



City of
Mount Gambier

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

Date: Tuesday, 23 January 2024

Time: 6.00 p.m.

**Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier**

AGENDA

Ordinary Council Meeting 23 January 2024

**Jane Fetherstonhaugh
Acting Chief Executive Officer
19 January 2024**

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 12 December 2023](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 12 December 2023 be confirmed as an accurate record of the proceedings of the meeting.



5 MAYORAL REPORT

5.1 MAYORAL REPORT - JANUARY 2024 – REPORT NO. AR23/81551

- Junior Sports Assistance Fund Committee Meeting
- With CEO, introductory meeting with new SAPOL Superintendent
- With CEO, meeting with Peter Gandolfi re Research, Education and Training Precinct
- Blue Lake Carols
- Citizenship Ceremony at District Council of Grant
- With CEO, meeting with Interim EO, LCLGA
- Community Christmas Lunch
- Meeting with EO, LCLGA
- Welcome to LCLHN Medical Interns
- Mount Gambier 2035 – Morning Tea at Eureka Village
- SAROC Meeting in Adelaide
- Radio Interview 5GTR-FM



6 REPORTS FROM COUNCILLORS



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - DISABILITY WORKFORCE POLICY

Meeting: Council
CM9 Reference: AF23/328
Member: Kate Amoroso, Councillor

The following question on notice was received from Councillor Kate Amoroso.

Question

Can an update be provided on how our disability workforce policy is going?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding an update on the Disability Workforce Policy raised by Councillor Kate Amoroso be received and noted.

ATTACHMENTS

Nil



7.2 QUESTION WITH NOTICE - LIMESTONE COAST ROAD TOLL

Meeting: Council
CM9 Reference: AF23/328
Member: Kate Amoroso, Councillor

The following question on notice was received from Councillor Kate Amoroso.

Question

How is our Council actively engaging with the state government to advocate for improved road infrastructure and maintenance on behalf of our community, with the goal of reducing the alarming and devastating road toll in South Australia?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding Limestone Coast Road Toll raised by Councillor Kate Amoroso be received and noted.

ATTACHMENTS

Nil



7.3 QUESTION WITH NOTICE - VALLEY LAKES PUBLIC TOILETS CLEANING

Meeting: Council
CM9 Reference: AF23/328
Member: Paul Jenner, Councillor

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

Question

What Council regularly do with cleaning of the Valley Lakes Public Toilets, is it recorded, why were some closed for a short period over the Christmas break and what action did Council take?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding cleaning of the Valley Lakes Public Toilets raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



7.4 QUESTION WITH NOTICE - HASTINGS CUNNINGHAM RESERVE DOG PARK

Meeting: Council
CM9 Reference: AF23/328
Member: Paul Jenner, Councillor

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

Question

Recently, I've heard that at Hastings Cunningham Reserve's dog park, members of the general public have been putting up their own structures. According to a Facebook post by the Mount Gambier and District Residents and Ratepayers Association, numerous individuals have reportedly lodged complaints with the Council regarding these matters.

Could the Council provide a detailed account of the complaints received over the past 18 months and the resolutions that were implemented in response to these concerns within the community?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding Hastings Cunningham Reserve Dog Park raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

Nil

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 12/12/2023 – REPORT NO. AR23/81528

Meeting: Council
CM9 Reference: AF23/328
Author: Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR23/81528 titled 'Council Action Items - 12/12/2023' as presented on 23 January 2024 be noted.

ATTACHMENTS

1. Council Action Items - 12/12/2023 [📎](#)



Division:	Council	Date From:	12/12/2023
Meeting:		Date To:	12/12/2023
Officer:			
Action Sheets Report		Printed: 15 January 2024 10:36 AM	

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Telford, Melissa Philpott, Sarah	Elected Members Information Briefing Sessions	Elected Member Information/Briefing Sessions from 18/11/2023 to 9/12/2023
RESOLUTION 2023/249			
Moved: Cr Sonya Meziniec Seconded: Cr Mark Lovett			
1. That Council Report No. AR23/44824 titled 'Elected Member Information/Briefing Sessions from 18/11/2023 to 9/12/2023' as presented on 12 December 2023 be noted.			
			CARRIED
20 Dec 2023 5:01pm Telford, Melissa - Completion			
Action completed by Telford, Melissa			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Telford, Melissa Philpott, Sarah	Council Action Items	Council Action Items - 21/11/2023
RESOLUTION 2023/250			
Moved: Cr Mark Lovett Seconded: Cr Frank Morello			
1. That Council Report No. AR23/86721 titled 'Council Action Items - 21/11/2023' as presented on 12 December 2023 be noted.			
			CARRIED
20 Dec 2023 5:01pm Telford, Melissa - Completion			
Action completed by Telford, Melissa			



Division:	Council	Date From:	12/12/2023
Meeting:	Council	Date To:	12/12/2023
Officer:			
Action Sheets Report		Printed: 15 January 2024 10:36 AM	

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Scoggins, Julie Fetherstonhaugh, Jane	Reports	Council Investments and Borrowings
RESOLUTION 2023/256			
Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec			
1. That Audit and Risk Committee Report No. AR23/70502 titled 'Council Investments and Borrowings' as presented on 27 November 2023 be noted.			
			CARRIED
08 Jan 2024 10:24am Scoggins, Julie - Completion			
Action completed by Scoggins, Julie			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Scoggins, Julie Fetherstonhaugh, Jane	Reports	Self-assessment of Performance Audit and Risk Committee
RESOLUTION 2023/257			
Moved: Cr Paul Jenner Seconded: Cr Mark Lovett			
1. That Audit and Risk Committee Report No. AR23/76967 titled 'Self-assessment of Performance Audit and Risk Committee' as presented on 27 November 2023 be noted.			
2. That the Audit and Risk Committee Self-Assessment Report for 2022/2023, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted.			
			CARRIED
08 Jan 2024 10:24am Scoggins, Julie - Completion			
Action completed by Scoggins, Julie			



Division:	Council	Date From:	12/12/2023
Meeting:		Date To:	12/12/2023
Officer:		Printed:	15 January 2024 10:36 AM

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Scoggins, Julie Fetherstonhaugh, Jane	Reports	Internal Audit Program
RESOLUTION 2023/259			
Moved: Cr Paul Jenner Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> That Audit and Risk Committee Report No. AR23/78717 titled 'Internal Audit Program' as presented on 27 November 2023 be noted. That the Draft Internal Audit Plan as attached to Report No. AR23/78717, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted with the following additions: <ol style="list-style-type: none"> Procurement and Contract Management to be added That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Draft Internal Audit Plan arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document. 			
CARRIED			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Little, Leanne Fetherstonhaugh, Jane	Reports	Risk Management Report September 2023
RESOLUTION 2023/260			
Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec			
<ol style="list-style-type: none"> That Audit and Risk Committee Report No. AR23/76980 titled 'Risk Management Report September 2023' as presented on 27 November 2023 be noted. 			
CARRIED			



Division:	Council	Date From:	12/12/2023
Meeting:		Date To:	12/12/2023
Officer:		Printed:	15 January 2024 10:36 AM

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Little, Leanne Fetherstonhaugh, Jane	Reports	Work Health Safety and Wellbeing Management
RESOLUTION 2023/261			
Moved: Cr Paul Jenner Seconded: Cr Frank Morello			
1. That Audit and Risk Committee Report No. AR23/76978 titled 'Work Health Safety and Wellbeing Management' as presented on 27 November 2023 be noted.			
CARRIED			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Scoggins, Julie Fetherstonhaugh, Jane	Reports	Audit and Risk Committee Meeting Report 27/11/23
RESOLUTION 2023/262			
Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec			
1. That Audit and Risk Committee Report No. AR23/81356 titled 'Audit and Risk Committee Meeting Report 27/11/23' as presented on 27 November 2023 be noted.			
CARRIED			
08 Jan 2024 10:23am Scoggins, Julie - Completion			
Action completed by Scoggins, Julie			



Division:	Council	Date From:	12/12/2023
Meeting:		Date To:	12/12/2023
Officer:			
Action Sheets Report		Printed: 15 January 2024 10:36 AM	

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Shearing, Biddie Fetherstonhaugh, Jane	Council Reports	CBD Activation Update
RESOLUTION 2023/264			
Moved: Cr Jason Virgo Seconded: Cr Josh Lynagh			
1. That Council Report No. AR23/84103 titled 'CBD Activation Update' as presented on 12 December 2023 be noted.			
CARRIED			
20 Dec 2023 8:44am Shearing, Biddie work commenced			
20 Dec 2023 8:44am Shearing, Biddie - Completion Action completed by Shearing, Biddie			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Shearing, Biddie Fetherstonhaugh, Jane	Council Reports	RecFish SA - Proposal
RESOLUTION 2023/265			
Moved: Cr Max Bruins Seconded: Cr Frank Morello			
1. That Council Report No. AR23/84307 titled 'RecFish SA - Proposal' as presented on 12 December 2023 be noted.			
2. That Council endorses an application with PIRSA as Phase 1 for stocking of fish and associated activities, timings and species suitability in Valley Lake / Ketla Malpi up to the value of \$1,800.			
3. That investigation be undertaken, and a report prepared for Council outlining implementation of a recreational fishing permit that includes commercial modelling, ongoing maintenance/restocking and resourcing requirements.			
CARRIED			
20 Dec 2023 8:43am Shearing, Biddie work commenced			
20 Dec 2023 8:43am Shearing, Biddie - Completion Action completed by Shearing, Biddie			



Division: Meeting: Council Officer:	Date From: 12/12/2023 Date To: 12/12/2023 Printed: 15 January 2024 10:36 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	McPherson, Tegan Philpott, Sarah	Council Reports	Mount Gambier 2035 - Community Panel
RESOLUTION 2023/266			
Moved: Cr Max Bruins Seconded: Cr Sonya Meziniec			
1. That Council Report No. AR23/83287 titled 'Mount Gambier 2035 - Community Panel' as presented on 12 December 2023 be noted.			
2. That Council endorse the proposed approach for Phase 3 of the Mount Gambier 2035 process, involving the establishment of a Community Panel.			
CARRIED			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Saint Martins Lutheran College - Use of Saint Martins Drive Reserve
RESOLUTION 2023/267			
Moved: Cr Mark Lovett Seconded: Cr Josh Lynagh			
1. That Council Report No. AR23/84174 titled 'Saint Martins Lutheran College - Use of Saint Martins Drive Reserve ' as presented on 12 December 2023 be noted.			
2. That public consultation be conducted with owners and occupiers of residential properties located proximate to Saint Martins Drive Reserve (refer diagram – Attachment 1) on the proposal to licence the reserve to Saint Martins Lutheran College for use during school hours in 2024 and 2025.			
3. That a further report be presented to Council to consider any submissions received in response to public consultation conducted in accordance with resolution (2).			
4. That, in the event that no submissions objecting to the proposal are received in response to public consultation conducted in accordance with resolution (2), the Chief Executive Officer or authorised delegate grant a licence to Saint Martins Lutheran College to use Saint Martins Drive Reserve during school hours for the remainder of the 2024 and 2025 school years.			
CARRIED			



Action Sheets Report	Division: Meeting: Council Officer:	Date From: 12/12/2023 Date To: 12/12/2023 Printed: 15 January 2024 10:36 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Ferguson, Derek Fetherstonhaugh, Jane	Council Reports	SA Ambulance - Additional Parking - Mount Gambier Urgent Care Clinic - 13 Crouch Street South
RESOLUTION 2023/268 Moved: Cr Mark Lovett Seconded: Cr Paul Jenner 1. That Council Report No. AR23/85511 titled 'SA Ambulance - Additional Parking - Mount Gambier Urgent Care Clinic - 13 Crouch Street South' as presented on 12 December 2023 be noted. 2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No. AR23/85511 3. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following. <div style="display: flex; justify-content: space-between;"> <div> Prohibited Area Ref No. 6.1.01 CROUCH STREET SOUTH (Eastern side) - From 72.2 metres to 87.5 metres north of the intersection with Sturt Street To apply at all times. </div> <div> AMBULANCE ONLY </div> </div> <div style="text-align: right;">CARRIED</div>			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Scoggins, Julie Fetherstonhaugh, Jane	Council Reports	First Quarter Report on Annual Business Plan 2023/2024 Annual Objectives
RESOLUTION 2023/269 Moved: Cr Max Bruins Seconded: Cr Mark Lovett 1. That Council Report No. AR23/78615 titled 'First Quarter Report on Annual Business Plan 2023/2024 Annual Objectives' as presented on 12 December 2023 be noted. <div style="text-align: right;">CARRIED</div>			



Division: Meeting: Council Officer:	Date From: 12/12/2023 Date To: 12/12/2023 Printed: 15 January 2024 10:36 AM
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08 Jan 2024 10:22am Scoggins, Julie - Completion

Action completed by Scoggins, Julie

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Pasquazzi, Ashlee Fetherstonhaugh, Jane	Council Reports	Audit and Risk Committee Membership
RESOLUTION 2023/270			
Moved: Cr Sonya Mezinec Seconded: Cr Max Bruins			
1. That Council Report No. AR23/78764 titled 'Audit and Risk Committee Membership' as presented on 12 December 2023 be noted.			
2. That the following two independent members of Council's Audit and Risk Committee be reappointed for a further 2 year period expiring on 15 February 2026:			
(a) Alexander Brown			
(b) Belinda Johnson			
3. That Council advertise for an Independent Member for its Audit and Risk Committee through a request for Expressions of Interest (EOI) process.			
CARRIED			
15 Jan 2024 10:34am Pasquazzi, Ashlee - Completion			
Action completed by Pasquazzi, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Shearing, Biddie Fetherstonhaugh, Jane	Council Reports	Update - Grants and Sponsorship Review
RESOLUTION 2023/271			
Moved: Cr Max Bruins Seconded: Cr Josh Lynagh			
1. That Council Report No. AR23/52998 titled 'Update - Grants and Sponsorship Review' as presented on 12 December 2023 be noted.			
2. That the proposed phased approach for implementation to transition a new model of Grants, Sponsorships & Incentives be endorsed.			



Division: Meeting: Council Officer:	Date From: 12/12/2023 Date To: 12/12/2023 Printed: 15 January 2024 10:36 AM
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3. At least one elected member be appointed to the Assessment Panel.	
4. On implementation of new model, a new Grants, Sponsorships & Incentive Policy be presented to Council prior to the new Financial Year 2024/2025.	
	CARRIED
20 Dec 2023 8:41am Shearing, Biddie Implementation work commenced action completed	
20 Dec 2023 8:42am Shearing, Biddie - Completion Action completed by Shearing, Biddie	

Meeting	Officer/Authoriser	Section	Subject
Council 12/12/2023	Telford, Melissa Philpott, Sarah	Council Reports	Policy Review
RESOLUTION 2023/272			
Moved: Cr Frank Morello			
Seconded: Cr Sonya Meziniec			
1. That Council Report No. AR23/80747 titled 'Policy Review' as presented on 12 December 2023 be noted.			
2. The updated policies as attached to Council Report No. AR23/80747 be endorsed:			
<ul style="list-style-type: none">• C320 Council Chamber and Reception Area - Use of• P900 Public Interest Disclosure			
3. The V140 Visits by Parliamentary Governmental Representatives Policy, as attached to Council Report No. AR23/80747, be revoked.			
			CARRIED
20 Dec 2023 5:02pm Telford, Melissa - Completion Action completed by Telford, Melissa			





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

15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 13 DECEMBER 2023 - [Go to Attachment](#)

RECOMMENDATION

That the Minutes of the Junior Sports Assistance Fund meeting held on 13 December 2023 as attached be noted.

15.2 [Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons - Second Call for 2023](#) – Report No. AR23/80893

RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR23/80893 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons - Second Call for 2023 ' as presented on 13 December 2023 be noted.
2. The funding be made available to the Member Organisations named below to assist the identified juniors to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspersons initiative, to be used in accordance with their respective confidential application:

(a) Mount Gambier and Districts Pony Club	\$300
(b) Mount Gambier Cycling Club	\$300
(c) Mount Gambier Swimming Club	\$300
(d) Blue Lake Y Swim Club	\$600
3. The additional \$300 be funded from the Junior Sports Assistance Fund.
4. A cheque handover presentation be co-ordinated with Members of the Rotary Club of Mount Gambier Lakes to show the Funds appreciation for their ingoing support to the Disadvantaged Junior Program.

15.3 [Rotary Club of Mount Gambier Lakes - Financially Disadvantaged Junior Sportspersons Program - Renaming of Program 2024](#) – Report No. AR23/83867



RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR23/83867 titled 'Rotary Club of Mount Gambier Lakes - Financially Disadvantaged Junior Sportspersons Program - Renaming of Program 2024' as presented on 13 December 2023 be noted.
2. That, subject to the concurrence of the Rotary Club of Mount Gambier Lakes, the 2024 Rotary funded Junior Sports Assistance Fund Program be renamed to:
Rotary Club of Mount Gambier Lakes Youth Empowerment Sports Program



16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

**17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES
AND RECOMMENDATIONS**

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



19 COUNCIL REPORTS

19.1 DOG AND CAT MANAGEMENT PLAN 2024 - 2028 – REPORT NO. AR24/464

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/464
CM9 Reference:	AF23/328
Author:	Tegan McPherson, Project Manager
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	The Dog and Cat Management Act 1995 requires all Local Government to develop a management plan relating to dogs and cat within their local area every five years. The proposed Dog and Cat Management Plan 2024 - 2028 focuses on priorities as identified by the community and now requires approval of Council and the Dog and Cat Management Board.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/464 titled 'Dog and Cat Management Plan 2024 - 2028' as presented on 23 January 2024 be noted.
2. That Council approve the Dog and Cat Management Plan 2024 – 2028 as presented for submission to the Dog and Cat Management Board for approval.
3. That Council adopt the final version of the Dog and Cat Management Plan 2024 – 2028, including any minor amendments as required by the Dog and Cat Management Board.
4. That Council, pursuant to the power contained in section 246(3)(e) of the *Local Government Act 1999* and Clause 9.1 of By-law No. 5 – Dogs 2018, declare the following areas of local government land and public places as dog on-leash areas:
 - (a) Botanic Park,
 - (b) Cave Gardens/ Thugi,
 - (c) Engelbrecht Cave,
 - (d) Lady Nelson,
 - (e) Marist Park,
 - (f) Olympic Park,
 - (g) Rail Lands Walking Track, and
 - (h) Valley Lake / Ketla Malpi Crater area.
5. Pursuant to the power contained in section 246(3)(e) of the *Local Government Act 1999*, the Council resolves that, clause 10.2 of By-law No. 5 – Dogs 2018 regarding dog prohibited areas, apply to:
 - (a) All sporting fields and ovals at Blue Lakes Sports Park.



TYPE OF REPORT

Legislative

BACKGROUND

Dog and Cat Management Plan 2024 - 2028

In South Australia, the Dog and Cat Management Act 1995 (the Act) provides for the management of dogs and cats in the community.

The objectives of the Dog and Cat Management Act are to:

- encourage responsible dog and cat ownership;
- reduce public and environmental nuisance caused by dogs and cats; and
- promote the effective management of dogs and cats.

Section 26A of the Act, requires all Local Government to develop a management plan relating to dogs and cats within their local area every five years.

Specifically, Section 26A of the Act states that:

- (1) Each council must, in accordance with this section, prepare a plan relating to the management of dogs and cats within its area.
- (2) A plan of management must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited.
- (3) A plan of management must cover 5 year periods and each plan must be prepared and presented to the Board at least 6 months before it is to take effect.
- (4) A plan of management must be approved by the Board before it takes effect.
- (5) A council may, with the approval of the Board, amend a plan of management at any time during the course of the 5 year period covered by the plan.

In developing the Dog and Cat Management Plan 2024 – 2028, an initial consultation phase was undertaken with the community in order to understand the key issues and priorities to be addressed. 70 people participated in the engagement process and highlighted the following as the top 5 areas to be addressed with regard to responsible pet ownership and animal behaviour:

1. Cat Management – including wandering, causing nuisance and / or preying on wildlife
2. Dog waste that has not been picked up by dog owners
3. Dogs off leash where they shouldn't be
4. Maintenance of existing dog park and requirement for additional fenced off-leash areas
5. Dog behaviour towards other dogs.

Each of these areas have been captured within the final draft of the Dog and Cat Management Plan 2024 – 2028, as well as other matters as identified by staff and to ensure compliance with the Act.

The final draft of the Plan was made available via the Have Your Say Mount Gambier website from 29 November 2023 to 20 December 2023 for community feedback. There were 12 submissions with feedback for consideration, however this feedback did not require any amendments to the Plan. All feedback largely related to how the Plan is implemented and areas of focus.

During this period, community members were also invited to submit photos of their pets for inclusion in the Plan. All photos within the document are pet photos obtained through these submissions. There were over 70 pet photos submitted with each pet being featured at least once within the Plan (some pets had multiple photo submissions).



The draft Plan has also been provided to the Dog and Cat Management Board for initial review. Other than a couple of minor edits, the feedback was positive with confirmation that the Plan meets the requirements of the Act.

Once Council endorses the final Plan, it will be submitted to the Dog and Cat Management Board for approval in accordance with the Act.

Dog Exercise Areas

As previously mentioned, the Dog and Cat Management Plan 2024 -2028 must include provisions or parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited in accordance with the Act. These have been outlined under Appendix A of the proposed Plan.

Council's [By-Law No. 5 Dogs 2018](#) includes the power to designate "dog on-leash areas" and "dog prohibited areas" in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

In light of this, this report seeks Council's resolution to designate these identified areas as part of their endorsement of the Plan.

PROPOSAL

Dog and Cat Management Plan 2024 - 2028

It is proposed that Council endorse the attached Dog and Cat Management Plan 2024 – 2028, as attached, to be submitted to the Dog and Cat Management Board for approval.

It is also proposed that Council adopt the Plan for implementation in lieu of any further minor amendments suggested by the Dog and Cat Management Board, if required. If there are any major changes required, which seems unlikely based on early feedback, then the Plan will be brought back to Council to adopt.

Dog Exercise Areas

Appendix A of the proposed Plan outlines the list of on-leash and dog prohibited areas within the City of Mount Gambier. In order to enact this, it is a requirement that Council resolve the application of clauses 9 and 10 of the [By-Law No. 5 Dogs 2018](#) to these areas in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

Considering this, it is proposed that Council resolve that clause 9.1 of [By-Law No. 5 Dogs 2018](#) regarding dog on-leash areas, apply to the following local government land and public places:

- (a) Botanic Park,
- (b) Cave Gardens/ Thugi,
- (c) Engelbrecht Cave,
- (d) Lady Nelson,
- (e) Marist Park,
- (f) Olympic Park,
- (g) Rail Lands Walking Track, and
- (h) Valley Lake/ Ketla Malpi Crater area.

In addition, it is proposed that Council resolve that clause 10.2 of [By-Law No. 5 Dogs 2018](#) regarding dog prohibited areas apply to:

- (a) All sporting fields and ovals at Blue Lakes Sports Park.

These dog on-leash and dog prohibited provisions should be read together with clauses 9 and 10 of [By-Law No. 5 Dogs 2018](#) that require dogs to be under effective control by means of a leash on any



park or reserve during time when organised sport is being played (clause 9.2), and prohibit dogs from any children's playground on local government land (clause 10.1).

Clauses 9 and 10 (including the determination of specific areas for their application) are subject to an exception for assistance dogs required to remain off-lead or accompany a person to a prohibited area in order to fulfil their function.

LEGAL IMPLICATIONS

Dog and Cat Management Act 1995

The Dog and Cat Management Plan 2024 – 2028 is a requirement of the Dog and Cat Management Act 1995.

The Act was reviewed in 2022 and is currently being updated. This Plan has therefore been developed with consideration of likely legislative change during the life of the Plan. If the legislative change has significant impact on the delivery of the Plan, there is capacity to change the Plan at anytime (subject to the review of the Dog and Cat Management Board).

Local Government Act 1999

Subject to any changes to the Dog and Cat Management Act 1995, it is important to note the potential for developing a Cat By-Law during the life of the Plan, with cat management being identified as a top issue with the community.

Council has an existing [By-Law No. 5 Dogs 2018](#) which will expire during the life of the Plan on 1 January 2026, or such earlier date that a replacement By-Law becomes operational. This was not captured in the draft Plan prior to community consultation but has now been included under Objective 3 as an action.

Section 246 of the *Local Government Act 1999* gives Council the power to make by-laws. Within this, under section 246(3)(e), it provides that the '*by-law, or a provision of a by-law, may only apply within a part of parts of the area as the council may determine from time to time*'. Within the scope of Council's [By-Law No. 5 Dogs 2018](#), [Council must resolve/determine the areas that subclauses 9.1 \(dog on-leash areas\) and 10.2 \(dog prohibited areas\) apply to.](#)

STRATEGIC PLAN

N/A

COUNCIL POLICY

Council has three policies that relate to dog and cat management including:

[A515 Animal Control Dogs](#)

[A520 Animal Control](#)

[Animal Management – Unclaimed Dogs](#)

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

The Dog and Cat Management Plan 2024 – 2028 addresses some areas where dogs and cats have an impact on our environment. In particular:

- Cat Management initiatives reduce the impact of cats on wildlife populations i.e. encouraging cat containment, reducing the number of stray and unwanted cats through desexing and microchipping and future approach to cat management within the Council area to be investigated.
- Reducing instances of dog faeces not picked up and disposed of correctly through education and targeted campaigns in public places.



SOCIAL IMPLICATIONS

The importance of pet ownership to the physical and mental wellbeing of the community has been highlighted within the Plan, with supporting research that pet owners frequently report how their animals motivate them, enhance their emotional state and provide a sense of stability. In addition, research demonstrates that pets enrich social aspects of their owners' lives whether it be through teaching children responsibility and empathy, fostering connections in the community and facilitating interactions that might not occur otherwise.

With this in mind, the proposed Plan provides a strategic overview of Council's approach to animal management and ownership, while ensuring responsible pet ownership to enhance public safety and minimise nuisances.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Costs and resourcing associated with the implementation of the Dog and Cat Management Plan will be fully scoped in a more detailed implementation plan. Any budget implications will then be incorporated as part of Council's Annual Business Planning and Budget cycle each year.

In developing the Plan, consideration has been given to the capacity to deliver the actions and outcomes proposed. However, we have also highlighted that impending legislative changes, as well as unforeseen external factors, could have an impact on delivery in any given year. Therefore, if it is required, the Plan can be changed at any time (subject to review by the Dog and Cat Management Board).

The Dog and Cat Management Board also run regular grant programs which the administration will investigate in order to support relevant initiatives.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

In developing the Dog and Cat Management Plan 2024 – 2028, an initial consultation and engagement process was undertaken with the community in order to understand the key issues and priorities to be addressed. 70 people participated in the engagement process and highlighted the following as the top 5 areas to be addressed with regard to responsible pet ownership and animal behaviour:

1. Cat Management – including wandering, causing nuisance and / or preying on wildlife
2. Dog waste that has not been picked up by dog owners
3. Dogs off leash where they shouldn't be
4. Maintenance of existing dog park and requirement for additional fenced off-leash areas
5. Dog behaviour towards other dogs.

A more details summary of this initial phase is contained with Appendix B of the proposed Plan.

The final draft of the Plan was made available via the Have Your Say Mount Gambier website from 29 November 2023 to 20 December 2023 for community feedback. There were 12 submissions with



feedback for consideration, however this feedback did not require any amendments to the Plan. All feedback largely related to how the Plan is implemented and areas of focus.

During this period, community members were also invited to submit photos of their pets for inclusion in the Plan. All photos within the document are pet photos obtained through these submissions. There were over 70 pet photos submitted with each pet being featured at least once within the Plan (some pets had multiple photo submissions).

A summary of the feedback on the final draft Plan, and responses are outlined in the table below (in no particular order):

Feedback	Response
Importance of dog parks for community connection and the need to incorporate this in their design i.e. accessibility, seating and shade.	This feedback has been captured and will be incorporated in the implementation of the Plan.
Consideration of a Volunteer Dog Park User Group to assist with maintenance and monitoring of the facilities.	This feedback has been captured and will be incorporated in the implementation of the Plan.
A few people raised concerns with the behaviour of dogs and owners within the current dog park setting and have requested that Council consider the types of spaces provide to exercise dogs to give people options, i.e. areas for owners to run/walk with dogs off-leash, areas for more anxious dogs to be exercised, larger fenced spaces where dog owners can throw a ball to exercise their dog.	This feedback has been captured and will be incorporated in the implementation of the Plan.
Specific feedback associated with the location and design of a dog off-leash area at Blue Lake Sports Park (including some of the items referenced above).	This feedback has been captured and will be incorporated in the implementation of the Plan.
Support and strong desire for cat management and cat containment measures.	This feedback has been captured and will be incorporated in the implementation of the Plan.
Request that Council consider alternate options at Blue Lake Sports Park instead of making the sporting fields prohibited areas for dogs i.e. user pays system and education/ fines.	The leaseholders can ultimately determine where members of the community can access their areas, including to exercise their dogs. The proposed option has been developed in partnership with leaseholders to ensure members of the community still have a space at Blue Lakes Sports Park to exercise their dogs off-leash while preventing damage and inconvenience to the sporting grounds caused by dogs, including dog owner's not picking up their dogs' waste.

IMPLEMENTATION STRATEGY

Once approved, the Dog and Cat Management Plan 2024 – 2028 will be submitted to the Dog and Cat Management Board for approval. If there are any minor modifications suggested, these will be made before publishing the adopted final version on Council's website.

If the Dog and Cat Management Board requires significant modifications, which is unlikely given their early feedback, then the Plan will be brought back to Council for the final version to be adopted.



Once endorsed and published on the Council website, a supporting implementation plan will be developed to ensure actions are delivered in accordance with the proposed timeframes.

Council will also update its website and relevant communications to reflect the designated “dog on-leash areas” and “dog prohibited areas” in addition to legislative requirements to erect signage and notice in the SA Government Gazette and a newspaper circulating in the area of the Council of specific locations for which these by-law provisions have been determined to apply.

CONCLUSION AND RECOMMENDATION

This report recommends that Council approve the proposed Dog and Cat Management Plan 2024 – 2028 for submission to the Dog and Cat Management Board for final approval under the Act.

The report also recommends that Council adopt the final version of the Dog and Cat Management Plan 2024 – 2028, including any minor amendments as required by the Dog and Cat Management Board.

Appendix A of the proposed Plan outlines a list of on-leash and dog prohibited areas within the City of Mount Gambier. In order to enact this, it is recommended that Council resolve the application of clauses 9 and 10 of the [By-Law No. 5 Dogs 2018](#) to these areas, as outlined in this report, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

ATTACHMENTS

1. Dog and Cat Management Plan 2024 - 2028 [↓](#)





Dog and Cat Management Plan

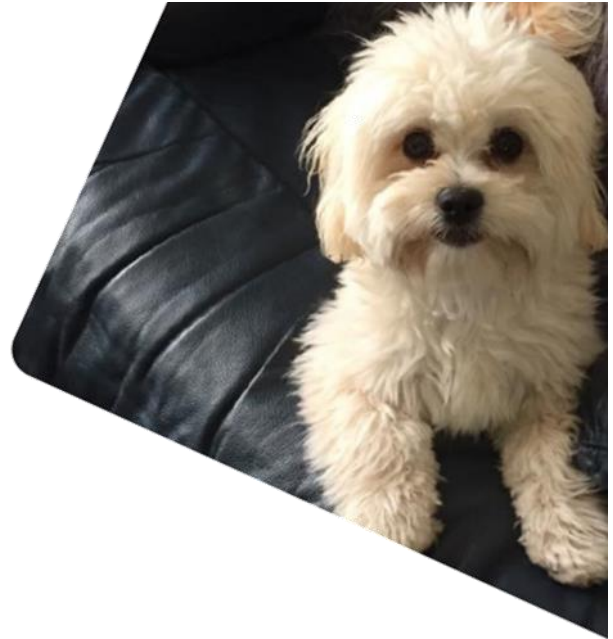
2024 - 2028





The City of Mount Gambier acknowledges the Boandik Peoples as the Traditional Custodians of the land and water our city sits upon today.

We respect and recognise the deep feelings of attachment and the spiritual relationship our Aboriginal and Torres Strait Islander Peoples have with the land and water.



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Mayor's Message

Pets hold a special place in our hearts as integral members of many families in our community, providing not only love and companionship but also profoundly influencing our physical and mental well-being. They motivate us, influence our emotional state and offer stability — especially during times of increased stress.

Amidst the joy our pets bring, we share a responsibility—to keep them safe and healthy. It is crucial for each of us to contribute to their well-being by socialising and training them to interact safely with other animals and our community. Owners must therefore follow regulations designed to enhance public safety and minimise nuisances.

The City of Mount Gambier plays a pivotal role in providing regulatory services to enforce laws that safeguard the health and safety of our community. Our commitment extends to services such as a local pound for reuniting lost dogs with their owners, addressing cat nuisance complaints and providing and maintaining facilities that people can enjoy with their pets.

The Dog and Cat Management Plan 2024-2028 outlines a strategic approach to animal management and ownership, guiding us over the next five years to meet the evolving needs of our community.

Your active participation is instrumental in making this plan a success. Together, we can foster a community where both pets and residents, whether with or without pets, thrive.

Thank you for playing your part as your support for this plan will contribute to a positive environment for everyone in our community.

Lynette Martin OAM
Mayor
City of Mount Gambier



Executive Summary

Every council in South Australia is required under section 26A of the Dog and Cat Management Act 1995 (the Act) to prepare a plan of management relating to dogs and cats every five years.

Council has prepared this plan to guide the direction of the City of Mount Gambier's dog and cat management priorities for the next five years (2024-2028). This plan provides Council with an opportunity to address dog and cat management at a strategic level and consider initiatives that address the requirements of pet owners, non-pet owners and visitors within the local community.

This plan takes into consideration local priorities and feedback from the community, Elected Members and staff. Community engagement was undertaken via an online survey through Have Your Say Mount Gambier, community consultation forums and email with 70 participants providing valuable feedback in addition to input from local animal care and welfare providers within our community.

This plan is divided into two parts: (i) context and background and (ii) objectives and actions for dogs and cats.

The key objectives and action areas include:

Objective 1: Promote responsible dog and cat ownership

Action areas: Community education and compulsory desexing and microchipping of dogs and cats.

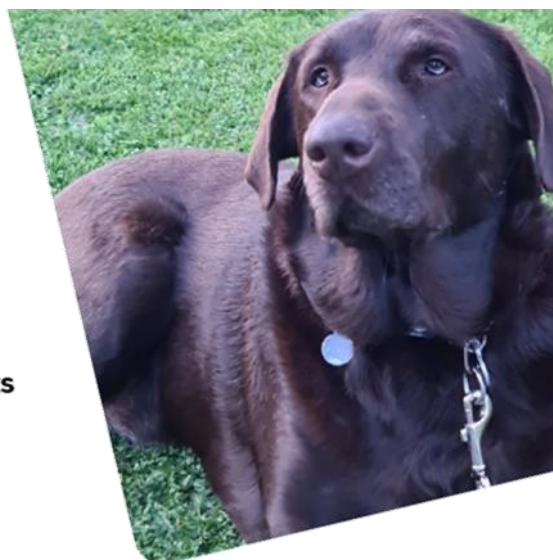
Objective 2: Enhance the amenity and environment and increase public safety

Action areas: Proper handling of dog waste and adequate and accessible facility to exercise dogs.

Objective 3: Ensure Council delivers effective and efficient dog and cat management services

Action areas: Authorised management officers, animal pound, cat management.

This plan's objectives and Council's role in relation to them are aligned with Council's Strategic Plan and vision for an inclusive city where people can lead fulfilling lives.





Part One: Background and Context

Background

This section describes the background and context to the Dog and Cat Management Plan including:

- The community and geographic profiles of the City of Mount Gambier that might have a bearing on the Dog and Cat Management Plan;
- The Dog and Cat Management Act and Council's animal management by-laws, and
- Council's existing animal management service.



City of Mount Gambier

Mount Gambier is the major service centre for the Limestone Coast. Located half way between Melbourne and Adelaide, Mount Gambier has a population of approximately 28,000 people.

In 2021, the majority of residents live in separate houses. 24.5% of dwellings were in the form of medium or high-density housing compared with 12.4% for the broader Limestone Coast region and 10.8% for Regional South Australia. 30.8% of City of Mount Gambier residents rent, which is also higher than the Limestone Coast region and broader regional South Australia.

City of Mount Gambier has a high proportion of its population that is post-retirement age (27.4%), however in comparison to regional SA, it has a higher percentage of young people between 18 to 34.

The majority of residents (87.6%) speak English at home. Of the other languages spoken at home, the most common are Karen, Italian and Filipino.

The City of Mount Gambier boasts a unique natural environment, home to the Blue Lake/Warwar, craters, caves, sinkholes, underground waterways and beautiful gardens. These natural assets are home to a diverse range of native plant and animal species, some of which are threatened or endangered.

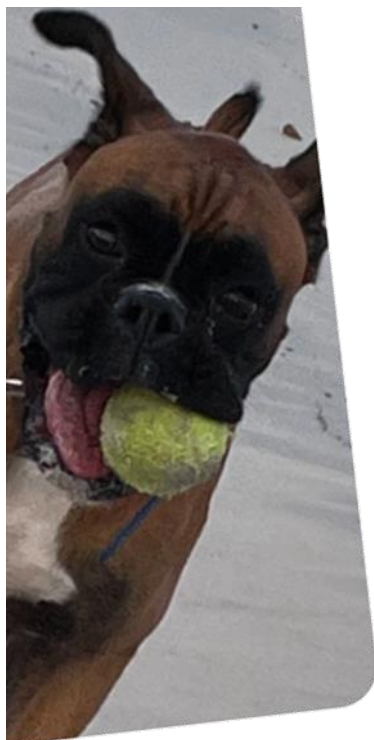
Legislation and by-laws

Dog and Cat Management Act 1995

Owning dogs and/or cats is great for our health and wellbeing, but to balance community expectations it must be managed effectively. In South Australia that is the purpose of the Dog and Cat Management Act 1995 (the Act).

Each council is responsible for administering and enforcing the provisions of the Act relating to dogs and cats within its area. Some elements of dog and cat management such as welfare and wildlife are governed by other acts.





The objects of the Act are:

- to encourage responsible dog and cat ownership,
- to reduce public and environmental nuisance caused by dogs and cats,
- to promote the effective management of dogs and cats (including through encouragement of the desexing of dogs and cats).

The Act was reviewed in 2022 and is currently being updated. This Plan therefore is developed with consideration of likely legislative change during its lifetime.

Council responsibilities

The responsibilities delegated to councils under the Act (Section 26) that apply to the preparation of this Plan are outlined below.

- Maintain a register of dogs (26 (1) (a)).
- Appoint a suitable person to be the Registrar (26b).
- Make satisfactory arrangements for issuing and replacing certificates of registration and registration discs (26c).
- Appoint at least one full-time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons (26d).
- Make satisfactory arrangements for the detention of dogs seized under this Act; (and may make such arrangements for cats seized under this Act) (26e).
- Make satisfactory arrangements for fulfilling other obligations under this Act (26f).

The City of Mount Gambier currently has its own pound facilities for the mandatory 72-hour holding period for dogs seized under the Act. If a dog is not reclaimed within this timeframe, the animals are then transferred to either a volunteer-run animal rescue organisation or another local council that has an established rehoming program.

City of Mount Gambier does not currently have an active cat management program and as such does not have arrangements in place.

Money received

Money received by a council under the Act must be expended in the administration of the provisions of this Act relating to dogs and cats (26(3)).

Payment into fund

Council must pay into the fund the percentage fixed by regulation of the dog registration fees received by the council (26(5)).



Setting of fees

Council has the responsibility for setting registration fees (26(6)).

Dog and cat plans of management

Each council must prepare a plan relating to the management of dogs and cats within its area (26A).

These plans must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by using physical restraint, and may include provisions for parks where dogs are prohibited.

The Dog and Cat Management Board must approve the plan of management before it can take effect.

Establishing by-laws

Councils can pass a by-law for the control and management of dog and cats within their area (under Section 90 of the Act).

The City of Mount Gambier has a dog by-law no.5 which covers:

- Limits on dog numbers in private premises,
- Dog exercise areas,
- Dog on leash areas,
- Dog prohibited areas, and
- Dog faeces collection.

You can read more about the dog by-law on the City of Mount Gambier [website](#). Council's current dog by-law is due to expire on 1 January 2026.

Effective management of dogs and cats

Council works with the community to educate, encourage and enforce the Act's provisions relating to:

- Dog registration,
- Dogs wandering at large,
- Dog attacks, harassments and barking issues,
- Dangerous dogs,
- Dogs of a prescribed breed,
- Greyhounds,
- Guard dogs,
- Destruction and control orders,
- Microchipping and desexing,
- Monitoring dog off-lead parks,
- Administering additional dog permits,
- Undertaking dog control order inspections, and
- Other obligations under the Act as they may arise.





Other relevant legislation

- Local Government Act 1999,
- Local Nuisance and Litter Control Act 2016,
- Animal Welfare Act 1985,
- Planning, Development and Infrastructure Act 2016,
- Landscape South Australia Act 2019.

Key stakeholders and partners

Council cannot do this work alone and would like to acknowledge the work of other organisations within the community that assist with the care and management of dogs and cats within our community. These include veterinary practices, animal welfare and rescue groups (i.e. South East Animal Welfare League and Wet Noses Animal Rescue), RSPCA SA, pet retail providers, animal behaviour trainers, groomers and animal boarding and day care facilities.

Pets in communities

The following is a summary of some information presented from the Animal Medicine Australia Report (2022), Pets in Australia: A national survey of pets and people.

In Australia, it is estimated that around 69% of households own a pet: 47.8% owning a dog and 33.3% owning a cat.

Benefits of pet ownership

Pets are cherished for the love and companionship they offer, often being considered as integral members of families. Pet owners frequently emphasise the positive influence of pets on their physical and mental well-being, noting how their animals motivate them, enhance their emotional state and provide a sense of stability, especially during times of increased stress.

Furthermore, pets enrich the social aspects of their owners' lives, teaching children responsibility and empathy, fostering connections in the community and facilitating interactions that might not occur otherwise, both in physical spaces like dog parks and virtual communities such as online forums for tropical fish enthusiasts.



Barriers and challenges

While 69% of Australian households now have a pet, many more would like a pet, or an additional pet.

Housing limitations and affordability concerns are significant obstacles for both prospective and current pet owners aiming to expand their pet families.

Those who don't own their own home, particularly renters and people living in apartments frequently cite unsuitable housing and challenges related to landlords, body corporates, and strata laws as key barriers to pet ownership.

Despite acknowledging the benefits of having pets, a substantial 79% of current owners report experiencing difficulties, which has increased from 66% in 2019. This rise in challenges may be attributed to combination of factors including cost of living pressures and an evolving public perception of responsible pet ownership.



Desexing and microchipping

The rates of desexing for dogs and cats have notably decreased since the survey undertaken in 2019, with 73% of dogs and 83% of cats owned by respondents being desexed, down from 81% and 89% respectively. There are minimal demographic differences between pet owners who choose to desex their animals, although older individuals are more likely to do so. In the City of Mount Gambier council area 71% of registered dogs and 90% of registered cats are desexed.

Microchipping rates have also slightly decreased, going from 86% to 82% for dogs and 77% to 74% for cats, with regional dogs more likely to be microchipped compared to their metropolitan counterparts (87% vs. 80%). The opposite is true for cats with 77% of metro cats microchipped versus 63% of rural cats. In the City of Mount Gambier council area, 93% of registered dogs and 92% of registered cats are microchipped.

In South Australia, the Act requires that owners microchip their dogs and cats and must ensure that their dog or cats are desexed in accordance with any requirements set out in the regulations.



Snapshot of dogs and cats in the City of Mount Gambier

The following is a snapshot of City of Mount Gambier's dog and cat statistics for 2022/2023.



Dogs	
Dog registrations	5,570
Dogs registered that are desexed and registered	4,033
Dogs registered that are microchipped	5,180
Total number of dog complaints (inc. dogs wandering complaints)	374
Dogs wandering complaints	227
Dogs collected and returned to the owner without impounding	155

Cats	
Cats registered in DACO	2,015
Cats registered in DACO that are microchipped	1,834
Cats registered in DACO that are desexed	1,774
Cat complaints	26





Registration trends

	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023
Total dogs	5,167	5,024	5,108	5,493	5,570
Total cats*	887	1,404	1,966	1,905	2,015

*Cats with their microchip details recorded in DACO.

Dog management customer requests

Customer request	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023
Dog attack	2	1	2	2	4
Dog noise	19	16	24	23	21
Dog nuisance	136	143	132	136	122
Dogs wandering at large	229	207	210	244	227
Total	386	367	368	405	374

In 2022/2023 there were 374 dog complaints, and wandering dogs accounted for 60% of complaints. From these complaints, 90% of the dogs seized wandering at large were reunited with their owners.

Council's aim is to reunite wandering dogs as soon as possible with their owner. If a dog can be identified via a microchip, collar or tag with contact details every effort is made to ensure that the animal is taken home or collected the same day rather than be impounded at Council's pound which offers a short-term (72 hours) detention. If a dog is not claimed within 72 hours, the animal is transferred to one of Council's rehoming partners for rehoming, where possible.



Existing services

The responsibility for the management of dogs and cats within the City of Mount Gambier rests within the Corporate and Regulatory Services Department. Council has authorised persons who are approved to carry out specific functions and powers under the Dog and Cat Management Act 1995 (the Act).

Council's dog management services are funded by a combination of general rate revenue and fees generated under the provisions of the Act, including dog registrations and fees from penalties and fines for breaches of the Act.

12% of these fees are payable to the Dog and Cat Management Fund as required under the Act and administered by the Dog and Cat Management Board.

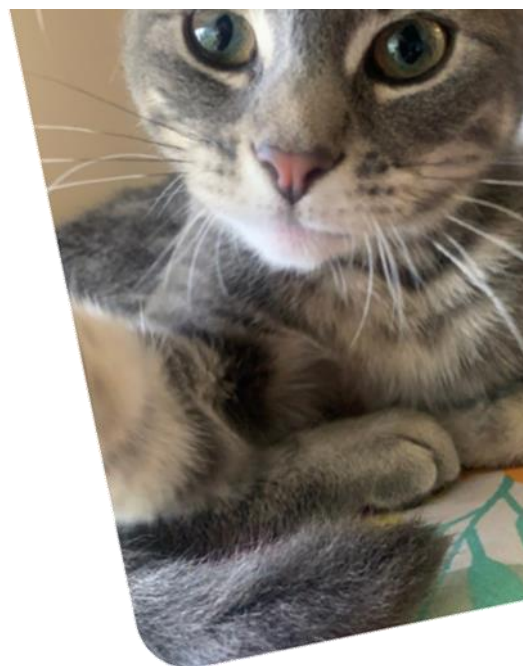
The remaining funds are allocated to animal management and initiatives within the City of Mount Gambier including:

- Responding to dogs wandering at large,
- Reuniting lost dogs and cats with their owners,
- Investigating cat nuisances,
- Providing cat traps for community cat trapping,
- Providing after-hours and weekend animal management services,
- Investigating incidences of dog attacks and nuisance barking,
- Liaising and educating pet owners about responsible pet ownership,
- Providing Council pound facilities for dogs, and making adequate arrangements for rehoming dogs not reunited with their owners after the 72-hour mandatory holding period,
- Providing dog waste bags and stations throughout the city, and
- Maintaining Hasting Cunningham Reserve Dog Park and other off-leash open spaces.

Existing on-leash, off-leash and dog prohibited areas

The City of Mount Gambier provides a range of public open space where dogs can exercise on and off-leash, including sporting ovals, parks and reserves, linear walking trails and a fenced dog park.

You can read more about the current off-leash, on-leash and dog prohibited areas in Appendix A.



Cat ownership

It is estimated there are as many as 400,000 pet cats in South Australia, similar to the number of pet dogs. The management of cats is generating community and media interest and there are increasing expectations around responsible cat management.

There are currently 2,015 cats registered in the City of Mount Gambier on DACO, and 92% of registered cats are microchipped with 90% desexed.

Cat management has become an increasing priority within the city of Mount Gambier which was captured as part of the feedback in developing this plan.

Currently, Council manages cat nuisance complaints under the Local Nuisance and Litter Control Act 2016.

Council also supplies cat trapping cages for hire (fees apply).

If a trapped cat is:

- Identifiable via a collar, tag with contact details or microchip, then the cat must be returned to the owner by the person who trapped the cat
- Un-identifiable then the cat must be taken to the Council's nominated veterinary provider, who will decide whether the cat is to be euthanised or rehomed.

Beyond this, City of Mount Gambier does not currently actively manage cats.

A state-wide approach is recommended as part of updates to the Act which will set the framework for managing cats at a local level. It is with this in mind that City of Mount Gambier will review its cat management approach during the life of this plan, once the legislative requirements are confirmed.

Council however acknowledges that other strategies can be employed in the interim to educate and support the community to responsibly own cats and reduce the number of semi-owned and unowned cats within the community.



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Part Two: Objectives and Actions



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Action plan

Key objectives and action areas contained in this plan include:

Objective 1: Promote responsible dog and cat ownership

- Community education
- Compulsory desexing and microchipping of dogs and cats.
- Cat management

Objective 2: Enhance the amenity and environment and increase public safety

- Wandering dogs and harassment
- Nuisance Barking
- Dog faeces

Objective 3: Ensure Council delivers effective and efficient dog and cat management services

- Authorised management officers
- Animal pound
- Dog friendly parks and accessibility.

Monitoring progress

This plan is reviewed annually to track implementation and progress against the performance measures.



Objective 1: Promote responsible pet ownership



Community education

City of Mount Gambier recognises that community education is an important aspect of animal management to raise pet owners' understanding of their legal obligations and of responsible pet ownership. Council reinforces and distributes the Dog and Cat Management Board's (DCMB) messages regarding responsible pet ownership to pet owners and the broader community via social media, council publications and at community events.

Community education, combined with legislation enforcement, can improve pet owners' understanding of responsible pet ownership. Council also recognises the importance of working with other stakeholders such as qualified dog trainers, veterinarians, and other animal organisations in educating current and prospective pet owners and the broader community on responsible pet ownership.

Actions	Performance Measures	When
Review and update content on the City of Mount Gambier website to ensure it has easy to access responsible pet ownership links and resources for the community.	Content is reviewed in Year 1, with regular updates made as required throughout the life of the Plan.	Year 1 & ongoing
Continue to promote the state-wide statutory requirements on compulsory microchipping of dogs and cats .	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Promote educational materials that educate prospective dog and cat owners about responsible purchase of dogs and cats .	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
In partnership with local veterinary clinics, provide easy 'how-to' guides for people to register their dog or cat in DACO at the time they are microchipped.	Information flyers/posters via veterinary clinics and information on Council's website.	Year 1 & ongoing





Compulsory desexing and microchipping of dogs and cats

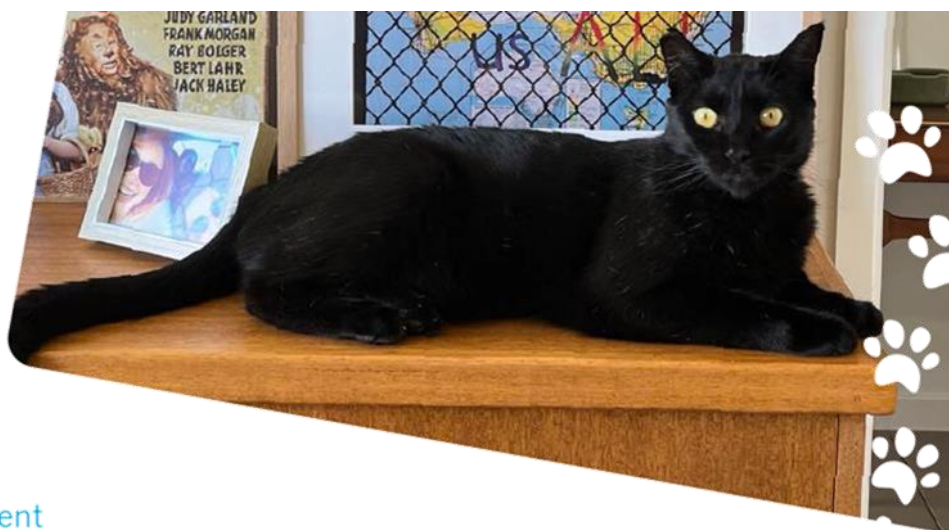
In 2018, the requirement for compulsory desexing was introduced by the Dog and Cat Management Board to reduce the number of unwanted litters of puppies and kittens.

Desexing not only helps to ensure fewer unwanted and homeless animals, but also research shows that desexed animals can actually live longer and healthier lives.

Desexing also provides many other benefits for you and your pet:

- Desexing reduces the risk of serious health issues like mammary cancer, uterine infections, and false pregnancies.
- It prevents disruptive reproductive cycle behaviors such as cats 'calling' during heat and yowling, and male dogs persistently seeking females in heat.
- It eliminates the risks associated with pregnancy, birthing, and raising young, including eclampsia, fetal loss, difficult births, and infections.
- Desexed pets are less likely to roam, reducing the risk of accidents, fights, and exposure to infectious diseases.
- They exhibit less aggressive behavior, decreasing conflicts with other animals in the household and the neighbourhood.
- Desexed animals are less likely to scent mark by urinating on objects, compared to undesexed animals.

Actions	Performance Measures	When
Continue to promote the Dog and Cat Management Board's information about mandatory de-sexing of dogs and cats .	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Investigate the implementation of a subsidised, low-cost desexing and microchipping initiatives in partnership with a local veterinarian(s) for those pet owners who are concession card holders and/ or experiencing financial hardship.	Investigation completed and considered for implementation.	Year 2
Continue to review the DACO database to identify dogs and cats that are not desexed and/or microchipped and follow up.	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing



Cat management

Under the Dog and Cat Management Act, individual councils in South Australia have the power to implement a by-law Under section 90 of the Act, for the control or management of cats.

The Dog and Cat Management Board's publication 'A Guide to Preparing a Cat By-Law' identifies the type of provisions a Council may address in a cat by-law including cat registration, limits on the number of cats per property, curfews, confinement and wandering at large. Currently, there are no cat by-laws within the City of Mount Gambier.

The management of cats is generating community and media interest, and there are increasing expectations around responsible cat management. In reviewing the current Dog and Cat Management Act, the Dog and Cat Management Board reported that the call for stronger cat controls across South Australia is driven by a number of perspectives:

- Limiting cat wandering is widely recommended by veterinary healthcare, government animal management, and animal welfare agencies due to its positive impact on cat health and safety, reducing disease exposure, road accidents, dog attacks, and cat fights.
- Changing attitudes about what constitutes a nuisance in neighbourhoods and a revaluation of the different treatment of dogs and cats.
- Concerns for the environment have grown with research on the impact of cats on wildlife, with estimates indicating that cats in Australia cause the deaths of millions of reptiles, birds, mammals, invertebrates, and frogs daily, primarily due to feral cats in the wild, but also involving stray cats in towns and domestic cats.

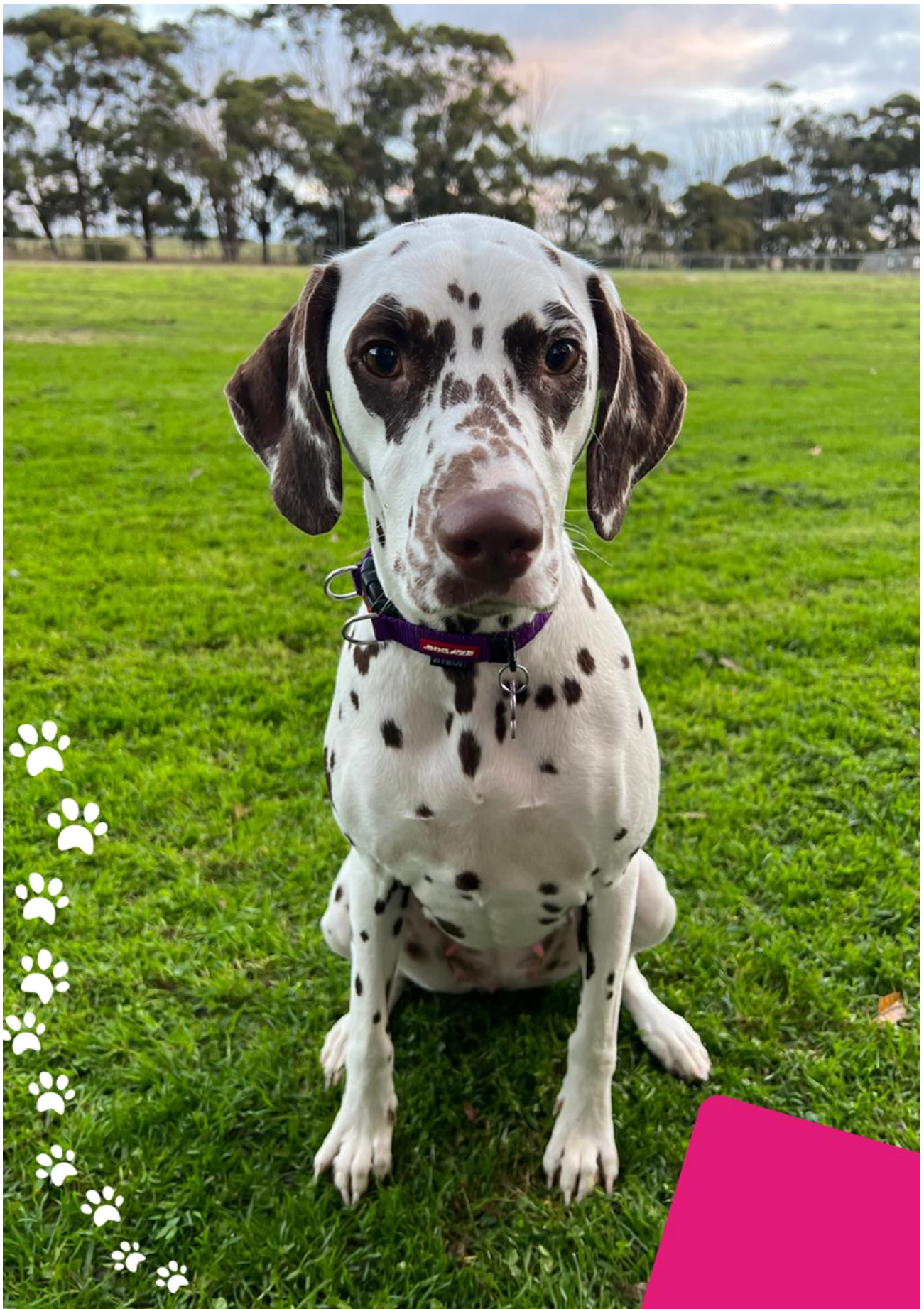
This is consistent with the feedback from our community who raised cat management as the most prominent issue during the consultation process for this Plan (refer Appendix B), with 60% of respondents raising issues/ concerns with regard to stray/ wandering/ trespassing cats and 42.5% raising issues/ concerns with cats preying on wildlife.

To address these issues, respondents indicated a desire for a by-law to assist with cat management with reference in particular to a cat curfew.



Actions	Performance measures	When
Review City of Mount Gambier's current procedure for the management of cats trapped in council-leased cat traps , including a pathway for rehoming those cats that are deemed suitable.	Procedure developed and implemented over the life of this plan.	Year 1 & ongoing
Continue to promote the Dog and Cat Management Board's information about mandatory desexing and microchipping of cats .	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Develop a target campaign to encourage the use of cat runs and other appropriate containment measures to prevent cats from wandering.	Campaign developed and implemented over the life of this plan	Year 2
Encourage people to take full responsibility for unowned cats they are feeding including desexing and microchipping of cats.	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Encourage cat owners to register their cats on DACO .	Increase in number of cats registered on DACO over the life of this plan.	Year 1 & ongoing
Determine future directions for cat management in the city including a cat by-law (if applicable). Future directions to be informed by pending changes to the Dog and Cat Management Act.	Investigation conducted and recommendations for consideration.	Year 2 & ongoing (subject to legislative updates).
Continue advocacy with State Government regarding cost and resourcing implications of effective cat management .	Provide feedback and input to relevant consultations and forums.	Year 1 & ongoing





Objective 2: Enhance the amenity and environment and increase public safety

Wandering dogs and harassment

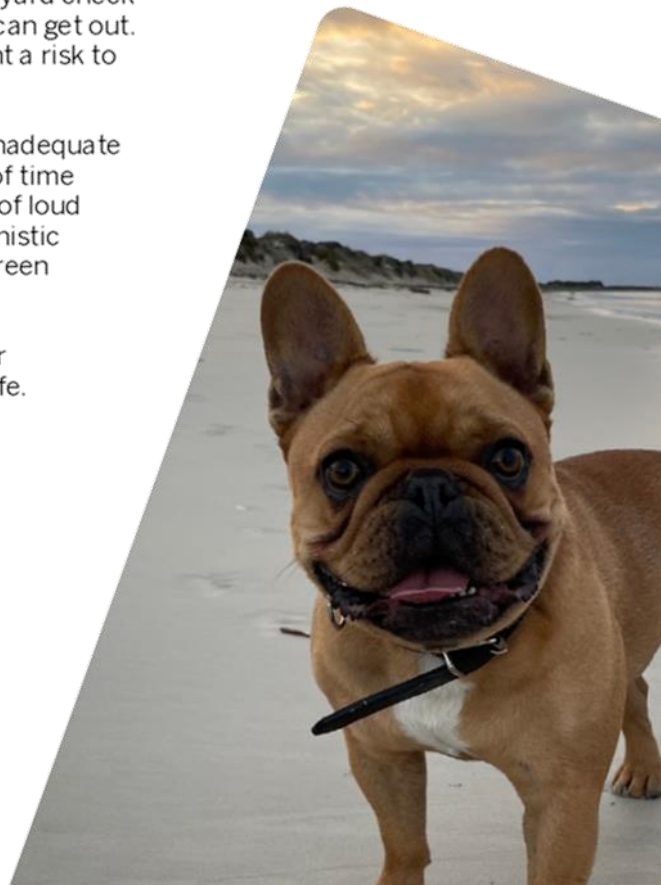
Dogs that wander or roam from their property can "cause a nuisance, are often distressed and may attack or harass people or other animals. In some cases, they cause road accidents resulting in injury to the dog and on occasion to vehicle occupants and may cause property damage – all of which becomes the responsibility of the owner of the dog." - DCMB, 2014.

Council data from 2022/2023 revealed that 60% of all dog-related complaints were related to dogs wandering, making it a recurring concern for the community over the last five years. Losing a pet can be a distressing time for both the dog and the owner. Council makes every effort to reunite dogs as soon as possible with their owners. If a dog is registered and/or can be identified by a microchip or collar and tag with contact details Council will ensure that the animal is taken home, or collected on the same day rather than be impounded which offers a short-term (72 hour) detention. If a dog is not claimed within 72 hours, the animal is transferred to one of Council's rehoming partners for rehoming where possible.

To ensure community safety and to avoid a dog escaping, dog owners are encouraged to conduct a yard check to ensure there are no areas where dogs can get out. Escaped dogs roaming the streets present a risk to the community.

Dogs escape for many reasons, such as inadequate fencing, being left alone for long periods of time and becoming bored and frustrated, fear of loud noises, thunder and fireworks or opportunistic escapes through roller doors, gates or screen doors left open.

Dogs that escape their yard may attack or harass people, other dogs, cats and wildlife. Yard security and containment is a key strategy to reducing dog harassment and attacks.



Actions	Performance Measures	When
Provide information and materials to educate dog owners on how to keep their yard 'dog secure' .	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Continue to develop City of Mount Gambier's Impounded Dogs Facebook page to assist with reuniting wandering dogs with their owners and distributing relevant rehoming and education material outlined within this plan.	Increase the number of followers and engagement with City of Mount Gambier's Impounded Dogs Facebook page over the life of this plan.	Year 1 & ongoing
Encourage the community to report to Council if dogs rush at them or their animals with the aim of preventing future acts of harassment or attack.	Information and material posted on Council's website, social media and other formats.	Year 1 & ongoing



Dog faeces

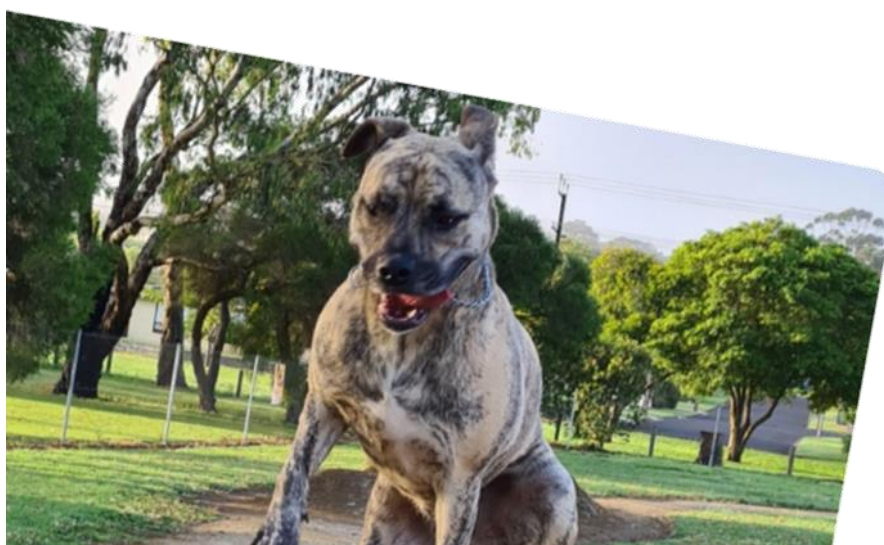
Under City of Mount Gambier's dog by-law no.5 dog owners are required to carry a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit. Breach of this by-law is subject to an expiation of \$80.

When owners are out and about with their dogs in public places they are required to clean up after them. This can easily be done using a scooper and a plastic bag to remove and dispose of the faeces.

Council provides dog bag dispensers and bins in various parks and reserves including its fenced dog park to encourage dog owners to do the right thing. The penalty for failing to clean up after a dog is \$210.

The issue of people not picking up and/or disposing of dog faeces properly in public parks and reserves was one of the top issues raised as part of the consultation process for this plan (refer Appendix B) with 60% of respondents rating it as one of the top five challenges with regard to responsible pet ownership.

Actions	Performance measures	When
Promote the legal requirement for dog owners to carry a plastic bag, for faeces disposal when in a public place.	Promotional material posted on Council's website, signage, social media and other formats.	Year 1 & ongoing
Undertake targeted campaigns around 'picking up after dogs and disposing correctly' in public places.	Education campaign implemented over the life of this plan.	Year 1 & ongoing





Nuisance barking

In 2022/2023 the City of Mount Gambier received 21 complaints related to dog noise. Excessive barking in dogs can be attributed to various factors such as boredom, loneliness, ill health, separation anxiety or reactions to stimuli in their environment, like birds, cats, or passersby. Some dog owners may be unaware of their dog's barking, especially when it occurs while they are not at home.

Council's General Inspectorate team play a crucial role in enforcing compliance and addressing nuisance barking complaints. Resolving these complaints varies in complexity, with some easily resolved while others are more challenging and time-consuming due to the subjective nature of dog noise. The investigative process can be lengthy and may require detailed evidence to substantiate noise-related concerns, which can deter some neighbours from pursuing their complaints. Encouraging dog owners to recognise and address behavioural issues leading to noise complaints and providing guidance on effective training techniques can be instrumental in resolving these concerns.

Actions	Performance measures	When
Promote force-free/positive reinforcement trainers as a resource for residents seeking help with dog behaviour issues.	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Continue to promote the City of Mount Gambier Barking Dog Complaint Kit as an effective mechanism for making dog noise complaints.	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing





Objective 3: Ensure Council delivers effective and efficient dog and cat management services



Authorised Animal Management Officers

City of Mount Gambier's General Inspectorate team provides animal management services seven days a week and offers an on-call service for urgent animal management issues after hours. Our General Inspectors are authorised under the Dog and Cat Management Act to carry out specific functions and powers.

An educated, professional, visible and responsive team is required to deliver effective and efficient services to the community. The Dog and Cat Management Act 1995 requires Council to enforce the provisions of the Act. The approach by the City of Mount Gambier is to educate and encourage people to do the right thing before the need to enforce the provisions of the Act. Maintaining a high standard of service requires staff to be educated and informed on relevant legislation and best practice in animal management. Council supports attendance at relevant professional development courses and continuous learning.



Actions	Performance measures	When
Raise awareness of council animal management services to pet owners and general community.	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing
Schedule patrols to focus on peak times of animal-related activity 'hot spots' .	Patrols conducted in targeted locations. Data captured and evaluated.	Year 1 & ongoing
Ensure General Inspectors have access to learning and development opportunities that support them in delivering best practice animal management services and initiatives.	General Inspectors have a professional development plan in place each year.	Year 1 & ongoing
Collaborate with other councils to ensure the effective delivery of animal management services.	Suitable agreements in place to support effective delivery of services.	Year 1 & ongoing
Review and replace Council by-law no.5 dogs 2018 which expires on 1 January 2026.	Updated by-law in place by 1 January 2026.	Year 2 & 3



Animal pound

Effective dog and cat management services include providing the right facilities for our community. Council must also make satisfactory arrangements for the detention of dogs seized under this Act. This is undertaken by providing a local pound.

A recent review of Council's animal pound and shelter services has resulted in Council operating its own short-term pound for the mandatory 72-hour holding period and working in partnership with suitable organisations for assessment and rehoming for those dogs not reunited with their owners. This work is undertaken in accordance with City of Mount Gambier's Unclaimed Dogs Policy.

Actions	Performance measures	When
Provide suitable pound facilities to service the community and provide an environment that caters for the welfare of impounded animals and a safe environment for staff.	Pound maintained and compliant to uphold the approval of the Dog and Cat Management Board.	Year 1 & ongoing
Maintain collaborative and effective relationships with services providers who assist with the delivery of Council's pound services.	Professional Services Agreements in place with rehoming partners, veterinarians, behavioural trainers and boarding kennels, with details of partners on Council's website.	Year 1 & ongoing
Participate in discussions for state-wide solutions for animal management as part of regular advocacy.	Provide feedback and input as required to industry discussions on animal management.	Year 1 & ongoing





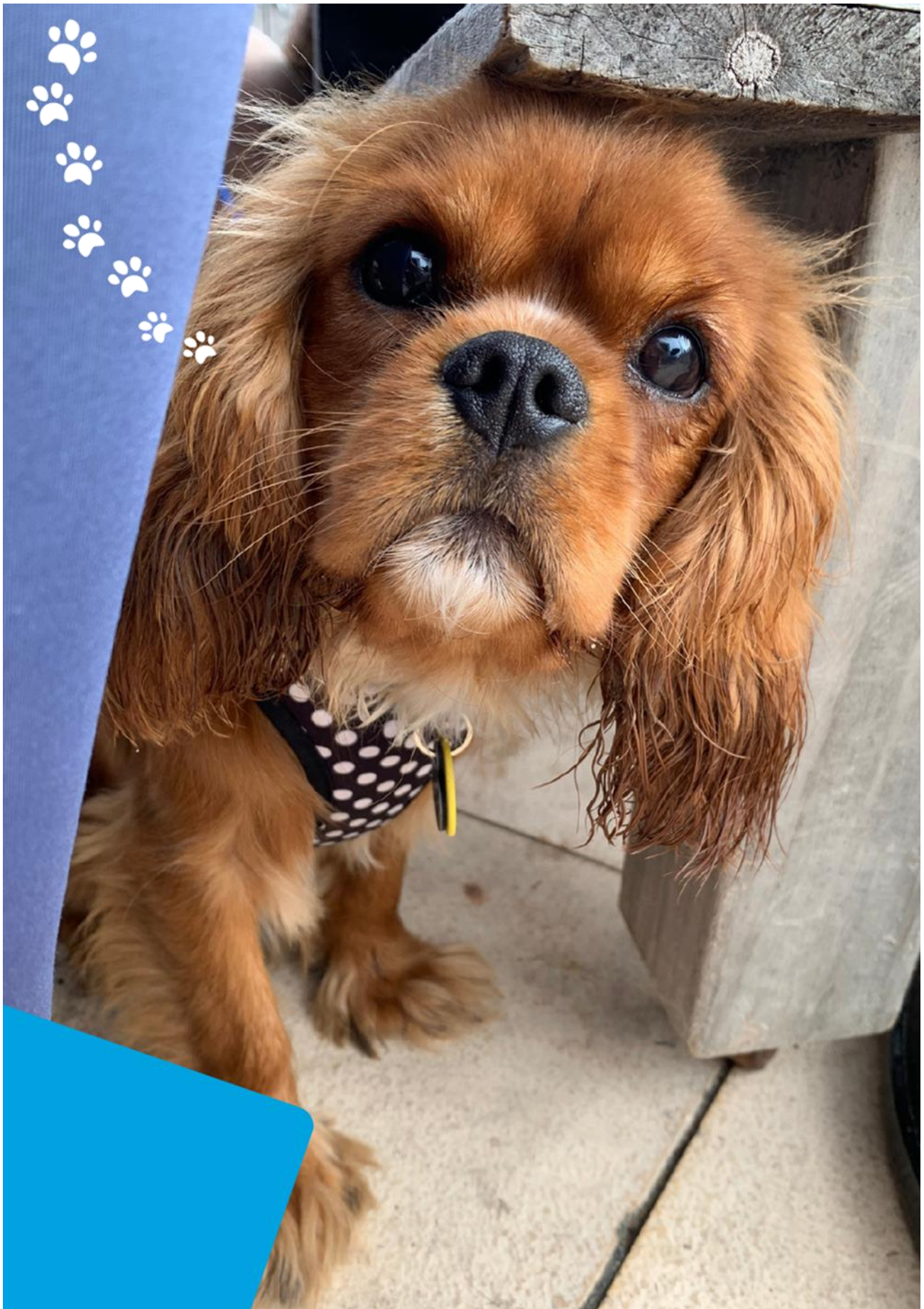
Dog-friendly parks and accessibility

Council provides a range of public open space where dogs can be exercised on and off leash such as sporting ovals, parks and reserves and linear walking trails, and supporting amenities such as dog water bowls, dog bag dispensers and bins. It is a statutory requirement under the Dog and Cat Management Act 1995 to have dogs under effective control at all times. For dogs off leash, effective control refers to dog owners having their dogs under voice command and in close proximity so owners can see their dog at all times. You can read more about the existing off-leash, on-leash and dog prohibited areas in Appendix A.



Actions	Performance measures	When
Update designated off-leash areas at Blue Lake Sports Park in conjunction with leaseholders while ensuring suitable facilities are still available to pet owners.	Recommendation and community consultation for implementaton.	Year 1
Undertake a review of current designated off-leash areas to determine suitability and provide recommendations for any changes or additions that are required to service the community.	Review conducted and recommendations for consideration.	Years 1 & 2
In conjunction with the City of Mount Gambier Sport, Recreation and Open Space Strategy, explore opportunities for strategically located dog facilities across the city with consideration of an additional fenced dog park, and master planning Hastings Cunningham Dog Park facilities in consultation with users.	Review conducted and recommendations for consideration.	Years 3 to 5
Provide information and materials to educate dog owners on dog etiquette and dog park safety and include details of dog friendly parks and walking trails as part of tourism collateral.	Promotional material posted on Council's website, social media and other formats.	Year 1 & ongoing







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RSPCA Knowledgebase 2019, Why should I have my pet desexed?

<https://kb.rspca.org.au/knowledge-base/why-should-i-have-my-pet-desexed/>

RSPCA SA and AWL 2019, Cat Management Plan for South Australia.

<https://www.rspcasa.org.au/wp-content/uploads/2019/11/RSPCA-AWL-Cat-Management-Plan-for-South-Australia.pdf>



Appendix A

On-leash, off-leash and dog prohibited areas

There are six off leash dog areas and one enclosed dog park within the City of Mount Gambier where dogs are welcome to exercise and play off leash.

Off-leash areas

- Corriedale Park
- Hastings Cunningham Reserve (and enclosed dog park)
- Northumberland Reserve (behind the Blue Lake/ Warwar)
- Frew Park
- Blue Lake Sports Park (excluding sporting fields and ovals - refer to below map)
- Don McDonnell Reserve.

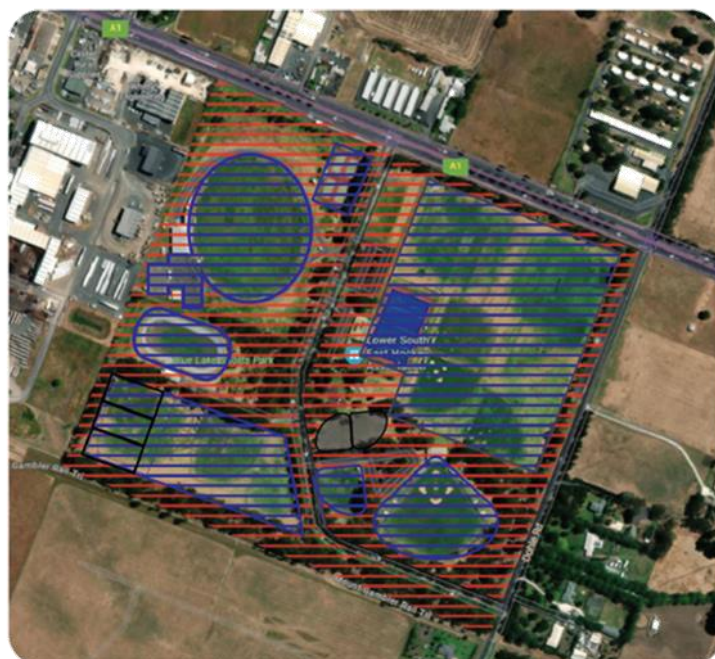
On-leash areas

- Botanic Park
- Cave Cardens/Thugi
- Engelbrecht Cave
- Lady Nelson
- Marist Park
- Olympic Park
- Rail Trail
- Valley Lake/Ketla Malpi crater area.

Dog prohibited areas

- All playgrounds
- All sporting fields and ovals at Blue Lake Sports Park.

**Blue Lakes Sports Park on-leash and off-leash areas
(inc. proposed fenced dog off-leash areas)**



Key



Blue = Dog prohibited area



Black diamonds (middle) =
Proposed interim off-leash dog park



Red = Off-leash area



Black squares (bottom-left) =
Future dog park area concept



Appendix B

Community engagement summary

The community engagement process was conducted from 14 August 2023 to 13 September 2023.

The Dog and Cat Management Plan 2024 - 2028 survey was promoted on the City of Mount Gambier Have Your Say website which had 457 page visits during the period of community engagement.

The survey was also promoted through:

- Social media
- Direct emails
- Distribution of posters and signage to veterinary clinics, pet shops and animal welfare organisations in the city of Mount Gambier.
- Posters and signage at customer service points across Council sites.
- Council community forums
- Council website.

Contributors were also able to provide feedback via email, letters or by attending a consultation forum.

Supporting tools developed as part of the consultation included:

- Project fact sheet
- Shareable poster
- Previous Dog and Cat Management Plan.

The top five challenges identified with regards to responsible pet ownership and animal behaviour were:

1. Cat management - including wandering, causing nuisance and/or preying on wildlife.
2. Dog wastes that have not been picked up by dog owners.
3. Dogs off leash where they shouldn't be.
4. Maintenance of existing dog park and requirement for additional fenced off-leash areas.
5. Dog behaviour towards other dogs.

Council also received comments and concerns from 25% of survey respondents regarding its working relationship with SEAWL and other animal welfare groups, with a desire for greater transparency on our approach.

You can read more about the community engagement activities and findings in the Phase 1 Consultation Summary - Dog and Cat Management Plan 2024 - 2028 available from Council.





City of
Mount Gambier

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19.2 PARTNERSHIP PRIORITIES AND ADVOCACY 2024 - 2025 – REPORT NO. AR24/718

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/718
CM9 Reference:	AF23/328
Author:	Biddie Shearing, Manager Economy, Strategy and Engagement
Authoriser:	Barbara Cernovskis, General Manager City Infrastructure
Summary:	The City of Mount Gambier Partnership Priorities and Advocacy 2024 - 2025 final document to be presented to Council for endorsement.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/718 titled 'Partnership Priorities and Advocacy 2024 - 2025' as presented on 23 January 2024 be noted.
2. That Council endorse the City of Mount Gambier Partnership Priorities and Advocacy 2024 - 2025 document as attached to Report No. AR24/718.



TYPE OF REPORT

Corporate

BACKGROUND

The City of Mount Gambier continues to strengthen its partnerships with local, state and federal governments and other partners to advocate for community issues and concerns and work together to provide improved services for the city and the Limestone Coast region.

This is the second Partnership Priorities and Advocacy document for Council. The first edition, from November/December 2021, guided many conversations and promoted issues of importance with our partners. This second edition notes what has been achieved and updates the critical issues.

A draft City of Mount Gambier Partnership Priorities and Advocacy 2024 - 2025 document was circulated for discussion, input, and feedback at an Elected Member Briefing Session on Tuesday 5 December 2023.

PROPOSAL

The Partnership Priorities and Advocacy 2024 - 2025 document articulates the City of Mount Gambier's strategic positioning as a credible Government partner which delivers shared outcomes for both Government partners and for the community. It presents a tangible reference point, ensuring partners are informed about the community's challenges and concerns, as well as the city's strategic direction.

The Partnership and Priorities and Advocacy 2024 - 2025 document ensures the initiatives identified in the document form the base for present and future work to maximise funding and advocacy opportunities as they arise to deliver sustainable economic, social, and environmental benefits for the community.

The Partnership and Priorities and Advocacy document will be revised and updated to accommodate changes as the City of Mount Gambier and the implementation of its initiatives evolves. Council is embarking on developing a community vision for 2035. This advocacy document will continue to respond to any new priorities for our community that arise from this process.

LEGAL IMPLICATIONS

The Partnership and Priorities and Advocacy 2024 - 2025 document is not a mandatory document, rather a proactive approach to articulate and group together the community issues and opportunities.

STRATEGIC PLAN

2.2.5 Advocating for key initiatives with State and Commonwealth Governments

COUNCIL POLICY

[Political Neutrality and Government Relations](#)

ECONOMIC IMPLICATIONS

The initiatives within this document will help to facilitate growth and prosperity of the local community and the broader region in South Australia & across the border into Western Districts of Victoria.

Mount Gambier is the regional capital of the Southeast of South Australia and Western District of Victoria with a role, function and responsibility for driving development agenda in this corner to Australia.

ENVIRONMENTAL IMPLICATIONS

Specific items in the Partnership and Priorities and Advocacy 2024 - 2025 document draw out key initiatives that will contribute towards the sustainability and liveability of the city of Mount Gambier while playing a critical role in the broader region through leading initiatives like waste management, recovery and the circular economy.



SOCIAL IMPLICATIONS

The Partnership and Priorities and Advocacy 2024 - 2025 document captures the significant issues impacting our diverse community while providing leading solutions that can be achieved by partnering with external stakeholders like state and federal government, therefore Council can be part of the solution, by facilitating discussions to reach stronger community outcomes.

CULTURAL IMPLICATIONS

Underpinning the Partnership and Priorities and Advocacy 2024 - 2025 document is a number of strategic documents that guide administration to ensure alignment to our First Nations people like the Reconciliation Action Plan.

Council maintains a number of strategic relationships with external bodies and organisations and has adopted a cultural authority model that ensures our work is guided and informed by our first nation owners and broader community at all times.

RESOURCE IMPLICATIONS

The Partnership and Priorities and Advocacy 2024 - 2025 document provides efficiencies for resourcing by providing a single document capturing and articulating our community priorities and initiatives.

Further to this, the document provides council with the ability to draw out specific initiatives and themes to build the content and deliver customised communication for our intended audience which can include state and federal government representatives.

VALUE FOR MONEY

Some initiatives within the Partnership and Priorities and Advocacy 2024 - 2025 document identify funding support required to deliver on the initiative, however, this does not impact on existing budget allocations for the financial year 2023.2024.

RISK IMPLICATIONS

The Partnership and Priorities and Advocacy 2024 - 2025 document is a proactive piece of communication that enables council to articulate the needs and opportunities of our community to external stakeholders. While this is not a mandatory document of council, it does create corporate efficiency and allows our Elected Members and Executive Leadership to have a uniform approach to advocacy and potential partnership opportunities.

EQUALITIES AND DIVERSITY IMPLICATIONS

Underpinning the Partnership and Priorities and Advocacy 2024 - 2025 document is a number of strategic documents that guide administration to ensure alignment to our diverse community. Examples of this are the Disability Action Plan and the Reconciliation Action Plan.

Council facilitates and remains connected to a broad variety of community organisations to ensure up to date understanding of the issues and opportunities. Examples of this are through our community touchpoints of the Library, Riddoch Art & Cultural Centre and their associated community development programming.

ENGAGEMENT AND COMMUNICATION STRATEGY

As this is the second version of this document, there will be an opportunity to provide an updated version to all stakeholders as well as being placed on the corporate City of Mount Gambier website.

Council has also developed a series of one-page 'talking tools' for specific advocacy opportunities and it is envisaged that this work will continue under the new version of the document. This allows for more in-depth detail on the specific initiative and delivers a customised piece of communication.



IMPLEMENTATION STRATEGY

On endorsement, the Partnership and Priorities and Advocacy 2024 - 2025 document will be placed on our corporate website under the Strategic Documents tab and a copy provided to each Elected Member.

A digital copy will be distributed to councils strategic stakeholders and when required administration will develop one-page 'talking tools' to assist with stakeholder meetings, themed to the audience.

CONCLUSION AND RECOMMENDATION

The City of Mount Gambier Partnership Priorities and Advocacy 2024 - 2025 document as presented to Council in its final form is noted and recommended for endorsement.

ATTACHMENTS

1. City of Mount Gambier Partnership Priorities and Advocacy 2024 - 2025 [↓](#)





Partnership Priorities and Advocacy 2024 - 2025



INTRODUCTION

The City of Mount Gambier aims to continue strengthening its partnerships with local, state and federal governments and stakeholders to advocate for community opportunities and challenges and work together to provide improved services for the city and the Limestone Coast region. This is the second Partnership Priorities and Advocacy document for Council. The first edition, from November/December 2021, guided many conversations and promoted issues of importance with all of our partners. This second edition outlines what has been achieved and updates the critical issues.

The initiatives identified within this document will help to facilitate the growth and prosperity of the local community, the region and South Australia. The advocacy and partnership opportunities are categorised under the four elements of the City of Mount Gambier Strategic Plan 2020 – 2024 and include:

- Local transport,
- Housing,
- Education,
- Health services and emergency support,
- Internet connectivity,
- Road, rail and freight infrastructure,
- Forestry and water,
- Sustainability, environment, waste and the circular economy,
- Tourism and major events,
- Workforce attraction and retention,
- Arts and creative industry, and
- Regional collaboration.

These areas form the basis for the current and future work of Council, with objectives to maximise funding and advocacy opportunities as they arise to deliver sustainable economic, social, and environmental benefits for the community.

Mount Gambier has a strong history of implementing innovative major projects that continue to set standards for regional South Australia. From the award winning Riddoch Arts and Cultural Centre, the nationally recognised Mount Gambier Library, to the construction of Council's largest ever infrastructure project, Wulanda Recreation and Convention Centre, these projects demonstrate Mount Gambier's dedication to successful outcomes for both its community and for regional South Australia.

We look forward to working in partnership with all levels of government and other partners to deliver these important shared outcomes for the benefit of our community and South Australia as a whole.

The City of Mount Gambier acknowledges the Boandik Peoples as the traditional custodians of the land Mount Gambier sits upon today.

We respect their spiritual relationship with the land and recognise the deep feelings of attachment our First Nations peoples have with the land.

The City of Mount Gambier is committed to working together with Aboriginal and Torres Strait Islander communities in the process of reconciliation.

OUR COMMITMENT AND VISION

Mount Gambier (population: 27,771 (profile id, 2022)) is the economic hub for the Limestone Coast region with annual economy of \$6.8billion (RAI [In]Sight), more than twice that of Whyalla (population: 21,894 (profile id, 2022)) and 25 per cent higher than Warrnambool, Victoria (population: 35,406 (ABS ERP, 2021)). Mount Gambier has more than 2,105 businesses with 12,345 residents employed in 2021. Mount Gambier is the regional centre of South East South Australia and Western Victoria with a role, function and responsibility for driving the development agenda in this corner of Australia.

Mount Gambier is built on the strength of its people, a clean natural environment and the diversity of its industries. Council strives to create vibrancy, promote our identity and build on our reputation as a place to live, work, visit and invest. To provide a future for our people, we require additional economic growth, employment, and recreational and educational opportunities.

The richness and diversity of:

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

make Mount Gambier the thriving, successful place that people are proud to call home.

These elements will contribute towards the future growth and development of the city and form the goals of the Council's Strategic Plan 2020 - 2024. These areas provide the strategic base from which Council's priorities are built and provide opportunities outlined in this Partnership Priorities and Advocacy document to partner with all levels of government.

These goals bring together four key themes that affect our people – whether they live, work, study or visit the city of Mount Gambier. We seek to grow our city and the communities of which it is comprised, and the capabilities of our people and their connection to each other and to the city are key.

Council is embarking on our community vision for 2035. This advocacy document will continue to respond to any new priorities for our community that arise from this process.



PARTNERSHIP ACHIEVEMENT

The City of Mount Gambier Partnership Priorities and Advocacy 2021 - 2022 document was a valuable resource used to guide many conversations and highlight issues of importance with all of our partners. This second edition builds on what has been achieved for our community because of partnership and investment by all levels of government, including:

- ✓ Appointment of South Australia's first Cross Border Commissioner.
- ✓ Increased State Government investment into public housing over the next four years.
- ✓ Adoption of City of Mount Gambier's Sport, Recreation and Open Space Strategy.
- ✓ Announcement of upgrades to Mount Gambier and Districts Health Service, including Mental Health Unit and Emergency Department.
- ✓ Opening of a Medicare Urgent Care Clinic in Mount Gambier.
- ✓ Announcement of Mount Gambier education and training precinct development that will include UniSA, TAFE, Forestry Centre of Excellence, Mount Gambier Technical College and Flinders University Regional Allied Health Program.
- ✓ Adoption of the City of Mount Gambier Blue Lake Sports Park Masterplan.
- ✓ Secured funding for Head to Health facility in Mount Gambier.
- ✓ Commencement of road infrastructure upgrades on Jubilee Highway by Department of Infrastructure and Transport.



OUR PEOPLE

Local Transport

Mount Gambier has maintained a fixed route public bus transport system for more than 60 years, with the current service in place for 30 years. It has been largely unaltered during this time.

The current public bus service is funded by the State Government and is provided by a third party. The service has recently been tendered and a new provider has been selected. However, the service level remains the same without route changes.

The service currently doesn't allow people to access employment and/or education facilities given its restricted hours of operation and does not adequately service facilities such as the Mount Gambier Hospital, Foodbank, the newly developed Wulanda Recreation and Convention Centre and senior lifestyle villages of Woodlands and Hallmont. It also has lengthy wait times for servicing stops along each route and lacks service to residential growth areas.

When compared with other similar sized regional communities in Australia, Mount Gambier's current public transport service is sub-standard. The comparative expenditure allocated to the local service is more appropriate for a community of around 3000 to 6000 people rather than a regional capital of around 28,000.

According to Bus SA's 2018 Election Platform, *Moving People 2025*, regional spend per capita was approximately \$200 per head in Victoria/New South Wales, \$120 per head in Western Australia, and under \$20 per head in South Australia.

Partnering with the City of Mount Gambier to upgrade the provision of transport services is an important lever to activate Mount Gambier's natural and built assets and link its health, recreation, and community services. It will be a key economic driver for the future of a modern and connected city.

The State Government will be undertaking a Regional Transport Review in 2024 and Council will make a submission to advocate for significant improvements to service delivery.

Advocacy

Equity of spending on bus services and implementation of new routes.



Housing

Economic growth is increasingly compromised by access to housing. In the context of an expanding property market and regionalisation, Council is exploring implementation models with the private and non-government sectors to facilitate access to housing for incoming residents to work and invest in the community.

A key step is upgrading the existing housing stock to increase the supply of affordable housing provided and determining the viability of including affordable homes as a requirement of new housing estates and developments. This would help ensure people on low incomes are not priced out of the market or put at risk and would facilitate workforce planning with an adequate housing supply.

The State Government has committed an additional \$55.2 million over the next four years to additional public housing on top of the \$177.5 million election commitment to deliver 400 new public homes, upgrade 350 others and extra maintenance for a further 3000 properties.

In addition, tens of millions of dollars is being invested to upgrade 350 vacant properties to be homes again for those throughout the state who need them.

The Federal Government's \$10 billion Housing Australia Future Fund is designed to create a secure, ongoing funding pipeline for social and affordable rental housing.

The Office for Regional Housing is also expected to deliver approximately 30 new homes for police, teachers and healthcare workers in Mount Gambier and other regional locations in South Australia as part of a pilot program.

Partnership priority

Work in partnership to address housing accessibility in Mount Gambier.

Establish regional targets for housing in South Australia from the Federal Housing Australia Future Fund.



Library

State Government Funding Agreement

Following the expiration of a ten year State Government funding agreement, a new agreement has been negotiated until 2026. The new agreement secured funding for public libraries through a material grant and an operational grant each year. However, this agreement does not include indexation and results in a decrease in funding.

The City of Mount Gambier supports the Local Government Association (LGA) in its current campaign to reintroduce indexation of the funding to ensure support for the purchase of library resources and the delivery of programs, events and other library services for our community.

Digital Literacy

The ability to access the online world and navigate that world has never been more important. Government and private services continue to move online and digital skills are essential for employment and education opportunities and for social inclusion.

The reduction in face-to-face services, including bank branches, telco shopfronts and state and federal government departments, has increased the frustration and stress for community members who don't have the access they need to go online, which has put extra pressure on libraries who are playing a broad and growing digital support role without the additional resourcing and staffing to match.

Funding support

Funding commitment as agreed to be indexed to CPI for the next five years.

Funding commitment to support libraries' role in upskilling our community to increase digital literacy.



Health

Primary Health Care and Preventative Health Services

Mount Gambier is the major service centre for the Limestone Coast and services an area of almost 75,000 people across the South East of South Australia and Western Victoria. The Limestone Coast has a variety of health services and options available and the local health network plays a critical role in ensuring affordable access to associated specialist services and allied health. Following considerable advocacy from Council, an Urgent Care Clinic has been introduced in Mount Gambier.

Council is committed to the wellbeing of the community and acknowledges that quality health care is an essential service for this to be realised. To fulfil Council's vision to be 'an inclusive city where people lead fulfilling lives' health services must meet individual needs, irrespective of location.

Council is committed to partnering with health services to advocate for appropriate care in our region.

There are currently gaps in health services in the region, including but not limited to - private hospital provision, day surgery options, palliative care, drug and alcohol rehabilitation services, mental health support and radiation treatment.

The outcomes of the Aged Care Royal Commission are creating further pressure on our aged care sector with significant gaps in access to qualified and skilled staff.

Council continue to advocate to state and national bodies for increased disability and inclusion support in the Limestone Coast.

Currently, Mount Gambier residents requiring radiotherapy must travel to Adelaide or Warrnambool to receive radiation treatment.

Ongoing facilitation and advocacy for the development of health services in Mount Gambier is important to meet community needs but is also a pillar to drive the economy into the future.

Flight schedules and their reliability are a challenge for patients travelling for treatment and are a significant barrier to attracting medical specialists to Mount Gambier. When flights are unreliable, it disrupts appointments and can deter medical professionals from considering positions in regional areas altogether.

The challenges associated with practising medicine in regional cities, such as distance from specialised resources and equipment and limited access to professional development and career prospects, can lead to higher turnover rates of healthcare professionals.

Multi government collaboration will begin to resolve health worker shortages and ensure regional communities get better access to health professionals and care.

Advocacy

Radiation treatment delivered in the Limestone Coast.



Suicide Prevention and Aftercare Options

Research indicates that suicide remains a high risk to any person who has attempted suicide at least three months after the attempt (Life In Mind, 2021). When people present at an Emergency Department after an attempt they are often checked over, discharged and perhaps given a referral for counselling. Waiting lists for counselling, if the person can afford the gap fees, are often up to three months and beyond leaving them in a high-risk status.

In Adelaide there are two services, *The Way Back* – a Beyond Blue program and the Suicide Prevention Support Service, both delivered through Anglicare SA. The Suicide Prevention Support Service is limited to the Fleurieu Peninsula and the Adelaide Hills.

South Australia lost 226 lives to suicide in 2021. According to Lifeline Australia an estimated 65,000 people attempt to take their life each year. People in rural populations are two times more likely to take their life by suicide (AIHW, 2022). This is strong evidence of why an after-attempt support service must be available to every South Australian.

The City of Mount Gambier advocates strongly for services that address both prevention and care of its community in times of need.

Advocacy

Expansion of regional services that address both suicide prevention and aftercare for the community.

Palliative Care Services

Over the past four years, palliative care in Australian hospitals has increased by 28%. As more people age and live alone, the demand for health services continues to rise.

In the Limestone Coast a committed team of specialist palliative care nurses covers a large area from Mount Gambier to Bordertown. Our local hospital has one dedicated, but not exclusive, palliative care room. There is no resident palliative care specialist.

To address this gap, a dedicated volunteer group has introduced the Mount Gambier In Home Hospice Care service. This unique service, the first of its kind in South Australia, offers crucial non medical support to ease the burden on caregivers and families. It allows patients to stay home longer, avoiding unnecessary hospital visits. The service was made possible by a \$150,000 grant from the South Australian Government's Health and Wellbeing Palliative Care 2020 Grants program.

Despite the introduction of the Mount Gambier In Home Hospice Care service, there is still a need for a purpose-built palliative care facility in Mount Gambier. The South Australian Government is currently conducting a feasibility study and business case to explore the possibility of establishing a dedicated palliative care facility in the City of Mount Gambier, serving the broader Limestone Coast region.

Funding support

Funding commitment for a dedicated palliative care facility based in the city of Mount Gambier and servicing the wider Limestone Coast region.





Migrant Settlement Services

There is a steady flow of refugees and new migrants to Mount Gambier and the broader Limestone Coast region. Our local Migrant Resource Centre (MRC) provides support for migrant settlement, community capacity building and development for new migrants, empowering them through training and employment initiatives.

By assisting in building community, the MRC supports new arrivals and their new and establishing groups and communities to engage with and contribute effectively to Mount Gambier's society, culture, economy and environment.

Further support is required to enhance cultural awareness and advocacy within the community. Additional support would enable training for businesses on common issues faced by refugees during settlement to boost efforts in employment support, training, and apprenticeships. Fostering inclusive participation in events and activities empowers new arrivals to actively contribute to the community's cultural, economic and social fabric. Additional resources in these areas are important for the continued successful integration of migrants in Mount Gambier.

Advocacy

Expansion of regional services provided for the settlement of new migrants to the city of Mount Gambier and broader region.

Emergency Support

As one of the busiest Metropolitan Fire Service stations in South Australia, Mount Gambier pursues an adapted solution to ensure the community's safety through the provision of appropriate response vehicles. The 2021/2022 Metropolitan Fire Service performance report shows the Mount Gambier station attended 454 incidents, responding to 271 more incidents than Mount Barker and 172 more than Seaford.

The State Government announced eight new heavy urban pump rescue appliances for South Australia with a reduced plan for Mount Gambier of a second hand vehicle despite trucks used by local crews being 20 years old – five years beyond the ideal age limit.

Mount Gambier received a second hand appliance as its first response unit and the pump went soon after the station received it. This also happened with another temporary replacement unit which failed and was then written off.

Council has resolved to advocate for improved equipment, facilities and extended services for the MFS.

Council continues to advocate for stronger community resilience actions to support communities in preparing for, responding to, enduring and recovering from adverse situations in alignment with the Australian Local Government Association's Strategic Plan. This includes funding to develop an emergency management plan and funding for council supported community relief and recovery centres.

Additional support from CFS to work with councils can help identify high risk assets and preventative strategies, such as participating in controlled burns on agreed council controlled assets.

Funding support

Ensure sustainable capital funding for appropriate asset maintenance and replacement regime for emergency management.



Education

Tertiary and Vocational Education

Support for the presence of tertiary education providers is important to the economic growth of Mount Gambier which experiences lower levels of school and post-school attainment compared with South Australia as a whole. In terms of post-secondary attainment, the region has a significantly lower proportion of the adult population with Bachelor degrees or higher (11.8 per cent, compared with 22.7 per cent for South Australia as a whole (ABS, 2021)).

Based on the 2021 Census, 37.7 per cent of the population aged over 15 years in the Limestone Coast had attained Year 12, compared to 52.6 per cent for South Australia. The city also rates poorly in terms of innovation and start-up businesses, with a lower level of business start-ups than many other regional cities.

The Mount Gambier and District Tertiary Health Education Grants have supported residents from Mount Gambier and the surrounding district who need to leave the region to undertake university studies in health skill areas required within our community.

Each year, a limited number of grants are offered, building our regional capacity to generate an increased presence of skilled and trained health professionals.

The grants deliver a unique community-led response to local essential skill shortages within the health sector but the widening of support for tertiary and vocational education funding for the region is essential to continue building the economy through innovation and skills.

The City of Mount Gambier supports programs and the tertiary education sector that connect with local industry and actively seeks to partner with government to obtain funding initiatives to facilitate the sustainability of the regional workforce.

The Government of South Australia's commitment to developing a Mount Gambier education and training precinct at the existing UniSA and TAFE provides an opportunity for industry engagement with the broader region to ensure the training matches local skills needs and students can access local employment opportunities. City of Mount Gambier continues to advocate for the community with representation on the steering committee for this development.

The merger of the University of Adelaide and the University of South Australia will create one of the largest tertiary education providers in the country. It has the potential to strengthen the local delivery of tertiary education programs, further advancing Mount Gambier as a "university city".

Advocacy

Ongoing commitment to existing tertiary offering and increased support for tertiary and vocational education funding for the region.

Primary and Secondary Education

As Mount Gambier's population continues to grow, it is crucial to proactively monitor the demand for primary and secondary education. This ongoing assessment in Mount Gambier ensures that educational resources align with the increasing population, facilitating effective planning and resource allocation. This approach to the evolving needs of the community means educational stakeholders can address challenges in a proactive manner, maintaining a responsive and thriving education system.

Child Care Services

Child care centres throughout Australia are struggling with such severe workforce shortages, leading to the cap of enrolments. Jobs and Skills Australia data shows the number of estimated vacancies for childcare workers has roughly doubled since before the pandemic, creating challenges to deliver essential services.



OUR LOCATION

Crater Lakes Activation

The Crater Lakes is an integral part of Mount Gambier, not only significantly contributing to the liveability of our city but also as an important connection to culture and the natural environment.

In 2021 Council and SA Water finalised co-dedication of the Blue Lake/Warwar and are working collaboratively to ensure the provision of water supply and services and to develop the potential to maximise one of South Australia's iconic natural assets.

Council is developing a Crater Lakes Activation Plan to work with the community to explore options and deliver actions to capitalise on the Crater Lakes precinct.

Various established trails are used for different activities and events in alignment with the City of Mount Gambier's ongoing commitment to promote the area for outdoor recreational activity for locals and visitors to the city.

As part of the Crater Lakes Activation Plan project, Council developed the Crater Lakes Trails Plan to guide the sustainable provision, management, and maintenance of the park's trail network. This work supports the State Government's goal of becoming a leading destination for trail experiences as outlined in the Statewide Trails Strategy.

Council is also actively pursuing the opportunity with public and private partners to explore developing a range of accommodation options and experiences to take advantage of the Blue Lake/Warwar and Crater Lakes precinct.

Partnership opportunity

Investment opportunities to be developed in alignment with the Crater Lakes Activation Plan. Indicative cost \$5+ million.



CBD Activation

In the context of the Wulanda Recreation and Convention Centre build, previous work to complete the Railway Lands and current discussion on the future use of the old Railway Station building and platform, combined with events in the Cave Garden/Thugi and Riddoch Arts and Cultural Centre, there are multiple opportunities to activate the CBD.

Outdoor Dining

To encourage social interaction by slowing speeds, increasing connectivity and economic spend, projects to create a better outdoor dining space along Commercial Street East (between Penola Road/Bay Road and Ferrers Street/Mitchell Street), enabling local traders to improve vibrancy, pedestrian movement and economic activity within the city centre are being explored.

This re-capture of public space will include widening the footpath and adding more bike parking and greenery without blocking the traffic lane in front of businesses. This activates a new public space open to anyone to enjoy and maintained by the shop owner. Activation levers to create thriving public spaces help bring neighbours together, create more breathing room and support local businesses.

Funding support

Indicative funding support - \$250,000.

Signage

City of Mount Gambier has developed a signage strategy and implementation plan to increase connectivity of the CBD with our city's built and natural assets. This will assist in increasing awareness and visitation while sharing our stories to maximise benefits for Mount Gambier.

Improved wayfinding and interpretive signage will align with international signage standards and incorporate dual naming of significant cultural sites.

The Blue Lake/Warwar, Crater Lakes precinct and Umpherston Sinkhole/Balumbul present the opportunity to significantly enhance visitor experiences to be creative, accessible, informative and dynamic in a context of rapidly changing technologies.

Funding support

Funding for implementation of signage strategy.
Indicative cost \$1 million.



Road, Rail and Freight Infrastructure

Australia's ongoing investment in infrastructure to enable a world-class supply chain requires evaluation of the reinvigoration of rail in the Limestone Coast and South West Victoria as an opportunity to future proof the connection to this vital new supply chain.

The City of Mount Gambier supports Regional Development Australia Limestone Coast with CSIRO commissioned work to map the region's freight task and model the economic benefits of rail with infrastructure and intermodal connections. This will not impact the Rail Trail in the CBD.

The study examined commodities and tested forestry and wood products, dairy, grains, pulses, livestock (beef and sheep), wool and horticulture. Mount Gambier to Heywood was identified as the most attractive option with an estimated \$15.6 million in savings for regional producers per year.

With an estimated reinstatement cost of between \$120-\$150 million, based on a reinstatement cost of similar rail lines in Victoria, the return on investment (ROI) without considered avoided costs would be 7.7 years to 9.6 years. The diversion of 254,413 tonnes of freight from the road network to rail would also incur additional savings such as a reduction in both road maintenance and road crash costs. It is estimated these savings would be \$1.7 million annually. This reduces the ROI to 6.9 years to 8.6 years.

Partnership opportunity

Advocacy for ongoing consideration of study.
Estimated reinstatement cost of rail line
\$120 - \$150 million.

In addition, the opportunity exists to remove rail easement/encumbrances from the title of land previously gifted to City of Mount Gambier between Wehl Street and Bay Road, as well as the 14 acres of rail land backing onto Hastings Cunningham Reserve. This would present an opportunity for the City of Mount Gambier to further activate the area as per the Sport, Recreation and Open Space Strategy.

Partnership opportunity

Consideration to gifting the 14 acres of rail land to City of Mount Gambier to further enhance Hastings Cunningham Reserve.

Consideration of the removal of outdated rail encumbrances from land titles gifted to the City of Mount Gambier.

The city of Mount Gambier is a community that relies on adequate road infrastructure. A commitment to fix numerous roads in the city area where bad wear and potholes are an increasing concern is urged from government partners. Leaning on the work of Green Triangle Freight Action Plan and leveraging opportunities with the Special Local Roads Program (SLRP).

Funding support

Funding commitment of \$2-4 million to support maintenance and renewal of Mount Gambier roads.

Increase DIT maintenance and renewal funding for roads to meet the current shortfall of estimated \$10 - 20 million.

Establish DIT depot in Mount Gambier to improve maintenance response and delivery.





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Regional Collaboration

Regionalisation of government services to regional areas are important activators to strengthen South Australia's economy. Advocating for more region based government services is important to the Limestone Coast and to the City of Mount Gambier.

The City of Mount Gambier recognises the importance of the Regional Australia Institute and their framework to rebalance the nation through the Regionalisation Ambition 2032. To strengthen our position as a growing regional capital city and contribute to policy settings and decisions, Council is a member of the Regional Activators Alliance.

We value the significant appointment of the Cross-Border Commissioner who will be an integral voice connecting and advocating for cross-border communities, businesses and organisations working closely with local, state, and federal governments to identify, analyse and resolve issues.

Council is actively engaged in regional planning efforts to support and promote sustainable growth within the region, ensuring that growth is aligned with the provision of hard and soft infrastructure.

Funding support

Investment in critical regional infrastructure to support the state and nation's economy.



Forestry

The Green Triangle forest and timber sector is the backbone of South Australia's regional economy, employing more than 18,000 people and injecting \$3 billion into the state economy annually.

However, it faces one of the biggest challenges of its 145-year history. The forestry plantation estate is in decline.

This once productive plantation estate is being transferred to general agriculture at a time when the nation is experiencing a critical lumber shortage for housing construction.

Despite investor interest in plantations and global and domestic demand for wood products, which is anticipated to quadruple by 2050, the Green Triangle estate is shrinking at approximately 5,000 hectares a year, resulting in a significant loss of carbon sequestration value.

The loss of plantation estate is a critical policy issue that requires urgent government resolution to protect South Australian jobs in forestry, timber and construction industries. The Green Triangle Forestry Industry Hub in partnership with National Institute Forest Products Innovation (NIFPI) is building a comprehensive scientific evidence base

to support government in delivering sustainable policy solutions to ensure the sector is no longer disproportionately impacted by water reductions.

Early findings have indicated that plantation tree water use is far less than previously assumed, providing an opportunity for both primary industries and environmental gain at the 2023 Lower Limestone Coast Water Allocation Plan (LLCWAP) review.

The City of Mount Gambier provides support for the industry to seek government support to arrest the forest decline and stop the ongoing impacts of the LLCWAP. The sector seeks an open and independent review of the existing plan in the short term, working proactively with all primary industries to deliver a plan that can achieve sector demands while protecting the finite resource.

Policy resolution

Government resolution to adjust policy settings to address the loss of plantation estate to protect South Australian jobs in forestry, timber and construction industries.



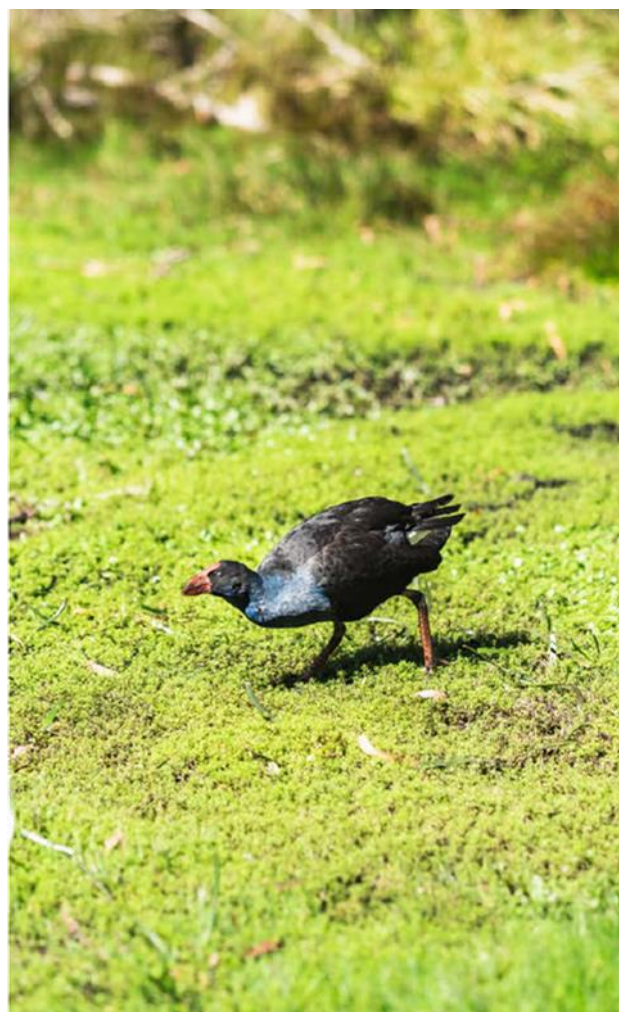
Native Vegetation

In partnership with the Limestone Coast Landscape Board and Traditional Owners, environmental restoration of the Crater Lakes precinct will provide integrated land management with economic development and tourism and create a liveable city where people respect nature.

The collaboration aligns with the United Nations Decade on Ecosystem Restoration. A significant opportunity exists to maximise the City of Mount Gambier's current resourcing and to develop a network of urban volunteers to help eradicate weeds, revegetate native plants and support the restoration of missing wildlife species to the Crater Lakes.

Partnership opportunity

Funding support in partnership with the Limestone Coast Landscape Board.



Digital Connection

Mount Gambier continues to provide clean, healthy living conditions and aspires to achieve this with digital infrastructure to improve operational efficiency, share information and provide a better quality of service and wellbeing.

Funding support for digital solutions to assist Mount Gambier to take its current community amenities, including benches, bins, lighting, devices, and the use of data to be more interactive and efficient is an ongoing focus.

Subsidy support

Funding support for digital solutions to enable Mount Gambier to lead the region to be connected, efficient and sustainable.



OUR ECONOMY

Waste and Circular Economy

Regional Materials Recovery Facility

A Materials Recovery Facility (MRF) accepts commingled recycling – the materials from the household recycling bin. The facility then sorts these recyclables into a series of commodity streams ready for sale to various recycling markets. The Limestone Coast Local Government Association Regional Waste Management Steering Committee successfully secured funding from the Local Government Association of SA research fund to undertake a study in partnership with UniSA into the risks and feasibility of a regional MRF.

In alignment with Green Industries SA and the ongoing evolution of the circular economy, the City of Mount Gambier is seeking funding to unlock the regional potential to develop infrastructure to process and create new products from waste, new technologies, and commercialisation.

The City of Mount Gambier is exploring opportunities and addressing the regional challenges in managing resources and waste more sustainably, which requires a holistic understanding of relevant issues to conserve resources, reduce pollution and carbon emissions while maintaining human wellbeing within a supportive economy.

Funding support

Funding support based on MRFs operating in South Australia and operated by local government. Indicative cost - \$5 million.

Circular Economy Trial Projects

In 2022/2023 Council operations diverted more than 6,700 tonnes away from landfill to organics, recycling and reuse, demonstrating the City of Mount Gambier's ongoing commitment to playing an active role in the evolution of the circular economy.

The ReUse Market has been particularly popular with the community and provides both an avenue to dispose of many household items for free and reduce waste to landfill. Council is currently undertaking a trial to divert food waste from food businesses. To date more than 100 tonnes of food waste has been collected and processed at a local composting facility. The quality compost products are then used on gardens and farms, supporting a circular economy. Without the trial this material goes to landfill.

Council has supported local plastic recycling projects through the collection of materials. Plastic lids and bread tags are collected at the Civic Centre. The bread tags go to Transmutation in Robe and the lids go to the Precious Plastic program at Tenison Woods College. These materials are recycled into new products in our region. Additionally, Council has supported a local recycling start up 'Ecoplas'. This company recycles plastics such as milk bottles and wheelie bins and turns them into park benches, stakes, fencing materials etc. Council has provided space at the Waste Transfer Station for Ecoplas to test the business concept.

Advocacy and support

Support through policy and regional funding opportunities for Council to ensure the city is active in moving from waste to commodity and commercialisation.

Tourism and Major Events

Tourism Development

Mount Gambier is in the land of volcanoes, sinkholes, caves and crater lakes, with a moody and overcast landscape to pursue a sense of curiosity and wonder. Our unique landscape and story position us nationally and globally with a strong, authentic offering.

Mount Gambier offers the opportunity for a new economy with Victoria's strong self-drive connector market at our doorstep. The Limestone Coast achieved a \$441 million spend in 2022, with 30% of this derived from Victoria.

Our landscape story connects us through the Kanawinka Geopark across Western Victoria. With the recently announced funding to Great Ocean Road and the established Budj Bim, we are in a position to increase the spend from visitors to our area.

A cross-government approach would support the activation of high-visitation sites with authentic storytelling and connection, explore regeneration and soft-activation of natural assets, support new and enhanced tourism experiences and operators, and increase destination brand recognition.

Major Events

Centrally positioned between Melbourne and Adelaide, Mount Gambier presents an ideal meeting place for South Australian and Victorian audiences.

Mount Gambier offers a diverse range of venues and locations suitable for events and conferences of all sizes and formats.

Wulanda Recreation and Convention Centre provides Mount Gambier with a home for large-scale indoor events, with a capacity for more than 2000 patrons, increasing Mount Gambier's profile and ability to host major sporting competitions, conferences, events and performances, providing significant social and economic benefits.

Partnership and funding

Funding support to attract large scale signature events and business events that generate significant economic benefits for the region.

Investment in cross border tourism opportunities.





Before the Bounce - AFL Gather Round

Mount Gambier is a proud sporting community with a particular love for Australian Rules Football. AusPlay data highlights AFL as the most popular organised sport in Mount Gambier and local league feature matches are known to capture crowds of up to 4,000 people.

Mount Gambier is the ideal location for the official launch of the Countdown Clock to Gather Round - 10 days out from the first game in South Australia in 2024.

Before the Bounce will signal the start of the Festival of Footy, which will include exhibition matches in Mount Gambier - potentially part of the points round in SANFL or AFLW, club development programs, footy clinics, school visits, gala dinner with keynote speakers, and an AFL Premiership Cup visit. A clock will be centrally displayed in Mount Gambier with associated PR activities during the ten days to build momentum for Gather Round in South Australia.

Given our proximity to the Victorian border, we will be the 'welcome party' for those travelling through to Adelaide for the Gather Round.

Funding support from the State Government to invest in marketing collateral, Vansittart Park upgrades to grand stand, toilets and changerooms, and the Festival of Footy in Mount Gambier will have a total economic impact on the Limestone Coast region of \$3.86 million and a total impact on the South Australian economy of \$4.05 million.

Located within the CBD and connecting to the main street through curated gardens, Vansittart Park is the ideal venue for Mount Gambier to showcase Australian Rules Football in a regional setting. The venue provides suitable capacity for such an event and, due to its direct connection to a mix of licensed venues, cafes, restaurants, and retail outlets, will build a showcase game into a true festival environment catering for a broad range of patrons and spectators.

Funding support

Funding support to invest in marketing collateral, Vansittart Park upgrades and the Festival of Footy in Mount Gambier.
Indicative cost - \$2 million.

Workforce Attraction and Retention

Regional business growth is significantly impacted by a lack of staff. Many businesses are not taking advantage of contract offers as they cannot complete projects within suitable timeframes due to staffing shortages. The lack of rental accommodation and transport options creates issues for job seekers and regional businesses.

The migration of people from the cities to the regions has exacerbated an already tight housing market, forcing rental and sale prices up and vacancies down to near zero – a significant barrier to job seekers wishing to move to the region.

Regional Development Australia Limestone Coast is delivering the Regional Work SA project in partnership with the State Government, connecting job seekers to employment opportunities across our region.

The City of Mount Gambier advocates for affordable housing measures combined with adequate transport options to meet the needs of a modern city and support for businesses to access planning services adapted for regional South Australia.

Financial Sustainability

The value of Financial Assistance Grants provided to local government has declined over the past three decades from around 1 per cent of Commonwealth taxation revenue to around 0.55 per cent.

Financial Assistance Grants support the financial sustainability and health and wellbeing of every Australian community.

Local Government Financial Assistance Grants are provided by the Commonwealth Government to help councils provide local services and infrastructure. The grants are not tied and can be used by local government bodies at their discretion to meet the needs and priorities of local communities.

Australian Local Government Association's (ALGA) 2021 National State of the Assets report indicates that around 10 per cent of the infrastructure owned and managed by Australian councils is in poor condition and requires intervention.

City of Mount Gambier support ALGA's advocacy for increasing the Financial Assistance Grants to 1% of total Commonwealth taxation revenues. This increase would provide \$5,125 million in funding to local government in 2021-22, which is an additional \$2,429 million in funding. An additional \$2,429 million would increase the Gross Regional Product (GRP) by \$3,439 million and support an additional 22,814 jobs full-time equivalent jobs.

Advocacy and support

Restoring Financial Assistance Grants to at least one per cent of Commonwealth taxation revenue via a phased approach.



OUR CLIMATE, NATURAL RESOURCES, ART, CULTURE AND HERITAGE

Open Space Strategy and Implementation

Sport, Recreation and Open Space Strategy

The City of Mount Gambier is home to an abundance of parks, reserves and sporting facilities that people of all ages and abilities can enjoy. Council knows recreation and open spaces are important to our community, whether it's for sporting activities, exercise, socialising with family and friends or walking the dog.

To continue to provide quality, well-planned spaces and guide the future direction of open spaces and facilities in Mount Gambier, Council has developed a Sport, Recreation and Open Spaces Strategy (SROSS).

The strategy is a first of its kind for the city and provides strategic direction for the future development and management of Council's 58 open spaces, including recreation, sporting, nature and public realm spaces.

The SROSS addresses the current gaps in sport, recreation and open spaces throughout the city, based on the needs of the community now and into the future.

The strategy proposes short, medium and longer term recommendations to provide and/or improve public spaces. This includes the development of additional site/precinct specific master plans and strategies and undertaking scoping projects for future works.

Planning and partnership opportunities

Funding support for fitting and adapting spaces in Mount Gambier based on the Sport Recreation and Open Space Strategy in order to maximise community benefits through sport and recreation.

Estimated cost \$20 million.

Blue Lake Sports Park Master Plan

The Blue Lake Sports Park is a significant multi-purpose site for sport and recreation in Mount Gambier, offering large open-plan green space that enables multiple simultaneous sporting activities to occur in a single location.

Council worked with Outerspace Landscape Architects and InsideEDGE Sport and Leisure Planning to develop a master plan for the area in consultation with site users and the community.

The high level document provides a road map for future development at the site, informed by the SROSS, current and future participation trends, sporting compliance and feedback from the community and key stakeholders.

Mount Gambier has a strong sport and recreation culture and this plan aims to future proof the facilities, deliver environmentally sustainable outcomes and develop the park as a destination that the wider community can engage with.

Council has commenced an implementation planning process which will include the development of a shared funding plan so that grant funding opportunities for the development of the Blue Lake Sports Park can be pursued in the future.

Funding support

Funding support for detailed design and implementation of the Blue Lake Sports Park Master Plan.

Railway Lands

Since its official opening in 2015, the Mount Gambier Railway Lands has fast become an active, inner-city public space enjoyed by residents and visitors alike.

The Railway Lands precinct is approximately 44,000m² of public open space located in the heart of the CBD and provides a centralised access point for the Rail Trail, retail/business centre, and the recently built multi-million dollar Wulanda Recreation and Convention Centre.

The Railway Lands has successfully hosted a range of significant events and attractions, including Blue Lake Carols, food and wine events, live music concerts, outdoor cinema and large-scale community fundraising events.

The Old Mount Gambier Railway Station Building

The City of Mount Gambier is inviting expressions of interest for the commercial occupancy of the old Mount Gambier Railway Station building. A landmark site, the historic building presents a unique opportunity to extend on the success of the award-winning Mount Gambier Railway Lands redevelopment, further fulfilling community aspirations for this intergenerationally significant inner-city location.

A range of boutique traders now front the precinct including a craft brewery, bakery and antiques store, embracing and enhancing the commercial potential of the area.

The ideal occupant will:

- Further the Railway Lands precinct as a premier destination in Mount Gambier through the provision of high quality, regionally connected products and/or services,
- Propose a concept that considers and further diversifies the existing offering within inner-city Mount Gambier,
- Build additional vibrancy within the precinct with

a particular focus on a high degree of ongoing activation of both the station building and the surrounding platform area,

- Embrace the heritage character of the building and considerable community sentiment attached to the site, and
- Demonstrate capacity to deliver the concept to the standards expected of a landmark tenancy through prior experience or execution of similar projects.

The addition of Wulanda Recreation and Convention Centre, a new premier regional multi-functional indoor sporting and cultural facility located only 150 metres to the south, positions the Railway Station building as a direct connector between this facility and the CBD.

Other opportunities to continue to maximise the success of the Railway Lands and extension to the Rail Trail include working with neighbouring councils to extend the Mount Gambier to Penola section of rail trail to link with the soon to be constructed Penola to Naracoorte trail.

Funding support

Commit funds to build Mount Gambier to Penola section of rail trail to link with the soon to be constructed Penola to Naracoorte section.
Funding commitment \$3 - 5 million.

Railway Lands Play Space

Following significant community consultation and the endorsement of the SROSS, Council intends to redevelop the play spaces to include a nature play space, learn to ride and youth space incorporating skate and basketball elements.

The space will encourage children, youth and adults to engage in active and passive recreation through diverse play opportunities. The Inclusive Play guidelines will inform the precinct design to ensure accessible play for all ages and all abilities, promoting social inclusion.

The design will encourage use by protecting and enhancing the environment and promoting cultural and heritage values. This will assist with place-making through the construction of unique attributes throughout the play precinct.

Council is in the process of tendering for the design of the play precinct.

Funding support

Funding support for the redevelopment and construction of the Mount Gambier Railway Lands play space.



Sustainability and Environment

Electric Vehicle Infrastructure

The State Government is investing up to \$13.4 million to leverage approximately \$25 million of private investment in the statewide public electric vehicle charging network. The government sought registrations of interest from property owners and tenants interested in hosting electric vehicle chargers to be part of the statewide public network.

The State Government selected the RAA to coordinate the roll out of this new infrastructure. Council is working with RAA to identify suitable location in the city centre.

Energy Efficiency

Since 2014/2015 the City of Mount Gambier has allocated an annual amount of \$50,000 for energy efficiency and renewable energy measures. Since that time the funds have been used for the following projects:

- Solar system installed on Wulanda Recreation and Convention Centre, the Library, Waste Transfer Station, Depot, Carinya Gardens Cemetery and Crematorium.
- LED lights fitted throughout the Civic Centre, Visitor Information Centre and the Library.
- Heating, ventilation and air conditioning audit undertaken to assess the efficiency of Council's heating and cooling systems.

Council's current solar systems have generated more than 830 MWh of electricity which is the equivalent of power to 125 South Australian homes for an entire year.

Opportunities for incorporating hybrid and electric vehicles into the fleet are being actively explored as renewal opportunities arise, and consideration is included in the tender specifications for new vehicles.

The Federal Government is partnering with local governments to deliver energy upgrades for community facilities as part of the \$100 million Community Energy Upgrades Fund. The assistance will help councils cut their emissions and reduce energy bills.

Policy and subsidy support

The City of Mount Gambier continues to seek funding support to benefit the community in upgrading infrastructure and systems.



Arts and Creative Industry

As a regional city, Mount Gambier has a strong focus on the local arts and culture scene as an avenue to inspire civic pride and emphasise the positive impact arts and culture has on community well-being. The Country Arts SA strategic plan and priorities are intricately aligned with the arts and cultural aspirations of the City of Mount Gambier.

Supporting the modernisation of the Sir Robert Helpmann Theatre as proposed will complement the Library and The Riddoch Arts and Cultural Centre offering that currently exists within the civic and cultural precinct of the Mount Gambier CBD and demonstrates Council's commitment to strengthening arts as the multi-faceted industry that it is and add value to the further growth of cultural capital.

Advocacy and partnerships

Support for the upgrade of the Sir Robert Helpmann Theatre and Civic Centre complex.

The Riddoch Arts and Cultural Centre

The Riddoch Art Gallery is the largest regional gallery in South Australia. It was first opened in the Mount Gambier Institute in 1887. The gallery employs professional staff, maintains international art museum standard conditions and is the only State Government funded regional gallery. It provides gallery space for local artists and community groups and hosts both state and national touring exhibitions.

The Riddoch's collection of more than 1,500 items includes important paintings and prints that depict the people and history of the Limestone Coast, a significant collection of Aboriginal art from Utopia and a large collection of 20th Century Australian art.

The Riddoch is an important community asset and a significant economic activator. Developing national and international exhibitions and events to benefit from the Riddoch's unique CBD location is a key focus for the City of Mount Gambier.



Partnership opportunities

If you are interested in partnering with Council to assist in delivering any of the initiatives outlined in this document, we would love to hear from you. Please get in touch with us via phone or email.



City of
Mount Gambier

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19.3 CBD ACTIVATION UPDATE – REPORT NO. AR24/2166

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/2166
CM9 Reference:	AF23/328
Author:	Biddie Shearing, Manager Economy, Strategy and Engagement
Authoriser:	Barbara Cernovskis, General Manager City Infrastructure
Summary:	This report provides an update for CBD activation at the Cave Garden/Thugi and Watson Terrace area that will bring together existing and supported events and activities over a 10-week period.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/2166 titled 'CBD Activation Update ' as presented on 23 January 2024 be noted.



TYPE OF REPORT

Other

BACKGROUND

At a Council meeting held on 19 September 2023, Council resolved:

1. *That Council Report No. AR23/61998 titled 'CBD Activation' as presented on 19 September 2023 be noted.*
2. *That Council endorse the CBD Activation (Watson Terrace) guidelines and a budget allocation of up to \$20k to enable activation activities during the 24 November 2023 – 28 January 2024 period.*
3. *That Council be provided with a monthly activity report including budget update.*

This report provides progress update for CBD activation at the Cave Garden/Thugi and Watson Terrace area that will bring together existing and supported events and activities throughout November, December and January.

PROPOSAL

In line with the endorsed guidelines and centred around the trial closure of Watson Terrace on weekends from late November 2023 through to January 2024. Watson Terrace will remain open during weekdays.

A program of activation continues to be co-constructed in consultation with business and community interest groups from Sunday 26 November through until Sunday 28 January 2024. The momentum and level of interest has increased with the Summer on Watson program for January full. At the time of writing this report, the events team were still working with community groups to secure and finalise activities. Noting the time of year has been tricky to engage with some community groups.

Following the cancellation of the New Year's Eve Festival organised by community committee Mount Gambier Community Events Management Inc, Council was able to deliver a family-friendly New Year's Eve celebration as part of Summer on Watson with the short lead-in time. The existing budget allocation for sponsorship of the New Year's Eve Festival was re-allocated to support the delivery of New Years Eve celebrations.

Media and marketing promotion has continued including paid Social Media advertising with links to the landing page under the Discover Tab which can also be accessed via QR Code which appears on posters displayed in businesses throughout the city. This landing page also contains Frequently Asked Questions, and the latest program of activities and events at Summer on Watson - www.mountgambier.sa.gov.au/summeronwatson. At the time of writing this report, the landing page had over 1,000 page views.

Temporary road closures of Watson Terrace, off Commercial Street East, occurs by Council's Depot team. Council's Depot team support has also included sprinkler alterations, waste management after every activation, shipping container installation, and site alteration requirements for activations, including marquee sides removal and semi-permanent structure removal.



Number of activations as at 18/01/2024

	November 2023	December 2023	January 2024	Total
Confirmed activations	1	7	11	19

The Summer on Watson program of activations brings together existing and returning activations and events to the CBD, while creating opportunity for businesses and community groups to test new activation ideas in the space. An updated example of new activations that have been featured in the Summer on Watson programme:

- Drag Beach Party Life Drawing: an afternoon of frivolity, fun and art with a casual drawing session, all material provided and delicious mocktails - \$30 participation fee.
- Trek Across Oz - Charity bike ride culminating in Mount Gambier on New Years Eve 11am – 2pm
- Red Cross Volunteer Appreciation Morning, celebrating our community volunteers.

The Summer on Watson Program also included:

- Koonara Wine Summer Fiesta: Enjoy favourite wines, beers & ciders with live bands followed by a DJ – over 18 only, early bird tickets \$25.
- Thugi Markets on Sunday 10 December and 14 January 2024.

Summer on Watson will wrap up with Friday 26 January Citizen of the Year celebrations and on Saturday 27 January with A Triple J Hottest 100 Party in the Park.

Following each activation, a debrief session is held with Council staff and the activation organiser to ensure feedback and data is captured as part of the trial.

Summer on Watson Budget

Council's current budget includes an allocation for a New Year's Eve event of \$8,000. Due to cancellation of the event, the budget was reallocated to incorporate a New Year's Event as part of the Summer on Watson Program. This increased the Summer on Watson Program Budget to \$28,000, with no increase to Council's overall operating budget.

Item	Budget allocation
Marquee, decorative lighting and furniture hire, including bump in/bump out	\$19,235
Marketing, including road closure public notices	\$765
New Year's Eve activation	\$8,000
TOTAL	\$28,000

In-kind value (internal resources) include road closures, permits waivers, waste, portable PA, accessibility mats and curb ramps	Approx. \$2,350 Approx. \$10,000
TOTAL	Approx. \$12,350

The team has developed new systems to capture the in-kind support provided across the 10 week period and will collate this as part of an overall debrief at the completion of Summer on Watson.



LEGAL IMPLICATIONS

Road Closures and Traffic Management requirements have been implemented, and timelines considered which is all part of the Special Event Permit Administrative Procedure.

STRATEGIC PLAN

- 1.2.1 Creating opportunities for existing and new businesses by being genuinely 'open for business' and ready for education, health and retirement opportunities
- 1.3.1 Supporting community events and programs that bring people together, encourage interaction and promote a sense of community
- 1.3.2 Providing opportunities to enable our community to be supported and involved
- 2.1.1 Working with the community to ensure our CBD, health and education precincts, our streets and our public spaces are safe, inviting and support a positive image of the City of Mount Gambier
- 2.5.1 Working with business owners and property owners to understand what mechanisms would assist them in raising the quality of buildings in the CBD
- 2.5.2 Understanding the traffic impacts and the management of delivery needs within a more pedestrian friendly environment
- 2.5.3 Working with the community and developers to capitalise on opportunities as the CBD evolves
- 2.5.4 Establish a collaborative activation strategy with CBD traders that delivers a mix of hospitality, cultural and boutique offerings
- 3.1.1 Beautifying town entrances, gateways and public spaces to create a sense of arrival, together with enhanced digital gateway to access the City from anywhere
- 3.1.2 Generating positive messages about Mount Gambier that are heard and recognised across our region and in Adelaide, together with wider domestic and international targeting
- 3.1.3 Engaging our community leaders in strategies to address current barriers and in shaping the future
- 3.4.1 Encouraging the development of interesting niche businesses in our shops and public places, particularly aimed at weekend place activation, day trip tourism and experiences that complement key tourism drivers
- 3.4.3 Zoning and planning processes, together with appropriate leases and licences that support tourism activity and the development of accommodation and eateries

COUNCIL POLICY

[A240 - Assemblies and Events on Streets and Other Council Land](#)



ECONOMIC IMPLICATIONS

During the Summer on Watson Activation Program from 24 November 2023 through until 28 January 2024, Council will be able to capture visitation through several methods and also be able to produce an economic impact report for future consideration.

Engagement with surrounding businesses and post-event surveys will be critical to articulating the success of the program from this perspective.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

As outlined in Council's CBD Guiding Principles, CBD Activation:

- Connects the city for locals and visitors alike through a balance of strong attractors and natural spaces that encourage visiting the city centre for work, shopping, or play,
- Enables inner city living in a vibrant urban environment interacting with the wider community in shared spaces,
- Appeals to young and old and celebrates history with its interwoven cultural influences,
- Generates opportunities for private investment and encourages a concentration of commercial activity to bring people to the heart of the CBD, and
- Delivers on the expectation of the city being the hub as the major centre in the region's commercial and social activity, from which economic prosperity and a sense of identity can thrive.

These outcomes define the measures of success for a thriving, sustainable and inviting city. They also define the elements that will help bring people to the city.

CULTURAL IMPLICATIONS

Council's Cultural and Heritage Plan acknowledges the aspiration of our community for an active and vibrant CBD. The plan also acknowledges the importance of supporting a robust early evening economy, fostering performance opportunities for local musicians and artists and the provision of audience development opportunities for people of all ages and cultural backgrounds.

Due to the short lead-in time, and the nature of working performers, musicians and artists, some of these activities are still being considered but not confirmed as of yet. Deliberate efforts have continued to explore how the program can celebrate our cultural diversity as a city.

RESOURCE IMPLICATIONS

There has been a notable reliance on the infrastructure unit to deliver the test and trial model of activation for Summer on Watson. Guidelines have been developed to guide the team.

VALUE FOR MONEY

To build-in a sustainable activation model from the outset, Council's financial contribution to this initiative has been primarily aimed at: 1) demonstrating what kind of activation is possible (through underwriting some costs, test and trailing new ideas or reducing perceived barriers); and then 2) seeking to strengthen and support community relationships in order for more community-led activation opportunities in the future reducing the reliance of Council contribution longer-term.

This community-led approach to activation ensures Council's resources are amplified wherever possible.



Pre-planned and purposeful feedback will be captured throughout the test and trial period to inform future activations or investment. This will include economic impact reports to assist in evaluation compared to investment from Council but also community.

RISK IMPLICATIONS

During the development of the Summer on Watson Terrace Activation Program, a consideration lens applied ensures that while the CBD program has been sparked by the potential closure of Watson Terrace, the opportunity for all businesses and community to contribute to the activation is vital.

Efforts have been made to demonstrate scalability of the concept and/or its repeat application in other commercial trading areas throughout the CBD.

EQUALITIES AND DIVERSITY IMPLICATIONS

As the test and trial program has evolved, strong consideration has been given to inclusion, diversity and adhered to Council's documents - Disability, Access and Inclusion Plan and Reconciliation Action Plan.

ENGAGEMENT AND COMMUNICATION STRATEGY

Engagement has been undertaken with business and community seeking activation ideas to gain an understanding of the support or otherwise for the CBD Activation - Summer on Watson concept.

IMPLEMENTATION STRATEGY

Utilising the resources from within the City and Community Growth portfolio a program of activities has been developed to activate Watson Terrace and Cave Garden/Thugi, however, the short lead time has challenged external parties committing to the activation - despite Council waiving the permit fees process. This learning is being captured in order to refine our approach and look to evolve the delivery for future activations across the city.

Community access to the Summer on Watson calendar of activities and participant information is available on Council's website and can be accessed via the [Discover tab](#).

CONCLUSION AND RECOMMENDATION

Council be provided with a monthly activity report.

ATTACHMENTS

Nil



19.4 POLICY REVIEWS – REPORT NO. AR23/81491

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR23/81491
CM9 Reference:	AF23/328
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents amended Council Policies following review for consideration and adoption.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR23/81491 titled 'Policy Reviews' as presented on 23 January 2024 be noted.
2. The updated policies as attached to Council Report No. AR23/81491 be endorsed:
 - M205 Members – Mayor – Anniversary Messages
 - M225 Members – Service Recognition
 - E115 Elections – Council Entitlement to Vote



TYPE OF REPORT

Corporate

BACKGROUND

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

Following the Interim Audit carried out in May 2023 the review of all policies continues with an action plan and reporting on progress presented to the Executive Leadership Team on a fortnightly basis.

A further three (3) policies have been reviewed and are presented for endorsement by Council.

PROPOSAL

The following Council policies have been reviewed with minimal changes proposed to content:

- M205 Members – Mayor – Anniversary Messages
- M225 Members – Service Recognition
- E115 Elections – Council Entitlement to Vote

Copies of the marked-up policies are attached to this report (**Attachments 1-3**).

The application of policies M205 and M225 are self explanatory, with policy E115 relating to Council's entitlement to vote in local government elections as owner and custodian of land located within the District Council of Grant, Council's policy position being that it will not exercise a vote.

LEGAL IMPLICATIONS

Council and Council Officers have obligations to comply with the Act and Council Policies.

STRATEGIC PLAN

N/A

COUNCIL POLICY

This report relates to the review of the following policies as currently published on the Council website

[M205 Members - Mayor - Anniversary Messages](#)

[M225 Members - Service Recognition](#)

[E115 Elections - Council Entitlement to Vote](#)

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A



VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

No engagement or communication is proposed on the unchanged policies.

IMPLEMENTATION STRATEGY

These policies are proposed to be administered in the same manner as in previous years.

CONCLUSION AND RECOMMENDATION

This report recommends the following reviewed and updated policies be endorsed as attached:

- M205 Members - Mayor - Anniversary Messages
- M225 Members - Service Recognition
- E115 Elections - Council Entitlement to Vote

ATTACHMENTS

1. DRAFT - Council Policy M205 - Members - Mayor - Anniversary Messages [↓](#)
2. DRAFT - Council Policy M225 - Members - Service Recognition [↓](#)
3. DRAFT - Council Policy E115 - Elections - Council Entitlement to Vote [↓](#)



 City of Mount Gambier	M205 MEMBERS - MAYOR - ANNIVERSARY MESSAGES		Version No:	4
			Issued:	23 January 2024
			Next Review:	January 2028

1. POLICY STATEMENT

Council recognises that on occasion a request will be made to the Mayor to provide a letter of recognition in regard to a special birthday or wedding anniversary.

Council has taken into consideration information contained on the Department of Prime Minister and Cabinet anniversary messages webpage:-

<https://www.pmc.gov.au/government/anniversary-messages>

The following will apply:-

- A letter of congratulations be sent to organisations that are celebrating their 25th Anniversary and every twenty five years thereafter all upon request.
- A letter of congratulations be sent to a couple celebrating their 50th Wedding Anniversary upon request.
- A letter of congratulations be sent to a couple celebrating their 60th Wedding Anniversary upon request.
- A letter of congratulations be sent to a person celebrating their 90th Birthday upon request.
- A letter of congratulations be sent to a person celebrating their 100th Birthday upon request.

 City of Mount Gambier	M205 MEMBERS - MAYOR - ANNIVERSARY MESSAGES		Version No:	4
			Issued:	23 January 2024
			Next Review:	January 2028

File Reference:	AF18/51
Applicable Legislation:	
Community Plan Reference:	
Related Policies:	
Related Procedures:	
Related Documents:	https://www.pmc.gov.au/government/anniversary-messages

DOCUMENT DETAILS

Responsibility:	Manager Governance and Property
Version:	4.0
Last revised date:	23 January 2024
Effective date:	23 January 2024
Minute reference:	Council Meeting 23 January 2024 – Item ## - Resolution ##
Next review date:	January 2028
<u>Document History</u> First Adopted By Council: 17 October 2006 Reviewed/Amended: 21 April 2009, 17 July 2018, 23 January 2024	

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 City of Mount Gambier	M225 MEMBERS - SERVICE RECOGNITION		Version No:	3
			Issued:	23 January 2024
			Next Review:	January 2028

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for the recognition of service of Elected Members.

2. MEMBERS - Recognition of Service

The Mayor, in association with the Local Government Association of South Australia, present to each Elected Member who complete a term on Council;

- a "Certificate of Service" after ten (10) years of service with Council, irrespective of whether that service is continuous or with a break or breaks, provided the culmination equals at least ten (10) years;
- a "Service Badge" after fifteen (15) years of service with Council, irrespective of whether that service is continuous or with a break or breaks, provided the culmination equals at least fifteen (15) years;
- the "Certificate of Meritorious Service" after twenty (20) years of service with Council, irrespective of whether that service is continuous or with a break or breaks, provided the culmination equals at least twenty (20) years;
(Note: Certificate of Meritorious Service presented at the LGA - Annual General Meeting)

As the "Certificates of Service" or "Service Badge" can only be issued once to an Elected Member, then as a matter of policy, the issue and presentation of the "Certificates of Service" or "Service Badge" be made at the completion of an Elected Members' respective years of service.

Council also provide:

- a special memento in the form of a suitably inscribed gold watch after twenty five (25) years of service with Council irrespective of whether that service is continuous or with a break or breaks provided the culmination equals at least twenty five (25) years.

As the memento can only be issued once to an Elected Member, then as a matter of policy, the issue and presentation of the memento be made at the completion of an Elected Member's twenty five years of service.

3. REVIEW & EVALUATION

This Policy is scheduled for review by Council in **January 2028**; however, will be reviewed as required by any legislative changes which may occur.

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 City of Mount Gambier	M225 MEMBERS - SERVICE RECOGNITION	Version No:	3
		Issued:	23 January 2024
		Next Review:	January 2028

File Reference:	AF18/51
Applicable Legislation:	
Community Plan Reference:	
Related Policies:	M160 Members Certificate of Service (Superseded) M230 Members Recognition of Service (Superseded)
Related Procedures:	
Related Documents:	


DOCUMENT DETAILS

Responsibility:	Manager Governance and Property
Version:	3.0
Last revised date:	23 January 2024
Effective date:	23 January 2024
Minute reference:	23 January 2024 - Item ### - Resolution No. ####
Next review date:	January 2028
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	18 th February 1999 (Suspended Policies M160, M230) 17 July 2018, 23 January 2028

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 City of Mount Gambier	E115 ELECTIONS - COUNCIL ENTITLEMENT TO VOTE	Version No:	6
		Issued:	January 2024
		Next Review:	January 2028

1. POLICY STATEMENT

The City of Mount Gambier not vote at any of the elections of the District Council of Grant, even though (as a ratepayer and property owner/property occupier within that Council's area) Council is entitled to enrol to vote for its several properties.



 City of Mount Gambier	E115 ELECTIONS - COUNCIL ENTITLEMENT TO VOTE	Version No:	6
		Issued:	January 2024
		Next Review:	January 2028

File Reference:	AF18/51
Applicable Legislation:	Local Government (Elections) Act 1999
Community Plan Reference:	
Related Policies:	
Related Procedures:	
Related Documents:	

DOCUMENT DETAILS

Responsibility:	Manager Governance and Property
Version:	6.0
Last revised date:	23 January 2024
Effective date:	23 January 2024
Minute reference:	Council Meeting 23 January 2024 - Item ##.##
Next review date:	January 2028
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	18 April, 2001 15 April 2003, 19 September 2006, 16 December 2008, 17 July 2018, 23 January 2024

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19.5 POLICY REVIEW - F140 FLAG PROTOCOL – REPORT NO. AR23/64148

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR23/64148
CM9 Reference:	AF23/328
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents a review of Council’s Flag Protocol (flying of flags) Policy including consideration to relocating the Aboriginal and Torres Strait Islander flags from their current position in the Cave Garden Precinct, to be flown together with the Australian, State and Mount Gambier flags adjacent the Civic Centre.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR23/64148 titled ‘Policy Review - F140 Flag Protocol’ as presented on 23 January 2024 be noted.
2. That Council endorses the reviewed and updated Flag Protocol Policy F140 as attached to Council Report No. AR23/64148 (Attachment 1).
3. That Council notes and endorses the relocation, subject to any necessary approvals for installation of additional flag poles, of the Aboriginal and Torres Strait Islander Flags from their current position in the Cave Garden Precinct, to be flown together with the Australian, State and Mount Gambier Flags adjacent the Civic Centre (opposite the Library entrance), and in any event in accordance with the Prime Minister’s Flag Flying Protocols and:
 - (a) Retaining the community/special occasion flagpoles in the Cave Garden Precinct (near the Commercial Street East / Watson Terrace intersection – opposite Jens Hotel)
 - (b) Retaining the existing RSL flagpole in the Cave Garden Precinct, facing Commercial Street East (adjacent the Gardiner fountain)
4. That Council notes and supports the review, in consultation with our local first nations community and cultural authority, the flying of the Aboriginal and Torres Strait Islander flags at other Council business locations and, where supported by cultural feedback, to add flagpoles at supported locations in accordance with the Council Flag Protocol Policy and the Prime Minister’s Flag Flying Protocols.

The implementation of any such changes/additions to occur over time, in conjunction with any associated facility planning activities, and pending any necessary approvals and budget allocations for purchase and installation.



TYPE OF REPORT

Corporate

BACKGROUND

[Council Policy F140 Flag Protocol](#) currently references designated locations for the flying of flags at Council sites:

- Permanent Locations
- Memorial Purposes
- Other Purposes/Locations: e.g. Special Occasions

There is regular community interest in the flying of Australian National flags, including the Aboriginal and Torres Strait Islander flags, particularly in the Cave Garden/Civic Centre precinct, being a high profile location with civic/ceremonial purpose.

The flying of flags can be a sensitive issue for some interested community members for a variety of reasons, not limited to national/civic pride and the separation of the Aboriginal and Torres Strait Islander flags away from the Australian, State and Mount Gambier flags.

Addressing the frequent enquiries and concerns can be resource intensive for the administration and other State/Commonwealth government offices who refer enquiries to Council, notwithstanding that flag flying is conducted strictly in accordance with Council Policy and the Prime Ministers Guidelines.

The flag poles in the Cave Garden precinct (adjacent the Gardiner Fountain and opposite Jens Hotel) were historically in close proximity to the previous location of the Council Office (in the 'Old' Town Hall). The Civic Centre flag poles were installed when the Civic Centre was newly constructed and the Council Offices were relocated from the 'Old' Town Hall (circa 1981) and prior to Council's consideration of flying the Aboriginal and Torres Strait Islander Flags.

However, as they are all identified as national flags (together with the Australian flag) this report presents proposed alterations to Council's policy position to enable the positioning of flag poles at Council locations to fly the Aboriginal and Torres Strait Islander flags together with the Australian flag, to be transitioned over time to suit community and cultural needs and interests.

Further, a request has been received from staff in one business unit to also fly the Aboriginal (and Torres Strait Islander) flag, together with the Australian Flag, at their business location, which would be contrary to the provisions of [Council Policy F140 Flag Protocol](#).

The purpose of this report is to present proposed changes to Council's Flag Protocol Policy, to set a policy intent that can be implemented with more flexibility than the current fixed flag flying locations.

PROPOSAL

To address the current situation where the Aboriginal and Torres Strait Islander flags are flown separate from the Australian flag in the Cave Garden/Civic Centre Precinct, and to accommodate the flying of the same additional flags at other Council locations in the future, this report proposes changes to [Council's Flag Protocol Policy F140](#), including:

Consolidation of flag poles in the Cave Garden precinct, by:

- Relocating, subject to any necessary approvals for installation of additional flag poles, the Aboriginal and Torres Strait Islander flagpoles currently located in the Cave Garden (near the Commercial St East/Watson Terrace intersection), to be located together with the Australian, State and Mount Gambier flags in the Civic Centre precinct (i.e. adjacent the Civic Centre entrance opposite the Library entrance) to be flown in accordance with the Prime Minister's flag flying protocols.
- Retain community/special occasion flagpoles in the Cave Garden precinct (near the Commercial St East/Watson Terrace intersection) for other flag flying purposes



- (In addition to the list of dates for flying of flags published by the Officer for the Prime Minister, the Council Administration also maintain a calendar of special days for the flying of flags as determined by Council resolutions of enduring effect as passed from time to time. A copy of this calendar is not included with the Flag Protocol Policy as it is subject to change from year to year and as resolved by Council. The calendar does not include flag flying dates resolved by Council of a once-off nature. A copy of the current Calendar of Special Days for Flying Flags is attached to this report – Attachment 1)
- Retain the existing RSL flagpole in the Cave Garden precinct facing Commercial St East.
(it is presumed this flagpole location was associated with the RSL's former premises at 1 Bay Road)

Further, to review in consultation with our local first nations community representatives the flying of the Aboriginal and Torres Strait Islander flags at other Council business locations and to add flagpoles at identified locations based on their cultural feedback and in any event in accordance with Council Policy and the Prime Minister's Flag Flying protocols

The resulting policy position proposed as being that Council endorse the flying of the Australian, including the Aboriginal and Torres Strait Islander flags, at any Council business location in the future but only where/after local first nation representatives have endorsed the flying of those flags.

With the exception of the relocation of Aboriginal and Torres Strait Islander flags from the Cave Garden Precinct to the Civic Centre, the implementation of any changes/additions to other flagpole locations is proposed to occur over time, and in conjunction with other facility planning activities and upgrades and pending any budget allocations and necessary approvals for the purchase and installation of additional flagpoles.

A reviewed and updated F140 Flag Protocol Policy is attached (**Attachment 1**) for consideration.

LEGAL IMPLICATIONS

There are no particular legal implications other than to ensure compliance with the Prime Minister's Flag Flying Protocols and to avoid any offences associated with Australian flags.

STRATEGIC PLAN

Goal One: Our People

Goal Four: Our Climate, Natural Resources, Arts, Culture and Heritage

- 4.4 Recreational and Cultural Pursuits

COUNCIL POLICY

F140 Flag Protocol - the subject of review in this report.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The proposed alterations are intended to address changing community and cultural interests.

CULTURAL IMPLICATIONS

The flying of Aboriginal and Torres Strait Islander flags has general community interest and more particularly for the First Nations community. Ongoing consultation with our First Nations community and cultural authority are proposed before any additional Aboriginal and Torres Strait Islander flags are flown at new locations to assess any cultural sensitivities or requirements.



RESOURCE IMPLICATIONS

Relocation/installation of two flag poles to accommodate the immediate relocation of the Aboriginal and Torres Strait Islander flags in the Cave Garden/Civic Centre Precinct is estimated to have a total labour/plant hire cost of approximately \$1,500.00, which it is proposed could be accommodated within the existing 2023/2024 City Infrastructure budget.

Further installations to accommodate future additional flags/poles are estimated at \$2,000.00 per pole/per location. Such costs may be incorporated as a standalone budget provision in future budget years, or as part of any project/proposal budget associated with future building/facility upgrades.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

Cultural and community risks arise in relation to such high profile and sensitive matters, hence this report to ensure a council policy position and consultation as appropriate for any future proposed installations.

EQUALITIES AND DIVERSITY IMPLICATIONS

Cultural and community risks arise in relation to such high profile and sensitive matters, hence this report to ensure a council policy position and consultation as appropriate for any future proposed installations.

ENGAGEMENT AND COMMUNICATION STRATEGY

Informal consultation with our local First Nations community representatives have indicated that no issues are considered to arise with regard to the proposed immediate relocation of the Aboriginal and Torres Strait Islander flags within the Cave Garden/Civic Centre precinct, such that no further consultation would be proposed on this particular aspect of the amended Flag Protocol Policy.

However, due to the unknown aspect of any cultural considerations at other Council business locations, further specific engagement would be proposed before implementing further flag flying at other locations, and as part of any other facility planning activities associated with those sites.

IMPLEMENTATION STRATEGY

Implementation of changes/additions to flag pole/flying locations is proposed to occur over time in conjunction with any associated facility planning activities and pending any budget allocations for purchase and installation, with the exception of the proposed immediate relocation of the Aboriginal and Torres Strait Islander flags within the Cave Garden/Civic Centre precinct.

CONCLUSION AND RECOMMENDATION

Having considered the report and the reviewed and updated F140 Flag Protocol Policy this report includes recommendations that Council endorse the updated Flag Protocol Policy F140 as attached (**Attachment 1**), supports the immediate relocation of the Aboriginal and Torres Strait Islander flags within the Cave Garden/Civic Centre precinct, and the future consideration and engagement on the flying of the Aboriginal and Torres Strait Islander Flags at other Council locations.

ATTACHMENTS

1. Policy F140 - Administration - Flag Protocol (marked-up) [↓](#)
2. Calendar of Special Days - Flags [↓](#)



	F140 FLAG PROTOCOL	Version No:	8
		Issued:	JanuaryOctober 20243
		Next Review:	JanuaryOctober 20285

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 Precinct standard arrangement outside Civic Centre

Pole 1 (northern pole) - Australian National Flag

Pole 2 (central/northern pole) - South Australian Flag

Pole 3 (central pole) – Aboriginal Flag

Pole 4 (central/southern-pole) – Torres Strait Islander Flag

Pole 53 (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

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	F140 FLAG PROTOCOL	Version No:	8
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"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 [adj. GardinerOld Town Hall Fountain fronting Commercial Street East](#)

1x pole for use by the Mount Gambier and District RSL [adj Gardiner Fountain fronting Commercial Street EastL.](#)

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 January 2028, 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. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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 City of Mount Gambier	F140 FLAG PROTOCOL	Version No:	8
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File Reference:	AF18/51
Applicable Legislation:	Proclamation 1904 (State) Flags Act 1953 (Cwlth)
Reference:	
Related Policies:	C700 Corporate Branding and Identity
Related Procedures:	
Related Documents:	Australian Flags — Protocols for appropriate use and the flying of the flag Australian Flags Booklet (extract) It's an Honour Australian National Flag Protocols (website)

DOCUMENT DETAILS

Responsibility:	Manager Governance and Property
Version:	87.0
Last revised date:	## January 202419th March, 2019
Effective date:	19 th March, 2019
Minute reference:	19 th March, 2019
Next review date:	March, 2021
<u>Document History</u>	
First Adopted By Council:	18 th February 1999
Reviewed/Amended:	20 th August 2002, 15 th April 2003, 19 th September 2006, 18 th December 2008, 15 th March 2016, 19 th March 2019

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APPENDIX 1

Special days for flying flags

The following list shows days of commemoration on which the flying of the Australian National Flag and, where appropriate, other flags, is particularly encouraged. Unless noted otherwise, these days are celebrated nationally.

1 January – Anniversary of the establishment of the Commonwealth of Australia

26 January – Australia Day

13 February – Anniversary of the Apology to Members of the Stolen Generations

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 – Flags are flown at half-mast until noon then at the peak until the usual time for closure of business

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.

June, second Monday – Celebrated as the King's birthday, except in Queensland and 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.

3 September – Australian National Flag Day **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 – Flags are flown at the peak from 8:00 am, at half-mast from 10:30 am to 11:02 am, and at the peak again from 11:02 am until the usual time for the closure of business.

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.

Relevant 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

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Calendar of Special Days - Raising of Flags

Date	Special Day	Flag	Protocol
1-Jan	Anniversary of the establishment of the Commonwealth of Australia	Australian National Flag	
26-Jan	Australia Day	Australian National Flag	
13-Feb	Anniversary of the Apology to Members of the Stolen Generations	Australian National Flag, Australian Aboriginal Flag, Torrens Strait Islander Flag	Use Cave Garden special occasion poles
March, second Monday	Commonwealth Day	Australian National Flag	
21-Mar	Harmony Day	Australian National Flag	
25-Apr	Anzac Day	Australian National Flag	Flown at half mast on day from dawn until noon - then raised for remainder of day
17-May	International Day Against Homophobia and Transphobia (IDAHOT)	Rainbow Flag	Use Cave Garden special occasion poles
27 May - 3 June	National Reconciliation Week	Australian Aboriginal Flag, Torrens Strait Islander Flag	Should be flown on additional flagpoles, where available, next to or near the Australian National Flag
June, second Monday	King's Birthday	Australian National Flag	
July (check dates each year)	NAIDOC Week	Aboriginal Flag, Torrens Strait Islander Flag	Should be flown on additional flagpoles, where available, next to or near the Australian National Flag
3-Sep	Australian National Flag Day	Australian National Flag	
17-Sep	Citizenship Day	Australian National Flag	
24-Oct	United Nations Day	United Nations Flag	
11-Nov	Remembrance Day	Australian National Flag	Flown at peak from 9am to 10:30am - then adjusted to half mast. At 11:02am should be moved back to peak for remainder of day
November (check dates each year)	Feast Festival	Rainbow Flag	Use Cave Garden special occasion poles
29 November - 3 December	Spirit of Eureka	Eureka Flag	

Policy F140 Flag Protocol
AR19/9039 Council Resolution - Review of Policy F140 - Flag Protocol

File Ref: AR17/23989 [v2]



19.6 POLICY REVIEW - S92 CODE OF PRACTICE FOR ACCESS TO MEETINGS AND DOCUMENTS – REPORT NO. AR24/2726

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/2726
CM9 Reference:	AF23/328
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents the results of public consultation and a recommendation to adopt a substitute Section 92 Code of Practice for Access to Meetings and Documents and an interim Council Determined Meeting Procedures Policy.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/2726 titled 'Policy Review - s92 Code of Practice for Access to Meetings and Documents' as presented on 23 January 2024 be noted.
2. That, having considered the results of public consultation and to ensure continuity of existing meeting procedures whilst more comprehensive Council determined meeting procedures are being considered, Council hereby adopts the following policies:
 - (a) (Substitute) '*Section 92 Code of Practice for Access to Meetings and Documents*' (Attachment 1)
 - (b) (Interim) '*Council Determined Meeting Procedures Policy*' (Attachment 2)as attached to Council Report No. AR24/2726.



TYPE OF REPORT

Legislative

BACKGROUND

At its meeting on 15 August 2023 Council considered Report No. AR12/48679 titled 'Policy Review – S92 Code of Practice for Access to Meetings and Documents', resolving as follows:

1. *That Council Report No. AR23/48679 titled 'Policy Review - s92 Code of Practice for Access to Meetings & Documents' as presented on 15 August 2023 be noted.*
2. *That Council adopt the Draft substitute 'Conduct of Meetings (s92 Code of Practice) Policy' attached to Council Report No. AR23/48679 (Attachment 2) for public consultation purposes.*
3. *That public consultation be conducted on the draft substitute 'Conduct of Meetings (s92 Code of Practice) Policy' as attached to Council Report No. AR23/48679 (Attachment 2).*
4. *That Council supports the development of a Council Determined Meeting Procedures Policy.*
5. *That Council supports the development of a Reg 6 Code of Practice (Varied Procedures).**
6. *That a Member information/briefing session be convened to discuss the potential Council Determined Procedures / Varied Procedures to be developed in policy under resolution 4.*
7. *That, following public consultation on the proposed draft substitute 'Conduct of Meetings (s92 Code of Practice) Policy', a further report (or reports) be brought back to Council to:*
 - *consider any submissions to the public consultation on the s92 Code of Practice*
 - *consider whether to adopt the substitute s92 Code of Practice in place of the current Council Policy C410, and the relevant effective date.*
 - *consider a draft 'Conduct of Meetings Council Determined Procedures' policy*
 - *consider a draft 'Conduct of Meetings (r6 Code of Practice – Varied Procedures)' policy.*

**Resolution 5 will be of no effect unless supported by two-thirds of the Members entitled to vote.*

Resolutions 3 and 6 (above) having been addressed this report now addresses resolution 7.

PROPOSAL

Having been endorsed for consultation purposes in August 2023, public consultation on the draft substitute 'Conduct of Meetings (s92 Code of Practice) Policy' was conducted in October 2023 using Council's 'Have Your Say' website and Lifestyle1 Magazine resulting in 5 downloads and nil submissions being received during (or following) the consultation period.

An Elected Member Workshop was held on Tuesday 28 November 2023 at which Members noted examples of meeting procedures adopted by other Councils and the intent for a discretionary (Council determined) meeting procedures policy to be further developed to supplement the required 'Section 92 Code of Practice for Access to Meetings and Documents', and discussed the potential to adopt varied meeting regulations, noting that a 2/3 majority and annual review is required if varied meeting regulations are adopted.

Several Members took the opportunity leading-up to, and over, the Christmas/New Year period to provide feedback/commentary on proposed inclusions in a Council determined meeting procedures policy or varied meeting regulations. which is to be compiled and distributed to Members in the coming weeks to enable continued discussion and a further workshop(s), before the preparation and formal presentation of draft policy options for consideration at a future Council meeting.

In the meantime, this report recommends the adoption of the substitute 'Section 92 Code of Practice for Access to Meetings and Documents' Policy on which public consultation has been conducted, and an interim 'Council Determined Meeting Procedures' Policy incorporating policy provisions contained in the current Section 92 Code which not carried over into the substitute code/policy.



This interim policy will ensure existing procedures remain in place pending Council's consideration to the preparation and adoption of a more comprehensive Council determined procedures policy (and varied meeting regulations – if supported) in the coming months.

The substitute '*Section 92 Code of Practice for Access to Meetings and Documents*' Policy and interim '*Council Determined Meeting Procedures*' Policy are attached to this agenda (**Attachments 1 and 2**)

As noted in the August 2023 Council report and November Elected Member Workshop, the substitute Section 92 Code of Practice is based on the Local Government Association template code/policy, addressing public access to meetings and documents as required by the *Local Government Act 1999*. The interim '*Council Determined Meeting Procedures*' Policy contains only existing policy provisions in an alternate/interim policy.

Accordingly, the adoption of these two policies at this time has no significant material effect on the manner in which Council meetings are conducted, or meetings and documents are accessed by the public, but meets the requirements to have and to review a Section 92 Code of Practice.

LEGAL IMPLICATIONS

Council is required to adopt, and to review, a Section 92 Code of Practice for access to meetings and documents, which is essentially a code/policy that replicates the public access and 'confidentiality' provisions in sections 90, 90A and 91 of the *Local Government Act 1999*.

The review, public consultation and adoption of the (substitute) Section 92 Code of Practice fulfills the legislative requirements.

Council also has discretionary power to determine meeting procedures for Council or Committee meetings under section 86/89 of the Local Government Act 1999. Council has several existing 'Council determined procedures' within its existing Section 92 Code/Policy, proposed to be contained in an interim policy, whilst consideration is given to the preparation and adoption of more comprehensive Council determined procedures.

Council may also vary certain specified meeting procedure regulations, provided such variations are supported by a two-thirds majority of Members and are reviewed annually. Council has not yet determined to adopt any variations to the meeting regulations but may consider this further together with deliberations on Council determined procedures.

STRATEGIC PLAN

N/A

COUNCIL POLICY

This report relates to Council's [current](#) and proposed substitute (**Attachment 1**) Section 92 Code of Practice for Access to Meetings and Documents, a proposed interim Council Determined Meeting Procedures Policy (**Attachment 2**), as well as a potential Reg 6 Varied Meeting Regulations Code.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A



VALUE FOR MONEY

N/A

RISK IMPLICATIONS

Council's consideration to meeting procedures, including discretionary Council determined meeting procedures and variation of meeting regulations requires consideration of the implications of invoking and varying certain procedural practices, to ensure compliance with the meeting procedure and any other affected provisions of the Local Government Act and Regulations and principles of good and proper public administration.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Having considered the results of public consultation on the substitute Section 92 Code of Practice for Access to Meetings and Documents Council may now give consideration to adopting the substitute code, and the proposed interim policy to incorporate discretionary meeting procedures currently contained in Council Policy C410- Conduct of Meetings which the code is replacing.

ATTACHMENTS

1. INTERIM Council Policy - Council Determined Meeting Procedures [↓](#)
2. Substitute - Council Policy S92 Code of Practice for Access to Meetings and Documents [↓](#)



 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY</p> <p>Council Determined Meeting Procedures</p>	Version No:	1
		Issued:	January 2024
		Next Review:	August 2027

1. Introduction

The City of Mount Gambier is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

Council is required under Section 92 of the Local Government Act 1999 (the Act) to adopt a Code of Practice for Access to Meetings and Documents (i.e. a code for the use of confidentiality provisions in sections 90, 90A and 91 of the Act). The section 92 code is contained in a separate Council policy.

The Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation under the Regulations. Any such varied meeting procedure regulations will be contained in a separate Council code/policy which (if adopted) must be reviewed at least once in every financial year and altered, substituted or revoked by resolution supported by at least two-thirds of members entitled to vote.

Sections 86(8) and 89(1) of the Act provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations (including any varied regulations).

This policy contains Council determined meeting procedures under sections 86(8) and 89(1) of the Act.

2. INTERIM Adoption

This Policy was adopted by the Council on 24 January 2024 as an interim policy following the adoption of a substitute section 92 Code of Practice and pending further deliberations on Council determined meeting procedures and/or varied meeting procedure regulations.

3. Statement of principle

This policy contains Council determined meeting procedures under sections 86(8) and 89(1) of the Act and should be read together with the (Procedures at Meetings) Regulations (if/as varied by adoption of a regulation 6 Code) and the Act.

In particular, the guiding principles in regulation 4 that should be applied with respect to the procedures to be observed at a meeting of a Council or a Council committee:

- a) procedures should be fair and contribute to open, transparent and informed decision-making;
- b) procedures should encourage appropriate community participation in the affairs of the Council;
- c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

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4. Council Determined Meeting Procedures

4.1 FILMING AND AUDIO RECORDING DEVICES

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

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

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

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

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

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

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

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

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

4.2 PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

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

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

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

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4.3 VOTING 'EN-BLOC'

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

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

4.4 APPOINTMENT AND ROLE OF DEPUTY MAYOR

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

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

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

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

Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process consistent with section 51(8) and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the last name drawn in a lot) shall be declared the Deputy Mayor.
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.
- The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.

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

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

4.5 APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

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

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply and override this policy (with the exception

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that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees)

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

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

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

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

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
 - i. may determine not to nominate or appoint any person to fill a vacancy.
 - ii. should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

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Limestone Coast Local Government Association Positions

The Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a section 42 subsidiary (ie Limestone Coast Local Government Association).

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

Payment of Allowances/Sitting Fees

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

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

Roles of Nominees/Appointees

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

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

Attendance by Non-Appointed Persons

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

Independence of Bodies/Organisations

Other bodies and organisations to which Council nominates/appoints Elected Members, Council Officers or other suitably persons as delegates/representatives do not operate under the provisions of the Local Government Act 1999 or other legislation that prescribe meeting procedures and Member obligations.

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

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

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4.6 ELECTRONIC ATTENDANCE AT INFORMATION AND BRIEFING SESSIONS

Any Member(s) may participate in an information or briefing session despite not being physically present, subject to each of the following conditions, as applicable to the circumstances:

- a written request to participate in the session by telephone or other electronic means being made to the Chief Executive Officer not less than 12 hours prior to the scheduled commencement time to enable any necessary technologies to be made available and compliant with any relevant provisions of the Local Government Act and Regulations.
- all Members and the public being able to hear the discussion between all Members including the Member(s) participating by telephone or other electronic means.
- the Member(s) may be disconnected where the Chief Executive Officer determines that the technology being used is causing unreasonable disruption or inconvenience to the session, or that a confidentiality under a s90(3) order may be or become compromised.
- should the telephone or other electronic connection fail or be disconnected, any attempt(s) to re-connect being at the discretion of the Chief Executive Officer.



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5. Review of Policy

Council will review this policy when it has considered any further changes or additional Council determined meeting procedures, or otherwise during each term of Council.

The next scheduled review is due after the November 2026 local government elections.



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File Reference:	AF18/51
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Strategic Reference:	
Related Policies:	C410 S92 Code of Practice for access to meetings and documents
Related Procedures:	
Related Documents:	Council Meeting Procedures Handbook (2019) Minute Takers Handbook for Local Government (2014)

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	1.0
Last revised date:	24 January 2024
Effective date:	24 January 2024
Minute reference:	Council Meeting 24 January 2024 - Item ##.# - Resolution 2024/##
Next review date:	August 2027
<u>Document History</u>	
First Adopted By Council:	January 2024
Reviewed/Amended:	

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1. Introduction

- 1.1 Section 92 of the *Local Government Act 1999* (the Local Government Act) requires Council to prepare and adopt a Code of Practice for Access to Meetings and Documents (the Code of Practice).
- 1.2 Public access to Council and Committee meetings and documents is one of the primary means by which the community can gain access to information about the business of Council and Council committees. This Code of Practice includes information relating to:
- access to the agenda for meetings;
 - public access to meetings;
 - the process to exclude the public from meetings;
 - matters for which the Council, or a Council committee, can order that the public be excluded;
 - how the Council will approach the use of the confidentiality provisions in the Local Government Act;
 - public access to documents, including minutes;
 - review of confidentiality orders;
 - accountability and reporting to the community, and the availability of the Code of Practice; and
 - grievances about the use of the Code of Practice by Council.

2. Adoption

- 2.1 This Code of Practice was adopted by the Council on 24 January 2024.

3. Statement of principle

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

4. Public access to the agenda for meetings

- 4.1 At least three clear days¹ before the Council or Council Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee members setting out the date, time, and place of the meeting. The notice

¹ In the calculation of 'clear days' in relation to the giving of notice before a meeting, the day on which the notice is given and the day of the meeting are not taken into account. Saturdays, Sundays and public holidays are taken into account. In addition, if notice is given after 5:00pm on a day, the notice will be taken to have been given on the next day. For example, for notice given on a Thursday at 2:00pm for a following Monday meeting, the clear days are Friday, Saturday and Sunday.



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must contain or be accompanied by the agenda for the meeting. Items listed on the agenda will be described accurately and in reasonable detail.

- 4.2 The notice of meeting will be placed on public display at the principal office of the Council and the notice and agenda will be published on the Council's website www.mountgambier.sa.gov.au
- 4.3 The notice will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council committee meeting. The agenda will be published on the Council's website.
- 4.4 Non-confidential agenda documents and reports that are to be considered at the meeting must be made available:
 - In the case of a document or report supplied to members before the meeting:
 - on a website determined by the CEO, as soon as practicable after being supplied to members of the Council.
 - In the case of a document or report supplied to members of the Council at the meeting:
 - at the meeting, as soon as practicable after they are supplied to the members of Council. These documents will also be subsequently uploaded onto the Council's website.
- 4.5 Members of the public may obtain a copy of the agenda and any particular reports on payment of a fee (if any) fixed by the Council.
- 4.6 Agenda papers provided to members of Council, or members of a Committee, may include an indication from the CEO that the Council or Committee may determine to consider an item in confidence, with the public to be excluded from the meeting during discussion of that item. Where such an indication is made, the CEO must specify the basis under which the confidentiality order could be made in accordance with section 90(3) of the Local Government Act².

5. Public access to meetings

- 5.1 The principle of open and accountable government is strongly supported. Council facilitates public attendance at meetings of the Council and Committees through public notification of meetings.
- 5.2 Council and Council Committee meetings are open to the public and attendance is encouraged, noting there may be circumstances where the Council (or the Council committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.
- 5.3 The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision-making.

² See sections 83(5) (Council) and 87(10) (Committee) of the *Local Government Act 1999*.

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6. Information and briefing sessions

- 6.1 Information and briefing sessions provide a valuable opportunity to enhance council decision-making processes by providing opportunities for council members to become better informed on issues and seek further clarification prior to making decisions at formally constituted council meetings
- 6.2 Councils or the CEO are permitted to facilitate an 'information or briefing session' where more than one member of the Council or Council Committee is invited.
- 6.3 A matter must not be dealt with at an information or briefing session in such a way so as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee.
- 6.4 An information or briefing session on a matter that will be included on a council agenda must be open to the public. However, the Council or the CEO may order that the information or briefing session be closed to the public if the matter listed for discussion falls within the confidentiality provisions listed in section 90(3) of the Local Government Act.
- 6.5 Section 90A(5) provides that when an order is made to close an information or briefing session to the public, as soon as reasonably practicable after the making of the order a record should be made of:
- The grounds on which the order was made; and
 - The basis on which the information falls within the ambit of each ground of section 90(3) on which the order was made; and
 - If relevant, the reasons that receipt, consideration or discussion of the information publicly would be contrary to the public interest
- 6.6 Where an order is made to close an information or briefing session, a person who enters or remains in a room knowing that the order is in place will be guilty of an offence and liable to a penalty not exceeding \$500. This provision does not apply to a member of the council or a person permitted to be in the room by the council or CEO in accordance with the order made to close the information or briefing session.
- 6.7 Section 90(7a) of the Local Government Act applies to information or briefing sessions as if they were a meeting of a council committee. Accordingly, a council may adopt a procedure* for the holding of information or briefing sessions by telephone or other electronic means, provided that members of the public can hear the discussion between all participants at the information or briefing session. Information or briefing sessions will be taken to be conducted in a place open to the public even if one or more council members participate in the session by telephone or other electronic means in accordance with any procedures prescribed by the regulations or determined by the council.

**refer Council determined meeting procedures as adopted under section 89 – if/as adopted under separate policy.*

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- 6.8 Whether or not an information or briefing session has been open to the public, the following information must be published as soon as practicable after the holding of the session³:
- the place, date and time of the session;
 - the matter discussed at the session; and
 - whether or not the session was open to the public.
- 6.9 There are currently no regulations requiring the publication of information before the holding of an information or briefing session. However, the City of Mount Gambier, at its discretion, publish information before the information or briefing session (in addition to publishing the required information after the information or briefing session is held) as a means of facilitating greater transparency and attendance at information and briefing sessions by members of the public.
- 6.10 There is no obligation for councils to make documents provided to council members at information or briefing sessions available to the public. In addition, documents presented to information or briefing sessions that are closed to the public because they comprise information or a matter listed in section 90(3) are confidential at law.
- 6.11 Absent a specific decision of the Council or Chief Executive Officer to the contrary, documents presented to information or briefing sessions are not publicly available and documents presented to information or briefing sessions that are closed to the public are confidential.

7. Process to exclude the public from a meeting

- 7.1 The usual practice of the City of Mount Gambier is to list all items indicated for consideration in confidence within the last section of the Council or Council Committee agenda, to allow all other items of business to be transacted with members of the public present at the meeting and not required to leave the room until the 'Confidential' section of the agenda is reached.
- 7.2 Despite the above, there may be circumstances where, during the course of a meeting, it becomes apparent that a matter should be considered in confidence. In those cases, members of the public will be asked to leave the meeting whilst the matter is discussed (subject to an appropriate resolution of the council being carried to close the meeting).
- 7.3 Before a meeting orders that the public be excluded to enable consideration of a particular matter in confidence, the Council or Council Committee must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter. If this occurs, then the public must leave the room. This means that all members of the public (including staff, but not including a member of the Council or Council Committee), unless exempted by being named in the resolution as entitled to remain, are required to leave the room.
- 7.4 Once Council, or a Council Committee has made the order, it is an offence for a person, who knowing that an order is in force, to enter or remain in the meeting room. It is lawful for an employee

³ Regulation 8AB—Information or briefing sessions, *Local Government (General) Regulations 2013*

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of the council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.

- 7.5 Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to repeat the formal determination process and to resolve to exclude the public as above.
- 7.6 Please note that the Council, or the Council Committee, can permit a particular person or persons to remain in the meeting by including reference to them within the resolution. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

8. Use of the confidentiality provisions

- 8.1 In accordance with the requirements of section 90(3) of the Local Government Act, the Council, or a Council Committee, may order that the public be excluded in order to receive, discuss or consider any of the following information or matters in confidence:
- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
 - (b) *information the disclosure of which—*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (c) *information the disclosure of which would reveal a trade secret;*
 - (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
 - (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
 - (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
 - (h) *legal advice;*

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- (i) *information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (m) *information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;*
- (o) *information relating to a proposed award recipient before the presentation of the award.*

8.2 The Local Government Act provides a definition of "personal affairs" which includes a person's:

- o financial affairs
- o criminal records
- o marital or other personal relationships
- o personal qualities, attributes or health status
- o employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person,

but it does not include the personal affairs of a body corporate.

NOTE: This is an inclusive (not exhaustive) list of personal affairs matters and other matters may also constitute a person's personal affairs.

8.3 With respect to matters on a council agenda, where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

8.4 In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may⁴:

- o cause embarrassment to the Council or Committee concerned, or to members or employees of the Council;
- o cause a loss of confidence in the Council or Committee;
- o involve discussion of a matter that is controversial within the council area; or
- o make the council susceptible to adverse criticism.

⁴ Section 90(4), *Local Government Act 1999*

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- 8.5 If a decision to exclude the public is taken, the Council or the Council Committee is required to make a note in the minutes of the making of the order and specify:
- the grounds on which it was made;
 - The basis on which the information or matter falls within the ambit of each confidentiality ground; and
 - (if relevant,) why receipt, consideration or discussion of the information or matter in public would be contrary to the public interest.
- 8.6 Once discussion of the matter is concluded, the meeting must then consider if it is necessary to make an order identifying the document(s) (or parts of the document(s)) associated with that item (including minutes) that are to remain confidential.
- 8.7 If the meeting determines that it is necessary to keep a document(s) (or parts of document(s)) confidential, then a resolution for an order to this effect is required in accordance with section 91(7) of the Local Government Act.
- 8.8 The Council or the Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence at a Council or Committee Meeting pursuant to sections 90(2) and 90(3).
- 8.9 The Council will not consider a number of agenda items "in confidence" together i.e. en bloc. It will determine each item separately and consider the exemptions relevant to each item.
- 8.10 Once discussion of the matter is concluded and the public have returned, the decision in relation to the matter will be communicated unless the Council has resolved to order that the resolution remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) will also be made known.
- 8.11 In accordance with section 91(8) the Council or the Council committee must **not** make an order to prevent:
- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
 - the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
 - the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
 - the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

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8.12 Where keeping a document confidential is considered necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council.⁵

8.13 In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications.

NOTE: There is no legal requirement to resolve to “come out of confidence” or to go back into “public session”. The public may and should be invited to re-enter the meeting when consideration of the relevant Agenda Item has concluded. The public are also entitled to be present for the debate and decision on whether any subsequent item should be considered in confidence.

9. Review of confidentiality orders

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

9.2 An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidentiality order to be lifted. Once the order expires or ceases to apply, the minutes and/or documents automatically become public. At this point in time, the Council will make this information publicly available by publishing it on the Council's website.

9.3 Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential. The conduct of the annual review can be delegated to the CEO and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Local Government Act.

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

⁵ Section 91(9) of the *Local Government Act 1999*.

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- 9.5 The Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. Such delegation may be subject to conditions.

10. Accountability and reporting to the community

- 10.1 Consistent with the principle of accountability to the community, a report on the use of sections 90(2) and 91(7) by the Council and Council committees must be included in the annual report of a Council as required by Schedule 4 of the Local Government Act. The report should include the following information, separately identified for both Council and Council committees:
- Total number of orders made under sections 90(2) and 90(3) and 91(7) in the relevant financial year;
 - The date and subject of each order made under sections 90(2) and 90(3) and 91(7) in the relevant financial year;
 - In relation to each ground specified in section 90(3), the number of times in the relevant financial year that an order was made under section 90(2) and 90(3) for each ground;
 - The number of orders made under section 91(7) that expired, ceased to apply or were revoked during the relevant financial year and the date and subject of each such order; and
 - The number of orders made under section 91(7) since 15 November 2010 that remained operative at the end of the relevant financial year.

Public access to documents

- 10.2 The Local Government Act requires Councils to make available a large number of documents. Many of these are set out in Schedule 5, with other requirements contained in other sections of the Local Government Act.
- 10.3 Schedule 5 documents must be published on a website determined by the CEO. Councils must also, upon request, provide a person with a printed copy of any document referred to in Schedule 5. Provision of printed copies of a document may require payment of a fee (if any) set by Council (see Council's fees and charges register for any relevant fee).
- 10.4 Requests to access Council and Council Committee documents that are not otherwise publicly available, can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer.



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			Next Review:	August 2027

11. Public access to minutes

- 11.1 Minutes of a meeting of Council or a Council Committee must be made available, on the Council's website www.mountgambier.sa.gov.au.
- 11.2 Printed copies of minutes can be provided to a person on request on payment of a fee (if any) set by Council (see Council's fees and charges register for any relevant fee).

12. Availability of the Code of Practice

- 12.1 A copy of this Code of Practice will be made available on the Internet at www.mountgambier.sa.gov.au. City of Mount Gambier will also, on request, provide a person with a printed copy of the Code of Practice on payment of a fee (if any) fixed by the council⁶ (see Council's fees and charges register for any relevant fee).

13. Review of the Code of Practice

- 13.1 The Council is required to review this code within 12 months after the conclusion of each periodic election.
- 13.2 The next scheduled review is due to occur in 2027.

14. Grievance

- 14.1 Council has established procedures for the review of decisions under section 270 of the Local Government Act for:
- Council, and its Committees;
 - employees of the Council; and
 - other persons acting on behalf of the Council.
- 14.2 Should a person be aggrieved about public access to either a meeting or a document they can lodge an application for review of that decision under the procedures established by Council. The Procedures are available in Council's Internal Review of Council Decisions Policy.

⁶ Section 132(1) and Schedule 5.

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 City of Mount Gambier	COUNCIL POLICY S92 CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS	Version No:	13
		Issued:	January 2024
		Next Review:	August 2027

File Reference:	AF18/51
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013
Strategic Reference:	
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions
Related Procedures:	
Related Documents:	Confidentiality Guidelines: How to Apply Section 90 (2022) Council Meeting Procedures Handbook (2019) Minute Takers Handbook for Local Government (2014) Confidential Items Register

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	13.0
Last revised date:	24 January 2024
Effective date:	24 January 2024
Minute reference:	Council Meeting 24 January 2024 - Item ##.# - Resolution 2024/##
Next review date:	August 2027
<u>Document History</u> First Adopted By Council:	November 2014
Reviewed/Amended:	15 th December, 2015, 15 th March 2016, 21 st November 2016, 22 nd November 2018, 15 th October 2019, 19 July 2022, 24 January 2024. <i>(temporary amendments 31st March 2020, 16th June 2020, 17th November 2021, 14 December 2021, 21 June 2022 – COVID 19)</i>

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19.7 INFORMATION SECURITY POLICY – REPORT NO. AR24/1061

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/1061
CM9 Reference:	AF23/328
Author:	Leanne Little, Acting Manager Organisational Development
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents the new Information Security Policy aligned with feedback from Council’s Audit and Risk Committee.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/1061 titled ‘Information Security Policy’ as presented on 23 January 2024 be noted.
2. That the Information Security Policy as attached to Report No. AR24/1061 be adopted.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document’s formatting that do not materially alter the integrity of the document.



TYPE OF REPORT

Legislative

BACKGROUND

The new Information Security Policy has been developed in consultation with Council's Executive Leader Team (ELT) and Audit and Risk Committee members. This policy highlights the significance of effectively managing security information to ensure the protection of sensitive data entrusted to the Council.

The Information Security Policy will support the implementation of effective security controls to provide adequate protection for all information under its care. This includes developing and implementing robust measures to prevent unauthorised access, disclosure, or manipulation of sensitive data. By doing so, the Council aims to maintain the confidentiality, integrity, and availability of information assets in compliance with relevant policy, legal, and regulatory requirements.

PROPOSAL

The Information Security Policy details Council's commitment to maintaining a strong security stance and adhering to governance obligations. It outlines the Council's dedication to implementing a set of minimum-security requirements, as directed by the iServices Working Group, to effectively manage security risks associated with the Council's operations and information assets.

The objectives of the Information Security Policy are to outline the goals and intentions of the policy, which include:

- **Ensure security risks are managed in a standardised and acceptable manner across the Council:** By implementing this policy, Council aims to establish a consistent approach to managing security risks organisation-wide. This helps ensure that all areas of the Council adhere to agreed-upon security standards and practices, reducing vulnerabilities and inconsistencies in information protection.
- **Maintain the reputation of Council and the broader Local Government:** Safeguarding the reputation of the Council and the broader Local Government is crucial. By prioritising the security of information assets, Council aims to protect its reputation as a trusted and reliable organisation that values information protection. This helps build confidence among the community and stakeholders.
- **Demonstrate alignment to industry recognised best practices in security risk management:** Council aims to follow industry-recognised best practices in security risk management. This demonstrates Council's commitment to high-level information security and helps to meet legal requirements. It also ensures that the Council stays updated with emerging threats and vulnerabilities.
- **Protect the confidentiality, integrity, and availability of information assets in alignment with necessary legal and regulatory requirements:** This policy protects Council's information assets, ensuring that personal and confidential data is not compromised. It aligns with legal and regulatory frameworks, ensuring compliance with data protection laws and safeguarding individuals' interests and rights.
- **Provide assurance to the community and other interested parties that information provided to councils are sufficiently protected:** Council aims to reassure the community and stakeholders that their information is protected by implementing secure practices outlined in this policy. This helps to maintain trust and confidence in Council's commitment to safeguarding their information.

By achieving these objectives, the policy contributes to the overall protection of the Council's reputation, instils confidence in the community and stakeholders, and enhances the Council's ability to fulfill its mission and responsibilities effectively.



LEGAL IMPLICATIONS

Failing to implement information security measures could lead to security breaches, which can result in significant financial losses. The costs associated with a data breach can include legal fees, regulatory fines, remediation efforts, public relations damage control, and potential loss of customers or business opportunities.

STRATEGIC PLAN

The Information Security Policy is an important component of the Council's strategic success as it creates a strong framework to safeguard the Council's valuable data and confidential information from unauthorised access, disclosure, modification, or loss.

COUNCIL POLICY

[F225 Fraud, Corruption, Misconduct and Maladministration Prevention Policy](#)

[Internal Audit Policy](#)

[Internal Controls Policy](#)

[P155 Privacy](#)

[Risk Management Policy](#)

ECONOMIC IMPLICATIONS

Ensuring Council has an Information Security Policy that effectively protects information assets can contribute to the organisation's economic stability, reputation, and the ability to operate efficiently in an increasingly connected and data-driven business environment.

ENVIRONMENTAL IMPLICATIONS

While the direct environmental impact of an Information Security Policy may be limited, its indirect implications can contribute to sustainability efforts by reducing paper waste, improving energy efficiency, promoting responsible e-waste management, and supporting eco-friendly work practices.

SOCIAL IMPLICATIONS

An effective Information Security Policy plays a crucial role in protecting personal information, preventing identity theft, fostering trust in digital transactions, safeguarding intellectual property, and promoting an environment of security and privacy.

CULTURAL IMPLICATIONS

The implementation of an Information Security Policy has significant cultural effects on an organisation. It encourages a heightened awareness of security, fosters trust and collaboration, instills a sense of accountability, promotes ongoing learning, and emphasises cultural sensitivity. These cultural implications cultivate a strong security culture, enhance the protection of sensitive information, and establish a proactive stance in mitigating security risks.

RESOURCE IMPLICATIONS

The implementation of an Information Security Policy requires financial investment, human resources allocation, technological infrastructure, time, and effort. By adequately considering and addressing these resource implications, Council can establish and maintain a comprehensive and effective information security program.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

Implementing the Policy requires consideration of the risks involved in managing and protecting sensitive information. These risks include data breaches, non-compliance with regulations, business disruptions, intellectual property theft, insider threats, third-party risks, and reputational damage. To



mitigate these risks, Council will implement security measures, comply with regulations, conduct risk assessments, educate employees, and establish incident response plans. This policy supports the organisations commitment to managing Cyber risk.

EQUALITIES AND DIVERSITY IMPLICATIONS

It is crucial to ensure that everyone, regardless of their background, has equal access to security measures and protection of their sensitive information. Discrimination and biases must be avoided when implementing security protocols and conducting risk assessments. Furthermore, creating an inclusive environment that celebrates diversity and provides equal opportunities is important. This can be achieved through diversity training, inclusive policies, and fostering a culture of respect and inclusivity.

ENGAGEMENT AND COMMUNICATION STRATEGY

Communicating new policies to all staff members is essential for maintaining consistency, transparency, and adherence to organisational standards. To ensure that all employees are equipped with the necessary skills and knowledge for their roles, extensive training will be provided across the organisation.

IMPLEMENTATION STRATEGY

To improve the culture of heightened security consciousness, the Council will provide comprehensive training and continuous education to its staff. This initiative aims to equip every employee with the knowledge and understanding necessary to prioritise information security and fulfill their responsibilities in safeguarding sensitive data effectively.

CONCLUSION AND RECOMMENDATION

It is recommended that Council adopt the new Information Security Policy as a framework to ensure the effective implementation of security controls that safeguard information assets.

ATTACHMENTS

1. DRAFT Information Security Policy [📄](#)



 City of Mount Gambier	COUNCIL POLICY INFORMATION SECURITY		Version No:	1
			Issued:	
			Next Review:	

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") follow for a consistent approach to establishing, implementing, and maintaining strong security postures for managing and safeguarding the community's information and information assets against security threats.

Scope

This policy applies to the City of Mount Gambier Council.

Purpose

The City of Mount Gambier provides a wide range of services to their community through the use of information and communications technology ('ICT') and operational technology ('OT'). In order to uphold the community's trust and confidence, it is imperative that councils safeguard their community's information and information assets against security threats. This policy leverages risk management process and control measures to reduce the likelihood or impact of security risks to Council.

The objectives of this policy are to

- Ensure security risks are managed in a standardised and acceptable manner across Council.
- Maintain the reputation of Council and the broader Local Government.
- Demonstrate alignment to industry recognised best practices in security risk management.
- Protect the confidentiality, integrity, and availability of information assets in alignment with necessary legal and regulatory requirements; and
- Provide assurance to the community and other interested parties that information provided to councils are sufficiently protected

2. DEFINITIONS

Key Term - Acronym	Definition
iServices Working Group	Internal working group of Council Officers including: General Manager Corporate and Regulatory Services General Manager City Infrastructure Manager Organisational Development Team Leader iServices iServices Systems Administrator IT Contractor

3. STATEMENT OF COMMITMENT

This document reflects the security policy and governance obligations of Council. This policy provides a commitment to a set of minimum-security requirements for Council as directed by the iServices Working Group to manage security risks to the Council's operations and its information assets. Council will develop principles, procedures, and processes to support

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compliance and operation of the Council's Cyber Security Program in accordance with the Local Government Security Framework (LGSF). Compliance with the Local Government Security Framework and the Council's suite of security policies, practices and procedures is mandatory. This policy applies to all aspects of security risk within Council.

4. CYBER SECURITY PROGRAM OBJECTIVES

The City of Mount Gambier commits to the ongoing and emerging risks with managing security information by the ongoing development, implementation and review of a Cyber Security program that meets the below objectives;

- Implement effective security controls to ensure adequate protection of **all sensitive** information that has been entrusted to Council
- Demonstrate implementation of cyber security risk management practices
- Promote a structured and consistent approach to security risk management that spans the many business units of Council;
- Maintain the confidentiality, integrity, and availability of information assets in compliance with policy, legal and regulatory requirements;
- Create a culture of high security awareness amongst all staff;
- Monitor systems and investigate detected **or suspected** security breaches and weaknesses;
- Ensure the confidence of the community and interested parties of the security of their information whether in storage, processing, or transmission;
- Provide assurance to the community and other interested parties of the security of their information entrusted to Council;
- Monitor and measure Council's performance against security objectives to ensure commitment to the continual improvement of information security practices;
- Assign resources and responsibilities to provide a structured approach for identifying and managing information security risks;
- Ensure the integrity of critical information; and
- Align to the security requirements of key partners to ensure the ongoing viability of critical service delivery.

The Cyber Security program shall be monitored and reviewed through the Executive Leadership Team on a **yearly** basis and the **Audit and Risk** Committee at least annually.

5. REVIEW & EVALUATION

This Policy is scheduled for review by Council in **January 2029** however, will be reviewed as required by any legislative changes which may occur.

8. AVAILABILITY OF POLICY

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

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File Reference:	AF23/81764
Applicable Legislation:	Local Government Act 1999 State Records Act 1997
Reference: Strategic Plan – Beyond 2015	Goal 5 Our Commitment
Related Policies:	F225 Fraud, Corruption, Misconduct and Maladministration Prevention Policy Internal Audit Policy Internal Controls Policy P155 Privacy Risk Management Policy
Related Procedures:	Information and Security Management - Administrative Principle
Related Documents:	Local Government Security Framework

DOCUMENT DETAILS

Responsibility:	Manager Organisational Development
Version:	1.0
Last revised date:	
Effective date:	
Minute reference:	
Next review date:	
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	

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**19.8 SUBMISSION - LOCAL GOVERNMENT ELECTION / PARTICIPATION REVIEW –
REPORT NO. AR24/2729**

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/2729
CM9 Reference:	AF23/328
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents a draft submission to the Office of Local Government in response to their Local Government Elections / Participation Review.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/2729 titled 'Submission - Local Government Election / Participation Review' as presented on 23 January 2024 be noted.
2. That, having considered the Office of Local Government Local Government Participation / Elections Review Discussion Paper and Local Government Association SA Review Discussion Paper and Consultation Paper, the draft submission paper attached to Council Report No. AR24/2729 (Attachment 1) be endorsed for submission to the Local Government Association SA and Office of Local Government.



TYPE OF REPORT

Legislative

BACKGROUND

In late 2023 the Office of Local Government released a [Local Government Participation / Elections Review Discussion Paper](#) and [Summary Paper](#), with the Local Government Association subsequently releasing a Review Discussion Paper and Consultation Paper.

Members were provided with weblinks to resources related to the Participation / Election Review and an Elected Member Workshop was held on 5th December 2023 to discuss the matters raised.

Members were invited to submit their commentary on each of the discussion points for collation into a draft submission to the Office of Local Government. This report presents the collated document.

PROPOSAL

Having considered the [Local Government Participation / Elections Review Discussion Paper](#) and provided comments, the attached draft submission (Attachment 1) has been prepared collating Members comments received using the Local Government Association Consultation Paper.

Noting the differing viewpoints that Members have on particular issues, and that it is not anticipated that any collective of Members/Council could reach a consensus on all matters raised, where contrasting views have been expressed they have been prefaced with “Members expressed varying comments/views:”. This will enable the submission to present all views to the Office of Local Government rather than an attempt to form a Council (i.e. majority) position on each matter.

Further, several of the issues or Member comments are accompanied by administrative notes considered appropriate to provide further information and/or clarity on those particular matters.

Should Council endorse the draft submission in its current form, it will be finalised and sent to the Office of Local Government by the submission deadline of Friday 1 March 2024.

If Members wish to make any changes, this may occur by:

- listing any changes in the resolution endorsing the draft submission, or
- resolving that changes be made and resubmitted to the February Council meeting, or
- by referring the draft submission to a further workshop or laying the item on the table.

In any event, Members should note that comments in the draft submission are collated from discussion at the December Workshop and/or comments subsequently received from Members.

Members should also note that as a public consultation on matters administered by Council Officers, the Administration or individual Council Officers or the public generally may make submissions to the Office of Local Government.

The Local Government Association is also seeking submissions direct from Councils only. This submission will also be directed to the Local Government Association if endorsed by their submission deadline of Friday 2 February 2024.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A



ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Having considered the Office of Local Government [Local Government Participation / Elections Review Discussion Paper](#) and [Summary Paper](#) and Local Government Association Review Discussion Paper and Consultation Paper, including at an Elected Member Workshop, Council may now consider whether to adopt and/or amend the draft submission paper as attached to this report.

ATTACHMENTS

1. Local Government Participation / Election Review - Draft Submission [↓](#)



TOPIC 1 HOW PEOPLE ENGAGE WITH THEIR COUNCIL (refer pgs 7-10 – Local Government Participation and Elections Review Discussion Paper).	
<p>1.1—Community Engagement Charter</p> <p>Once section 16 of the <i>Statutes Amendment (Local Government Review) Act 2021</i> commences, changes to publication consultation requirements for councils will take effect. The intent of these reforms is to simplify community engagement, provide greater flexibility and allow councils to design and deliver engagement that is the ‘best fit’ for the decisions and actions it is considering.</p> <p>A core component of these reforms is the introduction of a Community Engagement Charter (CEC), which will be published by the Minister, and which will regulate arrangements relating to public consultation and giving of public notice by councils. The CEC will be supported by a council’s mandatory Community Engagement Policy.</p> <p>In November 2021 the LGA submitted a Proposed Community Engagement Charter (CEC) to the then Minister. This draft CEC was prepared with input from a working group of council community engagement specialists and Norman Waterhouse Lawyers and then informed by formal consultation with the sector. Given the extensive work undertaken on the proposed CEC and to support council’s consideration of the questions below, the proposed CEC is provided as Attachment 1 to the LGA consultation paper.</p>	
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 1.1—Community Engagement Charter	Comments
What requirements should be set for councils’ community engagement for what decisions?	This should be tailored to the specific needs of the community and the nature of the decisions at hand.
What should be included in the Charter and what should be left for councils’ own community engagement policies?	Charter - Minimum req’ts/defined areas where engagement is required Policy – Methods/tools, strategies, detailed procedures/methods of engagement
Should councils have the capacity to determine how they will engage with their communities, or should the Charter be directive in its approach?	Yes – in determining their own community engagement methods enables flexibility to tailor approaches to the unique needs, characteristics, and preferences of the local community.
What other ideas do you have for councils’ community engagement?	State Government should clarify what is mandatory, and enable communities to determine what else they consider appropriate at a local level.
What are the types of information you would like to see councils include when they engage with you?	



LGA CONSULTATION QUESTIONS: 1.1—Community Engagement Charter	
Are there changes required to the proposed Community Engagement Charter? If yes, what changes should be made and why?	No, Council's had the opportunity to participate in developing the Community Engagement Charter with the Local Government Association 2+ years ago. Further resourcing and feedback to be allocated to consultation on the State Governments proposed Charter when released for consultation.
Is there anything else you would like to raise in relation to council community engagement policies and practices?	<p>Council's have been deferring review of existing public consultation policies and procedures for several years since the concept of a new community engagement Charter was raised by the State Government and included in the Local Government Reform Bill and subsequently passed into legislation.</p> <p>This legislation was passed over two and a half years ago (17 June 2021) with the first provisions commencing and a proposed community engagement Charter presented by the Local Government Association in late 2021.</p> <p>It is now 2024 and the State Government is yet to present its own proposed draft Charter, and is only now conducting consultation seeking input on what the public wants in a Charter. Surely this step should have occurred by now, or even before it was proposed and decided (or even considered necessary) to change the existing regime.</p> <p>Council's and communities need the State Government to make a decision and implement their proposed Charter to provide certainty and direction as to what is mandated and what is considered discretionary for community consultation moving forward, so that Council's can commence their own processes to update and implement their own local consultation arrangements.</p>



TOPIC 1 HOW PEOPLE ENGAGE WITH THEIR COUNCIL
(refer pgs 7-10 – Local Government Participation and Elections Review Discussion Paper).

1.2—Council meetings (refer also Topic 2)

Pursuant to section 90(1) of the Local Government Act, council meetings are required to be conducted in places open to the public. One of the key guiding principles for council meetings as per the *Local Government (Procedures at Meetings) Regulations 2013* is that procedures should encourage appropriate community participation in the affairs of the council.

Attendance at council meetings via electronic means for councillors is specifically dealt with under Topic 2 as a means of encouraging a greater number of more diverse candidates. This topic relates to **public participation in meetings** and specifically seeks feedback on livestreaming of council meetings, making recordings available, and the commencement time of council meetings **to enable greater participation in the council meeting process by members of the community.**

Mandatory livestreaming/recording of council meetings

The primary methods for members of the community to participate in council meetings are currently by observing a council meeting, either from the public gallery (or if available via a livestream/recording of the meeting); making a deputation or contributing to a petition which is then presented at a council meeting for consideration.

During the COVID-19 Pandemic, specific arrangements were in place to allow councils to continue to meet when there were restrictions in place, one of which included a requirement that council meetings conducted via electronic means were to be livestreamed. Changed practices introduced during the pandemic have led to increased expectations for greater use of technology in many ways, including community access to council meetings.

Many councils have voluntarily continued a practice of livestreaming meetings undertaken from the council chamber or provide access to a recording of the council meeting via the council's website after the meeting has concluded. The approach adopted is generally informed by each council's available technology and resources to facilitate such services.

More recently, some councils have encountered disruptive and aggressive behaviours from members of the public, which poses risks to council member and staff safety as well as potentially compromising decision-making processes for the council. In this context, the option to satisfy the provision of access to council meetings via livestreaming or recording could be an effective risk management strategy for councils.

The Participation Review is exploring whether there should be a mandatory requirement for councils to livestream meetings and make recordings available?

Timing of council meetings

Sections 81(5) and (6) of the Local Government Act require that council meetings may not be held on Sundays or public holidays, and metropolitan councils may not commence meetings prior to 5:00pm unless councils resolve to do so by unanimous vote of **all** council members. This limitation is not imposed on regional councils, where council meetings may be convened during business



TOPIC 1 HOW PEOPLE ENGAGE WITH THEIR COUNCIL (refer pgs 7-10 – Local Government Participation and Elections Review Discussion Paper).	
<p>hours. Presently, each council determines its meeting schedule and makes the information publicly available in accordance with the legislative requirements.</p> <p>The timing of council meetings impacts the ability of members of the community to attend those meetings.</p> <p>The Participation Review is exploring whether a particular time should be specified for councils to be held with a view to maximising community participation.</p> <p>Live streaming and/or putting a video recording of the meeting may also lessen any impact as people can watch from wherever they are and at a time that suits. Is that preferable to having public present at the meeting? These considerations can also be considered in conjunction with council's response to Topic 2, part 2 (How can we make council meetings more flexible?).</p>	
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 1.2—Council Meetings	Comments
<p>Should councils be required to livestream their meetings, and make recordings available?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Support for mandating did not include any supporting commentary. • Arguments against mandating referenced the expense of doing it properly, and noted that if people are interested, they will attend meetings in person. During COVID our meetings were livestreamed and at best 10 people viewed them who were mostly Council employees involved in administering the meetings. <p>The real questions should be –Do our residents (who?) wants to watch them, are they able to be viewed with the full/proper context, and does it provide community value?</p>
<p>All metropolitan councils hold their council meetings during the evenings, but councils in regional areas often hold their meetings during business hours. Should councils be required to hold their meetings at a particular time to maximise community participation?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Yes • In the evenings, in business hours means only retired and business owners can become elected members which means less representation. • After 5pm • Councils should be able to hold their meetings based on the availability of its members and the decision made with regard to the local context



TOPIC 1 HOW PEOPLE ENGAGE WITH THEIR COUNCIL (refer pgs 7-10 – Local Government Participation and Elections Review Discussion Paper).	
	<p>It is noted that prospective members could have a range of work and personal commitments across a 24hour/7 day period. It seems appropriate that the determination of meeting days/times be a matter for each elected Council to determine after each election, taking into account the availability of each member, as well as administrative implications of proposed times.</p> <p>The Act could provide that a two-thirds or unanimous decision be required to set or amend the day/time of ordinary Council meetings to avoid a simple majority deciding a time that is unsuitable for a minority, with perhaps leave of the meeting also required before a motion may be put to amend day/time.</p>
LGA CONSULTATION QUESTIONS: 1.2—Council Meetings	
Does your council currently livestream council meetings and/or make recordings available after the meeting has concluded?	No
What would impact (or has impacted) your council's ability to livestream council meetings or make recordings of meetings available? (e.g., available technology, reliable internet service, installation/ongoing costs)	<p>Available technology, installation and on-going costs and administration resources to ensure legislative requirements and associated risks relating to the conduct of meetings and livestreaming (including confidentiality) met.</p> <p>Implementing livestreaming and maintaining an archive of recordings will incur additional costs for technology, equipment, and personnel.</p>
Are there any other issues relating to livestreaming and/or making recording of council meetings available you would like to raise?	Privacy issues, potential for misuse (edited and taken out of context, doctoring, snipping and AI risks), security issues
Do you have any other suggestions/comments to enhance community participation in council meetings?	<p>Public question time.</p> <p>Noting: Provision of a public question time could be accommodated as a discretionary meeting agenda matter that without legislative change.</p>



TOPIC 1 HOW PEOPLE ENGAGE WITH THEIR COUNCIL (refer pgs 7-10 – Local Government Participation and Elections Review Discussion Paper).	
<p>1.3—Support council members to engage with communities</p> <p>The role of a council member is extensive and the circumstances of individual members are wide and varied, resulting in differing approaches for engaging with and representing their constituents.</p> <p>Council members receive an allowance, determined by the independent Remuneration Tribunal SA (RTSA) and changes to allowances are specifically discussed in Topic 2 as a means of encouraging a greater number of more diverse candidates.</p> <p>Council members also have access to a range of facilities and support (determined by each council) to assist them with the delivery of their role and functions.</p> <p>The Participation Review canvases whether the introduction of a specific allowance to support constituent work similar to that which Members of Parliament (MPs) receive would assist council members to engage more effectively with their communities. State MPs receive an electorate allowance in respect of expenses associated with discharging parliamentary, electoral or community duties (but not party political duties) in their electoral district. This allowance is <u>determined by the RTSA</u>, having regard to a range of factors, and is in addition to any salary paid to the MP. The electorate allowance recognises the requirement for MPs to be actively involved in community affairs and represent and assist their constituent in dealings with governmental, other public agencies and authorities, in addition to their parliamentary duties.</p>	
1.3—Support council members to engage with communities	Comments
How should members be supported to engage directly with their communities?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Printing, legal support and office space. • It is up to Members to do so themselves as part of their commitment to Council as Elected Members. <p>Noting:</p> <ul style="list-style-type: none"> ○ Council has discretion to provide/reimburse Member support/expenses within the scope of existing legislative provisions, on a consistent basis for all Members (with the exception of the Presiding Member). ○ Member Printing has previously been considered as part of environmental sustainability initiatives, and legal support scheme provisions were removed from legislation as part of the 2021 reform. ○ <i>"The Tribunal recognises at the outset that there is a significant element of voluntary community commitment on the part of members of local government" and "allowances provide at least partial recognition of the time and expenses incurred by members</i>



	<i>depending on the nature and structure of the council and the functions they perform as members"</i> (refer Report of the Remuneration Tribunal 2022 – Allowances for Members of Local Government Councils)
Should all council members be provided with a specific allowance to support constituent work, similar to that provided to Members of Parliament?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none">• Difficult to monitor.• Allocating additional funds would divert resources that could be used for other priorities, place more strain on ratepayers and potential for misuse of public funds,• No, should use existing allowance
What other ideas do you have to strengthen the relationship between council members and their local community members?	
Are there other matters relating to supporting council members to engage you wish to raise?	



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).	
2.1—Increase council members' allowances Council member allowances are <u>determined by the Remuneration Tribunal SA (RTSA)</u> in accordance with section 76 of the Local Government Act. In making a determination the Tribunal must have regard to the following: <ul style="list-style-type: none"> • nature of the office and representative role of council members on council's governing body • size, population and revenue of the council and any relevant economic, social, demographic and regional factors • ratio of members to ratepayers • fact that an allowance is not intended to be a salary • separate provisions of the Local Government Act relating to reimbursement of expenses (refer section 77 of the LG Act). The allowance is not intended to be remuneration or a salary, and some council members also undertake paid employment in addition to their council member. There may be merit in considering the manner in which council members are remunerated overall, rather than simply whether an increase to the current allowances would influence more people to consider nominating for council.	
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.1—Increase council members' allowances	Comments
Would more, and a more diverse range of, people be attracted to the role if allowances increased?	Varying views have been expressed: <ul style="list-style-type: none"> • Possibly but not necessarily • Probably, look towards Queensland.
LGA CONSULTATION QUESTIONS: 2.1—Increase council members' allowances	
When considering council members allowances, what other factors warrant review that may attract more people to the role? (e.g. tax/superannuation)	Definitely superannuation and the unreasonable amount of tax one has to pay on their allowance. if it is taxable then it should be subject to superannuation. Noting: Taxation and Superannuation law fall within the Commonwealth, not State, jurisdiction.
Are there any other matters relating to council member allowances you wish to raise?	Varying views have been expressed:



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).	
	<ul style="list-style-type: none"> • There could be public perception challenges in increasing allowances, the effectiveness of council representation is not solely determined by financial incentives. Skills, experience, communication abilities, and a genuine commitment to community/well-being are also critical factors. • Allowance for being on Council is not for survival/to live on, but for community service. • Categories of Councils (i.e. different tiers/allowance values) should recognise that ALL Councils have the same base responsibilities, regardless of budget, population or area/size of Council. Could be argued that Members in larger/metropolitan Councils should receive lower allowances than their smaller/regional counterparts due to greater administration support, with Members of smaller/regional Councils more accessible and accountability to their community. • Potential for a hybrid allowance/fee structure (part allowance to account for fixed workload applicable to all Members / part sitting fee in recognition of actual attendance at formal meetings)

TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).
<p>2.2—Make council meetings more flexible</p> <p>Section 6(a) of the Local Government Act requires that councils are required to act as a <i>'representative, informed and responsible decision-maker in the interests of its community'</i> and one of the key principles to be observed by council in performing its roles and functions is to <i>'provide open, responsive and accountable government.'</i> Council meetings are the primary decision-making mechanisms for councils.</p> <p>Section 86 of the Local Government Act and the <i>Local Government (Procedures at meetings) Regulations 2013</i> prescribes the procedure to be observed at council meetings to ensure council meetings are held in a consistent way to meet the following guiding principles:</p> <p><i>'(a) procedures should be fair and contribute to open, transparent and informed decision-making;</i></p> <p><i>(b) procedures should encourage appropriate community participation in the affairs of the council;</i></p>



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES?
(refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).

(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.'

In considering the issue of greater flexibility for council meetings, the Participation Review talks primarily about timing of council meetings and enabling members to attend meetings electronically as mechanism to encourage a wider range of people to nominate.

Council meeting times

The issue of council meeting times and the impact this has on community participation was considered in Topic 1 of the Review. In this Topic, the focus is on the impact of the time of council meetings on council members/nominations for council. As noted previously, subject to the requirements of the Local Government Act, each council has the ability to determine the time and place for council meetings.

Electronic council meetings

The issue of electronic council meetings has been raised with the LGA on numerous occasions following the cessation of the COVID-19 emergency declaration and the removal of the ability to conduct council meetings via electronic means. Whilst the legislation allows committee meetings and information/briefing session to be conducted electronically, council meetings are not able to be.

At the LGA AGM held on 29 October 2020 an item of business requested the LGA lobby the State Government to review the legislation to include provisions for attendance at council meetings and informal gatherings by electronic means. Consultation was undertaken with member councils and at that time, general support was expressed for the ability to conduct meetings electronically in certain circumstances and with a range of limitations, rather than a blanket support for council meetings to be able to be convened electronically.

Preliminary discussions were held with the Office of Local Government (OLG) in 2020, as part of progressing the item of business. However, in light of both the major emergency declaration in place and the status of local government reforms at the time, the State Government preferred to defer consideration of the issue. The LGA Secretariat provided this advice to councils at the time and indicated that consultation would likely occur in 2023 following commencement of the majority of local government reforms.

The COVID-19 experience has changed attitudes to electronic meetings and the Participation Review provides an opportunity for councils to provide input as to how and whether the ability to conduct council meetings electronically should be available on an ongoing basis.



<p>TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).</p>
<p>As noted in Topic 1, recent experiences with disruptions to council meetings has introduced other reasons that may support consideration of electronic council meetings, such as ensuring the safety of all meeting participants/attendees.</p> <p>The Participation Review specifically raises the proper management of integrity matters (e.g., a council member removing themselves from the meeting after declaring a conflict of interest or discussion of matters in confidence) and community members having assurance that their council members are physically present in their local area, for at least a good proportion of the time as matters for consideration.</p> <p>There are likely other elements of council meetings that warrant discussion as part of this Topic, e.g., formality of council meeting procedures.</p>

<p>PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.2—Make council meetings more flexible</p>	<p>Comments</p>
<p>Are there elements that put people off nominating? (e.g. meetings during business hours, family, work or other responsibilities?)</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • There could be, but if you really want to participate you will do so. • Information briefing sessions should be recorded so Councillors who work shift work can still participate. <p>Noting:</p> <ul style="list-style-type: none"> - Contrast with commentary that meetings should only be held in the evenings, in business hours means only retired and business owners can become elected members which means less representation.
<p>Should council members be able to attend some council meetings electronically?</p>	<p>Varying views were expressed:</p> <ul style="list-style-type: none"> • No • Yes - to enable flexibility for shift workers. We want greater diversity. • Some capacity for electronic attendance, but with criteria/limitations
<p>LGA CONSULTATION QUESTIONS: 2.2—Make council meetings more flexible</p>	



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.2—Make council meetings more flexible	Comments
<p>What issues should be considered if council meetings are to be conducted electronically?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Integrity matters. • For formal council meetings should be on camera the whole time (except toilet). When camera off should be counted as if you have left room (recorded in minutes until video is back). For information briefing sessions no need for such formal rules. Audio only should be fine. • Ensuring the security and confidentiality of discussions held in confidence can be more challenging in a virtual environment. • If only some council members attend remotely and the rest in person, it may create disparities among members, potentially affecting communication and collaboration within the council. • Complications increase the more members attend remotely without dedicated fit for purpose technical equipment. A single member attending remotely is relatively straightforward, second and subsequent members attending remotely creates issues with sound/camera priority, and at what point should a meeting cease being in-person/hybrid and become fully remote. What are the public's expectations to 'attend' a Council meeting in-person if ALL members and administration are attending/hosting virtually? Is it still a requirement to 'host' the public in the Council Chamber with all Members viewable on a video screen? Do staff/officers also need to be able to be seen and heard by the public, or only by Members?
<p>Should limitations be introduced relating to electronic council meetings? (e.g., specific circumstances under which a member may attend a meeting electronically, a limit on the number of times a member may attend electronically etc)</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Yes, the community needs to know that their council members are physically present in their local area for the majority of time. • A limit on the number of times a year (not subsequent as that doesn't work for people who might be travelling). Perhaps an electronic meeting attendance is counted as if you were not there for the purposes of the three meetings in a row you can't miss.



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.2—Make council meetings more flexible	Comments
	<ul style="list-style-type: none"> • There should be clear guidelines and protocols for remote attendance to address technical issues, ensure security, and maintain the integrity of council meetings. • online attendance not counted toward attendance (i.e. online attendance should be treated as absence without leave for purpose of s51(3)(d) – unless leave granted by Council at prior meeting) • if 'not in 'seat' should not be entitled to vote (i.e. electronic attendance for information and discussion, but not to vote) • Not for confidential matters • must be visible AND audible and clearly express a vote <p>Council's should retain the discretion to allow electronic attendance at s41 committees and s42-43 subsidiary meetings, and information and briefing sessions, but not for confidential matters.</p>
<p>Are there examples from COVID-19 period that demonstrate benefits/challenges with electronic meetings? (e.g. 'hybrid' meetings compared with all members participating electronically, benefits/challenges for presiding members, meeting procedures, minute taking etc)</p>	<p>Yes,</p> <ul style="list-style-type: none"> • Members not paying attention as they would in a meeting. • Difficulty with clarity when voting is a challenge for presiding members. • Connection – clarity of picture and sound. • There are obviously challenges, but there are benefits which is increased involvement and Councillors remaining in the loop vs being excluded due to illness, holiday, work etc. • Hybrid meetings proved the most difficult from a technical (audio/video) perspective, as even those in physical attendance needed to be 'virtual' in order to be 'seen and heard' by other members and on the livestream. • Clarity in regard to legislative requirements (or there not being any/proposed) is necessary to assist with specifications, and ensuring investments in Chamber technology meets requirements and does not become redundant with a change in regulation.



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.2—Make council meetings more flexible	Comments
<p>Are there any other matters relating to council meetings which may influence a person's decision to nominate for council you wish to raise?</p>	<p>When you nominate you should understand the commitment that will be required to fulfill your duties as a member of Council.</p>

TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).
<p>2.3—More local promotion of nominating for elections</p> <p>Council elections are conducted by the Electoral Commission of SA (ECSA), with councils paying the full cost of the electoral process.</p> <p>Whilst ECSA has formal responsibility for promotion of the 'enrolment' and 'participation (vote)' elements of the election, historically the LGA has facilitated promotional activities as efficient means of providing sector wide collateral for council elections and to maximise the value of advertising/promotion of council elections through a consistent look and feel.</p> <p>For the 2022 council election process, the LGA secured \$300,000 of Local Government Research and Development Scheme (LGR&DS) funding for an advertising campaign aimed at raising awareness and increasing engagement with the elections across the three election stages: enrol, nominate and vote.</p> <p>The approach used for local promotion of elections varies across councils and is generally driven by available resourcing and cost. A majority of councils access promotional materials from the LGA and use these for online, social media and other advertising. In addition, many councils host information sessions for potential candidates to provide details of the role of a councillor, the time/commitment involved and other general information about the council/local government.</p> <p>Assigning an increased role for councils in the promotion of elections, either specifically for the nomination stage or more broadly, must have regard to the cost impact for councils. In relation to the 2022 election process, there were significant increases to ECSA costs to council based on factors such as inflation, transport, Australia Posts charges, ICT requirements and other amendments to the <i>Local Government (Elections) Act 1999</i>. Information on the actual total cost of the election is not yet available, however, estimated increases advised to councils prior to the election by ECSA were in the order of 30%.</p>



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.3—More local promotion of nominating for elections	Comments
Are there other efforts that councils could make to increase interest in standing over a council term, e.g., by working with ratepayer or other community organisations?	
Would councils get a better local result if they make greater investments in local promotion and initiatives, particularly ahead of election periods?	Think this could assist.

LGA CONSULTATION QUESTIONS: 2.3—More local promotion of nominating for elections	Comments
What strategies did your council use to promote nominating for council? What costs did you incur for your local promotion?	
Are there any other matters relating to the role of councils in promoting nominating for elections you wish to raise?	



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES?
(refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).

2.4—Term limits for council members

Currently there is no limit on the number of terms a council member may serve. The Participation Review discussion paper raises the idea that limiting council members to say a maximum of two or three terms will effectively increase turnover and therefore interest in becoming a council member, as potential candidates feel there is less risk in going up against a well-established incumbent council member.

From a general perspective it may be that term limits could assist with providing more people the opportunity to represent their community. Equally, there could be an argument that limiting terms could result in challenges in attracting enough candidates for the available roles.

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.4—Term limits for council members	Comments
Should term limits for council members be introduced?	Varying views have been expressed: <ul style="list-style-type: none"> • No. • Tricky one, difficult to call - You may have a member who is doing a great job and has been serving for three terms and has the ability to do another term, but can also see that someone may be there for too long. • 3 terms

LGA CONSULTATION QUESTIONS: 2.4—Term limits for council members	Comments
What opportunities/risks do you consider may arise as a consequence of limiting council member terms?	Opportunities: <ul style="list-style-type: none"> • would provide turnover of Members, • promotion of fresh perspectives,



LGA CONSULTATION QUESTIONS: 2.4—Term limits for council members	Comments
	<p>Risks:</p> <ul style="list-style-type: none"> • (loss of) continuity with knowledge passing from one Council term to next. • Elected members who are knowledgeable are lost. • Loss of experience, disruption of continuity, imposes an artificial constraint on the democratic process
Are there any other matters relating to term limits for council members you wish to raise?	There is no need, if people don't want someone they won't vote for them.

TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).
<p>2.5—Required training for candidates</p> <p>Currently there is no minimum skill, knowledge or experience necessary for a person to be able to nominate as a candidate in a council election.</p> <p>Following election, council members must complete mandatory training within 12 months of the election, which ensures council members have necessary knowledge and skills across areas such as strategy and finance, legal, civic and council member behaviour/leaderships.</p> <p>The Victorian Government has introduced compulsory training for all Victorians who wish to nominate as a candidate in any council election. The training is online and takes around an hour to complete. The training covers information about being a councillor, including understanding a conflict of interest, a code of conduct, and what support is available to help undertake the role. The training is not graded (there is no 'pass' or 'fail') and remains valid for two years. The training must be completed by anyone intending to nominate, including serving councillors and people who have been councillors in the past.</p> <p>The mandatory course was introduced in the <i>Local Government Act 2020 (Vic)</i> to ensure candidates understand the role of councillor and the standards they are expected to uphold if elected (Refer: https://www.localgovernment.vic.gov.au/council-governance/candidate-training).</p> <p><u>Candidate screening</u></p>



<p>TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pgs 11-16 – Local Government Participation and Elections Review Discussion Paper).</p>
<p>Separate, but related to training for candidates, the LGA Secretariat has received proposed items of business relating to additional nomination information or screening for candidates. These matters have been included as LGA Consultation Questions in addition to the Participation Review questions below.</p> <p>Candidate information is raised in Topic 3, Part 7-Consider candidate information of this discussion paper, however candidate screening has been included here on the basis that it relates to candidate eligibility requirements, which is consistent with establishing a required training for candidates before they are able to nominate.</p>

<p>PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.5—Required training for candidates</p>	<p>Comments</p>
<p>Should people be required to complete an online course before nominating?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Yes, Maybe a nomination fee (of substance) should also be considered. • No, if you haven't been elected you shouldn't have to commit time to it. Perhaps a video when nominating explaining the roles and responsibilities. <p>Noting – resources are available for prospective nominees, but no way to know if or extent to which these are engaged with by actual nominees.</p>
<p>What forms of training could benefit candidates and generate more community confidence in the people that are standing for election?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • An introduction to local government and some of the mandatory requirements like the ABP, LTTP etc, meeting procedures • It is democracy, anyone can stand. If someone doesn't have confidence in the people who are standing then they should run!
<p>LGA CONSULTATION QUESTIONS: 2.5—Required training for council members</p>	<p>Comments</p>
<p>What are the opportunities/risks associated with the introduction of mandatory candidate training?</p>	<p>Opportunities:</p> <ul style="list-style-type: none"> • Training would ensure candidates know what they are committing to.



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.5—Required training for candidates	Comments
	<ul style="list-style-type: none"> • Would ensure that all candidates have a basic level of knowledge, creating a level playing field and reducing the potential for uninformed or unprepared individuals nominate <p>Risks:</p> <ul style="list-style-type: none"> • Wasting a great deal of people's time who will never use the training as they don't get elected. • May be seen as overly restrictive and could deter people from nominating • needs to balance the benefits of education with the voluntary nature of public service.
<p>If mandatory candidate training requirements are introduced, who should have responsibility for developing and delivering the training and maintaining required records?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • The LGA in conjunction with local Council. • Electoral commission • Onus should be on the candidate as it is already an administrative burden ensuring sitting members complete their mandatory training. If they haven't completed it, then they would not be eligible to be sworn in.
<p>Are there other options available to ensure candidates have the necessary information to support their decision to nominate?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Mentorship programs where experienced members mentor new candidates, providing guidance and sharing knowledge. • Voluntary training programs that candidates can opt to participate in and would be included on their candidate profile • Improved communication between the SA Electoral Commission and prospective/actual candidates, make it clear that the electoral commission is the responsible agency, not Council.
<p>Should the criteria for individuals seeking candidacy be strengthened by requiring a Department of Human services Working with Children clearance and that candidates should be considered fit and proper?</p>	<p>Yes – absolutely.</p>



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.5—Required training for candidates	Comments
<p>Are there any other screening criteria or eligibility requirements that should be considered for candidates?</p>	<p>Varying views were expressed:</p> <ul style="list-style-type: none"> • Maybe a Police Check, literacy and numeracy test, general knowledge test about their local government area. • No. Particularly for people who've had criminal history they have served their time. The position creates a great deal of public attention and anyone with a bad history would be highlighted and won't be elected. Leave it up to democracy. For example, many first nations people have a criminal history due to over policing, trauma etc. Do we really want to discourage first nations people and others such as those from low socio economic backgrounds from running because of past misdeeds (either on their part or of the justice system). • Consider setting minimum education or qualification standards to ensure that candidates have a certain level of knowledge or expertise • Skills / fee for nominating • Literacy • Prior offences
<p>Are there any other matters relating to training for council members you wish to raise?</p>	<p>Varying views were expressed:</p> <ul style="list-style-type: none"> • Should be stricter / more thorough. • No need for it. • Any requirements for mandatory training, and any other checks should also apply to members of Parliament



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES?
(refer pages 11-16 – Local Government Participation and Elections Review Discussion Paper).

2.6—Consider real-time publishing of nominations

As part of the local government reform process, the LGA on behalf of members, successfully advocated to remove councils from the candidate nomination process on the basis that ECSA holds responsibility for the conduct of council elections. Prior to the passage of the *Statutes Amendment (Local Government Review) Act 2021* (the Local Government Review Act) and subsequent changes to the *Local Government (Elections) Act 1999* council officers (appointed as Electoral Officers by ECSA) would receive candidate nominations, with the majority of nominations submitted via councils, rather than directly to ECSA for processing.

Previously, nominations were displayed on a notice board at the council office immediately following acceptance by ECSA. This meant that at any time, a member of the community could attend the council office and see who had nominated for election to the council. It also meant there was visibility of the overall number of nominations received throughout the entirety of the nomination period.

Following the commencement of legislative changes in November 2021, candidate nominations are now made directly to ECSA (using the candidate nomination portal) and council officers no longer play a role in relation to receipt/processing of candidate nominations or publication of nomination details. Information regarding accepted nominations is made available after the conclusion of the nomination period (the legislation requires ECSA to publish the information within 24 hours of close of nominations). The approach to display of nomination information is consistent with State and Federal election processes.

In the November 2022 council elections there were a number of councils who did not receive sufficient candidate nominations to fill all vacancies. As a consequence, supplementary elections were required, which not only contributed to election related costs but resulted in delays in commencement of the new council until early in 2023, some three months after the conclusion of the general election.

The LGA Secretariat has received proposed items of business relating to candidate nomination processes following the November 2022 council elections. These matters have been included as LGA Consultation Questions in addition to the Participation Review questions below.

ECSA has not yet published its report into the November 2022 council elections, however, it is anticipated the issue of insufficient nominations is likely to be canvassed in that report.



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.6—Consider real time publishing of nominations	Comments
<p>Should councils have a role in the nomination process?</p> <p><i>LGA Note – This question relates to whether councils should be directly involved in the receipt/processing of candidate nominations, <u>not</u> the real-time publishing of nominations - that question is below.</i></p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Did we previously ? • I would have thought Council would prefer to have oversight of the process but acknowledge it is a lot of work, so maybe more contact/information from ECSA would assist. Was there a lack of information in 2022 ? • No. <p>Noting concerns raised by Council Administrations in the past have been around:</p> <ul style="list-style-type: none"> - staff/officers being arms-length/separated from the nomination process to avoid any perception or insinuation of beneficial/detrimental treatment of existing or prospective members, - double handling by Council and SA Electoral Commission - maintaining multiple different methods of administration (via Council, online, direct to SA Electoral Commission) - timeliness/delays with documentation received and scanned/posted and returned between Council offices and SA Electoral Commission. - consistency of administration and information for which responsibility/accountability lies with the SA Electoral Commission.
<p>If ECSA continues to receive nominations directly, should there be a requirement for nominations to be published throughout the nomination process, not just at the end?</p> <p>If so, how should these be published?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Yes, they should be published at the local council office. • Just the numbers. • Include names • (current) photo should be mandatory <p>Noting the concerns referenced in the previous response</p>



LGA CONSULTATION QUESTIONS: 2.6—Consider real time publishing of nominations	Comments
What other changes could be made to the candidate nomination process that may encourage a greater number of more diverse candidates?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> I think the nomination process has to be kept at high level of attainment, and whilst we welcome diversity, candidates have to have a certain ability. Leave it as is, if you try to create further barriers it will just result in less diversity.
What other changes could be made to publishing of candidate nominations that may encourage a greater number of more diverse candidates?	<p>Leave it as it is. Remove the political parties as all it does is push us towards a party political future in Council elections.</p>
Are there any other matters relating to real time publishing of nominations you wish to raise?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> I believe nominations should be published in real time. Only numbers. virtual or remote options for the nomination process?



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pages 11-16 – Local Government Participation and Elections Review Discussion Paper).
<p>2.7—Removal of council wards</p> <p>Councils currently have the power to determine the composition of the council, including whether to divide the area of the council into wards, alter the division of the council or abolish the division of the council area into wards, subject to complying with the requirements of section 12 of the <i>Local Government Act 1999</i>.</p> <p>Councils use the Representation Review process and, based on a schedule determined by the Minister (approximately every 8 years), must review the representation structure, including examining the advantages/disadvantages of various options available for the composition of the council (ward structures) and the number of members. Councils must undertake public consultation when conducting a Representation Review.</p> <p>Changes arising from the passage of the <i>Statutes Amendment (Local Government Review) Act 2021</i> have introduced a 'member cap' which provides that a council must not be comprised of more than 13 members unless the council is granted an exemption certificate by the Electoral Commission SA.</p> <p>Whilst it is often the case, candidates do not need to live in the ward they nominate in: they must be eligible for nomination within the council area, but are able to nominate in any ward within the council. Once elected to council, all council members must make decisions in the interest of the whole council.</p> <p>Ward elections are managed separately. If a vacancy occurs in a council ward an election only involves eligible voters within that ward. This is likely to mean lower costs are incurred for supplementary ward elections. In a council with no wards, any vacancy would result in an election involving all eligible voters within the council area.</p>

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.7—Removal of council wards	Comments
<p>Should councils continue to have wards?</p> <p>If so, why?</p> <p>If not, what would be the benefits of removing them?</p>	<p>Varying comments/views were expressed:</p> <ul style="list-style-type: none"> - I do not believe wards are necessary and removal of wards would ensure that there is no favouritism for any particular ward. - The Ward system may preclude some people from nominating. - Yes, because areas of low socio economic are underrepresented when there are no wards due to the nature of elected members work. Often it attracts retirees and business owners. We need to attract more diversity



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.7—Removal of council wards	Comments
	<p>such as people who work shift work, people from low socio economic backgrounds.</p> <ul style="list-style-type: none"> - No – members should consider the needs and interests of the entire community rather than focusing solely on a specific geographic area. <p>Noting:</p> <ul style="list-style-type: none"> - City of Mount Gambier has not had wards for several Council terms, but will be conducting an Elector Representation Review between April 2024 – April 2025 which requires consideration and consultation on Ward Options. - The only Local Government Act 1999 provisions that reference Wards are those that relate to their creation/review and election of Councillors as representatives: <ul style="list-style-type: none"> o S9 Powers of Governor - to (re)divide/alter, name and allocate number of Councillors to represent wards. o S12 Composition - review of ward structure o S27 Reform Proposals – proposals to change wards o S34 Ward Quotas - considerations relating to ward boundaries o S52 Councillors – elected as representatives o S301 Boundaries – that line along middle of a river, stream or watercourse described as a boundary will be the boundary. <p>Other provisions in the Act refer to the Council 'area' as a whole or to the 'community', the 'public', 'residents', 'ratepayers', 'visitors', 'electors', 'individuals and groups', business, commerce, industry and tourism', but not specifically to wards, such that all Councillors are responsible to the broad cross-section of the community not just those that elected them as a Ward or Area Councillor.</p>
<p>Should wards only be kept in councils where a size warrants their retention?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> - Probably - No, should be left to Councils.



LGA CONSULTATION QUESTIONS: 2.7—Removal of council wards	Comments
<p>What opportunities/risks do you consider may arise as a consequence of the removal of wards?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Opportunity for more candidates perhaps. • Less diversity, people being left voiceless. Wards also offer a transitional period after Councils merge i.e. the City of Mount Gambier was formed after a merger. This Council then removed them. The District Council of Grant was formed after a merger and the former Port MacDonnell Council retained a ward. They can offer people some assurances they won't be forgotten post mergers. <p>Noting</p> <ul style="list-style-type: none"> • The City of Mount Gambier has evolved from once being the Town Council of Mount Gambier created in 1876. During its 150 year history the Town Council has had various ward structures until removed at the 2020 local government elections following an elector representation review in the preceding years. Wards were not re-introduced following review in 2016/2017, and will be re-considered in the next review between April 2024 2025. With the exception of boundary re-alignments as Mount Gambier has grown, the Town/City of Mount Gambier is not known to have had any historical amalgamations or mergers. <p>This contrasts with the District Council of Grant which has evolved from both amalgamation (and separation?) of several district councils since the late 1800's. This includes the former District Councils of Mount Gambier East and Mount Gambier West (understood to have separated and later amalgamated to become the District Council of Mount Gambier) but all being separate to the Town/City Council of Mount Gambier).</p>
<p>Are there any other matters relating to the removal of wards you wish to raise?</p>	<ul style="list-style-type: none"> • Some members have not had experience with wards. • Elector Representation Reviews should retain consideration of wards ONLY IF they currently/continue to retain wards. Consideration to wards should not be a mandatory consideration for Council's that have removed wards in the past. • Consideration to re-introducing wards should only arise from a specific reform proposal under Chapter 3 Part 2 (i.e. Sections 26-32C)



TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES? (refer pages 11-16 – Local Government Participation and Elections Review Discussion Paper).
<p>2.8—Lack of nominations trigger for boundary reform</p> <p>The endorsed policy position of the LGA in relation to amalgamations is that they should only occur on a voluntary basis, where there is support of council and their communities and strong supporting evidence. It is important that councils maintain their autonomy and the ability to respond directly to the needs of their communities.</p> <p>The Participation Review discussion paper suggests increasing the size of a council's area (e.g., through amalgamation with an adjoining council or councils), or making other structural changes (e.g., removal of existing ward structures), may support a greater number of more diverse candidates to stand for that council.</p> <p>The Participation Review discussion paper proposes that where insufficient nominations are received at a general election, this should trigger the referral of a boundary review process to the SA Boundaries Commission, the end product of which could be forced council amalgamations or changes to ward structures within the council.</p>

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.8—Lack of nominations trigger for boundary reform	Comments
Should a lack of nominations be a trigger for boundary reform?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> Perhaps it should be considered for smaller rural and remote LGAs No. Have a provision that if no one stands then the Councillors that are elected are it / the Council runs for a term with CEO making decisions. There are safeguards such as ICAC, Ombudsman etc.
LGA CONSULTATION QUESTIONS: 2.8—Lack of nominations trigger for boundary reform	Comments
What opportunities/risks do you consider may arise as a consequence of boundary reform processes being triggered by a lack of nominations?	<ul style="list-style-type: none"> The opportunity for amalgamation could provide pooling of resources both human and infrastructure, thereby reducing costs and providing efficiencies. Unrelated issues and should not be connected



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.8—Lack of nominations trigger for boundary reform	Comments
If legislative changes are introduced that commence a boundary reform process following a lack of nominations, who should bear the cost of that process and why?	<ul style="list-style-type: none">• The State Government because they are the ones who will be calling for it.
Are there any other matters relating to the proposal to trigger boundary reform as a consequence of insufficient nominations you wish to raise?	



TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT? (refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).	
<p>3.1—Make voting for councils compulsory</p> <p>There has been significant discussion over a long period of time about whether voting in council elections should be compulsory, as is the case for state and federal elections. Voter turnout in South Australian Council Elections has remained relatively static at around 32% over the past six elections (2003 – 2022).</p> <p>South Australia and Western Australia are the two states where voting is not compulsory in council elections.</p> <p>A primary consideration for compulsory voting relates to the impact on people's perception of local government (low turnout can be seen as reducing the legitimacy of councils) and, potentially, the quality of election candidates. Compulsory voting would, however, result in a cost increase to councils (ECSA recovers the full costs for the conduct of council elections from councils). The issue of the potential for increased politicisation of councils has also been raised during discussions about the introduction of compulsory voting.</p> <p>The LGA Secretariat has received a proposed items of business relating to the introduction of compulsory voting following the November 2022 council elections so is keen to understand the level of support across the sector for this proposal.</p>	
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.1—Make voting for councils compulsory	Comments
Should voting for councils be compulsory in South Australian council elections?	<ul style="list-style-type: none"> • Difficult question but I think it should be considered. • Yes. • No, leads to donkey and 'ballot order' voting
LGA CONSULTATION QUESTIONS: 3.1—Make voting for councils compulsory	Comments
What opportunities/risks do you consider may arise as a consequence of making voting for councils compulsory?	<ul style="list-style-type: none"> • More people will take the election seriously and be better engaged in the process and give more thought to the outcomes. • None, it will work like State/Federal elections.
Are there any other matters relating to the proposal to make voting for councils compulsory you wish to raise?	



TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT? (refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).
<p>3.2—Change the method of voting</p> <p>The current method of voting in South Australian council elections is postal voting. As noted previously, voter turnout has been relatively static at around 32% over the past six elections (2003 – 2022). Some hold the view that voter turnout is connected to the method of voting with a greater risk of lower participation for postal voting.</p> <p>Anecdotally it is claimed that people receive postal ballot papers, put them down to action later and then forget to do so, resulting in lower voter turnout.</p> <p>Other factors for consideration with the current postal ballot process include:</p> <ul style="list-style-type: none"> - delivery times and reliability, particularly for regional areas, of the postal service - increasing costs associated with postal voting processes (the service directly, fuel, logistics, processing) - risks of vote tampering or interference/influencing the completion of ballot papers - risks of interference with the election process through ballot paper theft <p>There are limited examples where voters are able to vote electronically. Whilst there would be up front costs to establish electronic voting for council elections, there is the potential for longer term savings to be achieved. However, given the limited operation of electronic voting systems in Australia, there are concerns about access, reliability and the potential for manipulation of electronic voting systems. Electronic voting may warrant further consideration.</p> <p>The LGA Secretariat has received a proposed items of business relating to voting fraud and whether there is a need for legislative change to minimise the occurrence of this following the November 2022 council elections so is keen to receive councils' views on the method of voting and how this may affect voting fraud.</p>

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.2—Change the method of voting	Comments
How should people vote for their councils?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • In person on a particular date. • In person or via mail. Online leaves open people who can advertise the most at the time getting the most clicks and then winning that way.



LGA CONSULTATION QUESTIONS: 3.2—Change the method of voting	Comments
Is there a need for legislative change to minimise the risk of voting fraud?	The system works well. Very few cases of fraud.
Do you support investigation of electronic voting systems? What are the opportunities and risks of this approach?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Should be explored. • Online voting but in person I.e. a booth with a computer. NOT online at home. This will result in those with ability to advertise online getting more votes. • If ECSA can accept online change of details why not online voting?
What opportunities/risks do you consider may arise as a consequence of changing the method of voting?	<ul style="list-style-type: none"> • The opportunity for more people to engage with the election process • Fraud, Those with more money (supported by vested interests) getting more votes as they can target online voting with advertising.
Are there any other matters relating to the proposal to change the method of voting you wish to raise?	Review of preference distribution model to be more reflective of vote.



TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT? (refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).
<p>3.3—Consider who can vote for their council</p> <p>Currently, residents on the state electoral roll receive an automatic entitlement to vote in council elections.</p> <p>Residents within a council area who are not Australian citizens may also enrol to vote on the council electoral roll if they have been a resident in the council area for at least one month immediately before the date they apply to enrol.</p> <p>In addition, persons, business lessees, business owners, bodies corporate or groups that are ratepayers, or occupy a rateable property, within the council are eligible to enrol to vote in council elections. This category of voter does not need to live in the area of the election they are voting in and do not need to be Australian citizens.</p> <p>The LGA Secretariat has received proposed items of business relating to eligibility to vote following the November 2022 council elections. These matters have been included as LGA Consultation Questions in addition to the Participation Review questions below.</p>

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.3—Consider who can vote for their council	Comments
<p>Should the franchise for council elections be changed in any way?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • People should not be required to self-enrol for each council election. • People who live in the electorate only. • Same rules for supplementary role as for City of Adelaide

LGA CONSULTATION QUESTIONS: 3.3—Consider who can vote for their council	Comments
<p>Should the eligibility to vote in council elections be restricted to only those persons on the State Electoral Roll?</p>	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • No, it should be open to the 'property franchise' people. • Yes.



LGA CONSULTATION QUESTIONS: 3.3—Consider who can vote for their council	Comments
Should the residency time for non-property owners who are not on the State/Federal electoral roll be changed? If yes, what changes should be made?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Yes and they should be required to be a resident in the area for six months immediately before the date they apply to vote. • No
Are there additional regulatory arrangements needed in relation to supplementary roll applications to ensure the integrity of the enrolment process? If yes, what do you propose?	No
What opportunities/risks do you consider may arise as a consequence of changing who can vote for their council?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Property franchise people would be interested in good outcomes as they have a vested interest in the community. • None
Are there any other matters relating to the proposal to change who can vote for their council you wish to raise?	The arrangements for the supplementary roll should be the same as City of Adelaide



TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT? (refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).
<p>3.4—Change the timing of council elections</p> <p>The timing of council elections has been a longstanding concern for the sector with the alignment of elections for all three levels of government in 2022 highlighting the issue.</p> <p>Legislation currently deems that both State and council elections occur on a four yearly cycle, with State elections generally held around March and council elections occurring in November. The Electoral Commission SA (ECSA) is responsible for the conduct of both elections. Federal elections occur on a three yearly cycle, which means that every fourth State/council election coincides with a Federal election.</p> <p>During 2022 there was particular concern about potential ‘voter fatigue’ impacting voter turnout for council elections. Surprisingly, despite some electors having to participate in up to three compulsory election process prior to the voluntary council elections, voter turnout was approximately 34% in the November 2022 council elections.</p> <p>Councils have previously expressed concern at the capacity of ECSA to effectively manage State and council elections within close proximity to each other. As council elections follow State elections, their view is that the quality of service provided to councils is compromised as ECSA cannot commence the council election process until it has effectively concluded the State election.</p> <p>ECSA has not yet published its report into the November 2022 council elections, however, it is anticipated the issue of timing of council elections is likely to be canvassed in that report.</p> <p>The LGA Secretariat has received proposed items of business relating to timing of council elections following the November 2022 council elections and is keen to receive councils views on this issue.</p>

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.4—Change the timing of council elections	Comments
Should council elections be moved to a different year from South Australian Government elections?	It is worth considering No



LGA CONSULTATION QUESTIONS: 3.4—Change the timing of council elections	Comments
Should any change to the timing of council elections not only consider alignment with SA Government elections, but also whether the time of year (i.e., November) council elections are held?	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> • Not sure that there is ever a good time, considering the work pre and post election that is required but maybe September might be worth considering. • Works fine as it is, leave it • Should be timed (and/or resourced) in a manner that the SA Electoral Commission can engage 12 months prior to enable Councils to plan and action activities. "Real" engagement by ECSA in past elections has not been until AFTER the State Election (i.e. not until April prior to November elections)
What opportunities/risks do you consider may arise as a consequence of changing the timing of council elections?	<ul style="list-style-type: none"> • The Mandatory Training may be achieved more efficiently if elections were held earlier • If you go before state election, then it can be mixed up with the Council elections. I like Council elections being held after as it means that the issues are solely local.
Are there any other matters relating to the proposal to change the timing of council elections you wish to raise?	



TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT?
(refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).

3.5—Election promotion

(Refer also to section 2.3—More local promotion of nominating for elections)

As noted previously, councils pay the Electoral Commission SA (ECSA) for the costs associated with the conduct of council elections. In relation to the November 2022 council elections, ECSA advised councils that advertising research, development, production and media campaigns funded by ECSA would come at an approximate cost of \$900,000 in order to encourage as many electors as possible to be enrolled and participate in the 2022 elections.

This expenditure is in addition to the LGR&DS funded promotion undertaken by the LGA.

Election signs

Election signs are one means of promoting candidates in council elections. There are a wide range of views on the use of election signs.

Changes made as part of the local government reform process introduced restrictions on the placement of local government electoral signs made of corflute/plastic. Whilst not raised in the Participation Review discussion paper, this issue of election signs presented a range of challenges for the sector during the November 2022 council elections.

Changes to section 226 inadvertently removed the timeframes within which electoral signs could be displayed. Whilst the changes prohibited the display of an 'electoral advertising poster' (being a poster display electoral advertising made of corflute or plastic), the removal of the provision allowing the display of signs relating to council elections in section 226 meant that the regulation of display of election signs was limited to council by-laws, which had not previously had to be relied upon for that purpose. As a consequence, there was significant confusion and a wide variation of arrangements in place for the display of election signs across the sector.

In addition, in response to the ban on signs made of corflute or plastic, signs made from alternative materials started to appear. It is anticipated that alternative signage materials will become more widely available ahead of the 2026 elections, which will mean that the corflute/plastic ban is likely to have less impact on the display of election signs.

The LGA Secretariat has received proposed items of business relating to display of election signs following the November 2022 council elections. These matters have been included as LGA Consultation Questions in addition to the Participation Review questions below.



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.5—Election promotion	Comments
Should councils have a stronger role in promoting elections locally to increase voter turnout?	<ul style="list-style-type: none"> No, It is up to the candidate to promote themselves No, Council's (i.e. local ratepayers) already make non-discretionary funding contributions to LGA/ECSA statewide promotion.
LGA CONSULTATION QUESTIONS: 3.5—Election promotion	Comments
What opportunities/risks do you consider may arise as a consequence of councils playing a stronger role in the promotion of elections to increase voter turnout?	<ul style="list-style-type: none"> Perception that Council has responsibility/control of the election process Potential for perception that administration is assisting sitting members that are running for re-election
Are there any other matters relating to councils having a stronger role in promoting elections locally you wish to raise?	
<p>Should changes be made to requirements for the display of election signs?</p> <p>If yes, what changes are required? For example:</p> <ul style="list-style-type: none"> specify a timeframe within which election signs may be displayed specify requirements for the removal of election signs limit the number of signs that may be displayed limit the locations in which signs may be displayed 	<p>Varying views have been expressed:</p> <ul style="list-style-type: none"> Display of candidate corflutes creates awareness and a sense of anticipation in an election process. Ban all signs, otherwise it is about who has more money (particularly when an innovative but potentially more expensive alternative in place of the current plastic corflute prohibition) Signage rules should be the same as State & Federal elections, otherwise environmental arguments are somewhat redundant. Standardised rules applicable to all Council areas. Emphasis in legislation that "candidates" are responsible. Consistent oversight by ECSA as election/political advertising. Avoid "community" funding/resourcing toward dealing with queries and complaints relating to candidates campaigns.
Should the rules relating to council election signs be the same as the rules for state and federal election signs?	<ul style="list-style-type: none"> Yes If it is to ban all then yes.



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.5—Election promotion	Comments
Should councils have a stronger role in promoting elections locally to increase voter turnout?	<ul style="list-style-type: none">• No, It is up to the candidate to promote themselves• No, Council's (i.e. local ratepayers) already make non-discretionary funding contributions to LGA/ECSA statewide promotion.
LGA CONSULTATION QUESTIONS: 3.5—Election promotion	Comments
Are there any other matters relating to council election signs you wish to raise?	



<p>TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT? (refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).</p>
<p>3.6—Removing wards (Refer also to section 2.7—Removal of council wards)</p> <p>In the context of achieving a better voter turnout, the Participation Review discussion paper suggests that the removal of wards would provide voters with a greater choice of candidates.</p> <p>As noted previously, councils currently have the power to determine the composition of the council and are required to review this in accordance with a schedule determined by the Minister. The council considers a range of factors to arrive at the preferred representation structure and must consult with its community.</p> <p>Ward elections are managed separately. If a vacancy occurs in a council ward an election only involves eligible voters within that ward. This is likely to mean lower costs are incurred for supplementary ward elections. The removal of wards, would mean that any vacancy would result in an election involving all eligible voters within the council area.</p>

<p>PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.6—Removing wards</p>	<p>Comments</p>
<p>Would removing wards provide voters with greater choice, and produce fairer results?</p>	<ul style="list-style-type: none"> No, Councils can decide if they wish to remove them or not.
<p>LGA CONSULTATION QUESTIONS: 3.6—Removing wards</p>	<p>Comments</p>
<p>What opportunities/risks (for achieving a better voter turnout) do you consider may arise as a consequence of removing wards?</p>	<ul style="list-style-type: none"> Less representation, people less willing to want to try out amalgamation.
<p>Are there any other matters relating to the removal of wards you wish to raise?</p>	



TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT? (refer pages 17-22 – Local Government Participation and Elections Review Discussion Paper).
<p>3.7—Consider candidate information</p> <p>This section of the Participation Review discussion paper explores what, if any, additional information should be required from candidates to inform voters e.g., on the 'Candidate Profile' and whether councils should provide a platform or mechanisms to help disseminate information about candidates to voters.</p> <p><i>Refer also to 2.5—Required training for candidates: Candidate screening</i></p> <p>Currently the legislation provides that following the close of nominations candidates are able to access a copy of the electoral roll for the council or ward in which they are contesting election. This information assists candidates with election campaigning and accessible eligible voters.</p> <p>During election periods, councils are also bound by caretaker provisions/policies, which prohibit the use of council resources for the advantage of a particular candidate or group of candidates. A council caretaker policy may allow the equal use of council resources by all candidates for election.</p> <p>The LGA Secretariat has received proposed items of business relating to candidate information following the November 2022 council elections. These matters have been included as LGA Consultation Questions in addition to the Participation Review questions below.</p>

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.7—Consider candidate information	Comments
What information should candidates be required to include with their nominations?	<ul style="list-style-type: none"> Everything they do now. As it is now but minus the political party.
Is there a role for councils to play in enabling all candidates to reach potential voters?	<ul style="list-style-type: none"> No, it is up to the candidate to do the work. The only concession here is that Council may facilitate a 'town hall' information/question session for candidates.



LGA CONSULTATION QUESTIONS: 3.7—Consider candidate information	Comments
<p>Should candidates in council elections be required to declare any employment arrangements associated with a political party in the 12 months leading up to an election?</p> <p>If yes, should the declaration include the place of employment and where relevant, the name of the member of parliament?</p>	<ul style="list-style-type: none"> For transparency – yes If you are going to keep listing people's political party then yes. But ideally both should be removed as it is not relevant.
<p>Should information relating to employment arrangements associated with a political party be required to be published as part of the candidate profile?</p>	<ul style="list-style-type: none"> For transparency – yes If you are going to keep listing people's political party then yes. But ideally both should be removed as it is not relevant.
<p>Is there other candidate information that should be required as part of the nomination process, or to be distributed with voting materials, to assist voters?</p>	<ul style="list-style-type: none"> Same as is minus political party.
<p>What opportunities/risks do you consider may arise as a consequence of changing candidate information requirements?</p>	<p>Less people may apply if you expose people too much especially if they haven't even been elected. I.e. the current system forces me to tell the world sensitive information such as who I bank with, who I do super with etc. Which opens me up to fraud and scam artists. Why force this on people who haven't even been elected? What we have now is enough. If people don't provide enough information they don't get elected.</p>
<p>What opportunities/risks do you consider may arise as a consequence of councils playing a role in enabling all candidates to reach potential voters?</p>	<ul style="list-style-type: none"> Perception of/actual/inconsistent use of Council resources to assist candidates in performing private activities (i.e. campaigning). Perception of Council/Administration involvement in political/campaigning activities. Potential claims of unfair/unequal support of candidates
<p>Are there any other matters relating to candidate information you wish to raise?</p>	



TOPIC 4 ELECTION IMPROVEMENTS (refer page 23 – Local Government Participation and Elections Review Discussion Paper).	
<p>The final section of the Participation Review discussion paper seeks feedback from council on any improvements that could be considered to council elections.</p> <p>As noted in the discussion paper, the review of the Electoral Commissioner which is undertaken following each periodic council election is expected to consider:</p> <ul style="list-style-type: none"> Any modifications that may be needed following legislative changes introduced in 2022. In particular, the obligations for members to provide their campaign donation returns directly to ECSA, and their automatic loss of office for failure to do so will be considered, given the significant issue this caused in early 2023, when special legislation needed to be passed to restore 45 members to office who had lost their positions for this reason. Any matters raised by the Court of Disputed Returns, or other illegal practices found by the Electoral Commissioner, which may require legislative amendment to protect the integrity of election processes. Any other matters raised, or improvements identified, by the Electoral Commissioner in his review of the 2022 periodic elections (this report is anticipated before the end of the 2023 calendar year). <p>The LGA successfully advocated for legislative change to reinstate members who lost office as a consequence of non-lodgement of campaign donation returns. There were a number of factors discussed following this event, in particular, the extreme nature of the consequence for non-lodgement of what was in many cases a 'Nil' return. This is an example of where a change to the legislation should be pursued, to avoid the significant disruption and costs to councils.</p> <p>ECSA has not yet published its report into the November 2022 council elections. The LGA Secretariat will review the report once it becomes available to identify other matters that may warrant action as part of the Participation Review.</p>	

PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 4—Election improvements	Council comments
Do you have any ideas to improve council elections?	<ul style="list-style-type: none"> Compulsory voting



PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 4—Election improvements	Council comments
	<ul style="list-style-type: none"> No "plebiscites" / late uninformed knee jerk politically motivated reactions that unnecessarily raise community concern and complicate election count.

LGA CONSULTATION QUESTIONS: 4—Election improvements	Comments
Campaign donation returns: What legislative changes should be pursued based on the campaign donation return experience in the 2022 council elections?	<ul style="list-style-type: none"> Make returns to the council for which you have nominated. Ban all donations, there really is no need for them. It opens people up to being owned by donors.
What issues did your council encounter with the operation of the legislation during the 2022 council elections that warrant action? What action do you propose?	<ul style="list-style-type: none"> The plebiscite vote delayed vote count pack-up from approx. 6:30pm Saturday to 1:30am Sunday morning (i.e. by 7 hours). Voting papers not present (scanned/emailed through) Mixed advice on inclusion/exclusion of mayoral/councillor/plebiscite voting papers depending how returned inside/outside respective envelopes 'incorrect question' on returned plebiscite voting papers! No late/last minute unnecessary changes to voting processes
What issues did your council encounter with the Electoral Commission SA and delivery of the 2022 council elections that warrant action? What action do you propose?	As above for operation of the legislation
Are there any other matters relating to election improvements you wish to raise?	Conduct of first preference counts and computer count at different location (i.e Mount Gambier – Adelaide), and scheduling computer count mid-late week has delayed Mount Gambier provisional result to Thursday/Friday after the close of votes. Resourcing should be allocated for a faster provisional result.



19.9 REVIEW OF COUNCIL DELEGATION UPDATES - JANUARY 2024 – REPORT NO. AR24/193

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/193
CM9 Reference:	AF23/328
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report provides for the review and update of Council Delegations.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR24/193 titled 'Review of Council Delegation Updates - January 2024' as presented on 23 January 2024 be noted.
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables accompanying Council Report No. AR24/193 (**Attachment 1**) to the person occupying or acting in the office of Chief Executive Officer of the Council pursuant to section 44 of the Local Government Act 1999.
3. The delegations granted in resolution (2) above pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Actmay, unless indicated by resolution or in the tables accompanying Council Report No. AR24/193, be further sub-delegated by the Chief Executive Officer or delegate.
4. Planning, Development and Infrastructure Act Delegations
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (**Attachment 2** accompanying Report No. AR24/193 titled '*Instrument A*') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - (b) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (**Attachment 2** accompanying Report No. AR24/193 and titled '*Instrument B*') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or



limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

- (c) Such powers and functions delegated in resolution 4 (a) and (b) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation;

5. General

The delegations granted in resolutions (2) to (4) above are subject to the following conditions and limitations:

- (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
- (b) the delegate must exercise a delegated function or power in accordance with and due regard to:
 - (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council.
- (c) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
- (d) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
- (e) These delegations will come into operation on Wednesday 24 January 2024 and remain in force until varied or revoked by resolution of the Council.
- (f) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 24 January 2024.



TYPE OF REPORT

Legislative

BACKGROUND

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

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

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

Council may review its delegations at any time, and must review all delegations within 12 months of each periodic election. Council last conducted a comprehensive review of delegations in June 2023, based upon the Local Government Association (LGA) delegations framework.

This report presents updates based upon changes made to the LGA template delegations since previous delegation update reports presented in February and June 2023.

The updates are summarised in the following table:

Legislative Instrument	Amendments
• Burial and Cremations Act 2013 (Attachment 1)	1 new provision
• Expiation of Offences Act 1996 (Attachment 1)	1 new provision
• Road Traffic Act 1961 (Attachment 1)	2 new provisions 1 changed provision
• Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Attachment 2)	1 changed provision
• Instrument B – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of Council as a Relevant Authority (Attachment 2)	1 new provision

PROPOSAL

Updated delegations based on changes to LGA template delegations for the abovementioned legislation are provided in tables at **Attachments 1 and 2** (refer separate agenda attachments).

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

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



LEGAL IMPLICATIONS

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

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

STRATEGIC PLAN

Nil

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

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

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

VALUE FOR MONEY

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

RISK IMPLICATIONS

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

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

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

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



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

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

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

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

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

A person is however entitled to inspect the record of delegations and in support of this a full extract of the delegation register is published on the Council website [here](#).

IMPLEMENTATION STRATEGY

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

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

CONCLUSION AND RECOMMENDATION

This report recommends that Council endorse updated delegations to the Chief Executive Officer for the legislation listed in the report background as contained in the tables attached to Council Report No. AR24/193 (refer separate agenda **Attachments 1 and 2**).

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

ATTACHMENTS

1. Attachment 1 - Delegable Powers - January 2024 [↓](#)
2. Attachment 2 - Delegable Powers (PDI Act) - January 2024 [↓](#)





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409352	Burial and Cremation Act 2013	section 8(2)	Approve the interment of bodily remains	council
409353	Burial and Cremation Act 2013	section 13(4)	Inter additional bodily remains	relevant authority for cemetery or crematorium
409354	Burial and Cremation Act 2013	section 13(6)	Be consulted by the Attorney-General regarding the opening of an interment site, exhumation or removal of bodily remains or re-interment of bodily remains	relevant authority for cemetery or crematorium
409355	Burial and Cremation Act 2013	section 18(1)	Ensure that cremated remains are only released to an authorised person	relevant authority for cemetery or crematorium
409356	Burial and Cremation Act 2013	section 18(2)	Dispose of cremated remains	relevant authority for cemetery or crematorium
409357	Burial and Cremation Act 2013	section 19	Establish a cemetery, natural burial ground or crematorium	council
409358	Burial and Cremation Act 2013	section 20	Establish and manage a public mortuary	council
409359	Burial and Cremation Act 2013	section 21	Establish a mausoleum	relevant authority for cemetery or crematorium
409360	Burial and Cremation Act 2013	section 22	Provide part of a cemetery as a natural burial ground	relevant authority for cemetery or crematorium
409361	Burial and Cremation Act 2013	section 23	Set apart part of a cemetery or natural burial ground for a particular religion	relevant authority for cemetery or crematorium
409362	Burial and Cremation Act 2013	section 24(1)	Close a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409363	Burial and Cremation Act 2013	section 24(2)	Provide notice of proposed closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409364	Burial and Cremation Act 2013	section 24(5)	Provide details of representations or submissions to the Minister regarding the	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			proposed closure of a cemetery or natural burial ground	
409365	Burial and Cremation Act 2013	section 24(8)(a)	Discharge unexercised interment rights and provide a refund by agreement with the interment holder on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409366	Burial and Cremation Act 2013	section 24(8)(b)	Discharge unexercised interment rights and issue a new interment right by agreement with the interment holder on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409367	Burial and Cremation Act 2013	section 24(9)(a)	Discharge interment rights and issue a new interment right with the interment holder on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409368	Burial and Cremation Act 2013	section 24(9)(b)	Remove and re-inter human remains by agreement with the interment holder on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409369	Burial and Cremation Act 2013	section 24(9)(c)	Remove and reposition a memorial by agreement with the interment holder on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409370	Burial and Cremation Act 2013	section 24(10)	Referral of matter for mediation if agreement cannot be reached on the discharge of an interment right on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409371	Burial and Cremation Act 2013	section 24(11)	Pay for mediation with respect to the discharge of an interment right on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409372	Burial and Cremation Act 2013	section 24(12)(a)	Offer land as a gift on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409373	Burial and Cremation Act 2013	section 24(12)(b)	Demolish, remove, relocate or replace a grave on closure of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409374	Burial and Cremation Act 2013	section 24(14)	Prepare an inventory prior to closure of a cemetery or natural burial ground identifying all graves and memorial, a record of all inscriptions and other particulars on memorials and a photograph of each memorial	relevant authority for cemetery or crematorium
409375	Burial and Cremation Act 2013	section 24(15)	Make the inventory of graves and memorials available to the public	relevant authority for cemetery or crematorium
409376	Burial and Cremation Act 2013	section 25(1)	Petition the Minister to have trust on which land is held by council which was formerly a cemetery or natural burial ground determined and the land dedicated as park lands	council
409377	Burial and Cremation Act 2013	section 25(5)	Pay costs of advertising or inquiry related to the determination of a trust and dedication of land as park lands	council
409378	Burial and Cremation Act 2013	section 25(4)(a)	Remove memorials if a closed cemetery is dedicated as park lands	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409379	Burial and Cremation Act 2013	section 25(4)(b)	Relocate memorials if a closed cemetery is dedicated as park lands	relevant authority for cemetery or crematorium
409380	Burial and Cremation Act 2013	section 25(4)(c)	Replace memorials if a closed cemetery is dedicated as park lands	relevant authority for cemetery or crematorium
409381	Burial and Cremation Act 2013	section 26(2)	Convert a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council into a public park or garden	relevant authority for cemetery or crematorium
409382	Burial and Cremation Act 2013	section 26(3)	Give notice of intention to convert a cemetery into a public park where the cemetery is not on land held on trust by the council or that includes land under the care, control and management of a council	relevant authority for cemetery or crematorium
409383	Burial and Cremation Act 2013	section 26(6)(a)	Remove memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	relevant authority for cemetery or crematorium
409384	Burial and Cremation Act 2013	section 26(6)(b)	Relocate memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	relevant authority for cemetery or crematorium
409385	Burial and Cremation Act 2013	section 26(6)(c)	Replace memorials a closed cemetery which is not on land held on trust by the council or that includes land under the	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			care, control and management of a council	
409386	Burial and Cremation Act 2013	section 27(1)(a)	Construct roads and pathways for purpose of converting closed cemetery into a public park or garden	relevant authority for cemetery or crematorium
409387	Burial and Cremation Act 2013	section 27(1)(b)	Erect or construct buildings for purpose of converting closed cemetery into a public park or garden	relevant authority for cemetery or crematorium
409388	Burial and Cremation Act 2013	section 27(1)(c)	Construct a vault or other repository for human remains for purpose of converting closed cemetery into a public park or garden	relevant authority for cemetery or crematorium
409389	Burial and Cremation Act 2013	section 27(1)(d)	Erect lighting, seating or other infrastructure or public amenity for purpose of converting closed cemetery into a public park or garden	relevant authority for cemetery or crematorium
409390	Burial and Cremation Act 2013	section 27(1)(e)	Take such other action for laying out land as parklands or a public place or garden for purpose of converting closed cemetery into a public park or garden	relevant authority for cemetery or crematorium
409391	Burial and Cremation Act 2013	section 28(1)	Provide notice of cemetery or natural burial ground closure to the Registrar	relevant authority for cemetery or crematorium
409392	Burial and Cremation Act 2013	section 28(2)	Provide notice of crematorium closure to the Registrar or the Environment Protection Authority	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409393	Burial and Cremation Act 2013	section 28(3)	Forward records of closed cemetery, natural burial ground or crematorium to the Libraries Board of South Australia	relevant authority for cemetery or crematorium
409394	Burial and Cremation Act 2013	section 30(1)	Agree to the interment of human remains	relevant authority for cemetery or crematorium
409395	Burial and Cremation Act 2013	section 30(1)	Issue an interment right	relevant authority for cemetery or crematorium
409396	Burial and Cremation Act 2013	section 30(2)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person applying for an interment right	relevant authority for cemetery or crematorium
409397	Burial and Cremation Act 2013	section 30(3)	Determine capacity of interment site	relevant authority for cemetery or crematorium
409398	Burial and Cremation Act 2013	section 30(5)	Carry out a lift and deepen procedure	relevant authority for cemetery or crematorium
409399	Burial and Cremation Act 2013	section 32(1)	Renew interment right	relevant authority for cemetery or crematorium
409400	Burial and Cremation Act 2013	section 32(1)	Fix renewal fee	relevant authority for cemetery or crematorium
409401	Burial and Cremation Act 2013	section 32(2)	Provide notice of interment right expiry	relevant authority for cemetery or crematorium
409402	Burial and Cremation Act 2013	section 32(3)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person renewing interment right	relevant authority for cemetery or crematorium
409403	Burial and Cremation Act 2013	section 33(1)	Transfer an interment right	relevant authority for cemetery or crematorium
409404	Burial and Cremation Act 2013	section 33(1)(a)	Determine consideration for transfer of interment right	relevant authority for cemetery or crematorium
409405	Burial and Cremation Act 2013	section 33(3)	Record interment right transfer in register	relevant authority for cemetery or crematorium
409406	Burial and Cremation Act 2013	section 34(1)	Receive surrendered interment right	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409407	Burial and Cremation Act 2013	section 34(2)	Provide a refund on the surrender of an unexercised interment right	relevant authority for cemetery or crematorium
682791	Burial and Cremation Act 2013	Section 35(4)	Comply with obligations under an interment right	relevant authority for cemetery or crematorium
409408	Burial and Cremation Act 2013	section 37(1)	Keep a register of interment rights	relevant authority for cemetery or crematorium
409409	Burial and Cremation Act 2013	section 37(2)	Record information in the interment rights register	relevant authority for cemetery or crematorium
409410	Burial and Cremation Act 2013	section 38(1)(a)	Reuse an interment site on expiry of an interment right	relevant authority for cemetery or crematorium
409411	Burial and Cremation Act 2013	section 38(1)(b)	Remove a memorial on expiry of an interment right	relevant authority for cemetery or crematorium
409412	Burial and Cremation Act 2013	section 38(2)(a)	Give notice of intention to reuse an interment site by public advertisement	relevant authority for cemetery or crematorium
409413	Burial and Cremation Act 2013	section 38(2)(b)	Give notice of intention to reuse an interment site by notice to the personal representative of the deceased	relevant authority for cemetery or crematorium
409414	Burial and Cremation Act 2013	section 39(2)	Deal with and dispose of a memorial in accordance with the Burial and Cremation Act	relevant authority for cemetery or crematorium
409415	Burial and Cremation Act 2013	section 40	Enter into an agreement with an interment right holder to maintain memorial	relevant authority for cemetery or crematorium
409416	Burial and Cremation Act 2013	section 41(1)	Provide notice requiring repair, removal or reinstatement of memorial	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409417	Burial and Cremation Act 2013	section 41(2)	Carry out repair, removal or reinstatement work	relevant authority for cemetery or crematorium
409418	Burial and Cremation Act 2013	section 41(2)	Recover costs of work repairing, removing or reinstating a memorial	relevant authority for cemetery or crematorium
409419	Burial and Cremation Act 2013	section 41(3)	Carry out repair, removal or reinstatement work	relevant authority for cemetery or crematorium
409420	Burial and Cremation Act 2013	section 41(3)	Recover costs of work repairing, removing or reinstating a memorial	relevant authority for cemetery or crematorium
409421	Burial and Cremation Act 2013	section 42(1)	Remove and dispose of memorial where interment right has expired	relevant authority for cemetery or crematorium
409422	Burial and Cremation Act 2013	section 42(1)(c)	Give notice of intention to remove and dispose of a memorial on expired interment site by public advertisement and notice affixed to the memorial	relevant authority for cemetery or crematorium
409423	Burial and Cremation Act 2013	section 42(1)(d)	Give notice of intention to remove and dispose of a memorial on expired interment site by public notice to owner of memorial	relevant authority for cemetery or crematorium
409424	Burial and Cremation Act 2013	section 42(2)	Keep prescribed records of disposed memorials	relevant authority for cemetery or crematorium
409425	Burial and Cremation Act 2013	section 43(a)	Enlarge a cemetery, natural burial ground or crematorium	relevant authority for cemetery or crematorium
409426	Burial and Cremation Act 2013	section 43(b)	Improve or embellish a cemetery, natural burial ground or crematorium	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409427	Burial and Cremation Act 2013	section 43(c)	Restrict interments in any part of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409428	Burial and Cremation Act 2013	section 43(d)	Take action for proper management and maintenance of a cemetery, natural burial ground or crematorium	relevant authority for cemetery or crematorium
409429	Burial and Cremation Act 2013	section 45	Restrict interments in any part of a cemetery or natural burial ground	relevant authority for cemetery or crematorium
409430	Burial and Cremation Act 2013	section 46(1)	Issue notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	council
409431	Burial and Cremation Act 2013	section 46(1)	Respond to notice from the Minister that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	relevant authority for cemetery or crematorium
409432	Burial and Cremation Act 2013	section 46(3)	Cause work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	council
409433	Burial and Cremation Act 2013	section 46(4)	Cause work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	council
409434	Burial and Cremation Act 2013	section 46(5)	Recover costs of work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or	council





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			fails to comply with the Burial and Cremation Act	
409435	Burial and Cremation Act 2013	section 47(1)	Apply for review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	relevant authority for cemetery or crematorium
409436	Burial and Cremation Act 2013	section 47(1)	Make submissions on a review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition	council
409437	Burial and Cremation Act 2013	section 48(1)	Receive land used as a cemetery or natural burial ground on trust	council
409438	Burial and Cremation Act 2013	section 49(1)	Assume administration of cemetery or natural burial ground	council
409439	Burial and Cremation Act 2013	section 49(1)(c)	Agree to transfer administration of cemetery or natural burial ground	council
409440	Burial and Cremation Act 2013	section 50(1)	Allow access to of cemetery, natural burial ground or crematorium	relevant authority for cemetery or crematorium
409441	Burial and Cremation Act 2013	section 50(2)	Require person to leave cemetery, natural burial ground or crematorium	relevant authority for cemetery or crematorium
409442	Burial and Cremation Act 2013	section 51(1)	Deal with land used as a cemetery or natural burial ground in ordinary course of commerce	relevant authority for cemetery or crematorium
409443	Burial and Cremation Act 2013	section 51(2)	Discharge interment rights prior to dealing with land used as a cemetery or natural	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			burial ground in ordinary course of commerce	
409444	Burial and Cremation Act 2013	section 51(2)(a)	Provide refund to holder of an interment right on the discharge of that right in order to deal with land used as a cemetery or natural burial ground in ordinary course of commerce	relevant authority for cemetery or crematorium
409445	Burial and Cremation Act 2013	section 51(2)(b)	Issue new interment right to holder of an interment right on the discharge of that right in order to deal with land used as a cemetery or natural burial ground in ordinary course of commerce	relevant authority for cemetery or crematorium
409446	Burial and Cremation Act 2013	section 52	Deal with land which was a cemetery or natural burial ground closed in accordance with the Burial and Cremation Act in ordinary course of commerce	council
409447	Burial and Cremation Act 2013	section 53(1)	Keep registers and plan prescribed by Burial and Cremation Act	relevant authority for cemetery or crematorium
409448	Burial and Cremation Act 2013	section 53(3)	Keep records prescribed by Burial and Cremation Act	relevant authority for cemetery or crematorium
409449	Burial and Cremation Act 2013	section 53(4)	Make registers prescribed by Burial and Cremation Act publicly available	relevant authority for cemetery or crematorium
409450	Burial and Cremation Act 2013	section 53(5)	Produce a register prescribed by Burial and Cremation Act for inspection	relevant authority for cemetery or crematorium
409451	Burial and Cremation Act 2013	section 56(1)	Request Public Trustee to act for interment right holder	relevant authority for cemetery or crematorium





Burial and Cremation Act 2013

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409452	Burial and Cremation Act 2013	section 58(2)	Appoint authorised officers	council
409453	Burial and Cremation Act 2013	section 58(3)	Impose conditions on appointment of an authorised officer	council
409454	Burial and Cremation Act 2013	section 58(4)	Issue identity card to an authorised officer	council
409455	Burial and Cremation Act 2013	section 58(7)	Vary or revoke appointment or impose further conditions on an authorised officer	council





Burial and Cremation Regulations 2014

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409456	Burial and Cremation Regulations 2014	regulation 12(1)	Ensure remains are placed in labelled container and stored in ossuary	relevant authority for cemetery or crematorium
409457	Burial and Cremation Regulations 2014	regulation 12(2)	Provide notice to the Attorney-General and Registrar of removal of remains to ossuary	relevant authority for cemetery or crematorium
409458	Burial and Cremation Regulations 2014	regulation 16	Fill interment site to level of natural surface	relevant authority for cemetery or crematorium
409459	Burial and Cremation Regulations 2014	regulation 17(2)	Approve manner of marking name plate attached to coffin or bodily remains	relevant authority for cemetery or crematorium
409460	Burial and Cremation Regulations 2014	regulation 18(1)(a)	Approve construction material for mausoleum or vault	relevant authority for cemetery or crematorium
409461	Burial and Cremation Regulations 2014	regulation 18(5)	Be satisfied that mausoleum or vault is sealed	relevant authority for cemetery or crematorium
409462	Burial and Cremation Regulations 2014	regulation 19(1)	Open and inspect mausoleum or vault	relevant authority for cemetery or crematorium
409463	Burial and Cremation Regulations 2014	regulation 19(2)	Give notice to take remedial action if mausoleum or vault does not comply with the Burial and Cremation Regulations or offensive odours or noxious gases or fluids have escaped or are escalating from the mausoleum or vault	relevant authority for cemetery or crematorium
409464	Burial and Cremation Regulations 2014	regulation 19(3)	Cause work to be undertaken if person fails to comply with notice provided under regulation 19(2)	relevant authority for cemetery or crematorium





Burial and Cremation Regulations 2014

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409465	Burial and Cremation Regulations 2014	regulation 19(3)	Recover costs of undertaking work if person fails to comply with notice provided under regulation 19(2)	relevant authority for cemetery or crematorium
409466	Burial and Cremation Regulations 2014	regulation 21(1)	Dispose of name plate, metal or plastic fitting, any other object removed from the exterior of coffin or any other thing in possession due to cremation	relevant authority for cemetery or crematorium
409467	Burial and Cremation Regulations 2014	regulation 21(3)	Ensure nameplate is provided to person holding the relevant cremation permit or a person authorised by that person	relevant authority for cemetery or crematorium
409468	Burial and Cremation Regulations 2014	regulation 22	Fence the cemetery or natural burial ground	relevant authority for cemetery or crematorium
409469	Burial and Cremation Regulations 2014	regulation 24(1)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the driving of the vehicle	relevant authority for cemetery or crematorium
409470	Burial and Cremation Regulations 2014	regulation 24(2)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the parking of the vehicle	relevant authority for cemetery or crematorium
409471	Burial and Cremation Regulations 2014	regulation 25	Authorise removal, damage, defacement or interference of fixtures, structure or grounds within the cemetery or natural burial ground	relevant authority for cemetery or crematorium
409472	Burial and Cremation Regulations 2014	regulation 26(a)	Cause removal of unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers from the cemetery or natural burial ground	relevant authority for cemetery or crematorium





Burial and Cremation Regulations 2014

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409473	Burial and Cremation Regulations 2014	regulation 26(b)	Cause pruning, cutting down or removal of plants within the cemetery or natural burial ground	relevant authority for cemetery or crematorium
409474	Burial and Cremation Regulations 2014	regulation 27	Require a person to leave the cemetery or natural burial ground	relevant authority for cemetery or crematorium





Expiation of Offences Act 1996

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409680	Expiation of Offences Act 1996	section 5(1)	Give an expiation notice to an alleged offender	issuing authority
409681	Expiation of Offences Act 1996	section 5(3)(a)	Provide that an offence against a regulation or by-law for which the Council may impose a penalty may be expiated	issuing authority
409682	Expiation of Offences Act 1996	section 5(3)(b)	Fix an expiation fee for an offence against a regulation or by-law for which the Council may impose a penalty may be expiated	issuing authority
409683	Expiation of Offences Act 1996	section 8(1)	Receive notice from alleged offender electing to be prosecuted for an offence	issuing authority
409684	Expiation of Offences Act 1996	section 8A(1)	Receive application from person in receipt of an expiation notice seeking review on grounds that the offence is trifling	issuing authority
409685	Expiation of Offences Act 1996	section 8A(2)	Require applicant to provide further information	issuing authority
409686	Expiation of Offences Act 1996	section 8A(3)	Require application to be verified by a statutory declaration	issuing authority
409687	Expiation of Offences Act 1996	section 8A(4)	Determine application	issuing authority
409688	Expiation of Offences Act 1996	section 8A(5)	Withdraw expiation notice if satisfied that the offence is trifling	issuing authority
409689	Expiation of Offences Act 1996	section 11(1)	Issue an expiation reminder notice to alleged offender	issuing authority
409690	Expiation of Offences Act 1996	section 11A(1)	Issue an expiation enforcement warning notice	issuing authority
682838	Expiation of Offences Act 1996	section 11A(2)	Assess acceptability of nomination, statutory declaration or other document provided by alleged offender	issuing authority
409691	Expiation of Offences Act 1996	section 12	Accept a later payment of amount due under an expiation notice	issuing authority
409692	Expiation of Offences Act 1996	section 16(1)	Withdraw an expiation notice in prescribed circumstances	issuing authority





Expiation of Offences Act 1996

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
409693	Expiation of Offences Act 1996	section 16(2)	Refund expiation fee or instalment paid if expiation notice is withdrawn	issuing authority
409694	Expiation of Offences Act 1996	section 16(5)	Prosecute offence following withdrawal of expiation notice	issuing authority
409695	Expiation of Offences Act 1996	section 16(6)	Withdraw expiation notice if alleged offender has not received notice during expiation period due to error of issuing authority, postal service or email	issuing authority
409696	Expiation of Offences Act 1996	section 16(11)	Inform Chief Recovery Officer of the withdrawal of an expiation notice	issuing authority
409697	Expiation of Offences Act 1996	section 17(3)	Pay half of expiation fee for offence reported by the police or another officer of the Crown into the Consolidated Account	issuing authority
409698	Expiation of Offences Act 1996	section 18(1)	Enter an agreement with the Chief Recovery Officer in relation to the exchange of information	issuing authority





Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410679	Road Traffic Act 1961	section 17(1)	Install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road	road authority
410680	Road Traffic Act 1961	section 17(2)	Remove a traffic control device or cause a traffic control device to be removed	road authority
410681	Road Traffic Act 1961	section 17(3)	Install, display, alter, operate or remove traffic control device: (a) in relation to an area where persons are engaged in work or an area affected by works in progress; (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or (c) for any temporary purposes.	road authority
410682	Road Traffic Act 1961	section 17(5)	Apply to the Minister for approval to take action under section 17 of the Road Traffic Act	road authority
410683	Road Traffic Act 1961	section 18(5)	Comply with a direction of the Minister to install, maintain, alter, operate or remove a traffic control device on, above or near a road	road authority
410684	Road Traffic Act 1961	section 18(6)	Carry out a direction with which a road authority has failed to comply at the direction of the Minister	council
410685	Road Traffic Act 1961	section 18(7)	Recover as a debt from a defaulting road authority any expenses incurred in carrying out a direction under section 18(6)	council
410686	Road Traffic Act 1961	section 19(6)	Maintain a traffic control device for which the council is liable to bear the costs in good order	council
410687	Road Traffic Act 1961	section 19A(3)	Recover any amount due under a requirement under section 19A as a debt	road authority
410688	Road Traffic Act 1961	section 20(3)	Place speed limit signs on road	public authority
410689	Road Traffic Act 1961	section 20(4)(b)	Place speed limit signs on road	public authority





Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410690	Road Traffic Act 1961	section 20(5)	Close road pursuant to a permit	public authority
410691	Road Traffic Act 1961	section 20(6)	Apply to the Minister for a road works permit	public authority
410692	Road Traffic Act 1961	section 20(9)	Apply to the Minister for an extension of time	public authority
410693	Road Traffic Act 1961	section 20(13)	Engagement of a contractor to undertake works on behalf of the public authority	public authority
410694	Road Traffic Act 1961	section 20A(1)	Appeal a decision of the Minister under section 17 or section 20 to the District Court	public authority
410695	Road Traffic Act 1961	section 20A(2)	Request the Minister to provide reasons in writing for a decision under section 17 or section 20	public authority
410696	Road Traffic Act 1961	section 21(2)	Certify that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road	road authority
410697	Road Traffic Act 1961	section 21(3)	Comply with conditions of approval under section 17 or a permit under section 20	road authority
410698	Road Traffic Act 1961	section 31(2)	Remove any false traffic control device or any device, structure or thing that might constitute a hazard to traffic.	road authority
410699	Road Traffic Act 1961	section 32(1)	Cause a notice of a proposal to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be: (a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; (b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; (c) if the road is a prescribed road, to be given to each affected council; and	public authority





Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
			(e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.	
410700	Road Traffic Act 1961	section 32(2)	Consider written submissions made	public authority
410701	Road Traffic Act 1961	section 32(6)	Cause a notice of a decision to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be: (a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; (b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; (c) if the road is a prescribed road, to be given to each affected council; and (e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.	public authority
410702	Road Traffic Act 1961	section 33(2)	Consent to the closure of a road for an event	council
410703	Road Traffic Act 1961	section 40P(3)	Offer a vehicle for sale by public auction	council
410704	Road Traffic Act 1961	section 40P(4)	Dispose of a vehicle as the council thinks fit	council
410705	Road Traffic Act 1961	section 40P(6)	Make reasonable enquiries to locate the owner of a vehicle	council
410706	Road Traffic Act 1961	section 86(a)	Determine that a ticket must be obtained for parking in a length of road or area without the payment of a fee	council
410707	Road Traffic Act 1961	section 86(a)	Vary or revoke a determination under section 86(a)	council
410708	Road Traffic Act 1961	section 163ZC(2)	Apply for a compensation order	road authority





Road Traffic Act 1961

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410709	Road Traffic Act 1961	section 163ZD(2)(c)	Certify that the road authority maintains a road	road authority
410710	Road Traffic Act 1961	section 163ZD(2)(c)	Certify other matters including: (a) estimating the monetary value of all or any part of the road infrastructure or of the damage to it; (b) estimating the cost of remedying the damage; or (c) estimating the extent of the offender's contribution to the damage	road authority
410711	Road Traffic Act 1961	section 163ZE(1)	Serve a certificate referred to in section 163ZD on the defendant	road authority
410712	Road Traffic Act 1961	section 163ZH(1)(b)	Repay payments under an order to the extent that the order is void	road authority
410713	Road Traffic Act 1961	section 174A(4)	Issue notice inviting the owner of a vehicle issued with an expiation notice or expiation reminder notice under the Expiation of Offences Act 1996 to provide a nomination setting out the name and address of the driver or the details of the transfer of the vehicle	council
682893	Road Traffic Act 1961	section 174A(4a)	Form belief a nomination has been made in error and permit nomination to be withdrawn and new nomination made	council
682894	Road Traffic Act 1961	section 174A(5a)	Require person to verify information by statutory declaration	council
410714	Road Traffic Act 1961	section 174C(1)	Exempt a person or a person of a specified class or any vehicle or any vehicle of a specified class from compliance within the council areas with a prescribed provision of the Road Traffic Act	council
410715	Road Traffic Act 1961	section 174C(2)	Specify conditions to apply to the granting of an exemption under section 174C(1)	council





Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410673	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 17(2)	Determine for the purposes of rule 185 of the Australian Road Rules: (a) the class of permits required for vehicles to stop in the permit zone; (b) the persons entitled to such permits; (c) any fees to be paid for such permits; (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles)	council
410674	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 17(2)	Vary a determination under regulation 17(2)	council
410675	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 17(3)	Issue for the purposes of rule 185 of the Australian Road Rules permits in respect of the permit zone to persons entitled to them	council
410676	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 17(3)	Determine conditions to apply to permits issued under regulation 17(3)	council
410677	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 22(2)	Determine for the purpose of rule 207(2) of the Australian Road Rules the fees payable for parking in the length of road or the area by (a) operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area; or (b) the use of an electronic device or an electronic method of payment determined by the council that is indicated on or with the sign or a meter, ticket or ticket vending machine	council





Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410678	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 22(2)	Vary a fee determined under regulation 22(2)	council
658193	Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014	regulation 22(2)(b)	Determine the electronic method of payment	council





Road Traffic (Miscellaneous) Regulations 2014

ID	Delegation Source	Provision	Item Delegated	Capacity of Council
410669	Road Traffic (Miscellaneous) Regulations 2014	regulation 6(2)	Participate in consultation with respect to an event management plan	council
410670	Road Traffic (Miscellaneous) Regulations 2014	regulation 7(3)	Participate in consultation with respect to an order to close a road	council
410671	Road Traffic (Miscellaneous) Regulations 2014	regulation 8	Provide information supplied by the Minister for the inspection of the public at the office of the council until the event causing a road closure has occurred	council
410672	Road Traffic (Miscellaneous) Regulations 2014	regulation 66	Designate an area for parking	council





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

ID	Delegation Source	Provision	Item Delegated
622783	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s5(5)(b)	1. Planning Regions and Greater Adelaide 1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.
622784	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s6(3)(b)	2. Subregions 2.1 The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.
312115	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s7(5)(b)	3. Environment and Food Production Areas – Greater Adelaide 3.1 The power pursuant to Section 7(5)(b) of the the PDI Act, in relation to proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.
312116	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s22(4)(a)(i)	4. Functions 4.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.





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

ID	Delegation Source	Provision	Item Delegated
312117	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(1)(a)	<p>5. Planning Agreements</p> <p>5.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.</p>
312118	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p>
312119	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p>





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

ID	Delegation Source	Provision	Item Delegated
			5.2.2.3 the procedures to be followed with respect to the appointment of members; and 5.2.2.4 the terms of office of members; and 5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and 5.2.2.6 the appointment of deputy members; and 5.2.2.7 the procedures of the board; and
312120	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and
312121	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and
312122	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s35(3)	5. Planning Agreements





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

ID	Delegation Source	Provision	Item Delegated
	Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.5 financial and resource issues associated with the operations of the joint planning board, including: 5.2.5.1 the formulation and implementation of budgets; and 5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and
312123	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.6 such other matters as the delegate thinks fit.
312124	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s35(5)(a)	5. Planning Agreements 5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).
312125	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s35(5)(b)	5. Planning Agreements





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

ID	Delegation Source	Provision	Item Delegated
	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.
622785	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s41(2)(a)	6. Appointment of Administrator 6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.
312127	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s44(6)(a)	7. Community Engagement Charter 7.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).
312128	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s44(9)(b)	7. Community Engagement Charter 7.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.
312129	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s44(10)	7. Community Engagement Charter 7.3 The power pursuant to Section 44(10) of the PDI Act to:





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

ID	Delegation Source	Provision	Item Delegated
	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and 7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.
312130	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s45(2)(c)	8. Preparation and Amendment of Charter 8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.
622786	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s73(2)(b)(i v)	9. Preparation and Amendment 9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to: 9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and 9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.
312132	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s73(6)	9. Preparation and Amendment 9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied: 9.2.1 to prepare a draft of the relevant proposal; and 9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and 9.2.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has





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

ID	Delegation Source	Provision	Item Delegated
			<p>been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and</p> <p>9.2.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p>9.2.4.1 an owner or occupier of the land; and</p> <p>9.2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>9.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>9.2.7 to comply with any requirement prescribed by the regulations.</p>
622787	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s73(7)	<p>9. Preparation and Amendment</p> <p>9.3 The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.</p>
312134	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s73(8)	<p>9. Preparation and Amendment</p> <p>9.4 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI</p>





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	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.
312135	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s73(9)	9. Preparation and Amendment 9.5 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).
312136	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s74(8)(c)	10. Parliamentary Scrutiny 10.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.
622788	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s75(1)	11. Complying Changes – Planning and Design Code 11.1 The power pursuant to Section 75(1) of the PDI Act to submit to the Minister a proposal to agree to an amendment to the Planning and Design Code under Section 75 of the PDI Act if: 11.1.1 the amendment comprises a change to: 11.1.1.1 the boundary of a zone or subzone; or 11.1.1.2 the application of an overlay; and 11.1.2 the amendment is consistent with a recommendation in the relevant regional plan that, through the use of: 11.1.2.1 specific maps or other spatial information; and





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			11.1.2.2 specific information about the changes that are being proposed, clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate.
385340	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s75(3)	11. Complying Changes – Planning and Design Code 11.2 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).
312137	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s82(d)	12. Entities Constituting Relevant Authorities 12.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.
312138	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s83(1)	13. Panels Established by Joint Planning Boards or Councils 13.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:





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	Designated Authority; a Designated Entity (Instrument A)		<p>13.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>13.1.2 determine:</p> <p>13.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>13.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>13.1.2.3 the terms of office of members; and</p> <p>13.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>13.1.2.5 the appointment of deputy members; and</p> <p>13.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>
312139	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s83(1)(h)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>





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312140	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s83(1)(i)	13. Panels Established by Joint Planning Boards or Councils 13.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.
312141	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s83(2)	13. Panels Established by Joint Planning Boards or Councils 13.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.
622789	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s84(1)(c)(ii)(A)	14. Panels Established by Minister 14.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other Councils.
622790	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s84(1)(c)(ii)(B)	14. Panels Established by Minister 14.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other Councils (or parts of such areas).





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312144	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s86(2)(a)	15. Substitution of Local Panels 15.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.
312145	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s89(b)	16. Notification of Acting 16.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.
622791	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s94(1)(g)	17. Relevant Authority - Commission 17.1 The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.
312147	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s102(1)(c)(iv)	18. Matters Against which Development Must be Assessed 18.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.





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312148	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s102(1)(d)(iv)	18. Matters Against which Development Must be Assessed 18.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.
312149	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s102(11)(b)	18. Matters Against which Development Must be Assessed 18.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.
312150	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s110(2)(b)	19. Restricted Development 19.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.
312151	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s110(c)(ii)	19. Restricted Development 19.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.





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312152	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s110(7)	19. Restricted Development 19.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.
312153	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s112(b)	20. Level of Detail 20.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.
622792	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s113(5)(a)(iii)	21. EIS Process 21.1 The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.
622793	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s114(2)(b)	22. Amendment of EIS 22.1 The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.





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312156	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s130(6)	23. Essential Infrastructure – Alternative Assessment Process 23.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.
312157	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s130(14)	23. Essential Infrastructure – Alternative Assessment Process 23.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.
312158	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s131(7)	24. Development Assessment – Crown Development 24.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.
312159	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s131(15)	24. Development Assessment – Crown Development 24.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.





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312160	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s138(1)	25. Land Division Certificate 25.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.
312161	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s138(2)	25. Land Division Certificate 25.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.
312162	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s141(1)	26. Action if Development Not Completed 26.1 The power pursuant to Section 141(1) of the PDI Act, if: 26.1.1 an approval is granted under the PDI Act; but 26.1.2 - 26.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or 26.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval, to apply to the Court for an order under Section 141 of the PDI Act.
312163	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s141(5)	26. Action if Development Not Completed





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	Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		26.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.
312164	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s141(6)	26. Action if Development Not Completed 26.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act: 26.1.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
312165	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(1)	27. Completion of Work 27.1 The power pursuant to Section 142(1) of the PDI Act, if: 27.1.1 an approval is granted under the PDI Act; but 27.1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.
312166	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s142(2)	27. Completion of Work 27.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.





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	Designated Authority; a Designated Entity (Instrument A)		
312167	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(3)	27. Completion of Work 27.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.
312168	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s142(4)	27. Completion of Work 27.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act: 27.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
312169	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s146(3)	28. Notification During Building 28.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.
312170	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s151(2)	29. Classification of Buildings 29.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.





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	Designated Authority; a Designated Entity (Instrument A)		
312171	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s151(3)	29. Classification of Buildings 29.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.
312172	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(2)	30. Certificates of Occupancy 30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.
312173	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(3)(a)	30. Certificates of Occupancy 30.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.
312175	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s152(5)	30. Certificates of Occupancy 30.3 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.





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	Designated Authority; a Designated Entity (Instrument A)		
312176	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(6)	30. Certificates of Occupancy 30.4 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.
312177	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(10)	30. Certificates of Occupancy 30.5 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of: 30.5.1 the refusal; and 30.5.2 the reasons for the refusal; and 30.5.3 the applicant's right of appeal under the PDI Act.
312178	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s152(12)	30. Certificates of Occupancy 30.6 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.
312179	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s152(13)	30. Certificates of Occupancy





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ID	Delegation Source	Provision	Item Delegated
	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		30.7 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.
312180	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s153(1)	31. Temporary Occupation 31.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.
312181	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s153(2)	31. Temporary Occupation 31.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.
312182	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s153(3)	31. Temporary Occupation 31.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of: 31.3.1 the refusal; and 31.3.2 the reasons for the refusal; and 31.3.3 the applicant's right of appeal under the PDI Act.
312183	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s155(5)	32. Emergency Orders





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ID	Delegation Source	Provision	Item Delegated
	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		32.1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.
312184	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s155(6)	32. Emergency Orders 32.2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.
312185	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s155(7)	32. Emergency Orders 32.3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
312186	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(16)	33. Fire Safety 33.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.
312187	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.1 appoint to the appropriate authority:





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ID	Delegation Source	Provision	Item Delegated
	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		33.2.1.1 a person who holds prescribed qualifications in building surveying; and 33.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and 33.2.1.3 a person with expertise in the area of fire safety; and 33.2.1.4 if so determined by the delegate, a person selected by the delegate;
312188	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;
312189	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.3 remove a member of the appropriate authority from office for any reasonable cause;
312190	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.4 appoint deputy members;





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ID	Delegation Source	Provision	Item Delegated
	Designated Authority; a Designated Entity (Instrument A)		
312191	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.5 determine the appropriate authority's procedures (including as to quorum).
622794	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s163(3)(b)	34. Initiation of Scheme 34.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.
622795	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s163(10)	34. Initiation of Scheme 34.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.
622796	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s164(3)	35. Initiation of Scheme 35.1 The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.





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ID	Delegation Source	Provision	Item Delegated
	Designated Authority; a Designated Entity (Instrument A)		
622797	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s164(12)	35. Initiation of Scheme 35.2 The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.
312196	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s166(1)(c)	36. Consideration of Proposed Scheme 36.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.
622798	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s167(7)	37. Adoption of Scheme 37.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.
312198	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s169(2)(b)	38. Funding Arrangements 38.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by





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	Designated Authority; a Designated Entity (Instrument A)		ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.
312199	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s169(9)	38. Funding Arrangements 38.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.
622799	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s177(4)	39. Contributions by Constituent Councils 39.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.
622800	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s177(5)	39. Contributions by Constituent Councils 39.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.
312202	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s180(7)	40. Imposition of Charge by Councils 40.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of





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	Designated Authority; a Designated Entity (Instrument A)		those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.
312203	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(1)	41. Authorised Works 41.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.
312204	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(5)	41. Authorised Works 41.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to: 41.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and 41.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and 41.2.3 ensure that proper consideration is given to the views of the road maintenance authority.
312205	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(5)(b)	41. Authorised Works 41.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.





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ID	Delegation Source	Provision	Item Delegated
312206	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s187(6)	41. Authorised Works 41.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.
312207	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s188(1)	42. Entry onto Land 42.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to: 42.1.1 enter and pass over any land; and 42.1.2 bring onto any land any vehicles, plant or equipment; and 42.1.3 temporarily occupy land; and 42.1.4 do anything else reasonably required in connection with the exercise of the power.
312208	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s188(4)	42. Entry onto Land 42.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.
622801	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s189(1)	43. Acquisition of Land 43.1 The power pursuant to Section 189(1) of the PDI Act, to:





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ID	Delegation Source	Provision	Item Delegated
	Designated Authority; a Designated Entity (Instrument A)		43.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and 43.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.
312210	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(1)	44. Land Management Agreements 44.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.
312211	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(2)	44. Land Management Agreements 44.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.
312212	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(4)	44. Land Management Agreements 44.3 The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to: 44.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and





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			44.3.2 the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.
312213	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(5)	44. Land Management Agreements 44.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.
312214	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(8)	44. Land Management Agreements 44.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.
312215	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(9)	44. Land Management Agreements 44.6 The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.





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312216	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(10)	44. Land Management Agreements 44.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.
312217	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(11)	44. Land Management Agreements 44.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.
312218	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(12)	44. Land Management Agreements 44.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.
312219	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(15)	44. Land Management Agreements 44.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.





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312220	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(16)	44. Land Management Agreements 44.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.
622802	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(17)	44. Land Management Agreements 44.12 The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes payable to the Crown.
312222	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(17)	44. Land Management Agreements 44.13 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.
312223	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s192(18)	44. Land Management Agreements 44.14 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.





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312224	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(1)	45. Land Management Agreements – Development Applications 45.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind: 45.1.1 the person; and 45.1.2 any other person who has the benefit of the development authorisation; and 45.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).
312225	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(2)	45. Land Management Agreements – Development Applications 45.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).
312226	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(3)	45. Land Management Agreements – Development Applications 45.3 The power pursuant to Section 193(3) of the PDI Act to have regard to: 45.3.1 the provisions of the Planning and Design Code; and 45.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to





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			proceeding with an amendment to the Planning and Design Code under the PDI Act.
312227	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(5)	45. Land Management Agreements – Development Applications 45.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.
312228	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(10)	45. Land Management Agreements – Development Applications 45.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.
312229	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(11)	45. Land Management Agreements – Development Applications 45.6 The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.
312230	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s193(13)	45. Land Management Agreements – Development Applications 45.7 The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of





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	Designated Authority; a Designated Entity (Instrument A)		title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.
312231	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(15)	45. Land Management Agreements – Development Applications 45.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.
312232	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s193(16)	45. Land Management Agreements – Development Applications 45.9 The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.
622803	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(1)(b)	46. Off-setting Contributions 46.1 The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act.
312234	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s197(2)	46. Off-setting Contributions 46.2 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:





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	Designated Authority; a Designated Entity (Instrument A)		<p>46.2.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p>46.2.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p>46.2.3 any other initiative or policy:</p> <p>46.2.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p>46.2.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p>
312235	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(3)	<p>46. Off-setting Contributions</p> <p>46.3 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p>46.3.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):</p> <p>46.3.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>46.3.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>46.3.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act, in order to provide for or address a particular matter identified by the scheme; and</p>





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			46.3.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and 46.3.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.
312236	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(4)	46. Off-setting Contributions 46.4 The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.
312237	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(4)(c)	46. Off-setting Contributions 46.5 The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.
622804	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s197(7)	46. Off-setting Contributions 46.6.1 seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and 46.6.2 to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.
312239	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s198(1)	47. Open Space Contribution Scheme





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	Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		<p>47.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p>47.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>47.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p>47.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.</p>
312240	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(3)	<p>47. Open Space Contribution Scheme</p> <p>47.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.</p>
312241	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s198(4)(a)	<p>47. Open Space Contribution Scheme</p> <p>47.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.</p>





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	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
312242	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(11)	47. Open Space Contribution Scheme 47.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.
312243	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s198(12)	47. Open Space Contribution Scheme 47.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.
622805	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(1)	48. Urban Trees Fund 48.1 The power pursuant to Section 200(1) of the PDI Act to, 48.1.1 seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and 48.1.2 to, with the approval of the Minister establish a fund (an urban trees fund) for an area designated by the delegate (a designated area).
312245	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	s200(2)	48. Urban Trees Fund 48.2 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.





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	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
312246	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(3)	48. Urban Trees Fund 48.3 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.
312247	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(5)	48. Urban Trees Fund 48.4 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.
312248	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(6)	48. Urban Trees Fund 48.5 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund: 48.5.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or 48.5.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.





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312249	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s200(7)	48. Urban Trees Fund 48.6 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).
312250	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(1)	49. Appointment of Authorised Officers 49.1 The power pursuant to Section 210(1) of the PDI Act to: 49.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and 49.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.
312251	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(2)	49. Appointment of Authorised Officers 49.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.
312252	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s210(3)	49. Appointment of Authorised Officers 49.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card: 49.3.1 containing a photograph of the authorised officer; and





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	Designated Authority; a Designated Entity (Instrument A)		49.3.2 stating any conditions of appointment limiting the authorised officer's appointment.
312253	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s210(5)	49. Appointment of Authorised Officers 49.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.
312254	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(1)	50. Enforcement Notices 50.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances: 50.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach; 50.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate; 50.1.3 take such urgent action as is required because of any situation resulting from the breach
312255	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(2)	50. Enforcement Notices 50.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.





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312256	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(5)	50. Enforcement Notices 50.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.
312257	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(6)	50. Enforcement Notices 50.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action
312258	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s213(7)	50. Enforcement Notices 50.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
312259	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(1)	51. Applications to Court 51.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.





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312260	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(2)	51. Applications to Court 51.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.
312261	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(4)	51. Applications to Court 51.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.
312262	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(6)	51. Applications to Court 51.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.
312263	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(9)	51. Applications to Court 51.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.





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312264	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(10)	51. Applications to Court 51.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.
312265	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(11)	51. Applications to Court 51.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.
312266	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(12)	51. Applications to Court 51.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent
312267	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(13)	51. Applications to Court 51.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.





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312268	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s214(17)	51. Applications to Court 51.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.
312269	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s219(1)	52. Proceedings for Offences 52.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.
312270	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(2)	53. Adverse Publicity Orders 53.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.
312271	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(4)	53. Adverse Publicity Orders 53.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to: 53.2.1 take the PDI Action or actions specified in the order; and 53.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.





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312272	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(5)	53. Adverse Publicity Orders 53.3 The power pursuant to Section 223(5) of the PDI Act, if: 53.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and 53.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.
312273	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s223(6)	53. Adverse Publicity Orders 53.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.
312274	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(1)	54. Civil Penalties 54.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.
312275	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s225(2)	54. Civil Penalties





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	Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		54.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.
312276	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(3)	54. Civil Penalties 54.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.
312277	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(13)	54. Civil Penalties 54.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.
312278	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s225(17)	54. Civil Penalties 54.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.





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312279	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s228(7)	55. Make Good Order 55.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.
312280	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s229(5)	56. Recovery of Economic Benefit 56.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.
312281	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(1)	57. Enforceable Voluntary Undertakings 57.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.
312282	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(4)	57. Enforceable Voluntary Undertakings 57.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.





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312283	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(7)	57. Enforceable Voluntary Undertakings 57.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: 57.3.1 vary the undertaking; or 57.3.2 withdraw the undertaking.
312284	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(11)	57. Enforceable Voluntary Undertakings 57.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.
312285	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(12)	57. Enforceable Voluntary Undertakings 57.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.
312286	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s230(14)	57. Enforceable Voluntary Undertakings 57.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.





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312287	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s231(1)	<p>58. Advertisements</p> <p>58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p> <p>58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p> <p>58.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p> <p>to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).</p>
312288	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s231(3)	<p>58. Advertisements</p> <p>58.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.</p>
312289	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s235(1)	<p>59. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>59.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>





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	Designated Authority; a Designated Entity (Instrument A)		
312290	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s235(2)	59. Professional Advice to be Obtained in Relation to Certain Matters 59.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.
312291	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s239(1)	60. Charges on Land 60.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.
312292	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s239(6)	60. Charges on Land 60.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.
312293	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a	s240(1)	61. Registering Authorities to Note Transfer 61.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or





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	Designated Authority; a Designated Entity (Instrument A)		liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.
312294	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl13(3)(b) sch2	62. Reporting 62.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.
622806	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl3(3)	63. Review of Performance 63.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.
622807	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl3(14)	63. Review of Performance 63.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.
622808	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice	cl3(15)	63. Review of Performance 63.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a)





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	Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.
312298	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl3(16) sch4	63. Review of Performance 63.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.
622809	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl9(6)(a)	64. Planning and Design Code 64.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.
622810	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	cl30(3)	65. General Schemes 65.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.
385341	Planning, Development and Infrastructure (General) Regulations 2017	r11B(1)	67. Mutual Liability Scheme – Rights of Indemnity





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			<p>67.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:</p> <p>67.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and</p> <p>67.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act, have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.</p>
385342	Planning, Development and Infrastructure (General) Regulations 2017	r11B(5)	<p>67. Mutual Liability Scheme – Rights of Indemnity</p> <p>67.2 The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>67.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p> <p>67.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act, have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance,</p>





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			exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.
385343	Planning, Development and Infrastructure (General) Regulations 2017	r47(4)(d)	68. Performance Assessed Development and Restricted Development 68.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.
312306	Planning, Development and Infrastructure (General) Regulations 2017	r78(1)	69. Underground Main Areas 69.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.
312307	Planning, Development and Infrastructure (General) Regulations 2017	r78(2)	69. Underground Main Areas 69.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.
312308	Planning, Development and Infrastructure (General) Regulations 2017	r81(4)	70. Width of Roads and Thoroughfares 70.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.





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312309	Planning, Development and Infrastructure (General) Regulations 2017	r81(5)	70. Width of Roads and Thoroughfares 70.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.
312310	Planning, Development and Infrastructure (General) Regulations 2017	r81(6)	70. Width of Roads and Thoroughfares 70.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.
312311	Planning, Development and Infrastructure (General) Regulations 2017	r82(1)	71. Road Widening 71.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.
312312	Planning, Development and Infrastructure (General) Regulations 2017	r83(1)	72. Requirement as to Forming of Roads 72.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.
312313	Planning, Development and Infrastructure (General) Regulations 2017	r83(2)	72. Requirement as to Forming of Roads 72.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be





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			formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.
312314	Planning, Development and Infrastructure (General) Regulations 2017	r83(4)	72. Requirement as to Forming of Roads 72.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.
312315	Planning, Development and Infrastructure (General) Regulations 2017	r83(5)	72. Requirement as to Forming of Roads 72.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.
312316	Planning, Development and Infrastructure (General) Regulations 2017	r83(6)	72. Requirement as to Forming of Roads 72.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.
312317	Planning, Development and Infrastructure (General) Regulations 2017	r84(1)	73. Construction of Roads, Bridges, Drains and Services 73.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.
312318	Planning, Development and Infrastructure (General) Regulations 2017	r85(1)	74. Supplementary Provisions





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			74.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.
312319	Planning, Development and Infrastructure (General) Regulations 2017	r85(2)	74. Supplementary Provisions 74.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.
312320	Planning, Development and Infrastructure (General) Regulations 2017	r85(4)	74. Supplementary Provisions 74.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation and any other water industry entity identified under Regulation 79(1) of the General Regulations in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.
312321	Planning, Development and Infrastructure (General) Regulations 2017	r89(1)	75. General Provisions 75.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.





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312322	Planning, Development and Infrastructure (General) Regulations 2017	r89(3)	<p>75. General Provisions</p> <p>75.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p>75.2.1 evidences the consent of the Council to an encroachment by a building over other land; and</p> <p>75.2.2 sets out:</p> <p>75.2.2.1 the date on which any relevant building was erected (if known); and</p> <p>75.2.2.2 the postal address of the site.</p>
312323	Planning, Development and Infrastructure (General) Regulations 2017	r89(6)(b)	<p>75. General Provisions</p> <p>75.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.</p>
573564	Planning, Development and Infrastructure (General) Regulations 2017	r89(8)	<p>75. General Provisions</p> <p>75.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).</p>
312324	Planning, Development and Infrastructure (General) Regulations 2017	r93(1)(b)	<p>76. Notifications During Building Work</p> <p>76.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work,</p>





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			any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.
312325	Planning, Development and Infrastructure (General) Regulations 2017	r93(1)(c)	76. Notifications During Building Work 76.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.
312326	Planning, Development and Infrastructure (General) Regulations 2017	r94(13)	77. Essential Safety Provisions 77.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if: 77.1.1 the essential safety provisions were installed 77.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or 77.1.1.2 as part of a performance solution under the Building Code; or 77.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.
312327	Planning, Development and Infrastructure (General) Regulations 2017	r102(3)	78. Classification of Buildings 78.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:





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			78.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.
312328	Planning, Development and Infrastructure (General) Regulations 2017	r102(4)	78. Classification of Buildings 78.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.
312329	Planning, Development and Infrastructure (General) Regulations 2017	r102(5)	78. Classification of Buildings 78.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).
312330	Planning, Development and Infrastructure (General) Regulations 2017	r102(6)	78. Classification of Buildings 78.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:





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			78.4.1 the maximum number of persons who may occupy the building (or part of the building); and 78.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.
609751	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(1)	79. Required Documentation 79.1 The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation: 79.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied; 79.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such further evidence as the delegate may reasonably require to show – 79.1.2.1 in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or 79.1.2.2 in any other case – that the building is suitable for occupation.
609752	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(2)	79. Required Documentation





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			79.2 The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 July 2022 of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation: 79.2.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,
609753	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(3)	79. Required Documentation 79.3 The power pursuant to Regulation 103A(3) of the General Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if – 79.3.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and 79.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.
609754	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103C(1)(c)	80. Statement of site suitability 80.1 The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of





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			site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.
609755	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103D(1)	<p>81. Report from fire authority</p> <p>81.1 The power pursuant to Regulation 103D(1) of the General Regulations, if –</p> <p>81.1.1 a building is –</p> <p>81.1.1.1 to be equipped with a booster assembly for use by a fire authority; or</p> <p>81.1.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p>81.1.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.</p>
609756	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103D(2)	<p>81. Report from fire authority</p> <p>81.2 The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report.</p>
609757	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103D(3)	<p>81. Report from fire authority</p> <p>81.3 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.</p>





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609758	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103E(1)(b)	82. Issue of certificate of occupancy 82.1 The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, determine that the building work will be inspected by an authorised officer.
609759	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103E(3)(c)	82. Issue of certificate of occupancy 82.2 The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work.
609760	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103F	83. Revocation 83.1 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy – 83.1.1 if – 83.1.1.1 there is a change in the use of the building; or 83.1.1.2 the classification of the building changes; or 83.1.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or 83.1.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment, 83.1.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or 83.1.3 if the schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10); or





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			83.1.4 if the delegate considers – 83.1.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or 83.1.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.
312340	Planning, Development and Infrastructure (General) Regulations 2017	r109(1)(b)	84. Mining Production Tenements 84.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.
312341	Planning, Development and Infrastructure (General) Regulations 2017	r111(2)	85. Register of Land Management Agreements (Section 193) 85.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.
312342	Planning, Development and Infrastructure (General) Regulations 2017	r111(3)	85. Register of Land Management Agreements (Section 193) 85.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.





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312343	Planning, Development and Infrastructure (General) Regulations 2017	r112(1)	<p>86. Authorised Officers and Inspections</p> <p>86.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:</p> <p>86.1.1 who is an accredited professional who is:</p> <p>86.1.1.1 an Accredited professional - building level 1; or</p> <p>86.1.1.2 an Accredited professional - building level 2; or</p> <p>86.1.1.3 an Accredited professional - building level 3; or</p> <p>86.1.1.4 an Accredited professional - building level 4; or</p> <p>86.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or</p> <p>86.1.3 who holds an approval from the Chief Executive.</p>
622811	Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017	r8(1)(c)	<p>66. Adoption of DPAs</p> <p>66.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.</p>
312302	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>87. Calculation of Assessment of Fees</p> <p>87.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which</p>





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			is duly lodged under a related set of regulations (including via the SA planning portal): 87.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and 87.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).
312303	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	87. Calculation of Assessment of Fees 87.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
312304	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(3)	87. Calculation or Assessment of Fees 87.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.
312305	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	88. Waiver or Refund of Fee 88.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 88.1.1 waive the payment of the fee, or the payment of part of the fee; or 88.1.2 refund the whole or a part of the fee.





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385345	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl5(1)	<p>89. Requirements in Relation to Preparing an Engagement Plan</p> <p>89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that:</p> <p>89.1.1 meets the principles and performance outcomes of the Charter;</p> <p>89.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>89.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act</p> <p>89.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act;</p> <p>89.1.2.3 who must be consulted with under the Charter;</p> <p>89.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>89.1.4 describes the evaluation framework for the engagement.</p>
385346	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl5(2)	<p>89. Requirements in Relation to Preparing an Engagement Plan</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.</p>
622812	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(1)	<p>90. Preparation of an Engagement Report (Following Consultation)</p> <p>90.1 The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister.</p>





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385348	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(2)	<p>90. Preparation of an Engagement Report (Following Consultation)</p> <p>90.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report:</p> <p>90.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan;</p> <p>90.1.2 the outcome of the engagement including a summary of the written submission or feedback made;</p> <p>90.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates:</p> <p>90.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and</p> <p>90.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.</p>
385350	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl7(1)	<p>91. Initiating a Code Amendment</p> <p>91.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out:</p> <p>91.1.1 Code Policy – an outline of:</p> <p>91.1.1.1 any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or</p> <p>91.1.1.2 the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area;</p>





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			<p>91.1.2 Affected Area</p> <p>91.1.2.1 a map or description of the Affected Area;</p> <p>91.1.3 State Planning Policies</p> <p>91.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p> <p>91.1.4 Regional Plan</p> <p>91.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p> <p>91.1.5 Consultation -</p> <p>91.1.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</p> <p>91.1.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;</p> <p>91.1.6 Investigations -</p> <p>91.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment</p> <p>91.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p> <p>91.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p> <p>91.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment</p> <p>91.1.7 Timetable</p>





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			91.1.7.1 identification of a consultation start date; 91.1.7.2 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.
622814	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl7(1) and (3)	91. Initiating a Code Amendment 91.2 The power pursuant to clauses 7(1) and (3) of PD2 to lodge the SA Planning Portal Publication Instructions – for Initiation that sets out: 91.2.1 identification of a consultation start date, consistent with the Proposal to Initiate timetable; 91.2.2 an outline of the consultation approach including period of consultation, key audience and consultation methods (noting the Commission may also recommend specific conditions); and 91.2.3 a summary of the Code Amendment in plain English.
385351	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl7(4)	91.3 Initiating a Code Amendment The power pursuant to clause 7(4) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which: 91.3.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes: 91.3.1.1 all relevant property details and descriptions (including images); 91.3.1.2 historical background and thematic analysis; 91.3.1.3 a statement of heritage value;





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			91.3.1.4 an assessment against the Local Heritage Criteria; and 91.3.1.5 the extent of listing (including any exclusions); 91.3.2 includes an analysis of historic themes of importance to the area; 91.3.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and 91.3.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.
502519	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl 7(5)	91. Initiating a Code Amendment 91.4 The power pursuant to clause 7(5) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which: 91.4.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary) 91.4.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; 91.4.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.
385352	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl8(1)	92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation) 92.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to: 92.1.1 carry out investigations and obtain such information: 92.1.1.1 as provided in the Proposal to Initiate approved by the Minister; 92.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and





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			<p>92.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p> <p>92.1.2 provide the Department with:</p> <p>92.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>92.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>92.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>92.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>92.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p>
385353	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl8(2)	<p>92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>92.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to</p>





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			provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal
385354	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl9(1)	<p>93. Requirements For a Draft Code Amendment</p> <p>93.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:</p> <p>93.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment)</p> <p>93.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area;</p> <p>93.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;</p> <p>93.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and</p> <p>93.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.</p>
385355	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl11(1)	<p>94. Complying Changes to the Code</p> <p>94.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department:</p>





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			<p>94.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment;</p> <p>94.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;</p> <p>94.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>94.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>
385356	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl12(1)	<p>95. Early Commencement of a Code Amendment</p> <p>95.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department:</p> <p>95.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:</p> <p>95.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and</p>





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			95.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment; 95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment
622813	State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments	cl6(3)	90. Preparation of an Engagement Report (Following Consultation) 90.3 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether: 90.3.1 the principles of the Charter have been achieved; and 90.3.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).
385357	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl6(3)(b)	96. Responsibility to Undertake Notification 96.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.





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

ID	Delegation Source	Provision	Item Delegated
385358	State Planning Commission Practice Direction (Council Inspections) 2020	cl2(2)	<p>97. Mandatory Inspections</p> <p>97.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:</p> <p>97.1.1 primary structural elements;</p> <p>97.1.2 structural framing and roof trusses;</p> <p>97.1.3 wet areas and waterproofing;</p> <p>97.1.4 barriers to prevent falls;</p> <p>97.1.5 cladding;</p> <p>97.1.6 egress provisions;</p> <p>97.1.7 bushfire protection systems;</p> <p>97.1.8 passive and active fire safety elements;</p> <p>97.1.9 private bushfire shelters; and</p> <p>97.1.10 performance solutions.</p>
385359	State Planning Commission Practice Direction (Council Inspections) 2020	cl3(2)	<p>98. Additional Inspections</p> <p>98.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.</p>
385360	State Planning Commission Practice Direction (Council Inspections) 2020	cl4(3)	<p>99. Inspections Generally</p> <p>99.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.</p>





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

ID	Delegation Source	Provision	Item Delegated
385361	State Planning Commission Practice Direction (Council Inspections) 2020	cl1(2)	100. General Requirements 100.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.
385362	State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020	cl5(2)	101. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building 101.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.
503614	Urban Tree Canopy Off-set Scheme	cl 9	83. Use of Money from Fund 83.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose): 83.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or 83.1.2 the purchase of land within a designated local government area to ensure: 83.1.2.1 the preservation of trees; or 83.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.





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

ID	Delegation Source	Provision	Item Delegated
312344	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s7(5)(a)	1. Environment and Food Production Areas – Greater Adelaide 1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.
312345	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s7(5)(d)	1. Environment and Food Production Areas – Greater Adelaide 1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
312346	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s99(2)(b)(ii)	2. Related Provisions 2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.
312347	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s99(3)	2. Related Provisions 2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.
312348	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and	s102(1)	3. Matters Against Which Development Must be Assessed





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

ID	Delegation Source	Provision	Item Delegated
	Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).
312349	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s102(8)	3. Matters Against Which Development Must be Assessed 3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.
312350	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(1)	4. Building Consent 4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).
312351	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(2)(a)	4. Building Consent 4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.
312352	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(2)	4. Building Consent 4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if: 4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied: 4.3.1.1 that:





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

ID	Delegation Source	Provision	Item Delegated
			<p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p> <p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or 4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>
312353	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(4)	<p>4. Building Consent</p> <p>4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.</p>
312354	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(6)	<p>4. Building Consent</p> <p>4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.</p>
312355	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(7)	<p>4. Building Consent</p> <p>4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>





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

ID	Delegation Source	Provision	Item Delegated
312356	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(8)	<p>4. Building Consent</p> <p>4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>4.7.2 such compliance is certified by a building certifier.</p>
312357	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(10)	<p>4. Building Consent</p> <p>4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification</p>
312358	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s118(11)	<p>4. Building Consent</p> <p>4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>4.9.1 the variance; and</p> <p>4.9.2 the grounds on which the decision is being made.</p>
312359	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(1)(b)	<p>5. Application and Provision of Information</p> <p>5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>





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

ID	Delegation Source	Provision	Item Delegated
312360	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(3)	<p>5. Application and Provision of Information</p> <p>5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>5.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>5.2.4 to comply with any other requirement prescribed by the regulations.</p>
484388	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(6)(b)	<p>5. Application and Provision of Information</p> <p>5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.</p>
388522	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(7)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.</p>
312362	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.1 permit an applicant:</p> <p>5.5.1.1 to vary an application;</p> <p>5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);</p>





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

ID	Delegation Source	Provision	Item Delegated
312363	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p>
312364	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);</p>
312365	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>
312366	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(10)	<p>5. Application and Provision of Information</p> <p>5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>





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

ID	Delegation Source	Provision	Item Delegated
312367	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(12)	<p>5. Application and Provision of Information</p> <p>5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.</p>
312368	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s119(14)	<p>5. Application and Provision of Information</p> <p>5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.</p>
312369	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s120(1)	<p>6. Outline Consent</p> <p>6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>
312370	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s120(3)	<p>6. Outline Consent</p> <p>6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <p>6.2.1 grant any consent contemplated by the outline consent; and</p> <p>6.2.2 not impose a requirement that is inconsistent with the outline consent.</p>
312371	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(1)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:</p>





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

ID	Delegation Source	Provision	Item Delegated
			<p>7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and</p> <p>7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made</p> <p>where the regulations so provide, subject to Section 122 of the PDI Act.</p>
312372	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(5)(b)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>7.2.1 to refuse the application; or</p> <p>7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)</p> <p>where the regulations so provide.</p>
312373	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(7)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.</p>
312374	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s122(10)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p>





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

ID	Delegation Source	Provision	Item Delegated
312375	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(1)	8. Proposed Development Involving Creation of Fortifications 8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).
312376	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(5)	8. Proposed Development Involving Creation of Fortifications 8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to: 8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; 8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.
312377	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(6)	8. Proposed Development Involving Creation of Fortifications 8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.
312378	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s124(7)	8. Proposed Development Involving Creation of Fortifications 8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.
312379	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s126(1)	9. Determination of Application





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

ID	Delegation Source	Provision	Item Delegated
	Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
312380	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s126(3)	9. Determination of Application 9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
312381	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s127(1)	10. Conditions 10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
312382	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s127(2)(c)	10. Conditions 10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.
682250	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s128(1) and (2)	11. Variation of Authorisation 11.1 The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variation of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).
312383	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s128(2)(d)	11. Variation of Authorisation





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ID	Delegation Source	Provision	Item Delegated
	Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		11.2 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
312384	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s133(3)	12. Saving Provisions 12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.
312385	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(1)	13. Requirement to Up-grade 13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
312386	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(1)	13. Requirement to Up-grade 13.2 The power pursuant to Section 134(1) of the PDI Act, if: 13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or 13.2.1.2 a change of classification of a building; and 13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.





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

ID	Delegation Source	Provision	Item Delegated
312387	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(2)	13. Requirement to Up-grade 13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.
312388	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(3)	13. Requirement to Up-grade 13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act: 13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and 13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed
312389	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(4)	13. Requirement to Up-grade 13.5 The power pursuant to Section 134(4) of the PDI Act if: 13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and 13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).





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

ID	Delegation Source	Provision	Item Delegated
312390	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s134(5)	13. Requirement to Up-grade 13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act: 13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and 13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.
312391	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s135(2)(d)	14. Urgent Building Work 14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.
312392	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s143(1)	15. Cancellation of Development Authorisation 15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.
312393	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s143(2)	15. Cancellation of Development Authorisation 15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.
312394	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s235(1)	16. Professional Advice to be Obtained in Relation to Certain Matters





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

ID	Delegation Source	Provision	Item Delegated
	Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.
312395	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	s235(2)	16. Professional Advice to be Obtained in Relation to Certain Matters 16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.
312396	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);	cl18(2) sch8	17. Continuation of Processes 17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to: 17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and 17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.





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

ID	Delegation Source	Provision	Item Delegated
312397	Planning, Development and Infrastructure (General) Regulations 2017	r25(7)(c)	<p>18. Accredited Professionals</p> <p>18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>
312398	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.1 determine the nature of the development; and</p>
312399	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.2 if the application is for planning consent - determine:</p> <p>19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>





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

ID	Delegation Source	Provision	Item Delegated
312400	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>
312401	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>19.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>19.1.4.2 confirm the prescribed fees required to be paid at that point ; and</p> <p>19.1.4.3 provide an appropriate notice via the SA planning portal; and</p>
312402	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in</p>





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

ID	Delegation Source	Provision	Item Delegated
			its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and 19.1.5.2 provide an appropriate notice via the SA planning portal.
312403	Planning, Development and Infrastructure (General) Regulations 2017	r35(3)	20. Amended Applications 20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
312404	Planning, Development and Infrastructure (General) Regulations 2017	r35(4)	20. Amended Applications 20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
312405	Planning, Development and Infrastructure (General) Regulations 2017	r38(1)	21. Withdrawing/Lapsing Applications 21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify: 21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and 21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.
484389	Planning, Development and Infrastructure (General) Regulations 2017	r38(2)	21. Withdrawing/Lapsing Applications 21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least





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ID	Delegation Source	Provision	Item Delegated
			one year has passed since the date on which the application was lodged with the relevant authority.
312406	Planning, Development and Infrastructure (General) Regulations 2017	r38(3)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <p>21.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>21.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>
312407	Planning, Development and Infrastructure (General) Regulations 2017	r40	<p>22. Court Proceedings</p> <p>22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>
312408	Planning, Development and Infrastructure (General) Regulations 2017	r42(1)	<p>23. Additional Information or Amended Plans</p> <p>23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>
312409	Planning, Development and Infrastructure (General) Regulations 2017	r45(1)	<p>24. Building Matters</p> <p>24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p>





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

ID	Delegation Source	Provision	Item Delegated
			<p>24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.</p>
312410	Planning, Development and Infrastructure (General) Regulations 2017	r45(2)	<p>24. Building Matters</p> <p>24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.</p>
312411	Planning, Development and Infrastructure (General) Regulations 2017	r45(3)	<p>24. Building Matters</p> <p>24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.</p>
312412	Planning, Development and Infrastructure (General) Regulations 2017	r45(4)	<p>24. Building Matters</p> <p>24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <p>24.4.1 recommends against the granting of building consent; or</p> <p>24.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate:</p>





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

ID	Delegation Source	Provision	Item Delegated
			<p>24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,</p> <p>to:</p> <p>24.4.5 refer the application to the Commission; and</p> <p>24.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>
312413	Planning, Development and Infrastructure (General) Regulations 2017	r45(5)	<p>24. Building Matters</p> <p>24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>
312414	Planning, Development and Infrastructure (General) Regulations 2017	r57(4)(a)	<p>25. Notice of Decision (Section 126(1))</p> <p>25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>
312415	Planning, Development and Infrastructure (General) Regulations 2017	r60	<p>26. Consideration of Other Development Authorisations</p> <p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>
312416	Planning, Development and Infrastructure (General) Regulations 2017	r61(4)(c)	<p>27. Certificate of Independent Technical Expert in Certain Cases</p>





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

ID	Delegation Source	Provision	Item Delegated
			27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.
312417	Planning, Development and Infrastructure (General) Regulations 2017	r63(1)	28. Urgent Work 28.1 The power pursuant to Regulation 63(1) of the General Regulations to, 28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and 28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
312418	Planning, Development and Infrastructure (General) Regulations 2017	r63(2)	28. Urgent Work 28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
312419	Planning, Development and Infrastructure (General) Regulations 2017	r63(3)	28. Urgent Work 28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
312420	Planning, Development and Infrastructure (General) Regulations 2017	r65(1)(a)	29. Variation of Authorisation (Section 128) 29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.





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

ID	Delegation Source	Provision	Item Delegated
484390	Planning, Development and Infrastructure (General) Regulations 2017	r99(4)	30. Construction Industry Training Fund 30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.
484391	Planning, Development and Infrastructure (General) Regulations 2017	r99(5)	30. Construction Industry Training Fund 30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.
312421	Planning, Development and Infrastructure (General) Regulations 2017	cl4(3) sch8	31. Plans for Building Work 31.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if: 31.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or 31.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the





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

ID	Delegation Source	Provision	Item Delegated
			classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.
312422	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>32. Calculation or Assessment of Fees</p> <p>32.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):</p> <p>32.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and</p> <p>32.1.2 to make any other determination for the purposes of the Fees Regulations a related set of regulations or a fee notice (even if the Council is not a relevant authority)</p>
312423	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	<p>32. Calculation or Assessment of Fees</p> <p>32.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate a prescribed fee on the basis of estimates made by the delegate.</p>
312424	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	5(3)	<p>32. Calculation or Assessment of Fees</p> <p>32.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.</p>
312425	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	<p>33. Waiver or Refund of Fee</p> <p>33.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p>





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

ID	Delegation Source	Provision	Item Delegated
			33.1.1 waive the payment of the fee, or the payment of part of the fee; or 33.1.2 refund the whole or a part of the fee.



20 MOTIONS WITH NOTICE

Nil

21 URGENT MOTIONS WITHOUT NOTICE

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



23 NEW CONFIDENTIAL ITEMS

23.1 RAA EV CHARGING STATION PROJECT – REPORT NO. AR24/2636

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/2636 RAA EV Charging Station Project.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be considered relates to a proposal that Council has already considered and kept confidential creating a duty of confidence, actions associated with which are yet to be formally implemented that will partially release information which is of a commercially sensitive nature. The premature disclosure, including discussion in public forum, could reasonably be expected to prejudice or benefit 3rd parties, including Council in its commercial negotiations which would on balance be contrary to the public interest in achieving commercial arrangements and good community outcomes associated with the proposed use of Council land.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR24/2636 RAA EV Charging Station Project and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 36 months have elapsed since the proponents last dealings with Council on the proposal, or 12 months after an agreement and any renewal or

extended term has expired and not been renewed, whichever is the later, with the resolutions to be released upon the execution by all parties of an agreement and a joint public announcement having been made on the proposal.

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

23.2 AUDIT AND RISK COMMITTEE - INDEPENDENT MEMBER APPOINTMENT – REPORT NO. AR24/1084

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/1084 Audit and Risk Committee - Independent Member Appointment.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the subject matter includes information concerning the personal affairs of the expression interest applicants the disclosure of which would be an unreasonable disclosure of personal affairs information.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR24/1084 Audit and Risk Committee - Independent Member Appointment and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until appointments of the Audit and Risk Committee members have been confirmed.

The attachments to the report be kept confidential and that confidentiality be reviewed annually.

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

24 MEETING CLOSE



COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 12 DECEMBER 2023 AT 6:00 PM**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Communications Officer	- Ms M Brookes
	Councillor Support Officer	- Mrs M Telford

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/245

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 21 November 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - DECEMBER 2023

- Meeting with CEO of WomenCAN Australia
- LCLGA Audit and Risk Committee Meeting
- Visit to Men's Shed
- Chamber of Commerce Christmas Wrap Up Video

- Limestone Coast Tourism Immersion and Networking Event
- With CEO, Breakfast Meeting with Her Excellency, The Governor of South Australia
- Presentations at the Mount Gambier Family Truck Show 2023
- Presentation of winning Sashes at Mount Gambier Gift
- Speech at Blue Lake Fun Run
- Radio Interview 5GTR-FM
- Meeting re Mount Gambier Bus Service
- Elected Member Information Briefing Session Audit and Risk Committee
- Mount Gambier Christmas Parade Presentation Evening
- Elected Member Briefing – Conduct of Meeting Policy
- Elected Member Briefing – Confidential Items Process
- End of Year Final Coffee & Chat – the Haven Volunteers
- Middle School Presentation Service – St Martins Lutheran College
- With CEO, Meeting with Senior Executives re Environmental Sustainability
- Stand Like Stone – A Year in Review
- Twilight Market – Drop-In Session – Mount Gambier 2035
- Carols in Nine Languages, Anglican Church
- Introductory Meeting – Executives from Banking Sector
- Elected Member Briefing – Partnership Priorities and Advocacy Document 2024-2025
- Elected Member Briefing – Council Elections and Reform Paper
- Grant High School – Presentation Evening
- Volunteer Christmas Celebration
- Limestone Coast Landscape Board Meeting
- Citizen of the Year Awards Selection Panel Meeting
- Drawing of Chamber of Commerce Christmas Wrap Up
- International Timber Solutions – Christmas Function
- LCLGA General Meeting
- Welcome - Blue Lake Y Swimming Club 2-Day Carnival
- Christmas Book Delivery – Final Count
- Christmas Lunch – Radiation Therapy Working Party
- Mount Gambier High School Presentation and Performance Night – Senior School
- Middle School Awards – Tenison Woods College
- Independent Learning Centre – 2023 Graduation and Celebration of Success

RESOLUTION 2023/246

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral report made on 12 December 2023 be received.

CARRIED**6 REPORTS FROM COUNCILLORS**

Cr Max Bruins	Presentation on Local Government to Year 4 students at Tenison Woods College
Cr Paul Jenner	Public Lighting Working Group Meeting, Group Training Employment Board Meeting, Limestone Coast Landscape Board
Cr Josh Lynagh	Community Engagement at Thugi Summer Market
Cr Sonya Meziniec	Say No To Violence Breakfast, Mount Gambier High School PLP Presentations – Panel Member, Mount Gambier Christmas Parade Presentation Night, Riddoch Arts and Culture Centre Opening of 3 Exhibitions, Mount Gambier 2035 Engagement – Thugi Summer Markets

RESOLUTION 2023/247

Moved: Cr Kate Amoroso

Seconded: Cr Frank Morello

That the reports made by Councillors on 12 December 2023 be received.

CARRIED**7 QUESTIONS WITH NOTICE****7.1 QUESTION WITH NOTICE - ADVOCACY WORK - MOUNT GAMBIER PUBLIC BUS SERVICE**

The following question was received from Cr Max Bruin:

Question

What proactive advocacy work has been undertaken in relation to improving Mount Gambier's Public Bus Services in the last 2 months since we were last provided with an update?

Response

Mayor Lynette Martin provided the following response:

Thank you for your question Cr Bruins and of course this is a matter of great interest to Council and our community.

Council Officers and I have met with representatives of Keolis Downer, who are very aware of the shortcomings of the current bus service and are working towards a couple of tweaks to the current routes, within the parameters of the current contract.

They are starting to get good patronage data to enable them to do internal reviews of the service within the current scope.

Chief Executive Officer, Sarah Philpott and I were scheduled to meet with Minister Koutsantonis next Tuesday in Adelaide, but the Minister has cancelled that meeting and rescheduled it to March next year.

As a consequence of this delayed meeting, we have written to Minister Koutsantonis requesting that Mount Gambier be included in the upcoming regional transport review which is being conducted early next year.

We are seeking confirmation that Mount Gambier is included in the proposed regional review.

In addition, earlier today, I spoke with Minister Scriven at an event we were both attending and I mentioned to her that we were keen to see Mount Gambier included in the Regional Transport Review and she undertook to find out more about the review process.

8 QUESTIONS WITHOUT NOTICE

RESOLUTION 2023/248

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the questions without notice raised by Cr Paul Jenner and responses be recorded.

CARRIED

8.1 QUESTION WITHOUT NOTICE – FOOTPATH / PRAM RAMP BUDGET ENQUIRY

The following question without notice was received from Cr Paul Jenner:

Question:

How much does Council spend on new footpaths and maintenance of footpaths per year and how much is allocated to pram ramps ?

Response:

Footpaths: \$424,000

Maintenance of Footpaths: \$115,000

Pram Ramps: Previous program is redundant. New Program being developed that includes Audit recommendations. Will be presented to Council as part of the Infrastructure Asset Management Plan.

8.2 QUESTION WITHOUT NOTICE – LONG TERM PLAN – FOOTPATHS

The following question without notice was received from Cr Paul Jenner:

Question:

When will the new footpath long term plan be completed?

Response:

A 10 year plan is currently being prepared that includes recommendations from audits and master plans that will be presented to Council as part of the Long Term Financial Plan, Infrastructure Asset Management Plan and Budget process.

8.3 QUESTION WITHOUT NOTICE – CROSSOVERS

The following question without notice was received from Cr Paul Jenner:

Question:

Who is responsible for driveway crossovers?

Response:

Driveways are the responsibility of the property owner in line with Council Policy F175 Footways and Crossovers.

8.4 QUESTION WITHOUT NOTICE – MEDIA ARTICLE

The following question without notice was received from Cr Paul Jenner:

Question:

Following the article published in the South East Voice last week, was Council contacted in relation to the article, prior to print?

Response:

Council has no record of any contact from the Resident and Ratepayers Association regarding footpaths prior to the article being published, but we have been contacted since the article was published.

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 18/11/2023 TO 9/12/2023

RESOLUTION 2023/249

Moved: Cr Sonya Meziniec

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/44824 titled 'Elected Member Information/Briefing Sessions from 18/11/2023 to 9/12/2023' as presented on 12 December 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

COUNCIL ACTION ITEMS - 21/11/2023

RESOLUTION 2023/250

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

1. That Council Report No. AR23/86721 titled 'Council Action Items - 21/11/2023' as presented on 12 December 2023 be noted.

CARRIED

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

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 27 NOVEMBER 2023****RESOLUTION 2023/251**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 27 November 2023 as attached be noted.

CARRIED**16.2 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR23/76759****RESOLUTION 2023/252**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee Report No. AR23/76759 titled 'External Audit Management Report' as presented on 27 November 2023 be noted.

CARRIED**16.3 REVIEW OF COUNCIL POLICIES AND LEASES/LICENCES - UPDATE – REPORT NO. AR23/76976****RESOLUTION 2023/253**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee Report No. AR23/76976 titled 'Review of Council Policies and Leases/Licences - Update' as presented on 27 November 2023 be noted.
2. That Policy P910 Provision of Loans or Guarantees to Community Groups as attached to Report No. AR23/76976, be suspended whilst under review.
3. That Policy E200 - Employees - Service Awards - Gifts as Resignation/Retirement as attached to Report No. AR23/76976, be suspended whilst under review.

CARRIED

16.4 POLICY REVIEW - F225 FRAUD, CORRUPTION, MISCONDUCT AND MALADMINISTRATION PREVENTION POLICY AND INTERNAL AUDIT POLICY – REPORT NO. AR23/66340

RESOLUTION 2023/254

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/66340 titled 'Policy Review - F225 Fraud, Corruption, Misconduct and Maladministration Prevention Policy and Internal Audit Policy' as presented on 27 November 2023 be noted.
2. That the revised F225 Fraud, Corruption, Misconduct and Maladministration Prevention Policy as attached to Report No. AR23/66340, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted.
3. That the Internal Audit Policy as attached to Report No. AR23/66340, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted.
4. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policies arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.
5. That the responsibility for the internal audit function as set out in the Internal Audit Policy and Draft Internal Audit Plan be noted.

CARRIED

16.5 POLICY REVIEW - PROCUREMENT AND DISPOSAL OF LAND AND ASSETS POLICIES – REPORT NO. AR23/64014

RESOLUTION 2023/255

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/64014 titled 'Policy Review - Procurement and Disposal of Land and Assets Policies' as presented on 27 November 2023 be noted.
2. That the P420 Procurement and Disposal of Land and Assets Policy be revoked and replaced by the Procurement Policy and the Disposal of Land and Assets Policy.
3. That the Disposal of Land and Assets Policy as attached to Report No. AR23/64014, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted.
4. That the Procurement Policy as attached to Report No. AR23/64014, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted.
5. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policies arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED

16.6 COUNCIL INVESTMENTS AND BORROWINGS – REPORT NO. AR23/70502**RESOLUTION 2023/256**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR23/70502 titled 'Council Investments and Borrowings' as presented on 27 November 2023 be noted.

CARRIED**16.7 SELF-ASSESSMENT OF PERFORMANCE AUDIT AND RISK COMMITTEE –
REPORT NO. AR23/76967****RESOLUTION 2023/257**

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Audit and Risk Committee Report No. AR23/76967 titled 'Self-assessment of Performance Audit and Risk Committee' as presented on 27 November 2023 be noted.
2. That the Audit and Risk Committee Self-Assessment Report for 2022/2023, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted.

CARRIED

**16.8 AUDIT AND RISK COMMITTEE WORK PROGRAM & MEETING SCHEDULE 2024 –
REPORT NO. AR23/76965****RESOLUTION 2023/258**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/76965 titled 'Audit and Risk Committee Work Program & Meeting Schedule 2024' as presented on 27 November 2023 be noted.
2. That having been reviewed by the Audit and Risk Committee on 27 November 2023, the below meeting dates for 2024 be adopted, noting that the meeting dates are subject to change, including if an additional meeting is required:
 - (a) 29 January 2024
 - (b) 26 February 2024;
 - (c) 25 March 2024;
 - (d) 27 May 2024;
 - (e) 29 July 2024;
 - (f) 28 October 2024; and
 - (g) 25 November 2024.
3. That the draft work program as reviewed by the Audit and Risk Committee for the calendar year 2024 (attached) be adopted, noting the meeting dates, months and schedule are subject to change, including if an additional meeting is required.

CARRIED

16.9 INTERNAL AUDIT PROGRAM – REPORT NO. AR23/78717**RESOLUTION 2023/259**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/78717 titled 'Internal Audit Program' as presented on 27 November 2023 be noted.
2. That the Draft Internal Audit Plan as attached to Report No. AR23/78717, having been reviewed by the Audit and Risk Committee on 27 November 2023, be adopted with the following additions:
 - (a) Procurement and Contract Management to be added
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Draft Internal Audit Plan arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED

16.10 RISK MANAGEMENT REPORT SEPTEMBER 2023 – REPORT NO. AR23/76980**RESOLUTION 2023/260**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee Report No. AR23/76980 titled 'Risk Management Report September 2023' as presented on 27 November 2023 be noted.

CARRIED**16.11 WORK HEALTH SAFETY AND WELLBEING MANAGEMENT – REPORT NO. AR23/76978****RESOLUTION 2023/261**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR23/76978 titled 'Work Health Safety and Wellbeing Management' as presented on 27 November 2023 be noted.

CARRIED**16.12 AUDIT AND RISK COMMITTEE MEETING REPORT 27/11/23 – REPORT NO. AR23/81356****RESOLUTION 2023/262**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee Report No. AR23/81356 titled 'Audit and Risk Committee Meeting Report 27/11/23' as presented on 27 November 2023 be noted.

CARRIED**16.13 Motion - Briefing Notes - Cr Paul Jenner - 21 November 2023****RESOLUTION 2023/263**

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

That the briefing notes provided by Cr Paul Jenner from the 21 November 2023 Council meeting, as attached the minutes of this meeting, be noted.

CARRIED

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS**19.1 CBD ACTIVATION UPDATE****RESOLUTION 2023/264**

Moved: Cr Jason Virgo

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/84103 titled 'CBD Activation Update' as presented on 12 December 2023 be noted.

CARRIED**19.2 RECFISH SA – PROPOSAL****RESOLUTION 2023/265**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR23/84307 titled 'RecFish SA - Proposal' as presented on 12 December 2023 be noted.
2. That Council endorses an application with PIRSA as Phase 1 for stocking of fish and associated activities, timings and species suitability in Valley Lake / Ketla Malpi up to the value of \$1,800.
3. That investigation be undertaken, and a report prepared for Council outlining implementation of a recreational fishing permit that includes commercial modelling, ongoing maintenance/restocking and resourcing requirements.

CARRIED**19.3 MOUNT GAMBIER 2035 - COMMUNITY PANEL****RESOLUTION 2023/266**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/83287 titled 'Mount Gambier 2035 - Community Panel' as presented on 12 December 2023 be noted.
2. That Council endorse the proposed approach for Phase 3 of the Mount Gambier 2035 process, involving the establishment of a Community Panel.

CARRIED

19.4 SAINT MARTINS LUTHERAN COLLEGE - USE OF SAINT MARTINS DRIVE RESERVE**RESOLUTION 2023/267**

Moved: Cr Mark Lovett

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/84174 titled 'Saint Martins Lutheran College - Use of Saint Martins Drive Reserve' as presented on 12 December 2023 be noted.
2. That public consultation be conducted with owners and occupiers of residential properties located proximate to Saint Martins Drive Reserve (refer diagram – Attachment 1) on the proposal to licence the reserve to Saint Martins Lutheran College for use during school hours in 2024 and 2025.
3. That a further report be presented to Council to consider any submissions received in response to public consultation conducted in accordance with resolution (2).
4. That, in the event that no submissions objecting to the proposal are received in response to public consultation conducted in accordance with resolution (2), the Chief Executive Officer or authorised delegate grant a licence to Saint Martins Lutheran College to use Saint Martins Drive Reserve during school hours for the remainder of the 2024 and 2025 school years.

CARRIED**19.5 SA AMBULANCE - ADDITIONAL PARKING - MOUNT GAMBIER URGENT CARE CLINIC - 13 CROUCH STREET SOUTH****RESOLUTION 2023/268**

Moved: Cr Mark Lovett

Seconded: Cr Paul Jenner

1. That Council Report No. AR23/85511 titled 'SA Ambulance - Additional Parking - Mount Gambier Urgent Care Clinic - 13 Crouch Street South' as presented on 12 December 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No. AR23/85511
3. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following.

Prohibited Area

Ref No. 6.1.01

AMBULANCE ONLY

CROUCH STREET SOUTH (Eastern side) - From 72.2 metres to 87.5 metres north of the intersection with Sturt Street

To apply at all times.

CARRIED

19.6 FIRST QUARTER REPORT ON ANNUAL BUSINESS PLAN 2023/2024 ANNUAL OBJECTIVES**RESOLUTION 2023/269**

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

1. That Council Report No. AR23/78615 titled 'First Quarter Report on Annual Business Plan 2023/2024 Annual Objectives' as presented on 12 December 2023 be noted.

CARRIED**19.7 AUDIT AND RISK COMMITTEE MEMBERSHIP****RESOLUTION 2023/270**

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/78764 titled 'Audit and Risk Committee Membership' as presented on 12 December 2023 be noted.
2. That the following two independent members of Council's Audit and Risk Committee be reappointed for a further 2 year period expiring on 15 February 2026:
 - (a) Alexander Brown
 - (b) Belinda Johnson
3. That Council advertise for an Independent Member for its Audit and Risk Committee through a request for Expressions of Interest (EOI) process.

CARRIED

Cr Mark Lovett left the meeting at 7:05 pm

Cr Mark Lovett returned to the meeting at 7:06 pm

19.8 UPDATE - GRANTS AND SPONSORSHIP REVIEW**RESOLUTION 2023/271**

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/52998 titled 'Update - Grants and Sponsorship Review' as presented on 12 December 2023 be noted.
2. That the proposed phased approach for implementation to transition a new model of Grants, Sponsorships & Incentives be endorsed.
3. At least one elected member be appointed to the Assessment Panel.
4. On implementation of new model, a new Grants, Sponsorships & Incentive Policy be presented to Council prior to the new Financial Year 2024/2025.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.9.

In accordance with Section 75B Cr Josh Lynagh informed the meeting:

Nature of Interest:

The item contains a section that relates to visits by government representatives and I work for Minister Scriven.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not move or second the motion, nor will I be engaging in discussion or debate on the matter.

Reason for Participating:

The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to the motion. I intend to vote and represent the community with my vote as I feel that is important.

In accordance with Section 75B of the Local Government Act 1999 Cr Josh Lynagh remained in the meeting for Item 19.9.

19.9 POLICY REVIEW

RESOLUTION 2023/272

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/80747 titled 'Policy Review' as presented on 12 December 2023 be noted.
2. The updated policies as attached to Council Report No. AR23/80747 be endorsed:
 - C320 Council Chamber and Reception Area - Use of
 - P900 Public Interest Disclosure
3. The V140 Visits by Parliamentary Governmental Representatives Policy, as attached to Council Report No. AR23/80747, be revoked.

CARRIED

Having participated in the meeting for Item 19.9 Cr Josh Lynagh voted in favour the motion.

20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS**23.1 RIDDOCH ARTS AND CULTURAL TRUST - BOARD MEMBER APPOINTMENT –
REPORT NO. AR23/83171****RESOLUTION 2023/273**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins and M Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/83171 Riddoch Arts and Cultural Trust - Board Member Appointment.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the subject matter includes information concerning the personal affairs of the expression interest applicants the disclosure of which would be and unreasonable disclosure of personal affairs information.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a general conflict of interest in Item 23.1.

In accordance with Section 75B Cr Max Bruins informed the meeting:

Nature of Interest:

I am listed as a referee on one of the applications as I am an acquaintance.

Intention to Participate:

I will not participate in the meeting.

In accordance with Section 75B of the Local Government Act 1999 Cr Max Bruins left the meeting at 7.08 p.m.

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Mezinec disclosed a general conflict of interest in Item 23.1.

In accordance with Section 75B Cr Sonya Mezinec informed the meeting:

Nature of Interest:

I am Council representative on the Riddoch Arts and Cultural Trust.

Intention to Participate:

I will not participate in the meeting.

In accordance with Section 75B of the Local Government Act 1999 Cr Sonya Mezinec left the meeting at 7.08 p.m.

RESOLUTION 2023/274

Moved: Cr Frank Morello
Seconded: Cr Mark Lovett

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR23/83171 Riddoch Arts and Cultural Trust - Board Member Appointment and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until further order of Council (report Attachments only) with the Report and Resolution to be released with the minutes of the meeting.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Cr Max Bruins returned to the meeting at 7.13 p.m.

Cr Sonya Meziniec returned to the meeting at 7.13 p.m.

23.2 AF23/431 TENDER - PROCUREMENT - RECONSTRUCTION OF FOUR ROAD SEGMENTS – REPORT NO. AR23/84680**RESOLUTION 2023/275**

Moved: Cr Mark Lovett
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins and M Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/84680 AF23/431 Tender - Procurement - Reconstruction of Four Road Segments.

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

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because tenders for the: supply of goods, or the provision of services, or the carrying out of works.

CARRIED

RESOLUTION 2023/276

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/84680 AF23/431 Tender - Procurement - Reconstruction of Four Road Segments and its attachments, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract..
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

24 MEETING CLOSE

The Meeting closed at 7.22 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 December 2023.

.....
PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
JUNIOR SPORTS ASSISTANCE FUND COMMITTEE MEETING
HELD AT THE CONFERENCE ROOM, LEVEL 1, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON WEDNESDAY, 13 DECEMBER 2023 AT 5:30 P.M.**

PRESENT: Cr Josh Lynagh (Presiding Member), Mayor Lynette Martin, Cr Megan Dukalskis, Mrs Felicity Walker and Ms Di Gould

OFFICERS IN ATTENDANCE: Councillor Support Officer - Mrs M Telford

GUESTS: Marian Hodson, President, Rotary Club of Mount Gambier Lakes

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Cr Josh Lynagh

Seconded: Felicity Walker

That the apology from Mr Andrew Matheson and Mrs Jenny Burston be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Megan Dukalskis

Seconded: Felicity Walker

That the minutes of the Junior Sports Assistance Fund meeting held on 8 November 2023 and the Junior Sports Assistance Fund meeting held on 8 November 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

5.1 ROTARY CLUB OF MOUNT GAMBIER LAKES - DONATION TO FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS - SECOND CALL FOR 2023

COMMITTEE RESOLUTION

Moved: Cr Josh Lynagh

Seconded: Cr Megan Dukalskis

1. That Junior Sports Assistance Fund Report No. AR23/80893 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons - Second Call for 2023' as presented on 13 December 2023 be noted.
2. The funding be made available to the Member Organisations named below to assist the identified juniors to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspersons initiative, to be used in accordance with their respective confidential application:

(a) Mount Gambier and Districts Pony Club	\$300
(b) Mount Gambier Cycling Club	\$300
(c) Mount Gambier Swimming Club	\$300
(d) Blue Lake Y Swim Club	\$600
3. The additional \$300 be funded from the Junior Sports Assistance Fund.
4. A cheque handover presentation be co-ordinated with Members of the Rotary Club of Mount Gambier Lakes to show the Funds appreciation for their ingoing support to the Disadvantaged Junior Program.

CARRIED

5.2 ROTARY CLUB OF MOUNT GAMBIER LAKES - FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS PROGRAM - RENAMING OF PROGRAM 2024

COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Cr Megan Dukalskis

1. That Junior Sports Assistance Fund Report No. AR23/83867 titled 'Rotary Club of Mount Gambier Lakes - Financially Disadvantaged Junior Sportspersons Program - Renaming of Program 2024' as presented on 13 December 2023 be noted.
2. That, subject to the concurrence of the Rotary Club of Mount Gambier Lakes, the 2024 Rotary funded Junior Sports Assistance Fund Program be renamed to:

Rotary Club of Mount Gambier Lakes Youth Empowerment Sports Program

CARRIED

6 MEETING CLOSE 5.38 P.M.

The Meeting closed at 5.38 p.m.

The minutes of this meeting were confirmed at the Junior Sports Assistance Fund held on .

.....
PRESIDING MEMBER

15.2 ROTARY CLUB OF MOUNT GAMBIER LAKES - DONATION TO FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS - SECOND CALL FOR 2023 – REPORT NO. AR23/80893

Committee:	Junior Sports Assistance Fund
Meeting Date:	13 December 2023
Report No.:	AR23/80893
CM9 Reference:	AF11/725
Author:	Melissa Telford, Councillor Support Officer
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	The Rotary Club of Mount Gambier Lakes provides annual funding to assist the Junior Sports Assistance Fund to provide a program to assist financially disadvantaged junior sportspersons with the costs of their participation in their chosen sport. Member Organisations are invited to submit up to two confidential nominations for consideration of the Committee. This is the second call for 2023 to utilise the remaining funding.
Strategic Plan Reference:	Goal 1: Our People

REPORT RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR23/80893 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons - Second Call for 2023 ' as presented on 13 December 2023 be noted.
2. The funding be made available to the Member Organisations named below to assist the identified juniors to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspersons initiative, to be used in accordance with their respective confidential application:

(a) Mount Gambier and Districts Pony Club	\$300
(b) Mount Gambier Cycling Club	\$300
(c) Mount Gambier Swimming Club	\$300
(d) Blue Lake Y Swim Club	\$600
3. The additional \$300 be funded from the Junior Sports Assistance Fund.
4. A cheque handover presentation be co-ordinated with Members of the Rotary Club of Mount Gambier Lakes to show the Funds appreciation for their ingoing support to the Disadvantaged Junior Program.



TYPE OF REPORT

Other

BACKGROUND

The Rotary Club of Mount Gambier Lakes conducts the very successful One Forty One Blue Lake Fun Run.

The Club had previously determined its schedule of organisations to receive the benefit of the surplus funds from the event.

One of the initiatives that the Club wished to achieve was to develop a process to assist financially disadvantaged junior sportspersons with the costs of their participation in their chosen sport e.g. equipment, footwear, membership fees etc.

This is the second call for nominations for 2023 to utilise the remaining funds from the Rotary Club of Mount Gambier Lakes of \$1,200. Member Organisations were invited to submit up to two (2) confidential nominations in accordance with the guidelines with applications closing on Friday 1 December 2023.

PROPOSAL

As at Friday 1 December 2023, the following nominations were received for financial assistance:

(i) **Applicant 1**

Mount Gambier and District Pony Club - Nominee Aged 11 years

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR:

Applicant 1 is an up and coming junior who shows a lot of promise. Her riding has come along in leaps and bounds, from a nervous rider to a confident showjumper. Applicant 1 is a supportive member of the club and always helps out and contributes to events. The family of 4 survive on a tight budget with one parent working full time supporting the other who doesn't have a regularly income. They also have the added pressure of a major health issue in the family placing added financial pressure. Applicant 1 would love to be more involved with pony club but because of financial constraints cannot afford to.

ASSUME MAXIMUM DONATION IS \$300 – HOW WILL DONATION BE USED?

To assist with the costs of membership and entry fees for upcoming clinics or events to enable her to be more involved.

(ii) **Applicant 2**

Mount Gambier Cycling Club - Nominee Aged 13 years

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR:

Applicant 2 is an upcoming junior of our club. Recently due to an illness in the family requiring the inability to work the family income has been impacted. Applicant 2's progression in cycling has seen him progress to competing at State Events and this funding would go a long way to offset costs some of these costs. The family are very active within the Club are always there to lend a hand and promote strong family values. Applicant 2 works hard to fund his newfound passion with a part time job and we consider him a very worthy nominee for this funding grant.

ASSUME MAXIMUM DONATION IS \$300 – HOW WILL DONATION BE USED?

To assist with costs associated with competing at State Events.

(iii) **Applicant 3**

Mount Gambier Swimming Club - Nominee Aged 11 years

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR:

Applicant 3 is a junior of the Mount Gambier Swimming Club who has the capacity to be classified as a Multiclass Swimmer. Due to physical limitations Applicant 3 requires specialist equipment. Swimming has been determined as the perfect sport for her to undertake due to her physical limitations.



ASSUME MAXIMUM DONATION IS \$300 – HOW WILL DONATION BE USED?
To assist with the purchase of specialist equipment.

(iv) **Applicant 4**

Blue Lake Y Swimming Club - Nominee Aged 15 years

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR:

Applicant 4 is a talented swimmer who aspires to achieve national times. To enable Applicant 4 to achieve his goals requires the family to travel to many qualifying meets throughout SA and VIC which is very costly to the family. The grant would assist in ensuring Applicant 4 is able to attend some of these meets to enable him to reach his goals.

ASSUME MAXIMUM DONATION IS \$300 – HOW WILL DONATION BE USED?
To assist with the costs associated in participating in qualifying meets.

(v) **Applicant 5**

Blue Lake Y Swimming Club - Nominee Aged 11 years

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR:

Applicant 5 is a talented swimmer who aspires to participate in State Championships. The funding would enable Applicant 5 the opportunity to be able to attend the Championships.

ASSUME MAXIMUM DONATION IS \$300 – HOW WILL DONATION BE USED?
To assist with the costs associated in participating in the SA Country Championships.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

The Junior Sports Assistance Fund supports its member sporting organisations to develop and grow to achieve their aspirations and encourage and support participation.

1.1.1 Fostering and supporting community-based organisations.

1.1.2 Supporting programs that allow our community groups to be more effective in achieving their goals.

1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.

1.3.2 Providing opportunities to enable our community to be supported and involved.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A



SOCIAL IMPLICATIONS

The Junior Sports Assistance Fund provides financial assistance to local junior sportspersons of Mount Gambier and District who have achieved as a minimum, selection in a formal State team and who compete at National sporting events (or equivalent) and who are a member of an Affiliated Sporting Organisation to aid in the financial burden these events place on regional families.

The Fund also provides additional funding to run specialised programs on an annual basis to support its Member Organisations, with some of the Funds sourced from external sponsorship .

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

The Junior Sports Assistance Fund places no additional financial implications for Council.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Communication with Member Organisations is ongoing. Applications for funding for State or National Funding can be received at any time. Specialised programs run on an annual basis such as Specialised Coaching Clinics, Disadvantaged Junior and Exceptional Junior and these Programs are promoted to Members Organisations of the Fund as they arise.

IMPLEMENTATION STRATEGY

The Second Call for the Disadvantaged Junior Funding Program was advertised to Junior Sports Assistance Fund Member Organisations on 2 November 2023 with applications for funding closing on 1 December 2023 for the consideration of the Committee.

CONCLUSION AND RECOMMENDATION

This report presents the applications received for consideration of the Junior Sports Assistance Fund Committee. The Junior Sports Assistance Fund Committee to determine funding awardees.

The Junior Sports Assistance Fund to also consider providing additional funding should the remaining funds be insufficient to support the applications received.

ATTACHMENTS

Nil



15.3 ROTARY CLUB OF MOUNT GAMBIER LAKES - FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS PROGRAM - RENAMING OF PROGRAM 2024 – REPORT NO. AR23/83867

Committee: Junior Sports Assistance Fund

Meeting Date: 13 December 2023

Report No.: AR23/83867

CM9 Reference: AF11/725

Author: Melissa Telford, Councillor Support Officer

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

Summary: The Rotary Club of Mount Gambier Lakes provides annual funding to assist the Junior Sports Assistance Fund to provide a program to assist financially disadvantaged junior sportspersons with the costs of their participation in their chosen sport. This report provides renaming options for the 2024 Program with the support of its program sponsor, the Rotary Club of Mount Gambier Lakes.

Strategic Plan Reference: Goal 1: Our People

REPORT RECOMMENDATION

1. That Junior Sports Assistance Fund Report No. AR23/83867 titled 'Rotary Club of Mount Gambier Lakes - Financially Disadvantaged Junior Sportspersons Program - Renaming of Program 2024' as presented on 13 December 2023 be noted.
2. That, subject to the concurrence of the Rotary Club of Mount Gambier Lakes, the 2024 Rotary funded Junior Sports Assistance Fund Program be renamed to:

_____ Insert preferred name _____



TYPE OF REPORT

Other

BACKGROUND

The Rotary Club of Mount Gambier Lakes conducts the very successful One Forty One Blue Lake Fun Run.

The Club had previously determined its schedule of organisations to receive the benefit of the surplus funds from the event.

One of the initiatives that the Club wished to achieve was to develop a process in conjunction with the Junior Sports Assistance Fund to assist financially disadvantaged junior sportspersons with the costs of their participation in their chosen sport e.g. equipment, footwear, membership fees etc.

The Committee has discussed previously the possibility of changing the name of the Program to something more inclusive, focussing on helping youth, rather than highlighting the 'disadvantaged' aspect. Over the past few years, the consensus of Member Organisations has been that the word "disadvantaged" has, in some circumstances swayed Members against nominating a specific junior as they felt it may make some nominees uncomfortable or self-conscious.

PROPOSAL

The Junior Sports Assistance Fund Committee took the opportunity to discuss alternative naming options of the "*Rotary Club of Mount Gambier Lakes Disadvantaged Junior Program*" with Marian Hodson, President of the Rotary Club of Mount Gambier Lakes whilst in attendance at the meeting.

The following naming options are presented for consideration:

- Sports for All Funding Program
(emphasises inclusivity and equal opportunities for all youth, without explicitly mentioning the disadvantaged aspect)
- Youth Empowerment Sports Program
(promotes inclusivity and focuses on helping young people)
- Bright Futures Sports Program
(highlights the wish to create a brighter future for youth through sports)
- Other alternative naming options?

The focus of the Program to remain the same, the intent to assist nominees with the costs of their participation, without explicitly highlighting the disadvantaged aspect in the name and documentation associated with the Program.

An example of the proposed new application form is attached for reference.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

The Junior Sports Assistance Fund supports its member sporting organisations to develop and grow to achieve their aspirations and encourage and support participation.

- 1.1.1 Fostering and supporting community-based organisations.
- 1.1.2 Supporting programs that allow our community groups to be more effective in achieving their goals.



1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.

1.3.2 Providing opportunities to enable our community to be supported and involved.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The Junior Sports Assistance Fund provides financial assistance to local junior sportspersons of Mount Gambier and District who have achieved as a minimum, selection in a formal State team and who compete at National sporting events (or equivalent) and who are a member of an Affiliated Sporting Organisation to aid in the financial burden these events place on regional families.

The Fund also provides additional funding to run specialised programs on an annual basis to support its Member Organisations, with some of the Funds sourced from external sponsorship.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

The Junior Sports Assistance Fund places no additional financial implications for Council.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Communication with Member Organisations is ongoing. Applications for funding for State or National Funding can be received at any time. Specialised programs run on an annual basis such as Specialised Coaching Clinics, Disadvantaged Junior and Exceptional Junior and these Programs are promoted to Members Organisations of the Fund as the arise.



IMPLEMENTATION STRATEGY

Liaise with the Rotary Club of Mount Gambier Lakes for consideration of naming options for their funded program at the meeting of 13 December 2023.

CONCLUSION AND RECOMMENDATION

The Junior Sports Assistance Fund, in consultation with the Rotary Club of Mount Gambier Lakes representative consider alternative naming options of the "*Rotary Club of Mount Gambier Lakes Disadvantaged Junior Program*", with the new name for the 2024 Program to be determined at the meeting.

ATTACHMENTS

1. Draft - Junior Sports Assistance Fund - Rotary Club of Mount Gambier - Grant Application Form





City of Mount Gambier Junior Sports Assistance Fund

CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER
PO BOX 56 MOUNT GAMBIER, SOUTH AUSTRALIA 5290

TELEPHONE (08) 8721 2555
FAX (08) 8724 9791



SPORTS FOR ALL FUNDING PROGRAM (EXAMPLE WORDING)

The Rotary Club of Mount Gambier Lakes conducts the very successful One Forty One Blue Lake Fun Run.

The Club wishes to donate part of the proceeds to assist financially disadvantaged junior sportspeople athletes who may benefit from support with the costs of their participation e.g. equipment, uniforms, footwear etc.

CONFIDENTIAL NOMINATION FORM

(in partnership with the City of Mount Gambier Junior Sports Assistance Fund)

It has been agreed with Rotary Lakes that the Fund would provide the administration process to identify worthy recipients of Member Organisations who could benefit from assistance to enable them to continue to participate in their chosen sport but are presently restricted for a variety of reasons to a financially disadvantaged junior and to determine the awardees.

STRICTLY CONFIDENTIAL
THIS FORM TO BE COMPLETED BY THE NOMINATING MEMBER ORGANISATION

1.0 MEMBER ORGANISATION NAME:

POSTAL ADDRESS:

CONTACT PERSON AND EMAIL ADDRESS:

2.0 NOMINEE NO. 1

FULL NAME OF NOMINEE:



- 2 -

CONFIDENTIAL

ADDRESS (ACTUAL RESIDENTIAL ADDRESS):

DATE OF BIRTH: _____ AGE: _____

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR

(Please provide detail on how this grant will help support the junior to continue in their chosen sport):

Maximum donation is \$300.00 – how will donation be used?

NOMINEE NO. 2 (optional)

FULL NAME OF NOMINEE:

ADDRESS (ACTUAL RESIDENTIAL ADDRESS):

DATE OF BIRTH: _____ AGE: _____

REASONS FOR NOMINATING THIS PARTICULAR JUNIOR:

(Please provide detail on how this grant will help support the junior to continue in their chosen sport):



- 3 -

CONFIDENTIAL

Maximum donation of \$300.00 – how will donation be used?

Special Note:

- (i) A junior is defined as being a person who has not yet reached eighteen years of age at the date of this application. The aims of this initiative is to provide a level of support to a junior(s) who (in the view of the Member Organisation) demonstrate exceptional potential to be a success in their chosen sport and **would benefit from support to enable them to advance their potential but are presently restricted for various reasons**, are experiencing disadvantaged due to the financial limitations of the family;
- (ii) How a Member Organisation determines worthy nominees may be difficult ~~might interpret whether a particular junior is financially disadvantaged will be difficult~~. There is no precedent to give guidance, however the Committee suggests that each Member Organisation use its judgement, observation, knowledge of the junior (and the family) and local experiences and beliefs to identify a junior who they believe ~~appears to be disadvantaged and who could further excel~~ **with additional support**.

The assessment is not an exact science - best judgements is all we can ask.

3.0 STATEMENT

THIS NOMINATION FORM IS TO BE SIGNED BY AN EXECUTIVE MEMBER OF THE COMMITTEE OF MANAGEMENT OF THE MEMBER ORGANISATION.

THE JUNIOR(S) BEING NOMINATED DO NOT NEED TO BE AWARE OF THEIR NOMINATION.

SIGNED: _____

POSITION: _____

DATE: _____

**THIS NOMINATION MUST BE LODGED WITH THE
JUNIOR SPORTS ASSISTANCE FUND BY:
(INSERT DATE)**





CONFIDENTIAL

GUIDING PRINCIPLES

- (i) The Rotary Club of Mount Gambier Lakes wishes to provide a level of support to a junior/juniors who are financially disadvantaged **may benefit from additional support to continue in their chosen sport** following a specific (and confidential) nomination process and selection procedure.
- (ii) The Junior Sports Assistance Fund Committee will manage the process for the Club.
- (iii) The Club wishes to support those identified juniors who have the potential to excel in their chosen sport but are constrained ~~due to the financial disadvantages of the family~~ **for a variety of reasons**.
- (iv) Member Organisations of the Fund will be invited to nominate up to two of that Organisations juniors who demonstrate the ideals, enthusiasm, skills and commitment to develop to their fullest potential and who could advance to the highest levels of achievement **but for a number of reasons are experiencing some form of difficulty**. ~~are considered to be financially disadvantaged.~~
- (v) Nominations close at the date set by the Committee.
- (vi) The Committee will consider the nominations received and confidentially determine who is to be selected to receive a **grant** ~~level of financial support due to the financial disadvantage.~~
- (vii) The nomination process for Member Organisations would be on this confidential nomination form advising the details of the nominee(s) and their achievements to date and potential for the future with some level of support and encouragement.
- (viii) The consideration of all nominations received (and the decision) would be confidential to the Committee and the Member Organisation.
- (ix) Any approved grant to the selected awardee(s) is a once only offer i.e. not ongoing funding, and will be paid to the Member Organisation who in turn will provide the full benefit of the grant to the junior. Proof that the full benefit provided to the junior will be required by the Committee from the Member Organisation.
- (x) The one off grant will be \$300 per individual. Complying uses of any grant would include such things as equipment, footwear, attire, membership fees to the Member Organisation etc.

A junior is defined as a person under the age of 18 years.