applications</b>
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.
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.
<b>122. Registrar-General to Issue Certificate of Title</b>
122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.
122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows: 122.2.1 in a manner and form approved by the Registrar-General; and 122.2.2 accompanied by: 122.2.2.1 Deliberately left blank 122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and 122.2.2.3 a fee fixed by the Registrar-General.
<b>123. Liability for Injury, Damage or Loss Caused by Certain Trees</b>
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).
<b>124. Council May Require Bond or Other Security in Certain Circumstances</b>
124.1 Subject to Section 245A of the Act, if, 124.1.1 a person has approval to carry out development under the Development Act 1993; and 124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,  the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
<b>125. Power to Make By-Laws</b>
125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.

**126. Passing By-Laws**

126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:

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

126.1.2 by notice in a newspaper circulating in the area of the Council:

126.1.2.1 inform the public of the availability of the proposed by-law; and

126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.

126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:

126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and

126.2.2 the by-law is not in conflict with the Act.

126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the *Gazette*.

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.

**127. Model By-Laws**

127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the *Gazette*.

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

**128. Register of By-Laws and Certified Copies**

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.

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.

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.

**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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>130. Procedures to be Followed</b>	
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: <ul style="list-style-type: none"> <li>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</li> <li>130.1.2 stating the reasons for the proposed action; and</li> <li>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).</li> </ul>
130.2	If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.
130.3	The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act: <ul style="list-style-type: none"> <li>130.3.1 to make an order in accordance with the terms of the original proposal; or</li> <li>130.3.2 to make an order with modifications from the terms of the original proposal; or</li> <li>130.3.3 to determine not to proceed with an order.</li> </ul>
130.4	The power pursuant to Section 255(5) of the Act to: <ul style="list-style-type: none"> <li>130.4.1 include two or more orders in the same instrument;</li> <li>130.4.2 direct two or more persons to do something specified in the order jointly.</li> </ul>
130.5	The duty pursuant to Section 255(6) of the Act to ensure that the order: <ul style="list-style-type: none"> <li>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</li> <li>130.5.2 states the reasons for the order.</li> </ul>
130.6	The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.
130.7	If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.
130.8	The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.
130.9	If the Delegate, in the circumstances of a particular case, considers: <ul style="list-style-type: none"> <li>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</li> <li>130.9.2 that an emergency situation otherwise exists,</li> </ul> the Delegate has the power pursuant to Section 255(12) of the Act to: <ul style="list-style-type: none"> <li>130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and</li> <li>130.9.4 require immediate compliance with an order despite Section 255(6)(a).</li> </ul>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>131. Rights of Review</b>	
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 a review of the order under the Act, and to include the information specified by the Regulations to the Act.
<b>132. Action on Non-Compliance</b>	
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.
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.
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.
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: <ul style="list-style-type: none"> <li>132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and</li> <li>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.</li> </ul>
<b>133. Councils to Develop Policies</b>	
133.1	The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.
133.2	The power and duty pursuant to Section 259(2) of the Act to: <ul style="list-style-type: none"> <li>132.2.1 prepare a draft of a Policy; and</li> <li>133.2.2 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).</li> </ul>
133.3	The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.
133.4	The power pursuant to Section 259(4) of the Act to amend a policy at any time.
133.5	The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.
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.
133.7	The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.

**134. 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.

134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.

134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:

134.3.1 containing a photograph of the authorised person; and

134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.

134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.

**135. 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.

135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:

135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and

135.0.2 using information gained from the Council's community to improve its services and operations.

135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:

135.1.1 the Council;

135.1.2 employees of the Council;

135.1.3 other persons acting on behalf of the Council,

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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): <ul style="list-style-type: none"><li>135.2.1 the manner in which an application for review may be made;</li><li>135.2.2 the assignment of a suitable person to reconsider a decision under review;</li><li>135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;</li><li>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;</li><li>135.2.4 the notification of the progress and outcome of an application for review;</li><li>135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.</li></ul>
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: <ul style="list-style-type: none"><li>135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</li><li>135.3.2 it appears that the application is frivolous or vexatious; or</li><li>135.3.3 the applicant does not have a sufficient interest in the matter.</li></ul>
135.4	The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
135.5	The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.
135.6	The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to: <ul style="list-style-type: none"><li>135.6.1 the number of applications for review made under Section 270; and</li><li>135.6.2 the kinds of matters to which the applications relate; and</li><li>135.6.3 the outcome of applications under this Section; and</li><li>135.6.4 such other matters as may be prescribed by the Regulations.</li></ul>
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.
<b>136. Mediation, Conciliation and Neutral Evaluation</b>	
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.
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.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>136A. Provision of Information to Minister</b>	
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.
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.
<b>136B. Minister May Refer Investigation of Council to Ombudsman</b>	
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.
136B.2	The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.
<b>136C. Action on a Report</b>	
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.
<b>136D. Deliberately left blank</b>	
136D.1	Deliberately left blank
136D.2	Deliberately left blank
<b>136E. Action on a Report</b>	
136E.1	The power pursuant to Section 275(2) of the Act to make submissions to the Minister.
<b>137. Special Jurisdiction</b>	
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.
<b>138. Service of Documents by Councils etc</b>	
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.
<b>139. Service of Documents on Councils</b>	
139.1	The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<p>service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.</p>	
<p><b>140. Recovery of Amounts from Lessees or Licensees</b></p>	
140.1	<p>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.</p>
<p><b>141. Ability of Occupiers to Carry out Works</b></p>	
141.1	<p>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.</p>
<p><b>142. Power to Enter and Occupy Land in Connection with an Activity</b></p>	
142.1	<p>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.</p>
142.2	<p>The duty pursuant to Section 294(3) of the Act:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>142.2.3 within 6 months of ceasing to occupy the land: <ul style="list-style-type: none"> <li>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</li> <li>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;</li> </ul> </li> </ul>
142.3	<p>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>
<p><b>143. Reclamation of Land</b></p>	
143.1	<p>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>
143.2	<p>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>
143.3	<p>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>
143.4	<p>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>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>144. Property in Rubbish</b>
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.
<b>145. Power of Council to Act in Emergency</b>
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.
<b>146. Deliberately left blank</b>
<b>147. Costs of Advertisements</b>
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.
<b>148. Whistleblowing</b>
148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.
<b>148A Use of Facilities</b>
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.
<b>149. Deliberately left blank</b>
<b>150. Deliberately left blank</b>
<b>151. Deliberately left blank</b>
<b>151A Preparation of Stormwater Management Plans by Councils</b>
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: <ul style="list-style-type: none"> <li>(a) complies with the guidelines issued by the Authority; and</li> <li>(b) is prepared in consultation with the relevant regional NRM board or boards; and</li> <li>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.</li> </ul>
<b>151B Authority May Issue Order</b>
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**152. Deliberately left blank**

**153. Deliberately left blank**

**154. Special Powers in Relation to Land**

154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:

- (a) enter and occupy any land; and
- (b) construct, maintain or remove any infrastructure; and
- (c) excavate any land; and
- (d) inspect, examine or survey any land and for that purpose:
  - (i) fix posts, stakes or other markers on the land; and
  - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
  - (iii) remove samples for analysis.
- (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and
- (f) hold any water in a watercourse or lake or by any other means; and
- (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and
- (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and
- (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and
- (j) undertake any testing, monitoring or evaluation; and
- (k) undertake any other activity of a prescribed kind.

154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.

**155. Entry and Occupation of Land Other Than Council Land**

155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.

155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.

**156. Vesting of Infrastructure, etc**

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

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**SCHEDULE OF CONDITIONS**

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

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



## **APPENDIX [ 24 ]**

### **INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

#### **NOTES**

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

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

<b>1. Appointment of Authorised Officers</b>
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
<b>2. Application for a Licence</b>
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

	have determined), to grant a licence; and
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
<b>3.</b>	<b>Renewal of Licence</b>
3.1	The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the rights of review that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
<b>4.</b>	<b>Licence Conditions</b>
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

the Delegate:	
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	<i>Deliberately left blank</i>
<b>5. Transfer of Licence</b>	
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
<b>6. Cancellation of Licence</b>	
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
<b>7. Review of Decision or Order</b>	
7.1	The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review.
7.2	The power pursuant to Section 32(4) of the Act to:

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

7.2.1	make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and
7.2.2	vary or revoke an order made by the Council under Section 32(3) of the Act by further order.
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
<b>8.</b>	<b>Appointment of Manager</b>
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
<b>9.</b>	<b>Death of Licensee</b>
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.
<b>10.</b>	<b>Recision of Resident Contract by Proprietor</b>
10.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
<b>11.</b>	<b>Disputes</b>
11.1	The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;
11.2	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

	application as the Delegate thinks necessary, and to verify any information by statutory declaration;
11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	The power, pursuant to Section 43(12) of the Act -
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;
11.6.2	to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
<b>12.</b>	<b>Attendance by Health Service Providers etc.</b>
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
<b>13.</b>	<b>Complaints</b>
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

13.3	The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.
13.4	The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.
<b>14. Regulations</b>	
14.1	Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -
14.1.1	that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and
14.1.2	that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,
	the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.
14.2	The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:
14.2.1	revoke an exemption under Section 57(5);
14.2.2	vary or revoke a condition under Section 57(6).



<b>DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009</b>	
15.	The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16.	The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17.	The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.
18.	The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19.	The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20.	The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21.	The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22.	The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23.	The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

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24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.

25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.





## APPENDIX [26]

### **INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011, SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018**

#### **NOTES**

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

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

<b>1. Power to Require Reports</b>	
1.1	The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2	The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3	The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
<b>2. Risk of Avoidable Mortality or Morbidity</b>	
2.1	The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2	The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1	any steps already being taken by the Council that may be relevant in the circumstances; and
2.2.2	any plans that the Council may have that may be relevant in the circumstances; and
2.3	any steps that the Council is willing to take in the circumstances; and
2.4	any other matter relating to the Council that appears to be relevant.
<b>3. Cooperation Between Councils</b>	
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

	functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
<b>4. Power of Chief Public Health Officer to Act</b>	
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
<b>5. Council Failing to Perform a Function Under Act</b>	
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2	The power pursuant to Section 41(6) of the Act to:
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3	appoint a delegation representing the Council to discuss the matter with the Minister.
<b>6. Transfer of Function of Council at Request of Council</b>	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
<b>7. Local Authorised Officers</b>	
7.1	The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

	local authorised officer.
7.2	The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:
7.6	makes an appointment under Section 44 of the Act; or
7.7	revokes an appointment under Section 44 of the Act.
7.8	The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.
<b>8. Identity Cards</b>	
8.1	The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:
8.1.1	containing the person's name and a photograph of the person; and
8.1.2	stating that the person is an authorised officer for the purposes of the Act; and
8.1.3	setting out the name or office of the issuing authority.
<b>9. Specific Power to Require Information</b>	
9.1	The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.
<b>10. Regional Public Health Plans</b>	
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

10.3.1	prepare a draft of the proposal; and
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1	give a copy of it to:
	(a) the Minister; and
	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2	take steps to consult with the public.
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the Local Government Act 1999 (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable,

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

<p>give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.</p>
<p>10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.</p>
<p><b>11. Reporting on Regional Public Health Plans</b></p>
<p>11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.</p>
<p><b>12. Action to Prevent Spread of Infection</b></p>
<p>12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.</p>
<p>12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.</p>
<p><b>13. Notices</b></p>
<p>13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:</p>
<p>13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or</p>
<p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>
<p>13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:</p>
<p>13.2.1 have regard to:</p>
<p>13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;</p>
<p>13.2.1.2 the degree of harm, or potential degree of harm, to</p>



**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

	public health on account of the breach of the duty;
13.2.1.3	any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,
	and such other matters as the Delegate thinks fit; and
13.2.2	subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4	The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

	jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;
13.6.6.4	a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;
13.6.6.5	a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;
13.6.6.9	a requirement prescribed under or for the purposes of

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

the regulations; and
13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.
13.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.
<b>14. Action on Non-compliance with Notice</b>
14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.
14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.
14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.
14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, 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.
<b>15. Action in Emergency Situations</b>
15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
<b>16. Reviews – Notices Relating to General Duty</b>
16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1 dismiss or determine any proceedings that appear:
16.2.1.1 to be frivolous or vexatious; or
16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.
<b>17. Appeals</b>	
17.1	The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

**SOUTH AUSTRALIAN PUBLIC HEALTH  
(LEGIONELLA) REGULATIONS 2013**

<b>18. Duty to Register High Risk Manufactured Water System</b>	
18.1	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates.
18.2	The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.
<b>19. Register of High Risk Manufactured Water Systems</b>	
19.1	The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.
19.2	The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
19.2.1	the type of water system; and
19.2.2	the address of the premises on which the water system is installed; and
19.2.3	the location of the water system on the premises; and
19.2.4	the full name and residential and business addresses of the owner of the premises; and
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
and such other information as the Delegate thinks fit.	
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:
19.3.1	requiring the owner, within the period specified in the notice:
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

	person responsible for the operation and maintenance of the system); and
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
(a)	of at least 1 sample of water taken from a cooling water system; and
(b)	of at least 2 samples of water taken from a warm water system,
	to determine the presence and number of colony forming units of Legionella in the water; and
19.4	requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
<b>20. Power of Council to Require Microbiological Testing in Other Circumstances</b>	
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or
20.1.2	the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,
	to give the owner of the premises written notice:
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and
20.1.4	requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.
<b>21. Fees</b>	
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.
21.2	Deliberately left blank.
21.3	Deliberately left blank.

**SOUTH AUSTRALIAN PUBLIC HEALTH  
(WASTEWATER) REGULATIONS 2013**

<b>22. Relevant Authority</b>	
22.1	The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.
<b>23. Public Notification of Proposed Community Wastewater Management System</b>	
23.1	The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.
<b>24. Connection to Community Wastewater Management System</b>	
24.1	The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:
24.1.1	to connect the system to the community wastewater management system; and
24.1.2	for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:
24.1.2.1	the connection; and
24.1.2.2	if necessary, consequential alterations to the on-site wastewater system.
24.2	The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.
24.3	The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).
24.4 The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.
24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.
<b>25. Exemptions</b>
25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.
25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
<b>26. Exemptions From Prescribed Codes</b>
26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.
26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
<b>27. Application</b>
27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
<b>28. Determination of Application</b>
28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following:
28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;



**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2	for any other sufficient reason.
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
<b>29. Conditions of Approval</b>	
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	any 1 or more of the following prescribed expiable conditions:
29.1.1.1	a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
(a)	after a specified trial period; or

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

	(b) in specified circumstances; or
	(c) on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to:
	(a) the installation of the waste watersystem; or
	(b) the decommissioning of the wastewater system; or
	(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or
	(d) the operation, servicing and maintenance of the wastewater system; or
	(e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

for the wastewater system; and
29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1 the operator consents; or
29.4.2 the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
<b>30. Expiry of Approval</b>
30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.
<b>31. Registers of Wastewater Works Approvals</b>
31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.
<b>32. Requirement to Obtain Expert Report</b>
32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.
32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

authorise a person to enter land at any reasonable time for the purposes of the report.
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<b>33. Deliberately left blank</b>
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**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)**  
**REGULATIONS 2013**

<b>34. Non-compliance with Notices (Section 93(6) of Act)</b>
34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1 setting out the amount recoverable under Section 93 of the Act; and
34.1.2 setting out the land in relation to which the relevant action was taken; and
34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

**SOUTH AUSTRALIAN PUBLIC HEALTH (FEES)**  
**REGULATIONS 2018**

<b>35. Refund and Recovery of Fees</b>
35.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.
35.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.

**INSTRUMENT OF DELEGATION UNDER THE SA PUBLIC HEALTH ACT 2011,  
SAPH (LEGIONELLA) REGULATIONS 2013, SAPH (WASTEWATER) REGULATIONS 2013,  
SAPH (GENERAL) REGULATIONS 2013 AND SAPH (FEES) REGULATIONS 2018**

**SCHEDULE OF CONDITIONS**

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

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

	APPENDIX [ 31 ]	TRIM Doc Ref: AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made: 19/02/2019

## **NOTES**

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

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

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



	APPENDIX [ 31 ]	TRIM Doc Ref: AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made: 19/02/2019

1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or
1.2.3	the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.
1.3	The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.
1.4	The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:
1.4.1	the mass or dimension authority will, or is likely to:
1.4.1.1	cause damage to road infrastructure; or
1.4.1.2	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
1.4.1.3	pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and
1.4.2	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:
1.4.2.1	the damage or likely damage; or

	APPENDIX [ 31 ]	TRIM Doc Ref: AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made: 19/02/2019

1.4.2.2	the adverse effects or likely adverse effects; or
1.4.2.3	the significant risks or likely significant risks.
1.4A	The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.
1.5	The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:
1.5.1	for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or
1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.
1.6	The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate’s decision and complies with Section 172 of the Act.
<b>2.</b>	<b>Action Pending Consultation with Third Party</b>
2.1	The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).
2.2	The power pursuant to Section 158(4) of the Act, if:
2.2.1	the consultation with the other entity is completed and the other entity’s approval is required; and
2.2.2	the delegate has not yet decided to give or not to give the consent,

	APPENDIX [ 31 ]	TRIM Doc Ref:	AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made:	19/02/2019

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

	APPENDIX [ 31 ]	TRIM Doc Ref: AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made: 19/02/2019

<p>written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.</p>
<p><b>5. Imposition of Travel Conditions</b></p>
<p>5.1 The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.</p>
<p>5.2 The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.</p>
<p><b>6. Imposition of Vehicle Conditions</b></p>
<p>6.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.</p>
<p><b>7. Expedited Procedure for Road Manager’s Consent for Renewal of Mass or Dimension Authority</b></p>
<p>7.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:</p>
<p>7.1.1 14 days after the request for consent is made; or</p>
<p>7.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.</p>
<p><b>8. Granting Limited Consent for Trial Purposes</b></p>
<p>8.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.</p>

	APPENDIX [ 31 ]	TRIM Doc Ref:	AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made:	19/02/2019

<b>9. Renewal of Limited Consent for Trial Purposes</b>
9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.
<b>10. Amendment or Cancellation on Regulator's Initiative</b>
10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.
<b>11. Amendment or Cancellation on Request by Relevant Road Manager</b>
11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:
11.1.1 has caused, or is likely to cause, damage to road infrastructure; or
11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.
11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:
11.2.1 amend the mass or dimension authority by:

	APPENDIX [ 31 ]	TRIM Doc Ref:	AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made:	19/02/2019

11.2.1.1	amending the category of vehicle to which the authority applies; or
11.2.1.2	amending the type of load that may be carried by vehicles to which the authority applies; or
11.2.1.3	amending the areas or routes to which the authority applies; or
11.2.1.4	amending the days or hours to which the authority applies; or
11.2.1.5	imposing or amending road conditions or travel conditions; or
11.2.2	cancel the authority.
<b>12. Amendment or Cancellation on Application by Permit Holder</b>	
12.1	The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.
<b>13. Amendment or Cancellation on Request by Relevant Road Manager</b>	
13.1	The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:
13.1.1	has caused, or is likely to cause, damage to road infrastructure; or
13.1.2	has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
13.1.3	has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

	APPENDIX [ 31 ]	TRIM Doc Ref:	AR17/3216 [V4]
	<b><u>INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013</u></b>	Delegation Made:	19/02/2019

13.2	The power pursuant to Section 178(2) of the Act to ask the Regulator to:
13.2.1	amend the mass or dimension authority, including, for example, by:
13.2.1.1	amending the areas or routes to which the authority applies; or
13.2.1.2	amending the days or hours to which the authority applies; or
13.2.1.3	imposing or amending road conditions or travel conditions on the authority; or
13.2.2	cancel the authority.







## APPENDIX [ 34 ]

### INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;
4.1.2	agree to the variation of the terms or conditions of the Council's licence;
4.1.3	make representations to the Commission about the proposed variation.
<b>5.</b>	<b>Transfer of Licence</b>
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.
<b>6.</b>	<b>Surrender of Licence</b>
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.
<b>7.</b>	<b>Suspension or cancellation of Licences</b>
	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.
<b>8.</b>	<b>Standard terms and conditions for retail services</b>
8.1	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.
8.2	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.
8.3	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.
8.4	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.
<b>9.</b>	<b>Customer hardship policies</b>
9.1	The power pursuant to Section 37(3) of the Act to:
9.1.1	adopt a customer hardship policy published by the Minister under Section 37 of the Act; or
9.1.2	with the written approval of the Commission, adopt such a policy with

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

modifications.	
<b>10. Power to take over operations</b>	
10.1	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.
<b>11. Appointment of operator</b>	
The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.	
<b>12. Appointment of water industry officer</b>	
12.1	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.
12.2	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.
<b>13. Conditions of appointment</b>	
13.1	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
13.2	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.
<b>14. Identity cards</b>	
The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	
<b>15. Power to enter land to conduct investigations</b>	
15.1	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.
15.2	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:
15.2.1	give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and
15.2.2	minimise the impact of work carried out by the Council on activities of others on the land; and
15.2.3	comply with the conditions of the authorisation.
<b>16. Power to carry out work on land</b>	

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

	time of the proposed entry.
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.
16.11	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
16.12	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.
<b>17.</b>	<b>Acquisition of land</b>
	The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the <i>Land Acquisition Act 1969</i> .
<b>18.</b>	<b>Requirement to connect to infrastructure</b>
	<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>
18.1	The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.
18.2	The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.
18.3	The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.
18.4	The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.
18.5	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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



**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

debt from the person who failed to comply with the requirements of the notice.	
<b>31. Disconnection in an emergency</b>	
The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	
<b>32. Responsibilities of water industry entity</b>	
32.1	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:
32.1.1	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and
32.1.2	obtain the approval of the Technical Regulator to the plan and any revision; and
32.1.3	comply with the plan as approved from time to time; and
32.1.4	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.
<b>33. Responsibilities of Customers</b>	
The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	
<b>34. Enforcement notices</b>	
The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.	
<b>35. Warning notices and assurances</b>	
35.1	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
35.2	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
<b>36. Injunctions</b>	
36.1	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

	injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.
36.2	The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.
<b>37.</b>	<b>Review of decisions by Commission or Technical Regulator</b>
37.1	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:
37.1.1	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or
37.1.2	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or
37.1.3	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
37.1.4	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.
<b>38.</b>	<b>Appeals</b>
38.1	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:
38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;
38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.
<b>Third Party Access Regime</b>	
<i>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.</i>	
<b>38A.</b>	<b>Information brochure</b>
38A.1	The power pursuant to Section 86F(1) of the Act to determine:
38A.1.1	the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and
38A.1.2	the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

38A.1.3	the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and
38A.1.4	the standard access arrangement used by the Council.
<b>38B. Specific information to assist proponent to formulate proposal</b>	
38B.1	The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.
38B.2	The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.
<b>38C. Access proposal</b>	
38C.1	The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.
38C.2	The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,
38C.2.1	whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and
38C.2.2	if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.
38C.3	The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:
38C.3.1	the name of the proponent and an address at which the proponent may be contacted; and
38C.3.2	the name of the operator and an address at which the regulated operator may be contacted; and
38C.3.3	the general nature of the access proposal.
38C.4	The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.
<b>38D. Duty to negotiate in good faith</b>	
38D.1	The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

provision of access for the proponent.
<b>38E. Existence of Dispute</b>
38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.
<b>38F. Power to refer dispute to arbitration</b>
38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.
<b>38G. Confidentiality of information</b>
38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.
<b>38H. Formal requirements related to awards</b>
38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.
<b>38I. Consent awards</b>
38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.
<b>38J. Termination of variation of award</b>
38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.
38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.
<b>38K. Appeal on question of law</b>
38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.
<b>38L. Injunctive remedies</b>
38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.
38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.
38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.
<b>38M. Compensation</b>
38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.
<b>38N. Confidential information</b>
38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that



**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.
<b>38O. Access by agreement</b>
38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.
<b>38P. Review of Part</b>
38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.
<b>39. Water conservation measures</b>
The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

**WATER INDUSTRY REGULATIONS 2012**

<b>40. Information as to amounts already paid for retail services etc</b>
40.1 The power pursuant to Regulation 11(1) of the <i>Water Industry Regulations 2012</i> (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.
40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.
<b>41. Certificate as to encumbrance</b>
41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> and the regulations under that Act and that are in favour of the Council.
<b>42. Protection of infrastructure – planting of trees etc on public land</b>
42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.
42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.
<b>43. Protection of infrastructure – action in relation to trees and shrubs</b>
43.1 The power pursuant to Regulation 14(1) of the Regulations, if:
43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or
43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,
to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

43.2	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.
43.3	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.
<b>44.</b>	<b>Protection of infrastructure – damage caused by trees or shrubs</b>
44.1	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:
44.2	the owner for the time being of the land on which the tree or shrub is, or was, situated; or
44.3	in the case of land under the care, control or management of a Council – that Council.
<b>45.</b>	<b>Access to sewerage infrastructure</b>
	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.
<b>46.</b>	<b>Power to restrict or discontinue water supply</b>
46.1	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:
46.1.1	obtain the approval of the prescribed authority before acting; and
46.1.2	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):
46.1.2.1	if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and
46.1.2.2	in all cases:
	a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and
	b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
	c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

<b>47. Notices under Section 59 – Permits</b>
The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.
<b>48. Fittings etc to be flush with road surface</b>
<b>48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.</b>
<b>48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.</b>
<b>48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council’s costs as a debt from the Council, other authority or person.</b>
<b>49. Pipes must not lie across allotment boundaries</b>
<b>49.1</b> The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.
<b>49.2</b> The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i> ), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.
<b>49.3</b> The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.
<b>50. Water meters – estimates</b>

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

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

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 & REGULATIONS**

**SCHEDULE OF CONDITIONS**

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

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

## **SOUTH AUSTRALIAN TIMBER PROCESSORS ASSOCIATION**

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The Mayor and Councillors  
City of Mount Gambier  
via email: [mavormartin@mountgambier.sa.gov.au](mailto:mavormartin@mountgambier.sa.gov.au)

8<sup>th</sup> March 2019

### **Support for Parliamentary Inquiry into Radiata Pine exports**

Dear Mayor and Councillors

Member for Mount Gambier Troy Bell recently gave notice to the Parliament of South Australia that he intends to move a motion in Parliament to establish a Select Committee to investigate various issues facing the timber industry in the South East (copy of motion attached).

The South Australian Timber Processors Association has long held concerns about the amount of log being exported through the Port of Portland to the detriment of economic growth and employment opportunities in the South East. Currently, about 1.5 million tons of Radiata Pine log is being exported overseas by various growers in the region.

While the Association welcomes OFO's recent announcement that it has placed a freeze on exporting 'saw log' until 2020, it should be noted that this does not account for all log that is in demand by local processors.

In the agreement for the sale of the State-owned pine plantations by the State Government, 'saw log' is defined as having a diameter of 200mm or more. An enormous quantity of logs of a smaller diameter continue to be exported by OFO; logs for which there is great unfulfilled local demand. These smaller logs are primarily processed into posts which are used by the viticultural and other farming industries whose demand for posts is outweighing supply. The export of these logs is restricting the supply to local timber processors which is stifling the potential for these processors to grow, employ more people and bring increased prosperity to the region.

It should also be noted that growers other than OFO continue to export logs of 200mm or more which is in demand by local processors for structural timber. Other growers also export smaller log. Therefore, local processors are concerned by the activities of all timber growers and exporters, not just OFO.

Our Association is seeking your Council's support for the motion as it believes the matters to be investigated by the Select Committee are relevant to the future of timber processing in the South East, and as such the prosperity of the region.

As Mr Bell's motion is scheduled to be debated in Parliament on April 3, we seek your urgent support for this motion. If it is of any assistance, I am willing to make a formal presentation to Council through a deputation at your next Council meeting.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Quill', with a stylized flourish at the end.

David Quill CEO



House of Assembly

Procedural guide for

Notice of Motion: Private Members Bills/Committees/Regulations

to be given by

Hon/~~Ms~~/Mr.....Bell.....  
(surname)

\*\*\*\*When called by Speaker to give Notices of Motion \*\*\*\*

I give notice that on Wednesday the 3<sup>rd</sup> of April I will move –  
(day) (date) (month)

**That a Select Committee of this house be appointed to inquire into the Economic Impact Exports of wood fibre is having on the processors of the South East of South Australia.**

That the inquiry in particular examine:

- a. Compliance of the conditions of sale of the Radiata Pine forests in the Limestone Coast sold by the previous State Labor Government.
- b. The volume of Radiata Pine log being exported from the Limestone Coast area.
- c. The economic benefit and employment opportunities through additional wood fibre based industries if current exported logs were made available for processing in South Australia.
- d. Supply agreements between forest growers and processors.
- e. Any other matter the Committee deems relevant to the wood fibre industry in the Limestone Coast.

(Signature of Mover) .....  


(Signature of Seconder) .....  
