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I hereby give notice that a People and Place Committee Meeting will be held on:

Date: Monday, 7 December 2020
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

People and Place Committee Meeting 7 December 2020

A handwritten signature in grey ink, appearing to read 'Barbara Cernovskis', is placed over a light grey rectangular background.

Barbara Cernovskis
Acting Chief Executive Officer
3 December 2020

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

[People and Place Committee Meeting - 6 October 2020](#)

RECOMMENDATION

That the minutes of the People and Place Committee meeting held on 6 October 2020 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 PROPERTY MANAGEMENT - HASTINGS CUNNINGHAM RESERVE SHEDS – REPORT NO. AR20/73556

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/73556
CM9 Reference:	AF19/413
Author:	Elisa Solly, Property Support Officer
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report presents a community shed vacancy at Hastings Cunningham Reserve
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 People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. That, noting Council's commitment to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans at the September 2020 meeting, Council defer seeking expressions of interest from local community groups interested in occupying Shed No. 14 until after it has these planning processes to provide strategic direction for the occupation of sheds at Hastings Cunningham Reserve.



TYPE OF REPORT

Corporate

BACKGROUND

A portion of Hastings Cunningham Reserve in the south eastern corner adjacent Shepherdson Road contains 14 community sheds occupied by various community service and recreation groups.

The area where the sheds are located is Crown Land under the care control and management by Council for park and recreation purposes in line with gazettal notice dated 27 April 1978; and accordingly is also community land contained in a Community Land Management Plan for Hastings Cunningham Reserve.

A location plan of the sheds on Hastings Cunningham Reserve is attached for information.

The RSL Blue Lake Highland Pipe Band have been occupying Shed No. 14 at Hastings Cunningham Reserve. At their committee meeting on 8 October 2020 they moved and carried a motion to hand the shed back to Council and subsequently handed the keys in on 2 November 2020.

The shed is constructed of corrugated steel, lined internal walls and is approximately 80m², consisting of a large main area with small kitchenette and separate small storage area. There is a personal access door and large sliding door. It has access to electricity and water.

At the Council meeting held on 15 September 2020, Report Number AR19/36020 titled 'Strategic Property Management - Sport, Recreation and Open Space Plan and precinct Master Planning' was considered and Council resolved as follows:

*"Moved: Cr Christian Greco
Seconded: Cr Max Bruins*

- 1. That Economic and Environment Committee Report No. AR19/36020 titled 'Strategic Property Management - Sport, Recreation and Open Space Plan and precinct Master Planning' as presented on 07 September 2020 be noted.*
- 2. That Council commit to a strategic approach to property management issues, guided by a Sport, Recreation and Open Space Plan and associated site/precinct/property category master plans including Tourism Assets Master Plan and Blue Lake Sports Park Master Plan.*

CARRIED"

PROPOSAL

Council first consider the direction for occupation of sheds at Hastings Cunningham Reserve by completing a 'Sport, Recreation and Open Space and precinct Master Plan' before seeking expressions of interest from local community groups interested in occupying shed No. 14.

LEGAL IMPLICATIONS

In accordance with s199 of the Local Government Act, Council must manage community land in accordance with any management plan for the relevant land.

The Community Land Management Plan for Hastings Cunningham Reserve is attached for noting and includes (among other things) the following in relation to the onsite sheds/clubrooms:

Purpose of Land:

- Land for community organisations to construct storage sheds/clubrooms.

Objectives of Land:

- To provide for the leasing of the land and the facilities to community organisations.
- To provide for an increase in the number of community sheds at the reserve.



Proposal for Management:

- Maintain built infrastructure in a safe and presentable condition (including infrastructure under the care and responsibility of occupants of the land).

In relation to Lease / Licence Management, the Community Land Management Plan requires that occupiers enter into formal lease/licence arrangements with Council and that the following rules/conditions apply to the community use storage sheds / clubrooms:

- The sheds are intended for low level occupancy (i.e. meeting room/club room, garage etc.), and not as a venue for functions and should not cause interruption to the quiet enjoyment of neighbours.
- All buildings and extensions require pre-approval by Council and will be considered on a case by case basis. The external size of sheds should be no greater than nine (9) metres by six (6) metres, however Council may consider a larger facility in exceptional circumstances.
- Siting of the sheds shall be in strict accordance with Council requirements / directions and normal development approvals and conditions will apply and be the responsibility of the community based occupier.
- Council supports the provision of power to sheds, subject to all costs including ongoing costs being met by each occupier.
- Council does not support the connection of the sheds to other services and there should be no wastewater (i.e. sullage) discharged from the shed.
- Any external signage must be approved in accordance with Council Policy.
- No materials, items etc. are to be left or stored outside the buildings at any time.
- The area around each building is to be maintained in a clean and tidy condition by the occupier and the building is to be maintained to the satisfaction of Council at all times.
- Care is to be taken with the use of motor vehicles around the sheds at all times to ensure there is no damage to grass surfaces.
- Any acts of vandalism or damage to the exterior of the buildings to be repaired by the occupier without delay and to the satisfaction of the Council.
- Hours of use must not extend beyond 10.30 p.m. Monday to Friday, 11.30 p.m. on Saturday and 10.00 p.m. on Sunday, unless otherwise approved by Council. No activity should generally be undertaken at the sheds prior to 8.00 a.m. on any morning.
- All entry/exit to the Reserve is to be via the Millard Street entrance and all vehicle use should be at low speed and carried out in a safe manner.
- Toilet facilities are provided by Council at the adjacent toilet block. Shed occupiers may request a key to access the toilets and will be responsible for opening and closing when used by an occupier.

It should also be noted that a short-term occupancy may invoke the statutory provisions (minimum 5 year term) contained in the Retail and Commercial Leases Act and a term exceeding 5 years would necessitate public consultation on the proposed arrangement. To avoid unnecessary expense and administrative activities it is recommended that any occupancy be for a period of (or periods aggregating) 5 years.

STRATEGIC PLAN

The following strategic (Community) Plan references apply:



Goal 1.1 Community based organisations and networks.

Goal 1.1.1 Fostering and supporting community-based organisations.

Goal 1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.

Goal 4.2.1 Prepare a Sport, Recreation and Open Space Strategy and masterplans for our key reserves enabling effective and efficient multiple uses and improvement of facilities.

COUNCIL POLICY

This matter relates to [Council Policy R200 Community Land \(Reserves\) Lease / Licence / Rental Agreements](#).

ECONOMIC IMPLICATIONS

There are minimal economic implications by deferring seeking expressions of interest from community groups for the shed vacancy as per [Council Policy R200 Community Land \(Reserves\) Lease / Licence / Rental Agreements](#) due to the 'peppercorn' nature of leases / licences of community facilities.

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

The shed vacancy provides Council with an opportunity to offer a local not for profit community group organisation with access to a private space to provide its members with social and recreational activities.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Community facilities are limited and rarely become vacant. A shed at Hastings Cunningham Reserve may provide a local community group an opportunity to provide its members with a space for their activities, which otherwise may not be able to be accommodated.

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

As Council has committed to undertaking a 'Sport, Recreation and Open Space Plan' as well as precinct master plans to determine a strategic approach for managing all Council owned facilities, it presents a risk to offer Shed No. 14 in the absence of these plans as Council may determine that a proposed use may be at variance with the strategic direction for the sheds at Hastings Cunningham Reserve.

EQUALITIES AND DIVERSITY IMPLICATIONS

Council should determine a fair and equitable method of seeking expressions of interest from eligible community groups and evaluate each application based upon its merits and benefits to the community whilst acknowledging the restrictive nature of the Community Land Management Plan and zoning restrictions for Hastings Cunningham Reserve.

ENGAGEMENT AND COMMUNICATION STRATEGY

Council should engage with the community and provide adequate time and resources to enable community groups to prepare and present a submission for the shed vacancy and address any criteria set regarding the types of activities proposed, membership, and usage of the facility.



IMPLEMENTATION STRATEGY

If Council so resolves to offer a new occupancy for Shed No. 14, an appropriate method of communicating to relevant community groups and inviting expressions of interest needs to be determined.

Once undertaken, submissions will be collated, and a report presented to Council to determine the most appropriate community group for the use of a shed to operate within the confines of the Community Land Management Plan and zoning restrictions for Hastings Cunningham Reserve.

CONCLUSION AND RECOMMENDATION

Having considered the vacancy of Shed No. 14 at Hastings Cunningham Reserve and community land management requirements associated with this site and noting that Council has committed to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans, Council may consider its preferences and timing for dealing with the shed vacancy.

To ensure that any outcomes are consistent with future strategic objectives for Hastings Cunningham Reserve it is recommended that Council defer seeking expressions of interest from local community groups to occupy Shed No. 14 until it has completed a Sport, Recreation and Open Space Plan and precinct Master Plan to guide strategic direction for the management of Hastings Cunningham Reserve.

ATTACHMENTS

1. Hastings Cunningham Reserve - Location Plan [↓](#)
2. Community Land Management Plan - Hastings Cunningham Reserve [↓](#)
3. Council Policy R200 - Community Land (Reserves) - Lease/Licence/Rental Agreements [↓](#)



Hastings Cunningham Reserve – Facility Licence Location Plan

HASTINGS CUNNINGHAM RESERVE SHEDS – Location Plan





LOCAL GOVERNMENT ACT 1999 - SECTION 196

COMMUNITY LAND MANAGEMENT PLAN

Owner: City of Mount Gambier.

Reserve Title Description: CT 5663/245, CT 5808/209, CR 5633/71

Reserve Address: Shepherdson Road (Hastings Cunningham Reserve)

Reserve No: 14, 115

Asset No: 115, 134, 145

General Description:

Open reserve, playground area, BMX area, soccer, tennis and Community use sheds.

Purpose of Land:

To provide for passive and active recreation for the benefit of the community.

To provide for structured sporting activities (eg. tennis, soccer, BMX) and land for community organisations to construct storage sheds/clubrooms.

Lease / Licence Management:

Occupiers are required to enter into formal lease / licence arrangements with Council.

The following rules / conditions apply to community use storage sheds / clubrooms:

- The sheds are intended for low level occupancy (ie. meeting room/club room, garage etc.), and not as a venue for functions and should not cause interruption to the quiet enjoyment of neighbours.
- All buildings and extensions require pre-approval by Council and will be considered on a case by case basis. The external size of sheds should be no greater than nine (9) metres by six (6) metres, however Council may consider a larger facility in exceptional circumstances.
- Siting of the sheds shall be in strict accordance with Council requirements / directions and normal development approvals and conditions will apply (and be the responsibility of the community based occupier).
- Council supports the provision of power to sheds, subject to all costs including ongoing costs being met by each occupier.
- Council does not support the connection of the sheds to other services and there should be no waste water (ie. sullage) discharged from the shed.
- Any external signage must be approved in accordance with Council Policy.
- No materials, items etc. are to be left or stored outside the buildings at any time.
- The area around each building is to be maintained in a clean and tidy condition by the occupier and the building is to be maintained to the satisfaction of Council at all times.



- Care is to be taken with the use of motor vehicles around the sheds at all times to ensure there is no damage to grass surfaces.
- Any acts of vandalism or damage to the exterior of the buildings to be repaired by the occupier without delay and to the satisfaction of the Council.
- Hours of use must not extend beyond 10.30 p.m. Monday to Friday, 11.30 p.m. on Saturday and 10.00 p.m. on Sunday, unless otherwise approved by Council. No activity should generally be undertaken at the sheds prior to 8.00 a.m. on any morning.
- All entry/exit to the Reserve is to be via the Millard Street entrance and all vehicle use should be at low speed and carried out in a safe manner.
- Toilet facilities are provided by Council at the adjacent toilet block. Shed occupiers may request a key to access the toilets and will be responsible for opening and closing when used by an occupier.

Objectives of Land:

To provide recreational opportunities to the local neighbourhood, both passive and active (including structured sporting activities).

To provide a community reserve within an area of development.

To provide an area of reserved land that may be utilised for future community needs of a recreational nature.

To provide a mix of trees/shrubs and open grassland.

To provide for dog obedience training.

To provide for the leasing of the land and the facilities to community organisations.

To provide for an increase in the number of community sheds at the reserve.

Proposal for Management:

Maintain vegetation in a healthy state.

Maintain reserve in a neat and tidy condition.

Maintain built infrastructure in a safe and presentable condition (including infrastructure under the care and responsibility of occupants of the land).

Performance Targets:

Replace dead and dieing vegetation.

Grass to be generally less than 100 mm in length.

Regular inspections and maintenance of all built infrastructure.

Measure of Performance Targets:

Biannual inspection of vegetation.

Maintain (and action) complaints received in relation to the reserve.

Random inspections by supervisors of grass cutting and general presentation.

Regular maintenance inspections of built infrastructure.

Adopted by Council: 19th October 2004
Amended by Council: 17th June 2014



 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
		Issued:	August 2019
		Next Review:	August 2020

1. INTRODUCTION

This documents sets out the policy of the City of Mount Gambier ("Council") for:

- 1.1 Leasing / licensing of Council community land (Reserves) to community based organisations; and
- 1.2 Expense recovery where community land is occupied by a sporting association and where Council maintains the facilities.

2. DEFINITIONS

"Community Land" – any 'local government land' as defined in the Local Government Act 1999 that has not been excluded or revoked of its classification as community land, including land owned by Council or under Councils care control and management, and including reserves, ornamental grounds and parklands.

3. LEASE/LICENCE POLICY

3.1 Policy Provisions

Where Council proposes to (re)grant a lease or licence for any portion of community land to a community based not for profit organisation (including sporting clubs) pursuant to the provisions of the Local Government Act, then the conditions under which any lease or licence may be granted under (sub) delegation should include:

3.1.1 Lease Term: should not exceed ten (10) years;

3.1.2 Licence Term: should not exceed five (5) years;

3.1.3 Public Liability Insurance:

Minimum sum of \$10,000,000.

Minimum sum of \$20,000,000 if any building works to be undertaken.

3.1.4 Lease or Licence Fee:

Is the "declared" figure per annum plus GST

The "declared" figure is the annual fee that Council resolves at the commencement of each financial year.

For all subsequent years of the lease / licence then the "declared" annual fee be increased (or decreased) by the overall percentage rate increase (or decrease) that Council adopts for each financial year on a compounding calculation plus GST.

The Chief Executive Officer may waiver payment of the declared figure in exceptional circumstances (e.g. where it is considered that payment would be of unreasonable detriment to the lessee/licensee; such as in the case of a newly created organisation).

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 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
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3.1.5 Rounding Down:

In applying part (b) of this Policy i.e. the compounding use of the overall percentage rate increase (or decrease) to the annual lease fee then the resultant calculation be rounded to the nearest whole dollars.

3.2 Annual Review of 'Declared' Figure

3.2.1 In terms of the lease or licence fee, the declared lease fee be \$495 (plus GST) for the 2019/2020 financial year, calculated as follows:

$$\$474 + 4.5\% = \$495 (+GST)$$

3.2.2 The Chief Executive Officer be authorised to amend the figures in clause 3.2.1 of this Policy on the basis set out in 3.1.4 and 3.1.5 above, on an annual basis.

4. RENTAL POLICY

4.1 Where Council maintains the recreation and sporting facilities on community land that is leased/licensed, occupied or used by a sporting organisation, then the following rental policy will apply when calculating the cost recovery by Council from that sporting organisation:

4.1.1 A Base Annual Rental is set to cover the annual maintenance costs of the reserve (playing area and immediate related surrounds) incurred by Council in the previous year and in respect of that specific occupier(s) anticipated/actual level of use;

4.1.2 The Base Annual Rental, may, under certain circumstances, be discounted by a 10% to 20% reduction in maintenance costs where full and free access to the facility is allowed to members of the general public (except when being used by clubs and associations);

4.1.3 A further reduction may occur, based on each specific occupier(s) ability to pay, based on a scale of one (1) to ten (10) with each scale point equivalent to 5% of the Base Annual Rental (maximum is 50%);

4.1.4 A further reduction may occur based on each specific occupier(s) special case. i.e. consideration will be given to the following criteria (each worth 5% discount - maximum of 35% discount).

1	Large capital costs incurred by Club
2	Significant number of juniors
3	Less than significant actual use, wear or tear of Council land
4	Financial capacity of Club
5	Nominal maintenance costs by Council
6	Significant self-help by Club
7	Contribution to Mount Gambier economy (Major Events etc.)

4.1.5 Tenants are responsible for the cost of services to buildings and floodlights, such as electricity, gas, water, etc.

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 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
		Issued:	August 2019
		Next Review:	August 2020

5. REVIEW & EVALUATION

This Policy will be reviewed during each term of Council, and at any other time as may be required by any legislative changes which may occur.

6. 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.



 City of Mount Gambier	R200 - COMMUNITY LAND (RESERVES) LEASE / LICENCE / RENTAL ARRANGEMENTS POLICY	Version No:	8
		Issued:	August 2019
		Next Review:	August 2020

File Reference:	AF18/48
Applicable Legislation:	Local Government Act, 1999 Chapter 11 Part 1
Reference: Community Plan 2016-2020	Goal 3: Our Diverse Economy
Related Policies:	R210 - Lease Term/Fee (superseded) R240 - Rental Where Council Maintains (superseded)
Related Procedures:	Nil
Related Documents:	Corporate and Community Services Report No. 12/1998 (Establishing Methodology)

DOCUMENT DETAILS

Responsibility:	General Manager Council Business Services
Version:	7.0
Last revised date:	8 August 2019
Effective date:	1 July 2019
Minute reference:	CCS Item 12 - Report No. 33/2014 - 20 May 2014
Next review date:	August 2020
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	18 February 1999 (Superseded Policies R210 and R240) 20 May 2014, 7 July 2014 (clause 3.2.1), 31 July 2015 (clause 3.2.1), 8 August 2016 (clause 3.2.1), 13 July 2017 (clause 3.2.1), 13 July 2017, 8 August 2018 (clause 3.2.1), 8 August 2019 (clause 3.2.1)

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5.2 CONSULTATION DRAFT REGIONAL PUBLIC HEALTH PLAN 2021-2026 – REPORT NO. AR20/77671

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/77671
CM9 Reference:	AF19/413
Author:	Georgina Davison, Manager Library
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	A report providing the process for moving forward with public consultation on Council’s Regional Public Health Plan for the period 2021-2026.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/77671 titled ‘Consultation Draft Regional Public Health Plan 2021-2026’ as presented on 07 December 2020 be noted.
2. That Council endorse the draft Regional Public Health Plan (**Attachment 1**) for the purposes of public consultation, in accordance with the Public Consultation section of this report.
3. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact.



BACKGROUND

The South Australian Public Health Act 2011 requires Council to review its Regional Public Health Plan every 5 years. The current Regional Public Health Plan expires at the end of 2020.

This is the second plan, updating the Regional Public Health Plan 2015-2020, developed under the legislation which identifies that Council is the relevant local public health authority for its area. Under this Act Council is delegated functions to take action to preserve, protect and promote public health within its area.

The draft Regional Public Health Plan 2021-2026 (**Attachment 1**) is included within this report for Members reference.

DISCUSSION

The draft Regional Public Health Plan has been developed to align and be consistent with the State Public Health Plan 2019-2024 and follows four key priority areas identified:

1. **Promote:** build stronger communities and healthier environments
2. **Protect:** protect against public and environmental health risks and respond to climate change
3. **Prevent:** prevent chronic disease, communicable disease and injury
4. **Progress:** strengthen the systems that support public health and wellbeing

Public Consultation

The Council intends to undertake the public consultation phase in accordance with Council Policy P195 Community Consultation and Engagement.

In terms of the public consultation, the following activities are envisaged:

- Use of the Have Your Say Mount Gambier;
- Use of the Council's website and intranet;
- Council's social media presence;
- Public display and engagement;
- Staff briefings;
- Media releases; and
- Radio interviews.

It is intended that the process will commence following Ministerial endorsement, for a period of 21 days. Public documents will be available during this time.

The items in the bullet pointed list previously will run for all or part of the public consultation period.

CONCLUSION

This Plan identifies the key emerging focus areas for Mount Gambier's public health and the determinants of health that are specific to our local population.

The public will have the opportunity to provide feedback through the consultation process resulting in a consideration of responses and proposed changes by Council in December 2020. Council endorsement is sought to enable Ministerial endorsement for public consultation enabling public consultation to commence on the draft Regional Public Health Plan 2021-2026.

ATTACHMENTS

1. Draft - Regional Public Health Plan 2021-2026 [↓](#)





DRAFT
Regional Public
Health Plan
2021 - 2026

For consultation purposes



MAYOR'S MESSAGE

I am pleased to present you with the City of Mount Gambier's Regional Public Health Plan 2021-2026.

The City of Mount Gambier has a long history of working collaboratively with the community and this all-inclusive approach has multiple benefits for our community's public health. Through a variety of events, services and projects, Council supports volunteering opportunities, recreational activities, youth sports programs, clubs and more. These activities go beyond just involving the community and can assist in increasing social connectedness, reducing social isolation, supporting good mental health, nurturing early childhood development and increasing physical activity.

Essential to the success of implementing the plan is developing and sustaining partnerships with our communities, business sector, tiers of government and their agencies and non-government organisations, to secure high quality public health for our community. This in turn, ensures the continued effectiveness of Council's projects and operational activities to address the current and future needs of our community.

Our Regional Public Health Plan identifies Council as the relevant local public health authority for its area and outlines the work currently undertaken in this field. Along with the SA Public Health Act 2011, this plan recognises that Council is in an ideal position to identify areas of concern within our own local community. The twelve priority areas acknowledged in this document specifically affect residents of our community and will become a focus over the next five years.

OVERVIEW

The City of Mount Gambier Regional Public Health Plan 2021-2026 has been developed in accordance with the South Australian Public Health Act 2011.

This is the second plan, updating the Regional Public Health Plan 2015-2020, developed under the legislation which identifies that Council is the relevant local public health authority for its area. Under this Act Council is delegated functions to take action to preserve, protect and promote public health within its area.

The SA Public Health Act 2011 defines public health as:

1. Public health means the health of individuals in the context of the wider health of the community;
2. Without limiting the definition of public health in subsection (1), public health may involve a combination of policies, programs and safeguards designed –
 - (a) to protect, maintain or promote the health of the community at large, including where one or more persons may be the focus of any safeguards, action or response; or
 - (b) to prevent or reduce the incidence of disease, injury or disability within the community.

The City of Mount Gambier's Regional Public Health Plan has been developed to align with the State Public Health Plan 2019-2024 and follows four key priority areas identified:



1. Promote: Build stronger communities and healthier environments,
2. Protect: protect against public and environmental health risks and respond to climate change,
3. Prevent: prevent chronic disease, communicable disease and injury, and
4. Progress: strengthen the systems that support public health and wellbeing.



Diagram 1: Public health planning system

This plan identifies the key emerging focus areas for Mount Gambier’s public health and the determinants of health that are specific to our local population. Combined with Council’s other forward planning documents such as the Strategic Plan 2020-2024 and the City Development Framework and the Futures Paper, this plan will ensure the continued effectiveness of Council’s projects and operational activities in addressing the current and future needs of the community. This plan is based on an integrated approach to achieving common goals and does not emphasise public health as a separate area of action.

Mount Gambier is the major service centre for the Limestone Coast. Located on a dormant volcano Mount Gambier has an approximate population of 27,000 and services a regional population of almost 65,000 people inclusive. Often referred to as ‘the Mount’ by locals, the city is one of the fastest growing cities in South Australia.

The age structure of the City of Mount Gambier highlights the diversity we must achieve with service provision and resources. The 2016 Census shows the median age is 40 years with the largest group within Mount Gambier in the 0-14 year old age group (19.8%). The 65 years old and over (18.5%) is similar to the State percentage for this cohort with a higher percentage in Mount Gambier for the 0-19 year old age group.



A thriving, progressive community, residents enjoy a quality lifestyle with city facilities and services, many attractions, a wide range of accommodation providers, shopping and entertainment. The city is surrounded by volcanic craters, lakes, limestone and underground aquifers.

Famous for its 'Blue Lake', the city also boasts beautiful parks and gardens, caves and sinkholes. An interesting mix of galleries, museums, sporting activities and markets provide an insight into the culture and arts of the town.

The City of Mount Gambier is responsible for providing an increasingly diverse range of facilities and services to achieve our vision of creating an inclusive city where people lead fulfilling lives, where people in the community are secure, prosperous, healthy and valued. New economic and environmental pressures demand that our city re-invent itself to sustain our present lifestyle and ensure a future for the next generation.

POPULATION PROFILE

The current residential population of Mount Gambier is approximately 27,000. Council acknowledges that the City of Mount Gambier services a wider regional cross State border community inclusive of approximately 65,000 people.

The population of Mount Gambier is growing and ageing. Over the past 6 years (2014-2019) the city has experienced a growth rate of +4.24% (565 persons). Overall, this represents an average annual population change of +0.70% per year for the period. The 60+ age bracket is becoming an emerging group.

The number of recent arrivals in the area has continued to increase. The emerging groups for change in the reported ancestries and overseas place of birthplace include India and Burmese. As the makeup of our local community changes it is recognised that public health needs to also evolve.



SOCIO-ECONOMIC STATUS

There is a well-established link between socio-economic disadvantage and poor health outcomes. A summary measure of disadvantage is the Index of Relative Disadvantage (IRSD), this is one of four Socio-Economic Indexes for Areas (SEIFA's). The table indicates the differing levels of disadvantage in the areas of the City of Mount Gambier. The lower the score, indicated the higher the disadvantage. Therefore, Mount Gambier North East has the lowest disadvantage and Mount Gambier East the highest levels of disadvantage. Mount Gambier has an overall disadvantage score of 925, compared to 979 for South Australia. Mount Gambier has the highest level of disadvantage when compared to the other Limestone Coast Council areas.

Within the Mount Gambier local government area there is a large disparity in socioeconomic status. 28% of residents in Mount Gambier hold a Pensioner Concession Card or a Health Care Card from Centrelink, which is lower than the Regional SA level.

DETERMINANTS OF HEALTH

The social determinants of health and wellbeing are the circumstances in which people are born, grow up, live, work and age, and the systems put in place to deal with illness. Different groups in society face different life circumstances, and most determinants are not in the direct control of the health sector.

Index of Relative Socio-economic Disadvantage in Mount Gambier (2016)

Mount Gambier (East)	733.2
Mount Gambier (Central North)	831.1
Mount Gambier (West)	902.4
Mount Gambier (Central)	921.7
Mount Gambier (North West)	991.5
Mount Gambier (Lakes)	996.9
Mount Gambier (North East)	1021.1

UNEMPLOYMENT

In the 2020 March quarter, Mount Gambier had an unemployment rate of 6.2%, 1% higher than the national average. In June and July 2020, 11.8% of the eligible population aged 15 to 64 years in Mount Gambier were in receipt of an 'unemployment benefit', either Youth Allowance or Job Seeker. This is an increase since the last year, with COVID-19 influencing unemployment rates Australia wide during 2020.

EDUCATION

During the last Census, almost 12% of 15-24 year old age group were disengaged with either work or education in Mount Gambier. Approximately 14% of the 16 year old age group in Mount Gambier were not participating in full-time secondary education, notably lower than the regional South Australia level of 17%.



HOUSING

The proportion of low-income households experiencing rental stress in Mount Gambier was 28.4%, similar to the national average (28%), however higher than regional South Australia percentage of 25.8%. Houses rented from Housing SA at the 2016 Census in Mount Gambier was at 9.1%, dropping from 11.1% in 2011. The same period saw an increase in private renters and homeowners.

The proportion of residents in receipt of rent relief in Mount Gambier is 17.6%, higher than the level in regional South Australia, with 15.6%. The 2016 Census estimated that there were just under 100 persons homeless in Mount Gambier.

ACCESS TO SERVICES

An estimated 1.6% of people over the age of 18 years in Mount Gambier, had difficulty accessing health care. While this may appear low, it is above the regional South Australia rate of 1.2%. The 2014 model estimate for 18 years and over shows 3.2% had difficulty, or could not get to their chosen place due to transport.

The Child and Adolescent Mental Health Services in Mount Gambier has approximately 16% more clients than overall rate in regional South Australia. This high rate indicates the important role these services provide the local community.

Over a third (35%) more clients aged over 15 years in Mount Gambier access the government-funded community mental health services when compared to overall regional South Australia. This not only reflects demand for these important services, but also their availability locally and in Adelaide where residents would travel for support.

During 2016 internet services were accessed from 75% of Mount Gambier's private dwellings, however, over 8% of children (under 15 years old) were living in dwellings where internet could not be accessed.

EARLY LIFE AND CHILDHOOD

The rate of immunisation of infants at one year of age in Mount Gambier in 2017 was 92%, and fully immunised children at 5 years of age increased to a rate of 94.6%. This is an increase of fully immunised 5 year old's since the last plan.

In June 2016, approximately a quarter of all children under the age of 16 years old in Mount Gambier lived in low-income families receiving welfare payments from Centrelink.

In 2015, 28.6% of children in their first year of school were considered to be 'developmentally vulnerable' on one or more of the Australian Early Development Census (AEDC), as a proportion of all children assessed. This was a significant increase from 15.4% in 2009. The latest data released in 2018 indicates this has slightly reduced to 26.3%.

MORTALITY

The median lifespan for males and females in Mount Gambier is 78 and 84 years respectively. These are both comparable to the non-metropolitan averages. Premature mortality at the ages of 15-24 years has a rate of 37.6 deaths per 100,000 population, this is two thirds of the rate in Regional SA (56.2 deaths per 100,000) overall estimate in 2015.



Over a five year period (2013 - 2017) the annual average infant mortality rate was 3.6 per 1,000 population. In the same period the youth mortality (15 - 24 year old age group) had an annual average of 64.3 per 1,000 population.

PERSONAL HEALTH AND WELLBEING

According to the 2017/2018 National Health Survey, Mount Gambier was estimated to have 17.6% of people aged 15 years and above, rate their own health as fair or poor. This is a slight increase (1%) over the 10-year period. 13% of adults in Mount Gambier are estimated to have experienced high or very high levels of psychological distress, an increase from 11.7% in 2007/2008 survey. This is comparative with levels in regional South Australia.

Residents reported high levels of community connectedness in 2014, with 94.2%, feeling able to get support in times of crisis. An increase from 90.2% in 2010.

The level of volunteering can indicate the cohesiveness of the community and how readily individuals are able to contribute to that community. In 2016, 22.1% of Mount Gambier's population (over 15 years of age) reported as being involved in volunteer work. This is a similar contribution to our community by volunteers as recorded in 2011 of 22.2%.

In 2014, over 30% of people 18 years older were providing support to a family member or relative outside of their household. Unpaid assistance from carers, 15 years and over, for people with a disability was provided by 11.8% of the local population in 2016.

BURDEN OF DISEASE

In 2017/2018, admissions for potentially preventable conditions totalled 900 people which equates to 3,059 people per 100,000 population. The highest age bracket for preventable hospital admissions was 65 years of age and over and the lowest was in the 15 - 24 year old age group.

Avoidable mortality statistics for Mount Gambier in 2013/2014 resulted in men (134) nearly doubling women (73) with cancer being the highest cause. There were 61 cases of potentially preventable hospitalisation from vaccine preventable conditions in 2017/2018.

Admissions to hospital for acute dental conditions during 2017/2018 was 116 persons.

UNINTENTIONAL INJURIES

This category represents unintentional injuries including; preventable hospital admissions due to road traffic accidents, falls, fire/burns/ scalds, striking/crushing accidents and other transport accidents. The rate of admissions for these avoidable conditions in Mount Gambier was 5% lower than Regional SA overall, during 2016/2017.

DIABETES MELLITUS

Type 2 Diabetes in Mount Gambier has an estimated prevalence of 4.7% of the population, similar to regional South Australia overall in 2014/2015. In Mount Gambier in 2017/2018, 1,296 people were being treated which is 4.7% of the population.

ALCOHOL AND OTHER DRUGS

4,186 people die from alcohol related injuries, illness and accidents and an estimated 144,000 people are hospitalised due to alcohol every year in Australia.



Young people with a peer group that drinks alcohol are more likely to also drink in comparison to young people whose friends do not drink alcohol.

Among young people who drink sometimes or often, the two most common places they drank were at home or in the home of others.

Parents and older siblings are the major suppliers of alcohol to young people.

Legislation in many states including SA and NSW prohibits the supply of alcohol to young people without parental permission. However high levels of alcohol consumption occur both in the home and the home of others.

Tobacco smoking is the greatest single cause of premature death and a leading preventable cause of morbidity in Australia. In the National Health Survey 2017/2018, Mount Gambier's smoking rate for 18 year old's and over was estimated at 14.7%, representing a drop from 22.7% over the ten year period.

However, the rate of pregnant women who reported smoking during pregnancy was still almost a fifth (18.1%) of pregnant woman surveyed. Despite this, both sets of statistics are notably lower than the statistics for regional South Australia.

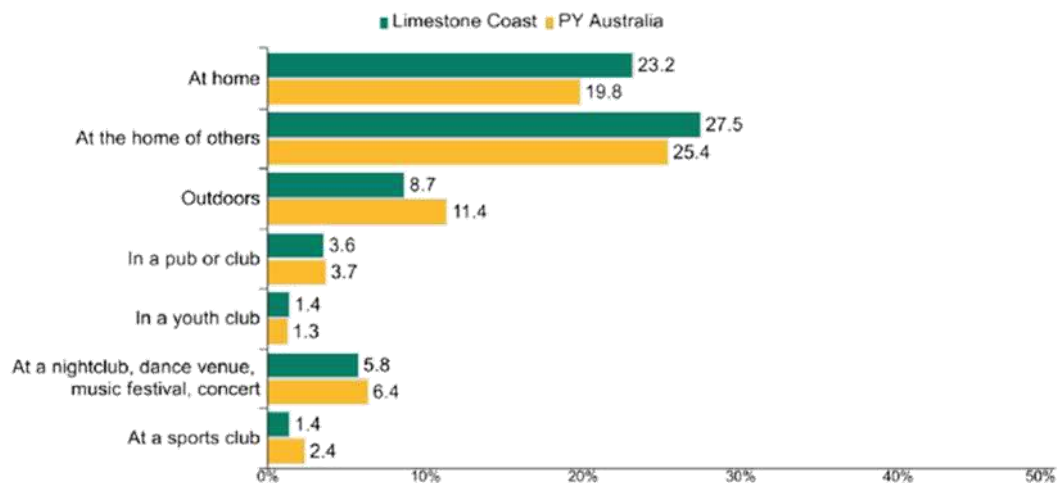
Substance use – Key Findings



Peer group effects - Key findings



Proportion of adolescents in Limestone Coast who drink alcohol sometimes or often in the following places:



OBESITY & OVERWEIGHT

The 2014/2015 National Health Survey Estimates Obesity in Mount Gambier to be over a third for males (35%) and females (38.1%). These figures are consistent with Regional SA overall, however, indicate a growing incident of obesity when compared with the previous survey in 2007/2008 (up from 20.1% & 17.7% respectively).



PHYSICAL INACTIVITY

Mount Gambier has an increasing estimated percentage for physical inactivity among adults. Data modelled from the 2014/2015 National Health Survey estimates 73.3% of adults are inactive, an increase from approximately 40.1% of adults in the 2007/2008 survey.

POOR NUTRITION & DIET

Only 45.8% of adults in Mount Gambier meet the recommended daily intake of two fruit servings per day, however two thirds of children 4 - 17 years old are estimated to meet the recommended fruit consumption.

MENTAL HEALTH

Mental health is a major contributor to the burden of disease including behavioural disorders, depression and suicide. Mental health is identified as a priority issue and acts as a determinant of health as mental health has the ability to influence many aspects of an individual's life such as homelessness, substance abuse and domestic violence. In 2017/2018, 255 persons were admitted to hospital for mental health related conditions.

Mental health problems were estimated to have affected 18.9% of males in 2014/2015 surveys compared to 10.7% in 2007/2008, and 20.8% for females, almost doubling from 10.6% in Mount Gambier. This is another risk factor that has seen a substantial increase from previous data collection.

SUICIDE

In 2019, total suicide deaths in South Australia was 251, an increase of 39 from 2018. Across Australia, total suicide deaths increased by approximately 300 from 3,000 in 2018 to 3,318 in 2019.

The Mount Gambier & Districts Suicide Prevention Network have developed an action plan in line with the South Australian Suicide Prevention Plan.

FOCUS AREAS

The following topics have been identified as emerging focus areas affecting the public health of the Mount Gambier community. These focus areas have been identified using statistical research and local knowledge of the population profile, burden of disease and social determinants of health in our community. This will allow Council to focus its public health contribution and partnerships toward improving these areas over the duration of this five-year plan. They include (in no particular order):

- Poor Nutrition and Diet
- Obesity & Overweight
- Physical Inactivity
- Potentially Avoidable Hospital Admissions
- Degenerative & Mobility for the Aged
- Substance Abuse (tobacco, illicit drugs and alcohol)
- Mental Health
- Suicide Prevention
- Domestic Violence
- Delayed Early Childhood Development
- Environmental Sustainability
- Accessibility (Disability Access & Inclusion)



SUMMARY

Council currently undertakes all prescribed functions as listed under the SA Public Health Act 2011 and addresses each of the four key State Public Health Plan priorities.

Current work being undertaken by Council in various forms such as regulatory roles, major projects, provision of information, event promotion, support and delivery of public health programs comprehensively supports and promotes public health. The holistic approach to public health planning and implementation is consistent with the objectives of the SA Public Health Act.

The State Public Health Plan 2019-2024 identifies the following:

"This plan's vision is for a South Australia where communities are friendly, safe and sustainable with well-designed places that support physical and mental health and wellbeing. This includes being able to walk or cycle to local services, easily access public transport to larger centres, make nutritious food choices and enjoy being active in parks and other recreational facilities. This vision also sees South Australia's rich diversity celebrated, community activities accessible to everyone and residents participating and having a say in community life." – State Public Health Plan – 2019-2024 - A Healthy, liveable and connected community for all South Australians.

The following is a summarised version of objectives which should be taken into consideration when implementing administration of the SA Public Health Act and influencing public health planning processes;

Promote: build stronger communities and healthier environments,

Protect: against public and environmental health risks and respond to climate change,

Prevent: chronic disease, communicable disease and injury, and

Progress: strengthen the systems that support public health and wellbeing.

OPPORTUNITIES IDENTIFIED

MONITORING CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE / INFORMATION ON PREVALENCE / ACTION FOR PUBLIC HEALTH.

Since the introduction of the requirement for Regional Public Health Plans, SA Health and the Local Government Association (LGA) have worked to build capacity and support the public health goals of local government. This has included the provision of various public health profiles of local government areas which have allowed focus areas to be identified.

These statistics can be collaborated with existing information sources utilised by Council to provide evidence-based application of broad operational activities for the most effective target of public health priority issues.

The following strategies show how the current activities in Council's Strategic Management Plans are already influencing public health focus areas in our community.

Strategies have been segregated under four headings to show how they specifically align with the key priorities identified in the State Public Health Plan. Extracts from the City of Mount Gambier Strategic Plan 2020 – 2024 have been incorporated into each area with examples of how the current broad operational activities directly influence public health. This not only reflects Council's current capacity in addressing focus areas within the community, it shows Council's adaptive ability to apply projects as the community's health needs evolve.



Maintaining our current strategic plans and operational activities will allow projects and services to be adapted as the community public health needs change. The identification of emerging trends and focus areas for the public health of the Mount Gambier population will allow for an evidence-based approach in developing and implementing community health projects.

The City of Mount Gambier acknowledges the Limestone Coast Regional Public Health & Wellbeing Plan prepared by the following Councils located in the Limestone Coast Local Government Association (LCLGA):

- Tatiara District Council,
- Kingston District Council,
- District Council of Robe,
- Naracoorte Lucindale Council,
- Wattle Range Council, and
- District Council of Grant.

Current and potential partnerships for public health action have been identified for each focus area highlighted in this plan. When considering future work, partners should be considered to ensure programs and services are not duplicated and instead value added. A comprehensive list of potential partners and relevant focus areas for action can be found at the end of this document.



Promote: Build stronger communities and healthier environments

As outlined in the State Public Health Plan: "The environment where we live, learn, work and play have a major influence on our physical, social and emotional health and wellbeing across the life course". The following projects are examples for City of Mount Gambier which fit within this State priority.

SPORT AND RECREATION CAPITAL WORKS PROGRAM GRANTS

The aim of the City of Mount Gambier Sport and Recreation Capital Works Program is to foster and assist in the development and/or capital renewal of sport and recreation infrastructure within the city. The development and renewal of this infrastructure promotes the long-term use of the facilities and encourages participation in our local sport and recreation activities.

LIBRARY SERVICES

The Mount Gambier Public Library is a vibrant hub that provides high quality services and facilities. The library is readily accessible and welcoming to all residents and recognises the diverse community it serves. Programs, resources and activities are provided for all ages and interests. Social connectedness and inclusion is supported by the Library; by acting as a meeting place, providing free access to the internet and volunteer opportunities. Examples of the wide range of services delivered for our community are:

- School holiday programs,
- Youth activities,
- STEAM programs (Science, Technology, Engineering, Arts and Mathematics),
- Author events,
- Lifelong learning opportunities,
- Digital literacy training,
- Under 5 early literacy programs, and
- A volunteer program.

COMMUNITY EVENTS

Various community events are organised or supported by Council throughout each calendar year. Most events are aligned with the focus areas highlighted in this Plan as well as community connectedness and social cohesion. Council has recently identified the need to deliver events that are inclusive and accessible to all people as part the Disability Action and Inclusion Plan (DAIP). Examples of such events are:

- Parkrun,
- Inside Line Downhill Mountain Bike race,
- Fringe Mount Gambier,
- Legends of the Lake Hill Climb,
- Blue Lake Fun Run, and
- Blue Lake Carols.

DISABILITY ACCESS AND INCLUSION

The City of Mount Gambier Disability Access and Inclusion Plan (DAIP) has been developed in consultation with the community and staff, to identify and address priority areas and create awareness of disability and equitable access and inclusion.



The plan outlines Council's commitment to the continuous review and development of information, services and facilities to ensure equitable access and inclusion for all.

Further to the DAIP, Council continues to demonstrate a commitment to providing well designed public spaces and developments that are safe, inclusive and accessible for all.

Through ongoing consultation and engagement, Council continues to work with the community to review and improve the environments where we live, learn and play. The valuable insights, learnings and relationships developed through consultations such as the Changing Places facility in 2018 have been integrated across other projects, departments and developments within Council such as the Community and Recreation Hub.

EARNING AND LEARNING

The City of Mount Gambier continues to adopt learning as a key theme and strategy in the current Strategic Plan. "Becoming an 'earning and learning' community" Council is driving the development of local career, education and entrepreneurship pathways that build skills to grow the economy, facilitate new businesses and provide exciting and relevant employment opportunities for all people as it transitions to an 'earning an learning' city.



PROMOTE

BUILD STRONGER COMMUNITIES AND HEALTHIER ENVIRONMENTS

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action & Target
Our People	1.1 Community based organisations and networks	<p>1.1.1 Fostering and supporting community-based organisations.</p> <p>1.1.2 Supporting programs that allow our community groups to be more effective in achieving their goals.</p> <p>1.1.3 Developing a volunteer management plan to maximise the benefit of volunteering to the community for those who choose to donate their time to the Council.</p>	<ul style="list-style-type: none"> • We will deliver a volunteer management plan. • Volunteer management plan will deliver improvements for our volunteers which are celebrated at an event during Volunteer's Week.
Our People	1.2 Community growth	<p>1.2.1 Creating opportunities for existing and new businesses by being genuinely 'open for business' and ready for education, health and retirement opportunities.</p> <p>1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.</p>	<ul style="list-style-type: none"> • We will implement our commitment outlined in the Small Business Friendly Council Charter. • The reporting requirements for the Small Business Friendly Council are met and an annual event to share information and celebrate success is held.



Goal	Theme	Activity	Action & Target
Our People	1.3 Sense of Community	<p>1.3.1 Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.</p> <p>1.3.2 Providing opportunities to enable our community to be supported and involved.</p> <p>1.3.3 Raising awareness of community accomplishments.</p>	<ul style="list-style-type: none"> • We provide a Small Wins Fund that provides seed funding for community projects of up to \$2,000. • In the first year, the fund will be established, and criteria set, with the first round of funding disbursed.
Our People	1.4 Care for the community: We will develop our service offering to the community to ensure all members have access to required levels of support	<p>1.4.1 Developing and delivering community safety initiatives that respond to local issues and concerns.</p> <p>1.4.2 Providing integrated services and facilities that encourage active living to improve health and wellbeing.</p> <p>1.4.3 Valuing and supporting our Boandik and multicultural communities.</p> <p>1.4.4 Planning, leading and facilitating high quality services to develop the potential of children and young people.</p> <p>1.4.5 Ensuring support services and recreational activities are accessible.</p>	<ul style="list-style-type: none"> • We will deliver the Community and Recreation Hub and will invest in ensuring that programs are available and accessible to all in our community. • From the day the Community and Recreation Hub opens a range of sporting and community activities will be subsidised to enable participation across our community.



Goal	Theme	Activity	Action & Target
Our Location	2.1 Infrastructure development and managing our current assets	2.1.3 Consolidating, upgrading and seeking funding for a number of walking and cycling trails throughout the city, including the Rail Trail and the Crater Lakes precinct.	<ul style="list-style-type: none"> We will finish the Rail Trail within the first two years of the Strategic Plan and will invest in cross links in the last two years of the plan.
Our Location	2.4 Recognition of our indoor and outdoor sporting assets and our adventurous opportunities	<p>2.4.1 Seeking to hold at least six regional standard community or sporting events in the new Community and Recreation Hub annually.</p> <p>2.4.2 Continuing to hold six regional standard sporting events (or higher) at our outdoor facilities.</p> <p>2.4.4 Work in partnership with our sporting clubs to improve their sporting and clubhouse facilities and to help them take advantage of accommodation opportunities for groups.</p>	<ul style="list-style-type: none"> We will hold six regional standard community or sporting events in the new Community Recreation Hub annually. Six annual events held and an assessment provided annually to Council on the economic, social and cultural impact of the events.
Our Location	2.5 Focusing on activation, revitalisation and placemaking in our CBD	2.5.2 Understanding the traffic impacts and the management of delivery needs within a more pedestrian friendly environment.	<ul style="list-style-type: none"> Develop a traffic model for the CBD. The traffic model assists in development assessment and the provision of design briefs for potential redevelopment sites in the CBD.



Goal	Theme	Activity	Action & Target
Our Diverse Economy	3.2 Land use planning settings	<p>3.2.3 Advocating and planning for road, train, airport and communications infrastructure that better connects us with the world.</p> <p>3.2.4 Working with operators to deliver a public transport network that connects people to essential services, leisure activities and employment.</p>	<ul style="list-style-type: none"> • We will work with public transport providers to deliver a more relevant service to the city of Mount Gambier, including access to the new Community and Recreation Hub. • More daily services are provided across the City and a route linking the new Community and Recreation Hub has been implemented.
Our Diverse Economy	3.3 Appealing and affordable housing for growth	3.3.5 Being prepared to use our powers under the Local Nuisance and Litter Control Act and the Development Act to deal with unsightly premises to maintain the standard of residential amenity.	<ul style="list-style-type: none"> • We will seek to develop a long-term boundary for the city that enables strong, planned growth and for other agencies to be able to plan for service provision supporting a growing city.
Our Climate, Natural Resources, Arts, Culture and Heritage	4.2 We will ensure that future growth is planned in a manner that provides access to, and does not detract from, the community's environmental values	4.2.1 Prepare a Sport, Recreation and Open Space Strategy and masterplans for our key reserves enabling effective and efficient multiple uses and the improvement of facilities.	<ul style="list-style-type: none"> • We will deliver a Sport, Recreation and Open Space Strategy and Masterplans within the first year. • Enhancements to three key reserves over the life of the plan.



Goal	Theme	Activity	Action & Target
Our Climate, Natural Resources, Arts, Culture and Heritage	<p>4.4 Recreational and cultural pursuits</p> <p>We will ensure that community members are provided with opportunities for cultural growth and development through provision of innovative services and programs</p>	<p>4.4.1 Delivering a network of safe and convenient walking trails and cycle paths linking relevant land uses and recreation opportunities.</p>	<ul style="list-style-type: none"> • We will adopt our first Reconciliation Plan and move into implementation. • We will see more Boandik input and output in the arts, culture and heritage across our city including more public art and the use of Boandik art in more Council publications and exhibitions.
Our Climate, Natural Resources, Arts, Culture and Heritage	<p>4.2 Open Space</p>	<p>4.2.1 Prepare a Sport, Recreation and Open Space Strategy and masterplans for our key reserves enabling effective and efficient multiple uses and the improvement of facilities.</p> <p>4.2.2 Ensuring opportunities exist to access and experience natural areas.</p> <p>4.2.3 Enhancing and promoting environmental experiences to encourage the involvement of our residents and attract visitors.</p> <p>4.2.4 Seeking to improve connectivity between our reserves and the CBD by non-motorised forms of transport.</p>	<p>We will deliver a Sport, Recreation and Open Space masterplan within the first year.</p> <p>Enhancements to three key reserves over the life of the plan.</p>



PROTECT: Protect against public and environmental health risks and respond to climate change

As outlined in the State Public Health Plan: "Healthy living environments contribute to public health outcomes such as improved food safety and water quality and the safe and effective disposal of waste." The following projects are examples for City of Mount Gambier which fit within this State priority.

KESAB SUSTAINABLE COMMUNITY AWARDS

Each year Council enters the KESAB Sustainable Community Awards. It is an opportunity to showcase the great work that the community and Council are doing in the area of environmental sustainability. Council won the National Resource Recover and Waste Management category during the 2020 Australian Sustainable Communities Tidy Town awards.

WASTE EDUCATION STRATEGIES

Educational campaigns are conducted to encourage individuals to increase their sustainable use of resources. Waste education programs are delivered directly into schools and to community groups. During 2020 Council established the free Food Organics Green Organics (FOGO) collection to residential properties throughout the city and implemented the first bulky goods collection trial for the city area. Over 45% of the content of the average Mount Gambier rubbish bin is organic waste, mostly food waste. This results in hundreds of tonnes going to landfill each year, instead of being composted. The bulky waste trial has diverted over 330 tonnes, through over 1,200 collections.

ENVIRONMENTAL SUSTAINABILITY INITIATIVES

Council actively participates and advocates for environmental sustainability initiatives of importance such as Clean Up Australia Day, Earth Hour, Ride to Work Day, Walk to Work Day and National Recycling Week. Council encourages active involvement from the community and supports these annual events.

REUSE MARKET

The ReUse Market was opened in 2018, with patronage and support from the community at unexpectedly high levels. Residents have the opportunity to drop-off reusable items to the Waste Transfer Station for free, which are then resold through the ReUse Market. Since opening over 200 tonnes of waste have been diverted away from landfill.

WASTE SERVICES

When incorrectly disposed of, waste can cause public health issues. Council provides numerous waste services to alleviate this potential issue:

- Kerbside bin collections – General Waste, Recycling, FOGO (Food Organics Garden Organics).
- Bulky/Hard Waste on call collection trial.
- Waste Transfer Station – numerous items accepted free of charge.



FOOD SAFETY AND PUBLIC HEALTH PROMOTION AND PROTECTION

Council actively educates, regulates and assists businesses to meet compliance with relevant legislation. In 2019, City of Mount Gambier produced two publications to assist food business operators to navigate the fit-out and construction of a premise and the food safety operation of their food activity.



In collaboration with neighboring Councils, the regional Food Safety and the Hair, Beauty Skin Penetration newsletters are produced and distributed across the Limestone Coast which can be used as a free training tool by operators. These newsletters became a valuable source of communication for Council to provide updates to businesses during the COVID-19 pandemic.

Council supports registered training organisations in the provision of affordable and accessible food safety training for food handlers and subscribes to the Environmental Health Australia 'I'm Alert' online training platform to provide a free service for all users via the Council website. Authorised officers may commence enforcement of relevant legislation if community health is compromised, to prevent harm and injury. These preventative measures help reduce the burden on the medical system and the amount of time people are unable to go about their normal daily activities, including work and volunteering.



PROTECT

PROTECT AGAINST PUBLIC AND ENVIRONMENTAL HEALTH RISKS AND RESPOND TO CLIMATE CHANGE

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action & Target
Our Diverse Economy	3.5 Reusing, recycling and waste management	3.5.1 Seeking to procure or develop recycled or renewable materials for our services. 3.5.2 Investing in sustainable waste management practices and progressive technology at the Council's Caroline Landfill facility including methane collection and solar power options. 3.5.3 Invest in education programs to reach everyone in our community to enhance understanding of options and actions. 3.5.4 Continuing to invest in Council's ReUse Market and the range of materials that Council accepts for recycling at the Waste Transfer Station. 3.5.5 Working with partners across the Limestone Coast region to develop solutions to collective waste management and recycling issues, including an independent material recover option.	We will reduce our per capita tonnage of waste from the City going to the Caroline Landfill. We will be producing less waste and enabling greater tonnages of reuse, recycling and organic waste to be collected.



<p>Our Climate, Natural Resources, Arts, Culture and Heritage</p>	<p>4.1 Natural assets</p>	<p>4.1.1 Working in partnership with relevant organisations to ensure a sustainable environment.</p> <p>4.1.2 Protecting biodiversity for future generations and the creation of wildlife corridors through the Council's own works or in a new private development.</p> <p>4.1.3 Providing opportunities and funding for community involvement in projects aimed at developing environmental sustainability.</p>	<p>We will continue to fund community projects in the Crater Lakes and to develop a partnership with Cleland Wildlife Park.</p> <p>We will see a greater variety of native species, both flora and fauna, in the Crater Lakes precinct and better opportunities to engage our community in understanding our environment.</p>
<p>Our Climate, Natural Resources, Arts, Culture and Heritage</p>	<p>4.3 Planned reduction of our carbon footprint.</p> <p>Council will lead by example in the fields of sustainable development and resource efficiency</p>	<p>4.3.1 Managing water through conservation, reuse and water quality.</p> <p>4.3.2 Reducing the environmental impact of waste and maximising conservation of natural resource.</p> <p>4.3.3 Planning our response to climate change.</p> <p>4.3.4 Demonstrating Council's commitment to the environment by reducing our carbon emissions and increasing our use of renewable energy sources.</p>	<p>The Council will enter into agreements to provide more renewable energy from its assets.</p> <p>The community will see a reduction in our overall energy purchases and the implementation of improved sustainable energy supplies at the Caroline Landfill and the Community and Recreation Hub.</p>



PREVENT: Prevent chronic disease, communicable disease and injury

As outlined in the State Public Health Plan: "Preventable chronic and communicable diseases threaten our health, mental wellbeing and the productivity and vitality of our communities". The following projects are examples for City of Mount Gambier which fit within this State priority.

COMMUNITY SHARPS PROGRAM

Council offers several pathways for the safe disposal of sharps within the community. Sharps disposal units are located in various public toilet facilities, in addition to a 24-hour collection unit located near the main entrance at Council's main office. Council also subsidises the cost of purchasing sharps containers that meet the Australian Standards and the disposal of the subsequent hazardous waste.

IMMUNISATION

The City of Mount Gambier Council supports the provision of public immunisation sessions to assist in maintaining appropriate immunisation rates and health within our community. Immunisation sessions are held by the Country Health Connect – Limestone Coast Local Health Network, utilising Council facilities. The public vaccination sessions provide for the vaccination of children in accordance with the Australian Immunisation Schedule free of charge and provide the opportunity for adults to be vaccinated under a user pay system.

MOUNT GAMBIER COMMUNITY AND RECREATION HUB

The Community and Recreation Hub is a multi-purpose facility designed to be a community space, with facilities and activities for all ages and abilities including children, families, youth, community groups, recreational and organised sports and those with special needs.

This development will provide substantial year round indoor facilities, addressing many community needs including health and fitness and social inclusion.

ART GRANTS

Council endeavors to address a very important relationship which is being formed between the creative arts and health outcomes, and to generate deeper interest within the arts and health communities, as well as with the general public, about researching the complexities of engagement of arts and health. Namely, Council strongly believes that art-based interventions are highly effective in improving the overall wellbeing and the vitality of our community, by reducing adverse physiological and psychological outcomes.

At the Riddoch Arts and Cultural Centre as well as the Mount Gambier Library, Council is immersed in programs based on positive health effects of visual arts therapy and movement-based creative expression in projects such as virtual reality meditation & tai chi (in celebration of Mental Health Week). The precincts also embrace programs in expressive writing and music engagement.

Council is planning further research and presentation of projects exploring connections between art, technology, chronic diseases, injury and mental health; framing these connections not as particular problems on the fringes of society, but as overall social issues playing a big part in all of our lives. Some of these projects will include virtual reality & augmented reality. An example of an artistic research project that could be presented; is exploring the impact that touch has in promoting stimulation and emotional connection in dementia care.



BICYCLE FACILITIES

Council is dedicated to making cycling as accessible as possible to the community and has provided a number of different types of cycling infrastructure. These facilities include a national standard BMX track, a cycling velodrome, two new pump tracks, the rail trail bike path and the gradual identification of bike lanes within road reserves. It is anticipated that all of these facilities will provide a range of choice that appeals to both the novice rider and the professional to enable the community to embrace cycling.

The cycling facilities now available within the city help to promote a healthy and active lifestyle and are designed to be as accessible as possible to encourage all generations to enjoy an active outdoor lifestyle.

Mountain bike and cycling tourism has been identified as a growing tourism sector which enables people to escape on their bikes and explore the world. Mount Gambier is able to take advantage of the unique Crater Lakes area to offer a mountain bike experience which is unique to the city.

SPORT, RECREATION AND OPEN SPACE PLAN

Council is currently undertaking a process to commence the preparation of a Sport, Recreation and Open Space Plan which is a strategic approach to manage Council's sporting, recreation and open space facilities. It is anticipated that this strategy will guide the strategic direction for Council's open space areas and recreational facilities into the future.

The development and implementation of the plan is intended to provide a more strategic approach to property management with the anticipated benefit for the community being the ability to access a range of facilities aimed at different levels of outdoor activity, whether active or passive. This project is anticipated to commence in early 2021.

CITY HERITAGE WALKS

Council, upon advice from the City of Mount Gambier Heritage Committee undertook the development of a number of heritage walks throughout the city. Not only do these walks assist in raising community awareness of heritage conservation, they also help to promote the benefits of walking in the outdoors.

THE RAILWAY LANDS AND RAIL TRAIL WALKING AND CYCLING PATH

The Railway Lands and Rail Trail walking and cycling path project enhances Mount Gambier's central activity spaces by providing an easily accessible place that encourages active participation and passive recreation, through activities such as cycling, walking and playing. The Railway Lands provides integrated spaces for public gatherings, concerts, markets and celebrations and promotes social inclusion for a growing community. The Rail Trail walking and cycling path provides a shared cycling/walking path along a section of rail corridor that runs approximately ten kilometres east-west through the City of Mount Gambier Local Government Area.

The Railway Lands and the Rail Trail walk and cycle path offers health value via a shared path through the centre of Mount Gambier. It has become the city's most popular communal meeting spot; creating a common thread that connects the entire city both physically and socially.

The Railway Lands and the Rail Trail walk and cycle path offers health value as it provides a multipurpose community space and creates a sense of civic pride.



PARK AND STRIDE

The City of Mount Gambier introduced a branding project for the City in 2016 to encourage residents to walk instead of driving short distances in the central business area. The distance and time it would take to reach a destination by foot was identified on signs throughout the city. The aim of the project was to encourage a cultural change among residents towards a healthier lifestyle.

WORKS CONSTRUCTION PROGRAMS

In 2019/2020, Council invested \$338,000 in the construction of an additional 2.3 kilometres of concrete paths throughout the city, in addition to the maintenance of paved areas.

These projects form part of Council's 10 year rolling footpath program. In addition to the concrete paths Council also installed numerous new ramp openings as part of the footpath program to improve the safety of road crossing by the disabled, elderly and those with prams and spent approximately \$830,000 on resurfacing existing footpaths.

CHARTER FOR CHILDREN

The Mount Gambier Charter for Children is an important step in assisting us to become the most liveable city in Australia. The charter consists of nine aspirational principles which guide the work of Council, local businesses and services to assist our children to flourish in their earliest years.

ALCOHOL AND OTHER DRUGS

Council collaborates with the Substance Misuse Limestone Coast Local Drug Action Team to deliver the Planet Youth pilot program to the region. Planet youth is an evidence-based approach to increasing protective and preventative factors relating to substance use among adolescents. The Substance Misuse Limestone Coast deliver evidence based education programs such as Climate Schools through the Library. Council encourages and hosts 'smoke and alcohol free' community events.



PREVENT

PREVENT CHRONIC DISEASE COMMUNICABLE DISEASE AND INJURY

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action & Target
Our People	1.4 Care for the community: We will develop our service offering to the community to ensure all members have access to required levels of support	1.4.2 Providing integrated service and facilities to encourage active living to improve health and wellbeing.	<ul style="list-style-type: none"> • We will deliver the Community and Recreation Hub and will invest in ensuring that programs are available and accessible to all in our community. • From the day the Community and Recreation Hub opens a range of sporting and community activities will be subsidised to enable participation across our community.
Our Climate, Natural Resources, Arts, Culture and Heritage	4.4 Recreational and cultural pursuits	4.4.3 Adopting a Reconciliation Action Plan and working to implement it sensitively.	<ul style="list-style-type: none"> • We will adopt our first Reconciliation Plan and move into implementation. • We will seek more Boandik input and output in the arts, culture and heritage across our city including more public art and the use of Boandik art in more Council publications and exhibitions.



PROGRESS: Strengthen the systems that support public health and wellbeing

As outlined in the State Public Health Plan: "Strengthening collaborative efforts across the health system and across government, non-government, business and community will result in a planned and consistent approach to addressing public health issues. Partnerships are essential to achieving improved health and wellbeing". The following projects are examples for City of Mount Gambier which fit within this State priority.

LIVING IN CHALLENGING CONDITIONS PROJECT

During 2020, Council took the opportunity to become involved with University of Adelaide Public Health students. As part of their studies, students would undertake a project for Council in a chosen public health topic. City of Mount Gambier commenced a project around challenging living conditions, with a focus on squalor and hoarding. It is envisaged this will be a long-term partnership, with part one of the project completed during 2020 being a literature review, looking at proactive city centric services that could be transferred into regional areas. Part two will be conducted going forward (in 2021), building on part one by beginning to develop sound principles and possible strategies for Council to implement.

ANNUAL NEIGHBOURHOOD ENGAGEMENT ACTIVITY

Generally centered around a public space or community reserve, Council annually undertakes a range of targeted strategic engagement activities to learn more about the needs and interests of pockets of our community. In response to the feedback received and themes identified, Council partners with key agencies and organisations to promote the availability of relevant key services, support and opportunities on a local level, increasing community connection and cohesion, enhancing community leadership and instilling greater community pride within a defined local neighbourhood.

AF SUTTON RESERVE COMMUNITY ENGAGEMENT PROJECT

The AF Sutton Memorial Park Neighbourhood Engagement Project engaged a neighbourhood surrounding a community reserve which, although once valued as a local meeting and recreational space for the surrounding community, had more recently been acknowledged to suffer from deteriorating facilities, vandalism and anti-social behaviour.

The AF Sutton Memorial Park Neighbourhood Engagement Project engaged almost 200 surrounding residents in articulating how they valued their neighbourhood and how Council could work with the community to make it an even better place to live or visit. The project empowered Council staff to work in partnership with local residents to make meaningful and efficient local improvements focusing on, but not limited to, the local reserve.

Through the delivery of a range of strategic community engagement activities, Council was not only able to prioritise a range of tangible improvements within the local reserve, surprisingly, there was also offers for help from neighbours. Furthermore, a range of additional local focus areas were highlighted in which Council was well-positioned to respond.



The project was awarded a commendation at the *Minister for Health and Wellbeing, Excellence in Public Health awards* in October 2020. This project will be used as an example when planning similar projects within Mount Gambier.

ADVOCACY

Council plays an advocacy role for the local community by petitioning State and Federal government, on a broad range of issues and services, such as: health services, education offerings, road safety, sustainable initiatives and innovation. This is often done in collaboration with industry and community groups.

RECONCILIATION ACTION PLAN (RAP)

Council's Reconciliation Action Plan (RAP) focusses on strengthening positive relationships, acknowledging and respecting Aboriginal and Torres Strait Islander cultures and providing opportunities to ensure our First Nations people have the same life opportunities as other Australians. Council's plan has been five years in the making, incorporating collaboration with Boandik Elders and community leaders to identify almost 80 deliverables over a period of two years. The plan has been endorsed by Reconciliation Australia as an 'Innovate' RAP.

CORPORATE ASSISTANCE TO VOLUNTEERING PROGRAM

Council has committed to providing ongoing assistance to a number of local services through a unique corporate volunteering program which connects staff to a range of key local service providers during times of need.

Initially developed as a direct response to volunteer shortages in local food-security services during COVID-19, Council provided emergency logistical assistance to Foodbank, Meals on Wheels and Spare Ya Change for Kids through deployment of staff and other resources to enable these services to continue to support the community.

This program not only supports local services, but also builds a direct relationship between Council staff and the community sector, increasing awareness and appreciation in this space.



PROGRESS

STRENGTHEN THE SYSTEMS THAT SUPPORT PUBLIC HEALTH AND WELLBEING

Relevant sections from City of Mount Gambier Strategic Plan 2020-2024

Goal	Theme	Activity	Action & Target
Our People	1.2 Community growth	<p>1.2.2 Helping community groups to help themselves by providing support for effective networks to develop and grow.</p> <p>1.2.3 Working in partnership with service providers get them to select Mount Gambier as their location of choice for services provided for the South East of South Australia and South West Victoria.</p>	<ul style="list-style-type: none"> We will implement our commitment outlined in the Small Business Friendly Council Charter. The reporting requirements for the Small Business Friendly Council are met and an annual event to share information and celebrate success is held.
Our People	<p>1.4 Care for the community</p> <p>We will develop our service offering to the community to ensure all members have access to required levels of support</p>	<p>1.4.2 Providing integrated services and facilities that encourage active living to improve health and wellbeing.</p> <p>1.4.3 Valuing and supporting our Boandik and multicultural communities.</p> <p>1.4.4 Planning, leading and facilitating high quality services to develop the potential of children and young people.</p> <p>1.4.5 Ensuring support services and recreational activities are accessible.</p>	<ul style="list-style-type: none"> We will deliver the Community and Recreation Hub and will invest in ensuring that programs are available and accessible to all in our community. From the day the Community and Recreation Hub opens a range of sporting and community activities will be subsidised to enable participation across our community.



Goal	Theme	Activity	Action & Target
Our Location	2.1 Infrastructure development and managing our current assets	2.1.1 Working with the community to ensure our CBD, health and education precincts, our streets and public spaces are safe, inviting and support a positive image of the City of Mount Gambier.	<ul style="list-style-type: none"> We will finish the Rail Trail within the first two years of the Strategic Plan and will invest in cross links in the last two years of the plan.
	2.2 Regional collaboration Significant planning work has been done by the City of Mount Gambier, Limestone Coast Councils and Regional Development Australia (Limestone Coast). Councils within the region are keen to collaborate on a number of initiatives including land use planning, infrastructure, waste management, recycling and tourism.	2.2.4 Working with other local government areas to develop cross-regional plans and initiatives. 2.2.5 Advocating for key initiatives with State and Commonwealth Governments.	<ul style="list-style-type: none"> We will understand our role in tourism and have masterplans for our honeypot tourist sites. Council will have endorsed its role in tourism and masterplans will have been adopted for all of our key natural and manmade tourist attractions, including reviews as to management.



In addition to the current strategies, various stakeholders have been identified to engage as potential partners in further projects undertaken/supported by Council

FOCUS AREAS	POTENTIAL PARTNERSHIPS FOR ACTION	POTENTIAL CONTRIBUTION
Poor Nutrition & Diet	SA Health Department Education and Child Development (DECD) AC Care Trial projects in schools regarding education and availability of healthy food - utilise local specialists Continue partnerships with volunteer based organisations – lobby for funding Health Care professionals Community Health	<ul style="list-style-type: none"> • Funding assistance • Value add to existing programs • Use of educational/health promotion resources • Provide expert advice, specialist services Council is not equipped to deliver (GP's, Nurses, Councillors etc.) • Assistance with statistics to measure changes of focus areas during / after implementation of the first Regional Public Health Plan. Help to develop subsequent plans as required.
Obesity & Overweight	Department Planning Transport and Infrastructure See Partners in Poor Nutrition & Diet and Physical Inactivity focus areas. Sporting Clubs and fitness providers Limestone Coast Local Government Association – Be Active Officer/sporting Clubs Health Care professionals Community Health	



<p>Physical Inactivity</p>	<p>Peak sporting bodies in Mount Gambier Department of Health - SA Health Department Planning Transport and Infrastructure Department Education and Child Development (DECD) SAPOL – fear of exercising outside Early Childhood, AC Care, Centacare, Lifeline – family trends and behaviors GP's & gyms – education Community Health</p>	
<p>Potentially Avoidable Hospital Admissions</p>	<p>LGAMLS - research common risks and trends - trips and falls Motor Accident Commission & SAPOL - driver safety Department Planning Transport and Infrastructure Self-assessed risk - early detection or home safety Health Care Professionals Mount Gambier and District Health Care Boards Community Health</p>	
<p>Degenerative & Mobility/Access for the Aged</p>	<p>Partnerships with Aged Care and Supported Residential Facilities Advocate for Disability services - Department Communities Social Inclusion (DCSI) Dementia Australia Falls prevention program Department Planning Transport and Infrastructure Non-Government Organisations</p>	



FOCUS AREAS	POTENTIAL PARTNERSHIPS FOR ACTION	POTENTIAL CONTRIBUTION
Substance Abuse	State Government Department Education and Childhood Development Department Planning Transport and Infrastructure Drug and Alcohol Services of SA (DASSA) Uniting Communities Life Without Barriers General Practitioners/Allied Health Services Limestone Coast Drug Action Team Planet Youth Substance Misuse Limestone Coast Sporting Clubs Community Groups Non-Government Organisations	<ul style="list-style-type: none"> • Funding assistance • Value add to existing programs • Use of educational / health promotion resources • Provide expert advice, specialist services Council is not equipped to deliver (GPs, Nurses etc.) • Assistance with statistics to measure changes of focus areas during / after implementation of the first Regional Public Health Plan. Help to develop subsequent plans as required.
Mental Health	SA Health – service provision Mt Gambier Community and Service Directory The Junction Headspace/Uniting Communities Lifeboat Lifeline Migrant Resource Centre Sporting Clubs Community Groups Non-Government Organisations	



Suicide Prevention	Mount Gambier & Districts Suicide Prevention Network StandBy Non-Government Organisations – Mental Health support Health Care Professionals Community Health SA Health – Service Provision	
Domestic Violence	Limestone Coast Violence Against Women Collaboration Limestone Coast Domestic Violence Service SAPOL Department for Communities and Social Inclusion's Office for Women Department of Human Services Lifeline Mensline White Ribbon Australia 1800RESPECT Kids Helpline	



<p>Delayed Early Childhood Development</p>	<p>Mount Gambier AEDC Action Group Department for Education (DfE) Independent schools Non-Government Organisations Housing SA AC Care and Lifeline State Government – transport Melaleuca Hub North Gambier Hub Children’s Centre</p>	
<p>Environmental Sustainability</p>	<p>Chamber of Commerce Nature Glenelg Trust Community Action for Sustainability Green Industries SA Environment Protection Authority Department for Environment and Water Department for Infrastructure and Transport Schools Service clubs Community groups Local businesses Non-Government Organisations</p>	



Accessibility (Disability Access Inclusion)	Limestone Coast Inclusion Reference Group Mission Australia NDIS Department for Education Aged Care Facilities Migrant Resource Centre ORANA Bedford Industries Non-Government Organisations (NGOs)	
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(NB: SA Health and LGA SA would be relevant partners to all focus areas).

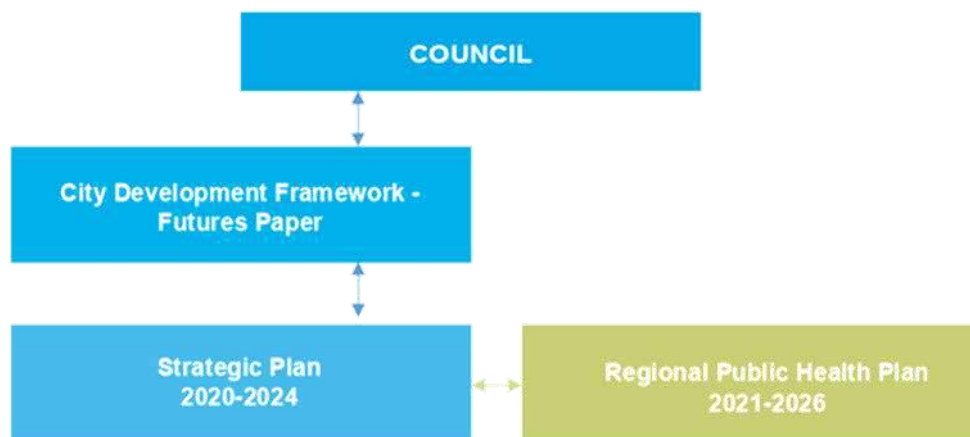


IMPLEMENTATION

GOVERNANCE STRUCTURE

The Regional Public Health Plan sits below Council's future planning document, the Strategic Plan 2020-2024. Implementation of the plan will be monitored and recorded through Council's reporting structures.

The diagram below represents how the health plan will influence Council's decision making.



EVALUATION

The SA Public Health Act 2011 requires Council to report on the progress of implementing the Regional Public Health Plan every two years to the Chief Public Health Officer. In a reporting year, the report must be provided to the Chief Public Health Officer on or before 30 September. The report must relate to a reporting period of two financial years ending on 30 June in the reporting year. By using current operational activities and strategies to address priority issues and risks identified to our public's health, annual reporting on the strategic plan will allow for accurate data on Council's tasks undertaken to be recorded and reported transparently.



REVIEW

Council may amend a Regional Public Health Plan at any time; however, it must be reviewed at least once in every five years.



REFERENCES

Legislation

- South Australian Public Health Act 2011
- South Australian Public Health (General) Regulations 2013

Council Plans and Support Documents

- City Development Framework, the Futures Paper
- City of Mount Gambier Strategic Plan
- Profile.id – Community profile – City of Mount Gambier Census Results

SA Health Support Material

- Summary of the State Public Health Plan
- State Public Health Plan 2019 – 2024
- Chief Public Health Officer's Report

Local Government Association (LGA) of South Australia

- Local Government Community Health and Wellbeing Toolkit

Additional Support Material

- SEIFA Index (Socio-economic Indexes for Areas)
- LCLGA Regional Health Plan
- Public Health Information Development Unit (PHIDU)



5.3 UNREASONABLE CONDUCT POLICY – REPORT NO. AR20/78760

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/78760
CM9 Reference:	AF19/413
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	This report presents for consideration an Unreasonable Conduct Policy based on the SA Ombudsman model policy for identifying and managing unreasonable customer behaviours.
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 People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented.



TYPE OF REPORT

Corporate

BACKGROUND

From time to time the Council administration has necessity to engage with customers that display unreasonable behavioural conduct.

In the past, behavioural incident reporting has been implemented to record and act on physical or verbal abuse type behaviours by Council customers, however the SA Ombudsman and best practice organisations recognise that unreasonable behaviour can include other conduct that results in an unreasonable and disproportionate application of resources towards a single customer or matter.

In a local government context Council resources are a community resource, with the diversion of such resources toward dealing with unreasonable conduct needing to be balanced with addressing other strategic priorities and objectives.

A draft Unreasonable Conduct Policy has been prepared (Attachment 1) based on the SA Ombudsman Model Policy and includes (at pages 18-21) background information on the purpose and important points and caveats for an unreasonable conduct policy.

In preparing the draft policy regard has been given to the SA Ombudsman's Model Policy use of the term 'Unreasonable Complainant Conduct' noting that not all unreasonable conduct arises from complaints/complainants but can be associated with any customer or matter dealing with Council. The policy title and content have been adjusted to reflect this.

PROPOSAL

It is proposed that Council consider and adopt an Unreasonable Conduct Policy as attached to this report (Attachment 1) and implement across the organisation, including the review and adoption of a suitable 'case management system' as referenced throughout the draft policy.

LEGAL IMPLICATIONS

Council has a responsibility to conduct itself in accordance with legislation relevant to any particular matter of business. This Policy and its application will not undermine customers rights as prescribed by legislation, but will operate alongside such rights to ensure that Councils administrative resources can be appropriately allocated to efficiently and equitably deliver the services of Council.

STRATEGIC PLAN

The Unreasonable Conduct Policy supports the 'values based' and 'effective' principles of Goal 5 'Our Commitment' in Council's Strategic Plan 2020-2024.

COUNCIL POLICY

The Unreasonable Conduct Policy should be read in conjunction with Council's [Request for Service and Complaint Policy C200](#) and [Internal Review of Council's Decisions Policy C290](#).

ECONOMIC IMPLICATIONS

The economic implications associated with this policy are the more efficient and effective use of Council administrative resources, through managing the disproportionate diversion of such resources in dealing with unreasonable conduct.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

This policy will have a perceived impact on some customers where their (unreasonable) conduct triggers warning or a change/restriction in access to the services of Council.



The provisions of the Unreasonable Conduct Policy, particularly those that restrict service, are to be applied as a matter of last resort where a customer does not alter their own conduct following a warning that such conduct is unreasonable.

The policy provisions should have no impact whatsoever on customers that engage with Council in a reasonable and responsible manner.

It might be anticipated that some customers to which the Unreasonable Conduct Policy is applied will be further aggrieved by the policy itself and display further unreasonable conduct as a result. In such situations consideration may be given to using alternative dispute resolution strategies such as mediation or conciliation, if it anticipated that such measures might result in an improved situation.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

As noted under 'Economic Implications' the resource implications associated with this policy are the more efficient and effective use of Council administrative resources, through managing the disproportionate diversion of such resources in dealing with unreasonable conduct.

VALUE FOR MONEY

As noted above, the value proposition associated with this policy is the reduced diversion of administrative resources allocated toward dealing with unreasonable conduct.

RISK IMPLICATIONS

The risk implications associated with this policy include:

Public Relations/Political – the risk that through 'managing' unreasonable conduct that Council is being 'heavy handed' or 'gagging' certain customers through their restricted or managed engagement with Council. The emphasis in this regard should first be on the unreasonable conduct displayed that leads to such management or restriction of access to the services of Council.

Work Health and Safety – certain conduct falling within the definition of 'unreasonable conduct' under this policy, and not limited to verbal or physical conduct, is of the kind that could reasonably be expected to lead to industrial relations issues if allowed to continue unchecked. The responsibility to provide a safe workplace makes it necessary to implement measures to manage such unreasonable conduct.

Other risks and benefits have been addressed under specific report headings.

EQUALITIES AND DIVERSITY IMPLICATIONS

The Unreasonable Conduct Policy includes specific provision for the recognition of and use of discretion to suit a customer's personal circumstances, level of competency, literacy skills etc.

Accordingly, it is expected that more than one strategy may need to be used to ensure appropriateness and efficacy in individual cases.

ENGAGEMENT AND COMMUNICATION STRATEGY

Due to the nature of the Unreasonable Conduct Policy relating to the behaviours displayed by individuals in particular situations dealing with Council, it is proposed that communication of policy expectations be on a case by case basis directly with such individuals.

It is intended that the basic conduct expectations will be displayed in public spaces within Council facilities.

As with all Council policies, the Unreasonable Conduct Policy will be published on the Council website and will be available to view or purchase from the Council's principal office.



IMPLEMENTATION STRATEGY

In anticipation of favourable endorsement Council's Management Team have convened a Project Group comprising the Manager Governance and Property, Manager Organisational Development, Library Manager and Team Leader Customer Experience.

This Project Group will oversee the implementation of the policy, including the identification and recommendation of a suitable case management system, and staff training to assist the identification and recording/reporting of incidents of unreasonable conduct.

CONCLUSION AND RECOMMENDATION

Having considered the sound organisational reasoning for an Unreasonable Conduct Policy this report recommends the adoption of the draft policy as provided (**Attachment 1**).

ATTACHMENTS

1. Draft Unreasonable Conduct Policy [↓](#)



 City of Mount Gambier	COUNCIL POLICY	
	UNREASONABLE CONDUCT POLICY	
	Version No:	1
	Issued:	December 2020
	Next Review:	December 2023

1. INTRODUCTION

1.1 Statement of support

The City of Mount Gambier is committed to being accessible and responsive to all customers who approach our office for assistance, service and/or with a complaint. At the same time the success of our office depends on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the requests we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, the City of Mount Gambier will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

All City of Mount Gambier staff are authorised and expected to implement the strategies provided in this policy.

2. OBJECTIVES

2.1 Policy aims

This policy has been developed to assist all staff members to better manage unreasonable customer conduct ('UCC'). Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
- The strategies provided in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* ('practice manual') including the strategies to change or restrict customer access to our services.
- Alternative dispute resolution strategies to deal with conflicts involving unreasonable behaviours toward members of our organisation.
- Legal instruments such as trespass laws/legislation to prevent individuals from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.

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 City of Mount Gambier	COUNCIL POLICY		Version No:	1
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- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a customer’s access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying customers about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

3. DEFINING UNREASONABLE CUSTOMER CONDUCT

3.1 Unreasonable customer conduct

Most customers act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their matters of concern.

However in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their matters of concern.

When customers behave in these ways we consider their conduct to be ‘unreasonable’.

Unreasonable customer conduct (‘UCC’) is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and customers or the customer themselves.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

3.2 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.

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 City of Mount Gambier	COUNCIL POLICY	
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- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their matters of concern.
- Reframing a request in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their matter – internal and external forum shopping.

For more examples of unreasonable persistence see pages 39 – 43 of the practice manual.

3.3 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their matter, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, General Manager or Chief Executive Officer personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances - eg for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

For more examples of unreasonable demands see pages 50 – 54 of the practice manual.

3.4 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with our organisation, staff, or systems and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of concern or explaining how they relate to the core issues being dealt with – only where the customer is clearly capable of doing this.
- Providing little or no detail when raising a matter of concern or presenting information in 'drips and drabs'.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.

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- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

For more examples of unreasonable lack of cooperation see pages 64 – 65 of the practice manual.

3.5 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence
- are not supported by any evidence and/or are based on conspiracy theories
- lead a customer to reject all other valid and contrary arguments
- are trivial when compared to the amount of time, resources and attention that the customer demands
- are false, inflammatory or defamatory.

For more examples of unreasonable arguments see pages 69 – 71 of the practice manual.

3.6 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of our staff, other service users or the customer themselves. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- Harassment, intimidation or physical violence.
- Rude, confronting and threatening correspondence.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- Stalking (in person or online).
- Emotional manipulation.

For more examples of unreasonable persistence see pages 77 – 85 of the practice manual.

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All staff should note that the City of Mount Gambier has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy, in accordance with our duty of care and occupational health and safety responsibilities, and will be reported to SA Police.

4. ROLES AND RESPONSIBILITIES

4.1 All staff

All staff are responsible for familiarising themselves with this policy as well as the *Individual Rights and Mutual Responsibilities of the Parties* in Appendix A.

Staff are encouraged to explain the contents of this document to customers who engage in UCC or exhibit the early warning signs for UCC. See pages 16 - 18 of the practice manual.

Staff are also encouraged and authorised to use the strategies and scripts provided in Part 5 of the practice manual to manage UCC, in particular:

- Strategies and script ideas for managing unreasonable persistence: pages 39 – 48.
- Strategies and script ideas for managing unreasonable demands: pages 50 – 63.
- Strategies and script ideas for managing unreasonable lack of cooperation: pages 64 – 68.
- Strategies and script ideas for managing unreasonable arguments: 69 – 76.
- Strategies and script ideas for managing unreasonable behaviours: pages 77 – 88.

However, it must be emphasised that any strategies that effectively change or restrict a customer's access to our services must be considered at the General Manager level or higher as provided in this policy.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) into the adopted case management database within 24 hours of the incident occurring.

Staff are also to report relevant UCC incidents to the relevant Manager using the Sample UCC incident form in Appendix B. The types of incidents to be reported to a Manager for immediate consideration will be identified in the implementation of this policy.

4.2 General Managers

The relevant General Manager, in consultation with relevant staff, has the responsibility and authority to change or restrict a customer's access to our services in the circumstances identified in this policy. When doing so they will take into account the criteria in Part 7.2 below (adapted into a checklist in Appendix C) and will aim to impose any service changes/restrictions in the least restrictive ways possible. Their aim, when taking such actions will not be to punish the customer, but rather to manage the impacts of their conduct.

When applying this policy the General Manager will also aim to keep at least one open line of communication with a customer. However, it is recognised that in extreme situations all forms of contact may need to be restricted for some time to ensure the health and safety and security of our staff and/or third parties.

The General Manager is also responsible for recording, monitoring and reviewing all cases where this policy is applied to ensure consistency, transparency and accountability for the application of this policy. They will also manage and keep a file record of all cases where this policy is applied.

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4.3 Managers

All Managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the practice manual. Managers are also responsible for ensuring compliance with the procedures identified in this policy and ensuring that all staff members are trained to deal with UCC – including on induction.

Following a UCC and/or stressful interaction with a customer Managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Managers will also ensure that staff are provided with proper support and assistance including medical and/or police assistance and support through programs such as Employee Assistance Program (EAPS), if necessary.

Depending on the circumstances Managers may also be responsible for arranging other forms of support for staff which are detailed in Part 12 of this policy.

5. RESPONDING TO AND MANAGING UCC

5.1 Changing or restricting a customer's access to our services

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to customers by restricting:

Who they have contact with – eg limiting a customer to a sole contact person/staff member in our organisation.

What they can raise with us – eg restricting the subject matter of communications that we will consider and respond to.

When they can have contact – eg limiting a customer's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.

Where they can make contact – eg limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.

How they can make contact – eg limiting or modifying the forms of contact that the customer can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

When using the restrictions provided in this section we recognise that discretion will need to be used to adapt them to suit a customer's personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

5.2 Who – limiting the customer to a sole contact point

Where a customer tries to forum shop internally within our organisation, changes their issues of concern repeatedly, reframes their concerns, or raises an excessive number of concerns it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their concern(s) and interactions with our office. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance – as needed. Also, the General Manager will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

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Customers who are restricted to a sole contact person will however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – eg they go on leave or are otherwise unavailable for an extended period of time.

5.3 What – restricting the subject matter of communications that we will consider

Where customers repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a concern/issue that has already been comprehensively considered and/or reviewed (at least once) by our office, we may restrict the issues/subject matter the customer can raise with us/we will respond to. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further in which case, we may do so on our 'own motion'.
- Restrict the customer to one concern/issue per month. Any attempts to circumvent this restriction, for example by raising multiple concerns/issues in the one letter may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further UCC incidents.

5.4 When – limiting when and how a customer can contact us

If a customer's telephone, written or face-to-face contact with our organisation places an unreasonable demand on our time or resources because it is overly lengthy (eg disorganised and voluminous correspondence) or affects the health safety and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the customer can interact with us. This may include:

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews. For example:
 - Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
 - Lengthy written communications may be restricted to a maximum of 3 typed or written pages, single sided, font size 12 or it will be sent back to the customer to be organised and summarised – This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so.
 - Limiting face-to-face interviews to a maximum of 30 minutes.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
 - Telephone calls to [1] every month.
 - Written communications to [1] every month.
 - Face-to-face interviews to [1] every month.

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- For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:
 - Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues identified in their matter of concern.
 - Restrict the frequency with which customer can send emails or other written communications to our office.
 - Restrict a customer to sending emails to a particular email account (eg city@mountgambier.sa.gov.au) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

Writing only restrictions

When a customer is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only
- Email only to a specific staff email or city general office email account
- Fax only to a specific fax number
- Some other relevant form of written contact, where applicable.

If a customer's contact is restricted to 'writing only', the General Manager will clearly identify the specific means that the customer can use to contact our office (eg Australia Post only). Also if it is not suitable for a customer to enter our premises to hand deliver their written communication, this must be communicated to them as well.

Any communications that are received by our office in a manner that contravenes a 'write only' restriction will either be returned to the customer or read and filed without acknowledgement.

5.5 Where – limiting face-to-face interviews to secure areas

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

These restrictions may include:

- Restricting access to particular secured premises or areas of the office – such as the reception area or secured room/facility.
- Restricting their ability to attend our premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- Allowing them to attend our office on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
- Banning the customer from attending our premises altogether and allowing some other form of contact – eg 'writing only' or 'telephone only' contact.



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Contact through a representative only

In cases where we cannot completely restrict our contact with a customer and their conduct is particularly difficult to manage, we may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the customer but must be approved by the General Manager.

When assessing a representative/support persons suitability, the General Manager should consider factors like: the nominated representative/support person’s competency and literacy skills, demeanour/behaviour and relationship with the customer. If the General Manager determines that the representative/support person may exacerbate the situation with the customer the customer will be asked to nominate another person or we may assist them in this regard.

5.6 Completely terminating a customer’s access to our services

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager and the Chief Executive Officer may decide that it is necessary for our organisation to completely restrict a customer’s contact/access to our services.

A decision to have no further contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – eg entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases the customer will be sent a letter notifying them that their access has been restricted as outlined in Part 7.4 below.

Such instances will also be reported to SA Police.

A customer’s access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a customer.

For more information, about the types of circumstances where legal mechanisms may be used to deal with UCC, please see:

Unauthorised entry onto agency premises – applying the provisions of the Inclosed Lands Protection Act 1901 (NSW)

Orders to address violence, threats, intimidation and / or stalking by complainants.

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6. ALTERNATIVE DISPUTE RESOLUTION

6.1 Using alternative dispute resolution strategies to manage conflicts with customers

If the General Manager and Chief Executive Officer determine that we cannot terminate our services to a customer in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild our relationship with them.

If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the customer is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

7. PROCEDURE TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A CUSTOMER'S ACCESS TO OUR SERVICES

7.1 Consulting with relevant staff

When the relevant Manager receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- The circumstances that gave rise to the UCC/incident.
- The impact of the customer's conduct on our organisation, relevant staff, our time, resources, etc.
- The customer's responsiveness to the staff member's warnings/requests to stop the behaviour.
- The actions the staff member has taken to manage the customer's conduct, if any.
- The suggestions made by relevant staff on ways that the situation could be managed.

7.2 Criteria to be considered

Following a consultation with relevant staff the relevant Manager will search the adopted case management system for information about the customer's prior conduct and history with our organisation. They will also will consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.

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- Whether changing or restricting access to our services will have an undue impact on the customer’s welfare, livelihood or dependents etc.
- Whether the customer’s personal circumstances have contributed to the behaviour? For example, the customer is a vulnerable person who is under significant stress as a result of one or more of the following:
 - homelessness
 - physical disability
 - illiteracy or other language or communication barrier
 - mental or other illness
 - personal crises
 - substance or alcohol abuse.
- Whether the customer’s response/ conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the customer’s contact/access to our services.

Once the Manager has considered these factors they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the customer’s conduct which may include one or more of the strategies provided in the practice manual and this policy.

See Appendix C – Sample checklist for General Managers when deciding to modify or restrict a customer’s access.

7.3 Providing a warning letter

Unless a customer’s conduct poses a substantial risk to the health and safety of staff or other third parties, the relevant Manager will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- Specify the date, time and location of the UCC incident.
- Explain why the customer’s conduct/ UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- Provide clear and full reasons for the warning being given
- Include an attachment of the organisation’s ground rules and / or briefly state the standard of behaviour that is expected of the customer. See Appendix A.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the Manager or preferably the General Manager/Chief Executive Officer.

See Appendix D – Sample warning letter.

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7.4 Providing a notification letter

If a customer’s conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the General Manager or Chief Executive Officer has the discretion to send a notification letter immediately restricting the customer’s access to our services (without prior written warning).

This notification letter will:

- Specify the date, time and location of the UCC incident(s).
- Explain why the customer’s conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the customer.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the General Manager or Chief Executive Officer.

See Appendix E – Sample letter notifying customers of a decision to change or restrict their access to our services.

7.5 Notifying relevant staff about access changes/restrictions

The General Manager will notify relevant staff about any decisions to change or restrict a customer’s access to our services, in particular reception and security staff in cases where a customer is prohibited from entering our premises.

The General Manager will also update the adopted case management system with a record outlining the nature of the restrictions imposed and their duration.

7.6 Continued monitoring/oversight responsibilities

Once a customer has been issued with a warning letter or notification letter the General Manager will review the complainant’s record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular customer to ensure that they are complying with the restrictions/the arrangement is working.

If the General Manager determines that the restrictions have been ineffective in managing the customer’s conduct or are otherwise inappropriate, they may decide to either modify the restrictions, impose further restrictions or terminate the customer’s access to our services altogether.

8. APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

8.1 Right of appeal

Customers are entitled to one appeal of a decision to change/restrict their access to our services.

This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the customer’s access. This staff member will consider the customer’s arguments along with all relevant records regarding the customer’s past conduct. They

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will advise the customer of the outcome of their appeal by letter which must be signed off by the Chief Executive Officer. The staff member will then refer any materials/records relating to the appeal to the Manager Organisational Development to be kept in the appropriate file.

If a customer continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

9. NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO OUR SERVICES

9.1 Recording and reporting incidents of non-compliance

All staff members are responsible for recording and reporting incidents of non-compliance by customers. This should be recorded in a file note in the adopted case management system and a copy forwarded to the General Manager who will decide whether any action needs to be taken to modify or further restrict the complainant’s access to our services.

10. PERIODIC REVIEWS OF ALL CASES WHERE THIS POLICY IS APPLIED

10.1 Period for review

All UCC cases where this policy is applied will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

10.2 Notifying the customer of an upcoming review

The General Manager will invite all relevant customers to participate in the review process unless they determine that this invitation will provoke a negative response from the customer (ie further UCC). The invitation will be given, and the review will be conducted in accordance with the customer’s access restrictions (e.g. if contact has been restricted to writing only then the invitation to participate will be done in writing).

See Appendix F – Sample letter notifying a customer of an upcoming review.

10.3 Criteria to be considered during a review

When conducting a review the General Manager will consider:

- Whether the customer has had any contact with the organisation during the restriction period.
- The customer’s conduct during the restriction period.
- Any information/arguments put forward by the customer for review.
- Any other information that may be relevant in the circumstances.

The General Manager may also consult any staff members who have had contact with the customer during the restriction period.

Note – Sometimes a customer may not have a reason to contact our office during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted our organisation during their restriction period (apparent compliance with our restriction)

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may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

See Appendix G – Sample checklist for reviewing an access change/restriction.

10.4 Notifying a customer of the outcome of a review

The General Manager will notify the customer of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been taken into account during the review.
- Explain the decision/outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction the review letter will **also**:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the relevant Manager who the customer can contact to discuss the letter.
- Be signed by the General Manager or Chief Executive Officer.

See Appendix H – Sample letter advising the customer of the outcome of a review.

10.5 Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this policy, the General Manager is responsible for keeping a record of the outcome of the review, updating the adopted case management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

See Parts 4.2 and 7.5 above.

11 MANAGING STAFF STRESS

11.1 Staff reactions to stressful situations

Dealing with customers who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need help of all City of Mount Gambier staff to identify stressful incidents and situations.

As a result, all staff have a responsibility to notify relevant supervisors/senior managers of UCC incidents and any stressful incidents that they believe require management involvement.

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11.2 Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program – a free, confidential counselling service.

Further information on service providers and contact details to make an appointment are available on the staff Intranet and notice boards.

12 OTHER REMEDIES

12.1 Compensation for injury

Any staff member who suffers injury as a result of aggressive behaviour from customers is entitled to make a workers' compensation claim. Human Resources will assist wherever possible in processing claims. If you are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

12.2 Compensation for damage to clothing or personal affects

Where damage is suffered to clothing or personal effects as a result of aggression by a customer, compensation or replacement may be sought.

12.3 Legal assistance

If a staff member is physically attacked, or is a victim of employment generated harassment and the police do not lay charges, the Chief Executive Officer will consider providing reasonable legal assistance if the staff members wishes to take civil action.

12.4 Threats outside the office or outside working hours

Where threats are directed at a particular staff member and it appears those threats may be carried out outside normal working hours or outside the office, the staff member will receive the support of the office. Requests for such assistance should be made to the General Manager or Chief Executive Officer.

12.5 Escorts home

When a staff member fears for their safety following a threat from a customer, another staff member may accompany them home or the office can meet the cost of the staff member going home in a taxi. Ask the relevant Manager for more information.

12.6 Telephone threats on home numbers

If a staff member or their family have been harassed by telephone at their home and they believe it is connected with their employment they may apply to have the office meet the cost of having their telephone number changed and/or made silent. The staff member should also contact their telephone carrier, as they may provide an interception/monitoring service.

If assistance is approved, the City of Mount Gambier will meet the cost incurred for a period up to 12 months. Once approval is given, the staff member is responsible for making the necessary arrangements and will be reimbursed after producing a paid account.

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Applications for reimbursement must be approved by the Chief Executive Officer.

12.7 Other security measures

If other security measures are necessary, the office will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

13. TRAINING AND AWARENESS

The City of Mount Gambier is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with customers in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis in particular, on induction.

14. OMBUDSMAN MAY REQUEST COPIES OF OUR RECORDS

The City of Mount Gambier will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year.

This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

15. REVIEW & EVALUATION

This Policy is scheduled for review by Council in November 2022; however, will be reviewed as required by any legislative changes which may occur.

All staff may forward any suggestions they have in relation to this policy to the Manager Organisational Development, who along with the Management Team will review it biennially (every 2 years).

17. 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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		Next Review:	December 2023

File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999 Workplace Health and Safety Act 2012 (SA) Workplace Health and Safety Regulations 2021 (SA)
Reference: Strategic Plan 2020-2024	Our People Our Commitment
Related Policies:	Request for Service and Complaint Policy - C200
Related Procedures:	Occupational Health and Safety Principles Administrative Procedure – Acknowledging and Responding to Customer Feedback and Request for Service Administrative Procedure – Employee Assistance Program
Related Documents:	Managing Unreasonable Complainant Conduct Practice Manual - 2nd Edition

DOCUMENT DETAILS

Responsibility:	Manager Organisational Development
Version:	1.0
Last revised date:	December, 2020
Effective date:	15 th December, 2020
Minute reference:	15 th December, 2020 Council, Item #
Next review date:	December 2023
<u>Document History</u>	
First Adopted By Council:	15 th December, 2020
Reviewed/Amended:	

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Background

In 2006 the Australasian Parliamentary Ombudsman began a collaborative project on Managing Unreasonable Complainant Conduct ('UCC'). The focus of this project has been to develop clear and practical strategies to help organisations and their staff manage their interactions with complainants whose conduct is identified as unreasonable.

One of the key principles and messages underlying the Ombudsman project has been the idea that to effectively manage UCC organisations need to recognise that dealing with it is a core part of complainant handling work. As such UCC must be treated as a priority and given adequate resources, including being supported by clear policies and procedures.

Accordingly, since the publication of the first edition of the Ombudsman *Managing Unreasonable Complainant Conduct Practice Manual* in 2009 a number of public organisations have taken steps to develop policies and procedures to assist and support their staff in this regard. While this appears to have led to a general improvement in how UCC is managed, Ombudsman offices across Australasia have observed significant variations in the level of detail and contents of these policies, as well as a general lack of formal procedures to support them.

For example, we have found some policies do not adequately define the roles or responsibilities of frontline officers and senior managers to take action in relation to UCC. They do not distinguish between the strategies that frontline officers are authorised to use and those that must be considered and acted on at a senior management level – eg those that seek to change or restrict a complainant's ability to access their services. Other policies do not provide/are not supported by any procedures for recording or reporting UCC incidents and do not provide guidance on the type of criteria that should be considered when restricting a complainant's access to services. They also fail to identify any systems or processes for reviewing such restrictions and do not include strategies on how staff can deal with complainants who do not comply with these types of restrictions.

As a result, as Stage 2 of the UCC project has progressed, the Parliamentary Ombudsman have identified a number of situations where unclear and/or informal policies and procedures have led to a range of administrative problems and inconsistencies in how UCC is managed. See for example: *Commonwealth Ombudsman, Unreasonable customer conduct and 'write only' policy*.¹

Purpose

The model policy has been developed to clarify the Ombudsman policy recommendations in relation to the management of UCC. It attempts to provide a robust, standardised and consistent model policy and procedure that organisations can use to inform and support their policy development processes. We recommend that all organisations – whether they are in the process of developing a UCC policy and procedure or already have an existing one(s) – take time to review this document to ensure their policies and procedures are fair and consistent, and compliant with Ombudsman's suggested approach.

At the same time it should be noted that this document is only a guide. Each organisation will need to decide how best to implement the information contained in it to suit their own circumstances and existing organisational systems and protocols.

¹ Commonwealth Ombudsman 2010, *Department of Human Services, Child Support Agency, Unreasonable customer conduct and 'write only' policy*, Report no 14/2010, Canberra.

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Important points and caveats

Policy and procedure to be in writing

To ensure transparency, accountability, fairness and consistency in the management of UCC, it is essential for an organisation to have a written UCC policy and procedure(s) for its staff. A written policy and procedures will ensure that staff are aware of their roles and responsibilities and have clear guidance and authority to deal with UCC on a daily basis. A written policy and procedure will also provide a reference point for all complainants whose conduct is managed in accordance with it, as well as review bodies, courts or tribunals that may subsequently be tasked with reviewing their application.

Contents of a UCC policy

A robust and comprehensive UCC policy should include the following basic features:

- Clear guidance about the authority vested in frontline staff and senior management to respond to and manage UCC, including taking action to restrict a complainant’s access to services.
- An explanation of the types of circumstances where it might be appropriate to change or restrict a complainant’s access to services and the procedures that should be followed when doing so.
- A range of possible service restrictions (not just ‘write only’ restrictions) that staff can use to manage UCC.
- Guidance about the types of factors that should be taken into account when deciding to change or restrict a complainant’s access to services.
- Procedures for communicating with complainants about decisions to change or restrict their access, including the use of template letters.
- A centralised system for recording and reporting details of complainants with service restrictions to assist with ongoing management and review of these cases.
- A standardised process for reviewing decisions to change or restrict access – including fixed time periods and criteria for review, and a presumption that any restriction will be lifted unless there is a clear need for it to continue.

In addition, national organisations and/or those with multiple offices should standardise their UCC policies to ensure overall consistency in how UCC is dealt with in each office. This is particularly important for managing situations where complainants attempt to forum shop from one office to the next or have legitimate reasons for having contact with more than one office – eg Centrelink.

See Part 2.1 – policy and procedure.

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Avoiding misuses and overuses of UCC policies

Organisations also need to take steps to ensure that their UCC policies are applied cautiously and sparingly. The Ombudsman’s approach and UCC policies, in general, should never be seen as a quick solution for dealing with complainants who are angry or frustrated or who are viewed as being annoying or a nuisance. They are intended to be applied in cases where UCC is in fact an issue – that is in cases where a complainant’s conduct raises the types of safety, resource and equity issues identified in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* and supporting documents. For most organisations these cases are likely to be very few in number.

Organisations should also take steps to ensure their UCC policies are applied in the least restrictive ways possible. They should never be applied in ways that go beyond what is appropriate and necessary to manage a complainant’s conduct and must always be proportionate to the complainant’s personal circumstances. The aim when applying such policies should not be to punish the complainant but rather to manage the impacts of their conduct.

For example, it would be inappropriate for an organisation to restrict a complainant’s access to ‘writing only’ if that complainant is not proficient in English, is illiterate or vision impaired. It would be equally inappropriate to impose access restrictions in ways that would limit a complainant’s ability to exercise a right that has been provided to them by statute.

To guard against misuses or overuses of UCC policies, we strongly suggest that all organisations should implement effective systems for:

Recording and reporting all UCC incidents – this includes ensuring that their staff are well trained in appropriate and consistent record keeping practices and ensuring they have in place a centralised case management system where UCC incidents can be easily recorded and accessed.

A good case management system – that is capable of delivering timely and accurate information about complainants and their complaints – is essential for the proper management of UCC, particularly if a complainant’s ability to interact with the organisation has been modified or restricted as a result of their behaviour. It can facilitate the sharing and dissemination of information among staff and ensure consistency in the approaches taken.

A well implemented case management system is:

- easily accessible and searchable
- capable of being easily updated with contemporaneous information
- contains information and documentation relating to all complaints and complainants
- includes a system of alerts and notifications that promptly alert staff to any access changes or restrictions along with contextual information (in summary form) of the nature and reasons for those restrictions
- includes a tracking system for monitoring incidents of UCC and their progress.
- Also, staff need to be clearly advised about whom, within the organisation, they should report UCC incidents to, as well as the proper procedure(s) for doing so.



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Tracking and monitoring all uses of their policies – one staff member [eg a *nominated senior manager*] should be responsible for tracking and monitoring all uses of their UCC policy to ensure that it is being applied consistently, appropriately and effectively and that UCC cases are reviewed at appropriate intervals.

Reviewing all cases where their policies are used – all uses of their UCC policies should be reviewed at regular intervals to ensure that they continue to be necessary, appropriate and effective in the circumstances.

See Parts 4, 7.6, 9, and 10 of the attached Policy.

Handling complaints in ways that will not trigger or exacerbate UCC

Organisations must acknowledge that sometimes they and their staff get it wrong and can, in fact, trigger or exacerbate UCC. Mistakes can be made, complaints/cases can be mishandled, processes and procedures can be overly complex or unresponsive to the needs of certain complainants, and delays may occur. In these circumstances, and in any circumstance where an organisation contributes to a complainant’s unreasonable conduct, they should immediately rectify the problem – including providing the complainant with an apology. For further advice on making apologies, see: Apologies – A practical guide, NSW Ombudsman, March 2009).

If remediation does not work and the organisation’s relationship with the complainant breaks down, it may be necessary to organise alternative dispute resolution approaches – such as conciliation – to resolve the issue and rebuild the relationship with the complainant to the extent possible.

See Part 6 of the attached Policy.



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Appendix A

Individual Rights and Mutual Responsibilities of Parties

In order for the City of Mount Gambier to ensure that all complaints are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties involved in relation to unreasonable conduct.

Individual rights

Customers have the right:

- to raise concerns and to express their opinions in ways that are reasonable, lawful and appropriate
- to a fair and impartial assessment and, where appropriate, investigation of their concerns based on the merits of the case
- to a fair hearing
- to be informed in at least general terms about the actions taken and outcome of their concerns
- to be given reasons that explain decisions affecting them
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the right:

- to determine whether, and if so how, concerns will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from customers
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a customer concerns
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a customer.

Subjects of customer concerns have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by staff of the City of Mount Gambier
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.



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Mutual responsibilities

Customers are responsible for:

- clearly identifying to the best of their ability their issues of concern, or asking for help from the staff of the City of Mount Gambier to assist them in doing so
- providing to the best of their ability the City of Mount Gambier with all the relevant information available to them at the time of raising concerns
- being honest in all communications with the City of Mount Gambier
- informing the City of Mount Gambier of any other action they have taken in relation to their concerns
- cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their concerns
- treating staff of the City of Mount Gambier with courtesy and respect.

If customers do not meet their responsibilities, the City of Mount Gambier may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

The City of Mount Gambier has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a concern or to have further dealings with the customer. In certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to customers who need help to raise their concerns and, where appropriate, during the investigation process
- dealing with all concerns, customers and people or organisations the subject of concern professionally, fairly and impartially
- giving customers or their advocates a reasonable opportunity to explain their concerns, subject to the circumstances of the case and the conduct of the customer
- giving people or organisations the subject of concern a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping customers informed of the actions taken and the outcome of their concerns
- giving customers reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- treating customers and any people the subject of concerns with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that customers are not subjected to any detrimental action in reprisal for raising their concerns
- giving adequate warning of the consequences of unacceptable behaviour.

If the City of Mount Gambier or its staff fail to comply with these responsibilities, customers may further raise their concern with the Chief Executive Officer or the SA Ombudsman.

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Subjects of customer concerns are responsible for:

- cooperating with the staff of the City of Mount Gambier who are assigned to handle the concerns, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession to the City of Mount Gambier or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with City of Mount Gambier and its staff
- treating the staff of the City of Mount Gambier with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the customer in reprisal for them raising concerns

If subjects of a customer concern fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

The City of Mount Gambier is responsible for:

- having an appropriate and effective request for service and complaint handling system in place for receiving, assessing, handling, recording and reviewing requests for service and complaints
- ensuring that all customer concerns are dealt with professionally, fairly and impartially
- ensuring that staff treat all parties to a customer concern with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a concern is based on sound reasoning and logically probative information and evidence
- finalising matters of concern on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies/procedures/practices to ensure that customers are not subjected to any detrimental action in reprisal for raising their concerns
- giving adequate consideration to any privacy implications that may arise in the handling of customer concerns and the conduct of investigations.

If the City of Mount Gambier fails to comply with these responsibilities, customers may complain to the Chief Executive Officer or the SA Omdusman



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Appendix B

Sample UCC incident form This form should only be completed if you encounter unreasonable customer conduct and consider that steps may need to be taken to change or restrict a customer's access to services provide by our organisation.

You must complete this form and send it electronically or by hand to the General Manager within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the customer's conduct.

Date: _____ Case officer's name: _____

Name of customer: _____ Customer's case file number: _____

Details of the customer's conduct/incident including whether emergency services were contacted:

Why do you consider this conduct to be unreasonable? For example – has it occurred before/repeatedly, caused significant disruptions to our organisation, has or could raise significant health and safety issues for our staff or other persons.

What action, if any, have you taken to deal with/manage the customer's conduct? For example – warning the customer 'verbally' about their conduct, other/previous attempts to manage the behaviour etc.

What do you think should be done to effectively manage the customer's conduct? Note – the final decision on the appropriate course of action will be made by the General Manager.

Is there any other information that might be relevant to this case? If necessary, attach any supporting documentation.



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Appendix C

Sample checklist for the General Manager to consider when deciding to modify or restrict a customer's access

- I have received a signed and completed incident form from the case officer(s) involved (attach copy).
- I have spoken with relevant case officer(s) to obtain further information, as needed.
- I have reviewed the customer's record and all the relevant information in it.
- I have referred to and considered Part 7.2 Criteria to be considered which includes an assessment of the following:

The merits of the customers case

The customer's circumstances

Jurisdictional issues

Proportionality

Organisational or case officer responsibility

Responsiveness, including previous conduct

Case officer's personal boundaries

Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)

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Along with the case officer concerned and any other relevant officers, I have considered all reasonable options for managing the customer's conduct, including those that do not involve restricting their access to our services.

The customer has been warned about their conduct in writing, and the letter has been signed by the Manager, General Manager or Chief Executive Officer.

The customer has been advised in writing of our decision to restrict their access to our organisation, and the letter has been signed by the Chief Executive Officer.

I have made a record of my assessment and decision about the customer's conduct and all relevant staff members have been notified of my decision.

An electronic alert has been created in the adopted case management system that notifies any staff dealing with this customer of the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the customer (including who they should direct any communications from the customer to).

Date: _____ Signature: _____

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Appendix D

Sample warning letter

[To be signed by the CEO or General Manager]

Our reference: [reference]

Contact: [case officer]

Telephone: [number]

[Date]

[Name of customer]

[Address of customer]

Dear [name of customer]

Your contact with the City of Mount Gambier

You recently had [state the form of contact – e.g. telephone, written or face-to-face] with staff at my office on [date]. [During/In that telephone call/appointment/letter,] I understand that you [explain the nature of the conduct that has caused the organisation to be concerned].

We consider this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that my staff consider to be unreasonable, we will impose restrictions on your contact with our office. This may involve restricting your contact to [apply the relevant option(s)]:

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post [if online or other written communications are preferred then explain].
- 'Telephone contact only' – this means that you will only be able to contact us by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of our staff.

Or any other restriction that we consider to be appropriate in the circumstances.

I have attached a copy of a document called [Individual rights and mutual responsibilities of the parties] for your reference. We expect everyone who deals with this office to act in the ways described in this document.

If you have any questions about this letter, contact [provide name and phone number of the General Manager].

Yours sincerely,

Manager / General Manager / Chief Executive Officer

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Appendix E

Sample letter notifying a customer of a decision to change or restrict their access to our services
[To be signed by the CEO or General Manager]

Our reference: [reference]
Contact: [case officer]
Telephone: [number]

[Date]

[Name of customer]
[Address of customer]

Dear [name of customer]

Decision to restrict your contact with the City of Mount Gambier

It has come to my attention that you [describe the nature of the unreasonable conduct and its impact – e.g. if the customer has been sending emails to several members of my staff on a daily basis...]

I understand that my staff have previously told you that we consider this conduct to be unreasonable and unwarranted.

I also wrote to you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with my organisation. At the time I also attached a copy of our [Individual rights and mutual responsibilities of the parties] which outlines your responsibilities as a customer.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with my organisation. I therefore give you notice that from [date], and with the exception(s) detailed below, my organisation will only accept communication from you [identify permissible form of contact, if any].

What this means

This means that you are only to contact our organisation using [describe the restriction in further details]. Any communications that do not comply with this restriction will be [describe what will happen – e.g. phone calls will be terminated immediately or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc].

[Note: the customer should be clearly informed how they can contact the organisation and how the organisation will contact them].

Your existing concerns (if applicable)

This organisation currently has one file open in your name. This relates to [state the subject of concern and describe concern]. This file is being handled by [name of officer and position title]. While you are able to contact [name of officer] [state nature of contact – e.g. by email] about this specific matter, all other contact with my organisation, including any future concerns, must be [state restriction – e.g. in writing through Australia Post] [provide contact details – e.g. address of organisation where post can be sent].

Review of this decision

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My decision to restrict your contact with this organisation is effective immediately and will last for [3 months/6 months/12 months]. At that time we will review your restriction and decide if it should be maintained, amended or withdrawn.

I take these steps with the greatest reluctance, but [state reason for restriction – e.g. the equity and safety of other customers and my staff], leaves me no alternative.

If you have any questions about this letter, you can contact [provide name and phone number of the General Manager].

Yours sincerely,

Chief Executive Officer / General Manager

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Appendix F

Sample letter notifying a customer of an upcoming review
[To be signed by the CEO or General Manager]

Our reference: [reference]
Contact: [case officer]
Telephone: [number]

[Date]

[Name of customer]
[Address of customer]

Dear [name of customer]

Upcoming review of the decision to restrict your contact with [name of organisation]

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with our office. As advised in our letter dated [date], we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to [apply the relevant option(s)]:

- make submissions in writing through Australia Post [include contact person's name and address]
- schedule a face-to-face interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]
- schedule a telephone interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]

In your letter, you should include information that would be relevant to our review. This includes information about [.....]/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by [time and date]/you should confirm your interview with [name of case officer] by [time and date]. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision. If you have any questions about this letter, you can contact [provide name and phone number of the nominated senior manager].

Yours sincerely,
Chief Executive Officer / General Manager

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Appendix G

Sample checklist for reviewing a decision regarding an access change/restriction

- The customer has been sent a letter notifying them of the review.
- The customer will/will not participate in the review.
 - the customer has/has not scheduled a face-to-face interview
 - the customer has/has not made written submissions
 - the customer has/has not scheduled a telephone interview
- I have reviewed all the information in the adopted case management system from the last 12 months [or relevant period of the restriction] about the customer's:
 - contact with the office (explain form of contact)

 - conduct during that contact (explain if conduct reasonable or unreasonable)

- I have spoken with the case officers who have had contact with the customer during the last 12 months about the customer's conduct during that period.
- I have considered the arguments/statements made by the customer, including the impact of the restrictions on them (explain customer's position, including if their circumstances have changed etc.) Note: if the customer is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.

- I have considered whether there are other more reasonable/suitable options for managing the customer's conduct, including those that do not involve restricting their access to our services (list all that apply).

- I consider that the restriction should be (explain):
 - maintained – e.g. because conduct has continued, is likely to continue, is disproportionate removed – e.g. because the customer has complied with the restrictions etc.
 - amended – e.g. because the customer's circumstances have changed and the current restriction is no longer appropriate.

- I have discussed my decision with other relevant officers
- The customer has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the CEO.
- The adopted case management system has been updated to reflect my decision.

Date: _____ Signature: _____

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Appendix H

Sample letter advising the customer of the outcome of a review
 [To be signed by the CEO or General Manager]

Our reference: [reference]
 Contact: [case officer]
 Telephone: [number]

[Date]

[Name of customer]
 [Address of customer]

Dear [name of customer]

Review of your contact with the City of Mount Gambier

I am writing about a review that was undertaken by my organisation on [date] concerning your contact with this office. I understand that you [participated/did not participate] in that review.

Process of review

During the review you were given an opportunity to [explain in general terms how the review what undertaken].

Considerations

After your [interview/reading your submissions], we considered the concerns and suggestions raised in your [interview/letter, etc.], particularly your concerns about [include information that would be relevant – e.g. the customer said their circumstances had changed]. We also reviewed our records of your conduct and contact with our office over the last 12 months. Our records showed that [provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to four times a day, throughout the period of your restriction].

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to [state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

Decision

[apply if relevant]: Due to [explain reasoning for the decision – e.g. the number of emails that you have sent to our organisation in the last 12 months and] I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to [explain reasoning for the decision I consider it necessary to amend the restrictions on your access to better suit your personal circumstances [explain, including providing clear instructions on how the customer is to contact us and how we will contact them]. The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may [explain how the complainant can notify of the change].

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 City of Mount Gambier	COUNCIL POLICY UNREASONABLE CONDUCT POLICY	Version No:	1
		Issued:	December 2020
		Next Review:	December 2023

[apply if relevant]: Due to [explain reasoning for the decision] I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

If you have any questions about this letter, you can contact [provide name and phone number of the General Manager].

Yours sincerely

Chief Executive Officer / General Manager



5.4 COUNCIL / REGIONAL ASSESSMENT PANEL – REPORT NO. AR20/78763

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/78763
CM9 Reference:	AF19/413
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Barbara Cernovskis, Acting Chief Executive Officer
Summary:	A report seeking endorsement for the City of Mount Gambier to join a Regional Assessment Panel in conjunction with the District Councils of Grant and Robe and Wattle Range Council.
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 People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council approach the District Councils of Grant and Robe and Wattle Range Council seeking to participate in the formation of a Regional Assessment Panel.
3. Council endorse the Memorandum of Understanding based upon Option B being the preferred constitution.



TYPE OF REPORT

Other

BACKGROUND

Council last considered its participation in a Regional Assessment Panel with the District Council of Grant, Wattle Range Council and the District Council of Grant at its meeting held on 20 October 2020. At this time Council determined:

1. *That Council Report No. AR20/63299 titled 'Regional Assessment Panel Memorandum of Understanding' as presented on 20 October 2020 be noted.*
2. *Council continue on with its own Council Assessment Panel.*
3. *Council advise the other 3 Councils it no longer wishes to be part of the Regional Assessment Panel.*
4. *Council review the Terms of Reference of the Council Assessment Panel to reflect the operations of the future Council Assessment Panel."*

Council has also previously considered this matter at its meeting held on 21 July 2020 when it considered a proposed model for a Regional Assessment Panel prepared for the four councils in the Lower Limestone Coast. At this meeting Council determined:

1. *That Council endorse the Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models as presented with Report No. AR20/38060.*
2. *That the Chief Executive Officer (or delegate/s) be authorised to finalise any administrative arrangements necessary to reach agreement between the proposed member Councils on Regional Assessment Panel and Assessment Manager and cost sharing / resourcing models, provided that any further amended details are based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.*
3. *That the Chief Executive Officer be authorised to approach the Minister to seek the establishment of a Regional Assessment Panel and to prepare a cost sharing / resourcing agreement between the member Councils the outcome of which to be the subject of a future report to Council.*
4. *That the Regional Assessment Panel should include an Elected Member from the City of Mount Gambier and this appointment be until the next local government election.*
5. *That the functioning of the Regional Assessment Panel be subject to review after 18 months of operation."*

It should be noted that, with the exception of resolution 4 from October 2020 relating to a review of the Terms of Reference of the Council Assessment Panel, all of the abovementioned July and October resolutions were rescinded at the Council meeting held on 17 November 2020.

Preceding this, at the Economic and Environment Committee Meeting held on 2 March 2020 and subsequent Council meeting on 17 March 2020 Report No. AR20/10881 titled 'Joint Planning Board for the Limestone Coast Region' was considered and Council resolved as follows:

1. *That Economic and Environment Committee Report No. AR20/10881 titled 'Joint Planning Board for the Limestone Coast Region' as presented on 02 March 2020 be noted.*
2. *That Council endorses the draft Joint Planning Board Agreement (at attachment 1) and agrees that the Mayor and Chief Executive Officer execute the agreement on behalf of the City of Mount Gambier.*
3. *That the Mayor be the City of Mount Gambier representative on the Joint Planning Board, with the Deputy Mayor appointed as a proxy."*



PROPOSAL

The seven Council's within the Limestone Coast, through the Chief Executive Officer's are still discussing the progression of a Joint Planning Board to undertake the strategic planning processes for the Limestone Coast on a Regional basis.

However, with the transition to the Planning, Development and Infrastructure Act, 2016, and regional 'Phase 2' Council's now live in the new system, Council's have had to make decisions to ensure the Phase 2 regional Councils are still able to operate and continue with the assessment of Development Applications.

The implementation of the Planning, Development and Infrastructure Act 2016 requires Council's to have an accredited Assessment Manager and an Assessment Panel with Members also with recognised experience and accreditation.

At this time, it is anticipated the City of Mount Gambier will go live in the new system in either March or July 2021. The go live date for Phase 3 Councils, incorporating the City of Mount Gambier, other provincial cities and Metropolitan Adelaide Councils has yet to be announced by the State Government.

Currently the City of Mount Gambier has an assessment panel appointed by Council, which satisfies the requirements of the PDI Act. However, Council has actively participated in discussions with the Limestone Coast Local Government Association and other Limestone Coast Councils regarding the creation of a Joint Planning Board including the creation of an assessment panel by the Joint Planning Board.

In addition to discussions regarding the formation of a Joint Planning Board, there have been discussions between Councils within the region regarding the possibility of creating Regional Assessment Panels, in particular as some Council's with the Region:

- Do not currently have an assessment manager and appropriately accredited planning professionals
- Members on existing Council Assessment Panel's may not meet the appropriate accreditation requirements; and
- Council's, including the City of Mount Gambier, have trouble attracting suitably qualified and accredited professionals to sit as Members of an assessment panel.

The Tatiara District Council, Naracoorte Lucindale Council and The District Council of Kingston have investigated the formation of an Upper Limestone Coast Regional Assessment Panel. The City of Mount Gambier was invited to join and actively participated in discussions with the District Council of Grant, Wattle Range Council and the District Council of Robe representatives investigating the formation of a Lower Limestone Coast Regional Assessment Panel.

When considering the changes introduced by the PDI act the benefits of forming a regional assessment panel with the other lower Limestone Coast Councils include:

Cost Sharing.	Anticipated costs may decrease as the costs are shared between four Councils. A basic assumption is that costs to operate a regional assessment panel are unlikely to exceed Council's cost to operate it's own CAP
Fewer meetings	If less applications are required to be considered by an assessment panel, meetings can be scheduled less frequently with meetings cancelled if there are no applications to be considered.

The City of Mount Gambier is currently able to continue to operate its Council Assessment Panel in its current format as the panel members meet the accreditation criteria and Council employees a



number of planning professionals, two of who meet the accreditation criteria for an assessment manger.

However, in the longer term a risk for Council is that there may be a problem to maintain the operation of the panel and continue to attract suitably accredited panel members as well as employ suitably qualified planning professionals. If Council does not join in with other Council's within the region to participate in the formation of a regional assessment panel, it may be difficult to become involved at a later time if it became necessary to do so.

Should Council delay joining in discussions to form a regional assessment panel, Council would also not be able to have input into the formation of the panel, its terms of reference and operating protocols and procedures.

The PDI Act also enables the Minister to appoint a Regional Assessment Panel (RAP). A further risk Council may expose itself to is being instructed by the Minister to join in the establishment of a RAP should the Minister determine it would be appropriate for Council to do so when it's surrounding and nearby Councils are being proactive in forming a RAP.

The PDI Act provides the Minister a variety of powers to form a panel and override a Council's decision in a number of ways. These include through the establishment of a regional assessment panel or the substitution of a local assessment panel in lieu of Council's Assessment Panel. (Sections 84 and 86 of the PDI Act, 2016).

LEGAL IMPLICATIONS

The Development Act 1993 is being replaced by the Planning, Development and Infrastructure (PDI) Act 2016 through a transitional period towards the full implementation of the PDI Act, 2016 which is anticipated to be completed in early 2021.

The Planning, Development and Infrastructure Act 2016 introduced amendments to the assessment process for Development Applications and the role of Council Assessment Panels. This report covers the ability for Councils to work together and form a Regional Assessment Panel.

STRATEGIC PLAN

The implementation of the Planning, Development and Infrastructure Act 2016 provides opportunities for Council in the implementation of it's Strategic Plan 2020-2024 and is anticipated to provide benefits for Our People, Our Location, Our Diverse Economy and Our Climate, Natural Resources, Arts, Culture and Heritage.

Specifically the implementation of the PDI Act has links with the following goals and objectives:

Our People	1.2.1, 1.2.3, 1.4.2, 1.4.4
Our Location	2.1.1, 2.2.4, 2.2.5
Our Diverse Economy	3.1.2, 3.2.1, 3.2.2, 3.3 2
Our Climate, Natural	4.1.1, 4.2.4, 4.4.1

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

An efficient and effective decision making process will provide certainty to developers and will assist to foster and encourage development within the region.

ENVIRONMENTAL IMPLICATIONS

A well coordinated and collaborative decision making process will help to ensure the protection of the environment through the management of environmental issues from a regional perspective.



SOCIAL IMPLICATIONS

A well managed and delivered decision making process will provide certainty and clarity to the community.

CULTURAL IMPLICATIONS

Like Social Implications, a regional approach to the decision making process will help to provide opportunities for cultural recognition.

RESOURCE IMPLICATIONS

This provides an opportunity for Council to share resources, experience, knowledge and expertise with Councils within the region through regional collaboration.

This also provides an opportunity to share costs and make savings through the minimisation of costs to operate one Regional Assessment Panel in lieu of four separate Council Assessment Panels.

VALUE FOR MONEY

As identified above the operation of one Regional Assessment Panel in lieu of four separate Council Assessment Panels provides better value for money for each Council.

Money would be provided through the budget for the existing Council Assessment Panel.

The establishment of a Regional Assessment Panel would be undertaken via the required process identified within the Planning, Development and Infrastructure Act 2016 in consultation with the Minister.

RISK IMPLICATIONS

If Council chooses to wait and see and not participate in the formation of a Regional Assessment Panel with it's neighbouring Council's:

- It may lose the opportunity to achieve costs savings in the operation of an assessment panel
- Council may have trouble retaining and securing appropriately accredited panel members and planning professionals
- It may be difficult to join an already established RAP at some time in the future
- Council will lose the opportunity to negotiate and have input on the terms of reference, operating protocols and procedures of the RAP
- Council may be instructed by the Minister to join a RAP

EQUALITIES AND DIVERSITY IMPLICATIONS

The formation of a Regional/Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

ENGAGEMENT AND COMMUNICATION STRATEGY

The formation of a Regional/Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

IMPLEMENTATION STRATEGY

The formation of a Regional/Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

CONCLUSION AND RECOMMENDATION

It is recognised that the City of Mount Gambier is currently in a position where it can continue to operate its own assessment panel. On this basis Council can choose to wait and see what changes occur as the new planning system is implemented.

If Council chooses to wait and see:



- It may lose the opportunity to achieve costs savings in the operation of an assessment panel
- Council may have trouble retaining and securing appropriately accredited panel members and planning professionals
- It may be difficult to join an already established RAP at some time in the future
- Council will lose the opportunity to negotiate and have input on the terms of reference, operating protocols and procedures of the RAP
- Council may be instructed by the Minister to join a RAP

On this basis it is suggested Council be proactive and continue to work with the District Council of Grant, Wattle Range Council and the District Council of Robe to form a Regional Assessment Panel for the Lower Limestone Coast, based on a proportionate sharing of costs and resourcing implications based on applications relevant to each respective Council.

Having received the report detailing anticipated deficiencies with the continuation of a Council Assessment Panel and considered the benefits of a regional model, this report recommends the establishment of a Limestone Coast Southern Regional Assessment Panel and associated administration with a Membership as proposed by Option B within the proposed Memorandum of Understanding (**Attachment 1**).

ATTACHMENTS

1. Attachment to report AR20/63299 (Title: Regional Assessment Panel - Memorandum of Understanding) [↓](#)



Limestone Coast Southern Regional Assessment Panel

Memorandum of Understanding (MOU)

BETWEEN

Wattle Range Council, District Council of Grant, District Council of Robe and City of Mount Gambier
(together, "the Councils")

Dated:

RECITALS

- A. The Councils have determined that the creation of a Regional Assessment Panel for the combined areas of the Wattle Range Council, District Council of Grant, District Council of Robe and City of Mount Gambier to be known as the Southern Limestone Coast Regional Assessment Panel (Panel), would be an effective way to pool resources and satisfy the requirements of the Planning, Development and Infrastructure Act 2016 (PDI Act), the Planning, Development and Infrastructure (General) Regulations 2017, and the Planning and Design Code in regional South Australia.
- B. The Councils acknowledge the work of previous Council Assessment Panels and local Assessment Managers and are committed to maintaining the highest degree of effective local decision making and delegation in a regional panel.
- C. Section 84(1)(c)(ii)(A) of the PDI Act provides for the Minister to constitute a Regional Assessment Panel where 2 or more councils request the Minister to do so in relation to their combined areas.
- D. The Councils have agreed to enter into this MOU acknowledging their intent to request the Minister to constitute the Panel, and to otherwise facilitate the constitution and operation of the Panel on the terms and conditions which follow.

1. ABOUT THIS MOU

- 1.1 The purpose of this MOU is:
 - 1.1.1 to acknowledge the intent of the Councils to request the Minister to constitute the Panel;
 - 1.1.2 to provide an agreed model for the constitution of the Panel for the Minister's consideration; and
 - 1.1.3 upon the constitution of the Panel, to govern the sharing of costs, information sharing, resourcing and other matters relevant to the administration of the Panel as expressed in this MOU and subject at all times to the PDI Act.
- 1.2 The Councils agree to work co-operatively in good faith to ensure that the Panel is constituted by the Minister, and thereafter to support the Panel and to facilitate its ongoing operation.
- 1.3 The Councils acknowledge that there is no express ability to "withdraw" from the Panel provided in the PDI Act at this time.

2. RELATIONSHIP OF THE COUNCILS

- 2.1 Each Council must act fairly, reasonably, diligently and in good faith in performing its obligations under this MOU.



- 2.2 The relationship between the Councils under this MOU is one of cooperation and support for the constitution of the Panel and its operation.
- 2.3 The relationship between the Councils is limited to the purposes of this MOU and the constitution and management of the Panel under the PDI Act, and is not to be construed as a partnership, joint venture, principal and agent, trust, fiduciary or any other special relationship.
- 2.4 The Councils acknowledge and agree that this MOU does not create any substantive rights or liabilities on the part of the Councils.
- 2.5 The Councils acknowledge that notwithstanding the intentions of the Council, that the Minister may not agree to constitute the Panel on the basis of this MOU, but that certain terms may be added, removed or varied at the Minister's discretion.

3. TERM

- 3.1 This MOU will be effective from the date of its execution by the Councils for a period of two years. An initial oversight review will be undertaken by Council CEO's six months into the operations of the MOU. The MOU shall be reviewed and varied by agreement of the Councils on every 12 month anniversary following constitution of the Panel.

4. TERMINATION

- 4.1 This MOU will terminate:
 - 4.1.1 upon the notice constituting the Panel being revoked by the Minister pursuant to Section 84(1)(j) of the PDI Act; or
 - 4.1.2 upon the notice constituting the Panel being varied by the Minister pursuant to section 84(1)(j) of the PDI Act and a replacement MOU or agreement for the varied Panel being executed such that this MOU is rendered obsolete.

5. CONSTITUTION OF THE PANEL

- 5.1 Subject at all times to the PDI Act, the Councils agree to request that the Minister constitute the Panel in the following manner:

Option A

that the area of the Panel comprise the entire areas of the Councils;

that the Panel comprise up to five (5) members being:

- (a) the Presiding Member appointed in accordance with paragraphs 5.1.2
and
- (b) up to four (4) members appointed in accordance with paragraph 5.1.4, one of which will be an elected member from one of the Councils.

Option B

that the area of the Panel comprise the entire areas of the Councils;

that the Panel comprise up to five (5) members being:

- (c) the Presiding Member appointed in accordance with paragraphs 5.1.2
and
- (d) up to Four (4) and members appointed in accordance with paragraph 5.1.4



- 5.1.2 that the members of the Panel be appointed by a Recruitment Panel constituted by the Chief Executive Officer or delegate of each Council, together with the Assessment Manager (**Recruitment Panel**).
- 5.1.3 The Recruitment Panel will appoint the Presiding Member taking into account the following requirements:
- (a) the Presiding Member must be an accredited professional;
 - (b) the Presiding Member must be a fit and proper person with reasonable knowledge of the operation and requirements of the Act and
 - (c) the Presiding Member must not be an elected member or an officer of any of the Councils.
- 5.1.4 The Recruitment Panel will appoint up to:
- Option A**
- The Recruitment Panel will appoint up to four (4) (or whatever number of appointments are required at the time) Panel Members, that are not the Presiding Member, taking into account the following requirements:
- (a) one Panel Member will be an elected member of any of the Councils;
 - (b) the remaining Panel Members must not be an officer or elected member of any of the Councils and must be an accredited professional to a minimum of Planning Level 2.
 - (c) each Panel Member must be a fit and proper person to be a member of the Panel;
 - (d) where possible, Panel Members should be representative of the Council areas covered.
- Option B**
- The Recruitment Panel will appoint up to four (4) (or whatever number of appointments are required at the time) Panel Members, that are not the Presiding Member, taking into account the following requirements:
- (a) Panel Members must not be an officer or elected member of any of the Councils and must be an accredited professional to a minimum of Planning Level 2.
 - (b) each Panel Member must be a fit and proper person to be a member of the Panel;
 - (c) where possible, Panel Members should be representative of the Council areas covered.
- 5.1.5 the term of office of each Panel Member will be two (2) years and may be extended for any or all members at the discretion and by agreement of the Councils.
- 5.1.6 the conditions of appointment of Panel Members will be determined by agreement of the Councils.
- 5.1.7 The Recruitment Panel may appoint up to two deputy members at its discretion.



- 5.2 The office of a member of a panel member will become vacant if the member:
- 5.2.1 is removed from office by the Councils or Minister due to a breach of the Code of Conduct adopted by the Minister under Schedule 3 of the Act;
 - 5.2.2 Is removed from office by the Councils due to:
 - (a) Misconduct or neglect of duty;
 - (b) Incapacity to carry out duties satisfactorily;
 - (c) Failure to carry out duties in accordance with Section 91 of the Act;
 - 5.2.3 resigns by written notice to the Councils;
 - 5.2.4 dies;
 - 5.2.5 completes a term of office and is not re-appointed;
 - 5.2.6 becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - 5.2.7 is convicted of an indictable offence punishable by imprisonment.

6. HOST COUNCIL

A host Council shall be determined and operate as the lead Council for a period of 12 months. The host Council will be responsible for all aspects of the management of the Regional Assessment Panel including administration support, fee payments and other relevant financial management considerations.

The role of the host Council will be shared on a 12 monthly basis, on a financial year rotation, or part thereof in the first year, by those Councils with sufficient staffing, or resourcing capacity to undertake the role.

- 6.1 Subject to the Panel determining otherwise, the location of all Panel meetings will be determined by the Host Council, taking into account the origin of applications to be considered by the Panel.

7. COSTS AND EXPENSES

- 7.1 Subject to the scheme set out in the notice issued under s84(1)(a) of the PDI Act and except as otherwise expressed in this MOU;
- 7.1.1 each Council will contribute one quarter of the total expenses of the foundation costs of setting up the Panel, including but not limited to, the costs associated with advertisements for expressions of interest for new members, notices and establishment costs of the Panel.
 - 7.1.2 Each Council will contribute to the operational costs of the Panel including notices, refreshments if required, remuneration and sitting fees of Panel members. Operational costs will be allocated on a use basis, should a Council not have a matter before a particular RAP meeting then no costs will be allocated to that Council for that meeting.
 - 7.1.3 All Councils will be responsible for an equitable share of costs associated with all training and accreditation requirements of Panel members.
 - 7.1.4 the contribution payable by the Councils for the costs associated with the Panel set out in paragraphs 7.1.1, 7.1.2 and 7.1.3 shall be reviewed and varied by agreement of the Councils on every 12 month anniversary following constitution of the Panel.
- 7.2 Each Council shall be individually responsible for the cost and conduct of any claim, expense or Court proceedings arising from a decision of the Panel made in respect of a development application in that Council's area.



- 7.3 The Host Council shall be responsible for making payment of the shared expenses outlined in clause 7.1.1, 7.1.2 and 7.1.3. Upon doing so, the Host Council will invoice the other three Councils for the relevant total cost of the expenses and the invoice shall be paid within one month of the date of the invoice. Councils will be invoiced every six months.
- 7.4 If any Panel Member (including the Presiding Member) resigns or is no longer a member for any reason, the Councils shall be equally responsible for administrative costs associated with replacing that member.
- 7.5 A Council may individually obtain legal advice in relation to the performance of this MOU or the conduct of the Panel and/or a Panel Member or in the assessment of a development application to be determined by the Panel. In doing so, that Council will be responsible for any legal expenses incurred, unless the Councils have previously agreed in writing that legal advice was required and that the associated legal expenses would be shared equally between the Councils.

8. ASSESSMENT MANAGER

- 8.1 The Councils may nominate a person to be Assessment Manager which position shall ultimately be appointed in accordance with the PDI Act.
- 8.2 The costs and expenses of the Assessment Manager shall be split equally between the Councils, only to the degree that there are additional costs incurred by the employing Council.
- 8.3 The Assessment Manager:
- 8.3.1 may delegate the assessment of all applications to officers of the Council in whose area the development application is located, or lodged so that development applications are assessed by officers of the Council to whose area the application relates. An exception to this will be where a Council does not have an Officer with appropriate qualifications or experience to undertake the assessment.
- 8.3.2 may delegate the assessment of any applications to:
- (a) an officer of a Council in whose area the development application is not located;
or
- (b) another person permitted by the PDI Act if the Council in whose area the development application is located or lodged does not have an officer to whom the application can be delegated (because of for example resourcing relating to leave, qualifications or skills) such that a development application may be assessed by officers of a council to whose area the application does not relate, or such other permitted person.
- 8.4 A Council in whose area a development application is located is responsible for the cost and conduct of any claim, expense or Court proceedings arising from decisions made by the Assessment Manager or a delegate of the Assessment Manager.



9. CONFIDENTIALITY

- 9.1 Subject to the provisions of the *Freedom of Information Act 1991*, a Council must not, without the prior written consent of the other Councils, use or disclose confidential information regarding any other council which it has obtained through the operation of the Panel.
- 9.2 A Council will not use any confidential information provided to it pursuant to this MOU other than to discharge its obligations in accordance with the MOU.

10. INDEMNITIES AND GUARANTEES

- 10.1 Each Council agrees to indemnify the remaining Councils for any losses, actions, damages, costs and expenses that arise from or are the result of the failure of that Council to perform any of its obligations under this MOU.
- 10.2 In circumstances where the Councils become liable as a result of the conduct of a member of the Panel, any or all of the Councils may liaise with the Mutual Liability Scheme.

11. DISPUTE RESOLUTION

- 11.1 It is the intention of the Councils to amicably and in good faith settle any dispute that arises out of the performance of this MOU, by way of discussion and negotiations between the relevant Chief Executive Officers of the Councils.
- 11.2 Where a dispute has arisen, it shall be referred to the Chief Executive Officers of the Councils who, if they cannot reach agreement, will refer the matter to their respective Council for determination.

12. GENERAL

Amendment

- 12.1 This Agreement can only be amended, modified, varied, released or discharged by the written agreement of each council and subject to the PDI Act.

Governing Law

- 12.2 The laws of South Australia apply to the performance of this MOU.

Entire Agreement

- 12.3 Subject to the PDI Act and any applicable regulations and other instruments under the PDI Act this MOU constitutes the full extent of terms that have been agreed to by the Councils in relation to the establishment and ongoing operation of the Panel.
- 12.4 This MOU is intended to supersede any previous arrangements, agreements, correspondence, tenders, representations, proposals, understandings and communications that were entered into and/or made by the Councils (whether orally or in writing) in regards to the establishment and ongoing operation of the Panel.

Interpretation

In this MOU:

- 12.5 any terms which are defined in the PDI Act or regulations or in any instruments under that Act or regulations are assigned the meaning in the Act, regulations or instrument;
- 12.6 headings do not affect interpretation;
- 12.7 singular includes plural and plural includes singular;



- 12.8 a reference to any statute or subordinate legislation includes all statutes and subordinate legislation amending, consolidating or replacing the statute or subordinate legislation referred to; and
- 12.9 the requirements of this MOU are to be construed as additional to any requirements upon any party under the PDI Act or any other legislation.

EXECUTED AS A MEMORANDUM OF UNDERSTANDING

Signed for and on behalf of
WATTLE RANGE COUNCIL
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name

Signed for and on behalf of
DISTRICT COUNCIL OF GRANT
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name

Signed for and on behalf of
DISTRICT COUNCIL OF ROBE
by its authorised officer in the presence of

Witness Signature

Signature

Print Name

Print Name



Signed for and on behalf of
CITY OF MOUNT GAMBIER
by its authorised officer in the presence of

Witness Signature

Print Name

Signature

Print Name



ADOPTION AND AMENDMENT HISTORY

<i>Date</i>	<i>Authorised by</i>	<i>Minute Reference</i>
August 2024		Next review
	CEOs of	



5.5 REVIEW - COUNCIL ASSESSMENT PANEL – REPORT NO. AR20/79655

Committee:	People and Place Committee
Meeting Date:	7 December 2020
Report No.:	AR20/79655
CM9 Reference:	AF19/413
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	Review of the Membership of the Council Assessment Panel
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 People and Place Committee Report No. AR20/79655 titled 'Review - Council Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council:
 - (i) Seek nominations/Expressions of Interest from Elected Members to be appointed to the Council Assessment Panel, with the successful Member commencing this role at the meeting scheduled to be held on Thursday 17th December, 2020.
 - (ii) Call for nominations/Expressions of Interest to fill the four Independent Member positions on the Council Assessment Panel.



TYPE OF REPORT

Legislative

BACKGROUND

Pursuant to Section 83 of the Planning, Development and Infrastructure Act 2016, Council must establish a Council Assessment Panel (CAP). The role of the CAP is to make decisions on development applications delegated to it and advise Council on development assessment trends and issues as they arise.

At the Special Statutory Council Meeting held on Thursday 22nd November, 2018 Council resolved that Cr Jenner be appointed as the Elected Member to the Council Assessment Panel.

Council at it's meeting held in January, 2019 considered the membership of the CAP and determined:

“(a) Council AR18/53283 ‘Council Assessment Panel – Appointment Of Members (2019-2021)’ Council 15 January 2019

(b) That Council:

- i. Appoint three (3) Independent Members to the Council Assessment Panel – Mr Mark Teakle, Mr Ian Von Stanke and Mr Peter Seebohm to the Council Assessment Panel for its term commencing in February 2019.*
- ii. Appoint Mr Ian Von Stanke as the Presiding Member of the Council Assessment Panel, for its term commencing in February 2019.*
- iii. Council seek interest from people with relevant qualifications to fill the remaining vacancy on the Council Assessment Panel.*
- iv. Adopt the Terms of Reference for the Council Assessment Panel as attached to Report No. AR18/53283 (Attachment 1).*
- v. Note the Code of Conduct (Attachment 2) to be observed by Council Assessment Panel Members under Schedule 3 of the Planning, Development and Infrastructure Act 2016.*
- vi. Council write to Ms Liz Travers, inaugural member of the City of Mount Gambier CDAP/CAP, to thank her for her invaluable contribution to the CDAP/CAP as both an Independent Member and as a long-serving Presiding Member.*
- vii. In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008, as contained in the Instrument of Delegation (Attachment 3 Schedule I) Council Assessment Panel Delegations are hereby delegated to the Council Assessment Panel from 21st February 2019. This is subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.*

Further, Council resolved at it's meeting held on 20 October 2020, amongst other things that were subsequently rescinded at the 17 November 2020 Council meeting, that:

- 4. Council review the Terms of Reference of the Council Assessment Panel to reflect the operations of the future Council Assessment Panel.”*

The term of membership for the Council Assessment Panel is two years. The term of the current Council Assessment Panel membership expires in February, 2021. The current independent members of the CAP are:



- Mr Ian Von Stanke (Presiding Member)
- Mr Peter Seebohm
- Mr Mark Teakle; and
- One vacancy

Council has previously called for nominations to fill the current vacancy of the CAP on two separate occasions, with no nominations being received.

PROPOSAL

The implementation of the Planning, Development and Infrastructure Act 2016 requires Council's to have an accredited Assessment Manager and an Assessment Panel with Members also with recognised experience and professional accreditation.

Currently the City of Mount Gambier has an assessment panel appointed by Council, which satisfies the requirements of the PDI Act.

The term of membership for the Council Assessment Panel is two years with the current term of the Council Assessment Panel membership expiring in February, 2021.

Council's Elected Member appointed to the CAP will also have completed a two year term on the CAP in November this year. This report now recommends that Council invite nominations and/or Expressions of Interest from Elected Members to be appointed to the Council Assessment Panel for a two year term, expiring in November 2022, which will coincide with the next Local Government Elections.

The Planning, Development and Infrastructure Act 2016 enables the membership of the CAP to be no more than 5 members, only 1 of which may be a member of a Council.

With the expiry of current membership terms and recent deliberations in relation to the establishment and membership of a Regional Assessment Panel, including the position of other regional Councils that no Elected Members be appointed to a Regional Assessment Panel and Council resolving to review the Terms of Reference for it's CAP, Council may now wish to reconsider section 2.1 of the Terms of Reference of it's CAP and whether it seeks to retain the mandatory requirement for an Elected Member on the CAP or remove the mandatory provision for an Elected Member to be appointed to the CAP.

A copy of the CAP Terms of Reference, Meeting Procedures and Code of Conduct are attached to this report for Members information and review.

As the current term of membership for the Independent Members of the CAP expires in February 2021, and Elected Member two year appointment expired in November/December 2020, it is proposed that Council commence the process to call for Expressions of Interest for membership of the CAP.

LEGAL IMPLICATIONS

The Development Act 1993 is being replaced by the Planning, Development and Infrastructure (PDI) Act 2016 through a transitional period towards the full implementation of the PDI Act, 2016 which is anticipated to be completed in early 2021.

The Planning, Development and Infrastructure Act 2016 introduced amendments to the assessment process for Development Applications and the role of Council Assessment Panels. This report covers the ability for Council to continue with the decision making/assessment process of Development Applications including those applications identified as being the type that must be determined by a Council Assessment Panel and/or a Regional Assessment Panel.



STRATEGIC PLAN

The implementation of the Planning, Development and Infrastructure Act 2016 provides opportunities for Council in the implementation of its Strategic Plan 2020-2024 and is anticipated to provide benefits for Our People, Our Location, Our Diverse Economy and Our Climate, Natural Resources, Arts, Culture and Heritage.

Specifically the implementation of the PDI Act has links with the following goals and objectives:

Our People	1.2.1, 1.2.3, 1.4.2, 1.4.4
Our Location	2.1.1
Our Diverse Economy	3.1.2, 3.2.1, 3.2.2, 3.3 2
Our Climate, Natural	4.1.1, 4.2.4, 4.4.1

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

An efficient and effective decision making process will provide certainty to developers and will assist to foster and encourage development within the City.

ENVIRONMENTAL IMPLICATIONS

A well coordinated and collaborative decision making process will help to ensure the protection of the environment through the management of environmental issues within the City.

SOCIAL IMPLICATIONS

A well managed and delivered decision making process will provide certainty and clarity to the community.

CULTURAL IMPLICATIONS

Like Social Implications, a well managed approach to the decision making process will help to provide opportunities for cultural recognition.

RESOURCE IMPLICATIONS

Current resource implication regarding CAP Members payments, administrative expenses and travel allowances to remain as currently identified within the budget.

VALUE FOR MONEY

This is a legislative requirement.

RISK IMPLICATIONS

Council must have a Council Assessment Panel and/or Regional Assessment Panel to determine Development Applications that must be determined by a CAP/RAP.

If Council does not have a CAP/RAP it will be unable to undertake its statutory responsibility to assess Development Applications.

EQUALITIES AND DIVERSITY IMPLICATIONS

The formation of a Regional/ Council Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement. When seeking nominations for members Council will seek to achieve diversity in the panel membership.

ENGAGEMENT AND COMMUNICATION STRATEGY

The formation of a Regional/Council Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.



IMPLEMENTATION STRATEGY

The formation of a Regional/Council Assessment Panel is a function of the Planning, Development and Infrastructure Act 2016 and is a legislative requirement.

CONCLUSION AND RECOMMENDATION

The term of membership for the Council Assessment Panel is two years with the current term of the Council Assessment Panel membership expiring in February, 2021.

Council's Elected Member appointed to the CAP will also have completed a two year term on the CAP in November of this year.

Council is now able to review the Terms of Reference and membership for the Council Assessment Panel and is recommended to commence a call for Nominations/Expressions of Interest to fill positions for an upcoming term.

ATTACHMENTS

1. Council Assessment Panel - Code of Conduct [↓](#)
2. Council Assessment Panel - Terms of Reference [↓](#)
3. City of Mount Gambier Council Assessment Panel Meeting Procedures - February 2020 [↓](#)





Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

(1) *It is expected that a person or body that—*

- (a) seeks to obtain an authorisation under this Act; or*
- (b) performs, exercises or discharges a function, power or duty under this Act; or*
- (c) takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
- (d) act in a cooperative and constructive way; and*
- (e) be honest and open in interacting with other entities under this Act; and*
- (f) be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

(2) Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must—

(a) exercise professional care and diligence; and

(b) act honestly and in an impartial manner; and

(c) be responsible and accountable in its conduct; and

(d) comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.

(3) The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.

(4) The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must respect the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manager and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.



Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and



- e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

- 15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

- 16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
- 17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

- 18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

- 19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
- 20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

- 21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.





**City of Mount Gambier Council
Assessment Panel**

TERM OF REFERENCE

Adopted by the City of Mount Gambier at its meeting held on
19th September, 2017.



**City of Mount Gambier Council Assessment Panel
Terms of Reference
Applicable from 1 October 2017**

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1.	Background	1.
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3.	Vacancy in Membership	3.
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5.	Removal from Office	4.



1. BACKGROUND

- 1.1 The City of Mount Gambier Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Mount Gambier (**the Council**) on 19 September 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

2. MEMBERSHIP OF CAP

Appointment of Members

- 2.1 The CAP will be constituted of 5 Members (**CAP Members**), to be appointed by the Council, comprising:
 - 2.1.1 one Member of the Council (**Council Member**);
 - 2.1.2 4 Independent Members (**Independent Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
 - 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
 - 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
 - 2.3.3 in relation to the Council Member, the candidate's experience in local government;
 - 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
 - 2.3.5 that gender diversity among CAP Members is desirable;
 - 2.3.6 such other matters as the Council considers relevant.

Appointment of Deputy Members

- 2.4 The Council must appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.



- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10 The Council will call for expressions of interest for appointment of CAP Members.

Presiding Member and Acting Presiding Member

- 2.11 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14 A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.16 Subject to clause 5, Independent Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.17 Subject to clause 5, the Council Member will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.18 Deputy Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.



2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.

3. VACANCY IN MEMBERSHIP

3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.

3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.

3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.

3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. CONDITIONS OF APPOINTMENT

4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.

4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.

4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.

4.3.1 Sitting fees (including GST):

• Independent Presiding Member	\$250
• Other Independent Members	\$200
• Council Member appointees	\$200
• Council Officer appointees	NIL*

(the above sitting fees are for formal ordinary meetings of a Panel which are likely to be monthly when a substantial majority of the CAP business will be conducted)

4.3.2 Should it be necessary to convene formal special meetings of a Panel then the likely sitting fees will be as follows on the basis of the lesser number of items on the agenda:

• Independent Presiding Member	\$60
• Other Independent Members	\$50
• Council Member appointees	\$50
• Council Officer appointees	NIL*

4.3.3 Where the meeting does not require the attendance of Members in person and can be undertaken by phone link up due to a small agenda



and the minor nature of items for discussion and no site inspection is necessary the sitting fees be as follows:

- Independent Presiding Member \$60
- Other Independent Members \$50
- Council Member appointees \$50
- Council Officer appointees NIL*

****Special Note: It is not the intention of the Council to appoint any Council Officers to any Panel.***

4.3.4 Travel reimbursement of 57.8 cents per kilometer may be available upon application to Council should a member of the Council Development Assessment Panel not be a resident within the City of Mount Gambier and the District Council of Grant.

4.3.5 A review of the sitting fees and expenses etc. will be undertaken within 6 months of the formation of the new Panel.

4.3.6 Invoices seeking payment for attendance at a meeting of the Council Development Assessment Panel shall be submitted regularly, on a monthly basis, after the meeting of the Council Development Assessment Panel for that month.

4.3.7 It is the view of the Councils that the sitting fees referred to above are sufficient to be inclusive of:

- (a) view of all sites to be considered (and related travel costs);
- (b) review of the agenda for each meeting;
- (c) assessment of the applications against the provisions of the Development Plan;
- (d) attendance at every Panel meeting;
- (e) discussions with Council Officers, at the DAP meeting, regarding alternate recommendations or queries in relation to agenda items.

4.4 Upon the commencement of Section 83(1)(c) of the Act:

4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act;

4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. REMOVAL FROM OFFICE

5.1 A CAP Member will automatically lose office where:

5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;



- 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;
- 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
 - 5.2.1 a breach of a condition of his or her appointment as a CAP Member;
 - 5.2.2 misconduct;
 - 5.2.3 a breach of any legislative obligation or duty of a CAP Member;
 - 5.2.4 neglect of duty in attending to role and responsibilities as a CAP Member;
 - 5.2.5 a failure to carry out satisfactorily the duties of his or her office;
 - 5.2.6 a breach of fiduciary duty that arises by virtue of his or her office;
 - 5.2.7 inability to carry out satisfactorily the duties of his or her office.
 - 5.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP Member previously having resolved to grant a leave of absence to the CAP Member;
 - 5.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so;
 - 5.2.10 for any other reason the Council considers appropriate.
- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
 - 5.4.1 give written notice to the CAP Member of:
 - 5.4.1.1 its intention to remove the CAP Member from office pursuant to clause 5.2;
 - 5.4.1.2 the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,

not less than 7 days before the meeting of the Council at which the matter is to be considered.



- 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines;
- 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

28 August 2017
Ref. AR17/33514





**City of Mount Gambier Council
Assessment Panel**

MEETING PROCEDURES

Valid from 20th February 2020.



**City of Mount Gambier Council Assessment Panel
Meeting Procedure
Applicable from 20th February 2020**

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City of Mount Gambier Council Assessment Panel

Meeting Procedures

Adopted for the CAP for application from 20th February 2020

These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the *Planning, Development and Infrastructure (General) Regulations 2017 (Regulations)*.

1. CAP MEETINGS

ORDINARY MEETINGS

- 1.1 Ordinary meetings of the City of Mount Gambier Council Assessment Panel (**CAP**) will be held on the third Thursday of each month, unless there are no items to be considered, in which case no meeting will be held.
- 1.2 Meetings will commence at 5:45pm, unless earlier or later commencement times are arranged to facilitate inspections of land the subject of current, past or future applications before the Panel.
- 1.3 Meetings will ordinarily be held at the Civic Centre, 10 Watson Terrace, Mount Gambier. However, the Assessment Manager, in consultation with the Presiding Member, may arrange an alternative venue should the circumstances warrant.
- 1.4 All Members must attend meetings in person. No Member shall attend a meeting by telephone or video link, or any other electronic means.
- 1.5 Notice of an ordinary meeting will be given to all CAP Members not less than 3 clear days prior to the holding of the meeting in accordance with clause 1.6.
- 1.6 Notice of a meeting of the CAP must:
 - 1.6.1 be in writing;
 - 1.6.2 set out the date, time and place of the meeting;
 - 1.6.3 be signed by the Assessment Manager;
 - 1.6.4 contain or be accompanied by the full agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - 1.6.5 be given to a CAP Member by electronic means to the email address nominated by the Member.
- 1.7 A notice that is not given in accordance with clause 1.6 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.



- 1.8 A copy of the full agenda for all meetings of the CAP (excluding the attachments to reports) will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.9 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.
- 1.10 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 1.11 A meeting may, at the request of a CAP Member or the Assessment Manager, break for a specified time period as determined by the CAP.
- 1.12 Meetings of the CAP shall be conducted in public except where the Panel may exclude the public pursuant to Regulation 13(2) of the Regulations.

SPECIAL MEETINGS

- 1.13 The Presiding Member may, by delivering a written request to the Assessment Manager, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.14 On receipt of a request pursuant to clause 1.13, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least two days before the commencement of the special meeting.
- 1.15 An Assessment Manager may require a special meeting of the CAP to be held. Members must be advised of the special meeting in accordance with the procedures set out in clauses 1.5 and 1.6.

2 DEPUTY MEMBERS

- 2.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member, Assessment Manager or a member of Council staff who has been nominated by the Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause 2.1 is given, the Presiding Member may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 2.3 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

3 ADDITIONAL MEMBERS

- 3.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the *Planning, Development and Infrastructure Act 2016 (Act)*.



- 3.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where he or she considers the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or, during the transition to the Act, the *Development Act 1993*).
- 3.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 1.4, highlighting the item(s) the Additional Member is required to consider.
- 3.4 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

4 COMMENCEMENT OF MEETINGS

- 4.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 4.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.
- 4.3 If at the expiration of ten minutes from the commencement time specified in the notice of the meeting a meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 4.4 In the event that the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

5 DEFERRAL OF ITEMS

- 5.1 Any request from an applicant (or their representative) to defer an item listed on the CAP agenda after the agenda has been sent to CAP Members but before the meeting, must be in writing and sent to the Assessment Manager. The decision to permit a deferral will be made by the Presiding Member at his or her discretion in consultation with the Assessment Manager.

6 HEARING OF REPRESENTATIONS

- 6.1 The Assessment Manager may in his or her discretion exclude:
 - 6.1.1 a representation or response to representation(s) which is received out of time;
 - 6.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
 - 6.1.3 a representation or response to representation(s) which is otherwise invalid.



- 6.2 In relation to each application to be considered and determined by the CAP:
- 6.2.1 a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 6.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by spokesperson.
 - 6.2.2 Where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by spokesperson;
 - 6.2.3 Where no representors appear, an applicant (or their spokesperson) will only be entitled to appear before the CAP at the discretion of the Presiding Member.
- 6.3 CAP Members may question and seek clarification from representors and applicants at the conclusion of their address to the CAP.
- 6.4 Where representors and/or applicants are to be heard by the Panel, this will occur at the commencement of the consideration of each relevant agenda item and not *en bloc*.
- 6.5 Representors will be allocated 5 minutes to address the CAP and the applicant will be allocated 10 minutes to respond, unless otherwise determined by the Presiding Member.
- 6.6 Where two or more persons have nominated a spokesperson to support their representations the Presiding Member will determine the allocated time that the spokesperson will have to address the CAP.
- 6.7 Where representors are addressing the CAP on a common issue or issues, the CAP may request such representors to address the CAP in a group, rather than individually.
- 6.8 Representors will not be allowed a further opportunity to address the CAP once applicants have concluded their response.
- 6.9 Representors and applicants will not be allowed a further opportunity to address the CAP at any subsequent meeting of the CAP to consider the matter, unless the application has been re-notified, or otherwise at the discretion of the Presiding Member. However, the Presiding Member may allow CAP Members to address questions to the application or representors, who must limit their responses to the questions raised.
- 6.10 Representors and applicants shall not raise new material that has not been raised in their written submissions when they appear before the CAP, except at the discretion of the Presiding Member.
- 6.11 After hearing from an applicant and / or representors, the CAP will discuss the application, including discussing any new information which has been received. The CAP may seek clarification from the Assessment Manager and any Council Planning Staff in attendance on any matter.
- 6.12 Individual Elected Members of the City of Mount Gambier do not have a right to be heard by the CAP unless they have made a representation as a private citizen which has not been excluded by the Assessment Manager pursuant to clause 6.1, or have been appointed by a representor to speak on their behalf.



- 6.13 Should a CAP Member receive by direct post, fax, email or any other means, information in relation to a development application current being assessed (or a proposal likely to be assessed) by the CAP, the CAP Member must immediately forward the information to the Assessment Manager. The Panel Member should not acknowledge receipt of the information and must not enter into discussion with the sender in relation to any matters contained within the information received. If a CAP Member receives such information, he or she must disclose this fact to the meeting of the CAP at which the application is being considered.

7 SITE INSPECTIONS

- 7.1 Site inspections by the CAP to sites that are the subject of past, current or future applications before the CAP will be determined by the Assessment Manager upon request to the Assessment Manager from any member of the CAP,
- 7.2 The Assessment Manager shall be present at all site inspections undertaken by the CAP.
- 7.3 The CAP will not hear from any party during a site inspection.
- 7.4 Site inspections undertaken by members of the CAP must be undertaken in accordance with the Code of Conduct adopted by the Minister pursuant to Schedule 3 of the Act, applicable to CAP Members (**Code of Conduct**).

8 INFORMATION PROVIDED FOLLOWING PREPARATION OF THE MEETING AGENDA

- 8.1 Additional information submitted at the Panel meeting will be considered by the Panel only at the discretion of the Presiding Member. The Panel may defer consideration of the application to enable a full and proper assessment of any further information which the Presiding Member has decided the Panel will take into consideration to be made.
- 8.2 Should an applicant or representor wish to raise additional information, it should be sent to Council marked to the attention of the Assessment Manager at least 5 business days prior to the CAP meeting at which the matter will be considered
- 8.3 The Presiding Member shall determine whether additional information received pursuant to clause 8.2 above shall be considered by the CAP.
- 8.4 Any material to be considered by the CAP pursuant to clause 8.3 above must be provided to the applicant and/or representors (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member
- 8.5 The CAP may defer consideration of the application to enable full and proper assessment of the additional information, or the completion of the requirements in clause 8.4 above.



9 DECISION MAKING

- 9.1 The CAP shall have regard to the relevant provisions in the correct consolidation of the City of Mount Gambier Development Plan, or when repealed and replaced by the the Planning and Design Code (**Code**), the relevant provisions of the correct consolidation of the Code, when making decisions on applications, and shall also have regard to relevant issues raised in any written and / or verbal representations.
- 9.2 In relation to each application it considers, the CAP must:
 - 9.2.1 determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination; and
 - 9.2.2 provide reasons for granting or refusing Development Plan Consent and for the imposition of any conditions.
- 9.3 If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan Consent to the application.
- 9.4 Each Member present at a meeting of the CAP, including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a Member who is unable or unwilling to attend the meeting, is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 9.5 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by Members present at the meeting and entitled to vote.
- 9.6 All CAP members must participate in the decision of the CAP on each matter before it by making one vote.
- 9.7 Members of the CAP are unable to call for a division, nor can they submit any notice of motion to revoke or amend a previous decision of the CAP.
- 9.8 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.
- 9.9 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where he or she is, in the opinion of the Presiding Member:
 - 9.9.1 behaving in a disorderly manner; or
 - 9.9.2 causing an interruption or disruption to the meeting.
- 9.10 The CAP shall make a determination (which may include deferral) in relation to each application before it, on the application as presented to it. The CAP shall not 'redesign' a proposal from an applicant.



- 9.11 The CAP may, at its discretion, defer a decision in relation to an application, subject to providing the Assessment Manager with reasoning for the deferral, which will be recorded in the minutes and communicated to the applicant and any representors.

10 MINUTES AND REPORTING

- 10.1 The CAP must ensure that accurate minutes are kept of all meetings.
- 10.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 10.3 The minutes will record:
- 10.3.1 the names of all Members present;
 - 10.3.2 the names of all Members from whom apologies have been received;
 - 10.3.3 the name and time that a Member enters or leaves the meeting;
 - 10.3.4 the name of every person who makes a representation;
 - 10.3.5 in relation to each application determined by the CAP:
 - 10.3.5.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
 - 10.3.5.2 the reasons for granting or refusing Development Plan Consent and for the imposition of any conditions; and
 - 10.3.5.3 where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
 - 10.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 10.3.7 a decision to exclude the public from attendance, including the reasons for such decision and the relevant provision(s) of Regulation 13(2) pursuant to which the decision was made;
 - 10.3.8 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
 - 10.3.9 any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (**Code of Conduct**), and the nature of the interest; and
 - 10.3.10 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- 10.4 The minutes shall not be formal minutes until adopted by the CAP at the next meeting of the CAP.
- 10.5 Upon adoption of the Minutes, the Presiding Member shall authorise the Minutes by signature and date of adoption on the Minutes.



11 PLANNING APPEALS

- 11.1 Should an appeal be lodged in the Environmental, Resources and Development Court in relation to a decision of the CAP, the CAP will determine whether to resolve the appeal by agreeing to a compromise proposal, or whether the matter should proceed to a hearing.

12 CONDUCT

- 12.1 If a CAP Member is of the view that they have a direct or indirect personal or pecuniary interest in relation to a matter before the Panel they shall make a disclosure clearly stating the nature of that interest to the CAP, in accordance with the Act and the Code of Conduct, and shall thereafter act in accordance with the Code of Conduct.

13 PLANNING POLICY

- 13.1 The CAP may, from time to time, consider trends, issues and other matters relating to planning or development that have become apparent or arisen through the assessment of development applications, and report to Council accordingly.

20th February 2020
Ref: AF19/488



5.6 LOCAL HERITAGE RESTORATION FUND 2020/2021 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS – REPORT NO. AR20/76850

Committee: People and Place Committee
Meeting Date: 7 December 2020
Report No.: AR20/76850
CM9 Reference: AF19/413
Author: Jessica Porter, Planning Officer
Authoriser: Tracy Tzioutziouklaris, Manager Development Services
Summary: As part of Council’s commitment to the conservation and management of the City’s heritage assets, a Local Heritage Restoration Fund has been established by Council. Council received a total of 13 applications for the 2020/2021 Local Heritage Restoration Fund. This report recommends that 12 applications be granted funding.
Strategic Plan Reference: Goal 1: Our Community
 Goal 2: Our Location
 Goal 3: Our Diverse Economy
 Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/76850 titled ‘Local Heritage Restoration Fund 2020/2021 - Consideration of applications and distribution of funds’ as presented on 07 December 2020 be noted.
2. That the Heritage Restoration Fund Grants for 2020/2021 be endorsed and funds distributed as follows:

PROPERTY	DESCRIPTION OF WORK	RECOMMENDED VALUE OF GRANT
85-87 Gray Street	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	1,700
17 Jardine Street	Replacement of damaged window	1,800
65 Bay Road	Repairs and update the verandah, replace existing timbers with new timber	1,800
1/29 Ferrers Street	Roofing and repairs	1,800
12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	1,800



9 Jardine Street	Restoration of and painting of front fence and verandah floor	300
1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	1,700
45 Crouch Street North	Restore verandah	1,700
58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	1,700
81 Bay Road	Repair and repaint exterior of building	1,800
30 Power Street	Removal and replacement of front fence (including painting)	1,800
36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	1,800
TOTAL		20,000

3. That Council Officers advise successful applicants of the outcome of their applications.



TYPE OF REPORT

Other

BACKGROUND

As part of Council's commitment to the conservation and management of the City's heritage assets, a Local Heritage Restoration Fund has been established by Council. Each financial year, the owners of a Local Heritage Place can apply to Council for a grant, to contribute towards conservation works on the property, which may include:

- Painting and repairs of woodwork and windows,
- Repair or replacement of heritage fences,
- Re-roofing and new gutters,
- Stonework restoration and salt damp repairs, and/or
- Verandah repairs or reconstruction.

Funding will be issued to successful applicants upon completion of the restoration/conservation works. All restoration/conservation works are required to be completed within six months of approval of the grant. In certain circumstances where works may be urgent, retrospective approval may be granted; and are subject to discussion with Council staff and Council's Local Heritage Advisor, to ensure that appropriate evidence is provided and works have been completed to a satisfactory standard. A copy of the Local Heritage Restoration Fund application criteria and information can be found as Attachment 2.

PROPOSAL

Council received a total of 13 applications for the 2020/2021 Local Heritage Restoration Fund. All the applications vary, in both conservation works proposed, and in value. A summary table of applicants and their proposed works and estimated cost of the project has been attached for the Members further information.

All of the applications for the Local Heritage Restoration Fund have been referred to Council's Local Heritage Advisor for consideration and recommendations as part of the consideration of the applications. In particular this helps to ensure that the funding money is allocated towards appropriate work proposed to be undertaken on the local heritage place.

LEGAL IMPLICATIONS

No legal implications for Council have been identified as part of the Local Heritage Restoration Fund.

STRATEGIC PLAN

Goal 1 - Our Community

Objective - Care for Our Community

1.4.6 Providing grant programs that assist the community in delivering services and projects that align with its aspirations

COUNCIL POLICY

There are no Council Policies or other Council strategies that directly link to the Local Heritage Restoration Fund.

ECONOMIC IMPLICATIONS

The 2020/2021 City of Mount Gambier Budget has allocated \$20,000 for the 2020/2021 Local Heritage Restoration Fund. The value of the grant is dependent on the number of applications received and the budget allocation by Council. Generally the maximum amount of any grant available is \$2,000, although this amount can vary.



ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of the Local Heritage Restoration Fund.

SOCIAL IMPLICATIONS

The Local Heritage Restoration Fund enables owners of these properties to undertake work to help maintain and preserve Local Heritage Places for the benefit of the community.

CULTURAL IMPLICATIONS

The Local Heritage Restoration Fund provides a means to restore and preserve the City's Local Heritage Places.

Local Heritage Places satisfy one or more of the following criteria:

- it displays historical, economic or social themes that are of importance to the local area;
- it represents customs or ways of life that are characteristic of the local area;
- it has played an important part in the lives of local residents;
- it displays aesthetic merit, design characteristics or construction techniques of significance to the local area;
- it is associated with a notable local personality or event;
- it is a notable landmark in the area;
- in the case of a tree (without limiting a preceding paragraph) - it is of special historical or social significance or importance within the local area.

RESOURCE IMPLICATIONS

Money was allocated for the Local Heritage Fund as part of the 2020/2021 budget process with this money being allocated for this specific purpose. The ongoing continuation of this fund program is subject to Council's ongoing allocation of funding as part of its annual budget setting considerations.

Council's Development Services Team provide administrative support for this initiative.

VALUE FOR MONEY

In the past, Council has set a maximum amount of \$2,000 per grant. However, this amount has varied depending upon number of applications received and the types of restoration/conservation works to be completed.

The Local Heritage Fund continues to be well supported by owners of Local Heritage Places, with the full amount of the fund allocated each year.

RISK IMPLICATIONS

The Local Heritage Fund is considered to be a low risk program when considering the Application process, the payment of grants and the total value of the pool of money available for the grant.

Risks of the fund include:

- Money allocated to someone when they are not entitled to the funding
- Money allocated to work not integral to the local heritage listing of the place
- Money unable to be paid due to work not being undertaken in accordance with the application paperwork.

The process to consider applications received as part of the Local Heritage Fund, the guidelines for Applicants and the Application Forms are considered appropriate in managing the risks identified.



EQUALITIES AND DIVERSITY IMPLICATIONS

N/A.

ENGAGEMENT AND COMMUNICATION STRATEGY

Each year, owners of Local Heritage Places are invited to apply to Council for a grant to be used in relation to restoration and conservation works at their property. The owners of 125 Local Heritage Places within the City, were invited to apply the Local Heritage Restoration Fund, via correspondence sent in August 2020.

IMPLEMENTATION STRATEGY

All of the applications seeking a grant from the Local Heritage Restoration Fund were considered by Council's Local Heritage Advisor. A summary of the recommendations made by the Local Heritage Advisor, has been attached to this report.

Once Council has resolved to issue Local Heritage Grant Funds, successful applicants will be notified and will have until the end of the 2020/2021 Financial Year to complete their restoration works.

Upon notification of the completion works, Council Officers will visit the sites to confirm that the restoration works have been completed.

CONCLUSION AND RECOMMENDATION

The successful Applicants and the value of the grants as outlined in the recommendation of this report be endorsed and supported by Council.

ATTACHMENTS

1. 2020/2021 Local Heritage Restoration Fund Heritage Adviser Recommendations [↓](#)



2020/21 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

DATE APPLICATION RECEIVED	APPLICANT	PROPERTY	DESCRIPTION OF WORK	PROPOSED WORK MEETING GRANT CRITERIA	HERITAGE ADVISER COMMENTS	DEVELOPMENT APPROVAL REQUIRED	ESTIMATED COST	RECOMMENDED VALUE OF GRANT
02/09/2020	Darren and Tanya Coxon	55 Bay Road, Mount Gambier	Repair internal ceilings and cornice	No	Ceiling repairs been done to a good conservation standard but works are internal and have been completed. Retrospective work does not meet the criteria	No – interior works do not require DA	5,000	nil
06/10/2020	87 Gray St Pty Ltd	Lambert Lodge 85-87 Gray Street, Mount Gambier	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	No – no details provided	Support - subject to confirming details of work and estimated cost.	No- minor repairs do not require DA	?	1,700
08/10/2020	Ryan and Alana Creek	17 Jardine Street, Mount Gambier	Replacement of damaged window	Yes	Support. Existing window is not original and is intrusive.	Yes Replacement of windows requires DA. Recommend to provide details and include in pending DA.	6,050	1,800
15/10/2020	Sam Webster	65 Bay Rd, Mount Gambier	Repairs and update the verandah, replace existing timbers with new timber	Yes	Support Replacement of pine with hardwood is appropriate. Damp protection of joists will be required.	No- minor repairs do not require DA	14,764	1,800



2020/21 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

15/10/2020	Rowan Williamson	1/29 Ferrers Street	Roofing and repairs	Yes	Support in principle subject to submission of details of proposed roofing and repairs.	Yes Confirm if the proposed repairs are covered by the existing change of use consent.	76,697	1,800
16/10/2020	Chris & Natalie Walmsley	12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	No	Support for re-roofing and repainting of exterior of the existing heritage place. Subject to ensuring that the decorative pressed metal roof cresting is retained.	Yes Building works and reroofing. May be included in existing DA	375,220	1,800
16/10/2020	Robyn Glynn	9 Jardine Street	Restoration of/ painting of front fence and verandah floor	Yes	Support. Picket fence makes an important streetscape contribution	No- minor repairs do not require DA	605	300
16/10/2020	Fiona Lovett & Scott Longhurst	1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	Yes	Support –photographs show the scope and nature of works.	No- minor repairs with like for like materials does not require DA	5,570	1,700
16/10/2020	John & Wendy Pocock	45 Crouch Street North	Restore verandah	Yes	I have an appt for site consultation on 28 th October. Existing pavers are intrusive. Concrete substrate may need to be replaced.	Yes Building works	6,000	1,700
16/10/2020	Kristy & Ryan Turner	58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	No details provided – only application form provided.	Support Details on application form are sufficient to assess the grant application.	No- minor repairs do not require DA	2,500	1,700



2020/21 HERITAGE RESTORATION FUND - SUMMARY OF APPLICATIONS

16/10/2020	Andrew Buchalka	81 Bay Road	Repair and repaint exterior of building	Yes Note – no colour scheme has been provided.	Support Existing paintwork is in poor condition.	No- minor repairs do not require DA	Average cost of quotes 20,247	1,800
20/10/2020	S & F Baggio	30 Power Street	Removal and replacement of front fence (including painting)	Received after due date	Support Picket fence makes an important streetscape contribution	Yes Replacement / new fence require DA	24,650	1,800
20/10/2020	CR & KL Ind	36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	Received after due date	Support Details are provided in the change of use DA.	Yes. This work is be included by the existing DA for change of use.	8,000	1,800
Total								20,000

Mt Gambier Local Heritage Fund

Assessment and recommendations provided by Richard Woods, Limestone Coast Heritage Adviser on 26.10.2020



6 MOTIONS WITH NOTICE

6.1 NOTICE OF MOTION - CRITERIA FOR CRATER LAKES MANAGEMENT PLAN

Meeting: People and Place Committee
CM9 Reference: AF19/413
Member: Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 7 December 2020, I intend to move the following motion:

MOTION

1. That People and Place Committee Report No. AR20/80407 titled 'Notice of Motion - Criteria for Crater Lakes Management Plan' as presented on 07 December 2020 be noted.
2. Council is to receive a report on the criteria for the Crater Lakes Management Plan.
3. In the report a estimate on the costs of the Plan.

RATIONALE

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



7 MEETING CLOSE



**MINUTES OF CITY OF MOUNT GAMBIER
PEOPLE AND PLACE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 6 OCTOBER 2020 AT 5.30 P.M.**

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

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	Acting General Manager City Infrastructure	- Mr M McDonald
	Manager Governance and Property	- Mr M McCarthy
	Media & Communication Coordinator	- Ms S McLean
	Executive Administration Officer	- Mrs F McGregor
	Executive Administrator City Infrastructure	- Ms S Wilson

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

That the minutes of the People and Place Committee meeting held on 3 August 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil



5 REPORTS

5.1 REQUEST FOR DISCRETIONARY RATE REBATE FOR 25 ALEXANDER STREET MOUNT GAMBIER - SOUTH EAST COMMUNITY ACCESS RADIO INC

COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/59849 titled 'Request for Discretionary Rate Rebate for 25 Alexander Street Mount Gambier - South East Community Access Radio Inc' as presented on 06 October 2020 be noted;
2. That Council agree to a 25% discretionary rate rebate for Assessment Number 7, 25 Alexander Street Mount Gambier, whilst it is operated as a Community Radio Station;
3. The Chief Executive Officer inform, in writing, South East Community Access Radio Inc of the Council's decision.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Greco disclosed an actual conflict of interest in Item 5.2:

"Member of the Mt Gambier Golf Club.

Cr Greco informed the meeting of the manner in which they intend to deal with the *actual conflict of interest in Item 5.2* as follows:

- Leave the Chamber"

In accordance with Section 75A of the Local Government Act 1999 Cr Greco left the room for Item 5.2.

Cr Christian Greco left the meeting at 5:33 pm



5.2 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2020/2021 – APPLICATIONS

MOTION

Moved: Cr Max Bruins
 Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/60319 titled ‘Sport and Recreation Capital Works Program 2020/2021 - Applications’ as presented on 06 October 2020 be noted.
2. That \$100,000 be endorsed for distribution for the 2020/2021 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
North Gambier Football / Netball Club	14	\$ 20,000.00	\$ 10,000.00
Apollo Football Club	14	\$ 40,000.00	\$ 35,000.00
Mount Gambier Bowls Club	15	\$ 14,900.00	\$ 14,000.00
Blue Lake Golf Club	13	\$ 27,000.00	\$ 0
Mount Gambier RSL & District Bowling Club	13	\$ 22,758.32	\$ 12,000.00
Mount Gambier Harness Racing Club	15	\$ 25,000.00	\$ 14,000.00
Blue Lake BMX Club	11	\$ 28,500.00	\$ 12,000.00
Mount Gambier Golf Club	12	\$ 5,587.00	\$ 3,000.00
Mount Gambier Swimming Club	12	\$ 1787.50	\$ 0
		\$ 185,532.82	\$ 100,000.00

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.
4. Should any of the projects in the table 2, not proceed the CEO has delegated authority to increase the funding to any of the other funded projects to ensure the full \$100,000 is expended

Cr Bruins as mover with consent of Cr Jenner requested leave of the meeting to vary the Motion as follows:

1. That People and Place Committee Report No. AR20/60319 titled ‘Sport and Recreation Capital Works Program 2020/2021 - Applications’ as presented on 06 October 2020 be noted.
2. That \$100,000 be endorsed for distribution for the 2020/2021 Sport and Recreation Capital Works Program as follows:



<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
North Gambier Football / Netball Club	14	\$ 20,000.00	\$ 10,000.00
Apollo Football Club	14	\$ 40,000.00	\$ 35,000.00
Mount Gambier Bowls Club	15	\$ 14,900.00	\$ 14,000.00
Blue Lake Golf Club	13	\$ 27,000.00	\$ 0
Mount Gambier RSL & District Bowling Club	13	\$ 22,758.32	\$ 12,000.00
Mount Gambier Harness Racing Club	15	\$ 25,000.00	\$ 14,000.00
Blue Lake BMX Club	11	\$ 28,500.00	\$ 12,000.00
Mount Gambier Golf Club	12	\$ 5,587.00	\$ 3,000.00
Mount Gambier Swimming Club	12	\$ 1,787.50	\$ 1,700.00
		\$ 185,532.82	\$ 101,700.00

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.
4. Should any of the projects in the table 2, not proceed the CEO has delegated authority to increase the funding to any of the other funded projects to ensure the full \$100,000 is expended

Leave of the Meeting was granted

The Variation became the Motion.

Cr Bruins as mover with consent of Cr Jenner requested leave of the meeting to vary the Motion as follows:

1. That People and Place Committee Report No. AR20/60319 titled 'Sport and Recreation Capital Works Program 2020/2021 - Applications' as presented on 06 October 2020 be noted.
2. That \$100,000 be endorsed for distribution for the 2020/2021 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
North Gambier Football / Netball Club	14	\$ 20,000.00	\$ 10,000.00
Apollo Football Club	14	\$ 40,000.00	\$ 35,000.00
Mount Gambier Bowls Club	15	\$ 14,900.00	\$ 14,000.00
Blue Lake Golf Club	13	\$ 27,000.00	\$ 0
Mount Gambier RSL & District Bowling Club	13	\$ 22,758.32	\$ 12,000.00
Mount Gambier Harness Racing Club	15	\$ 25,000.00	\$ 14,000.00
Blue Lake BMX Club	11	\$ 28,500.00	\$ 12,000.00
Mount Gambier Golf Club	12	\$ 5,587.00	\$ 3,000.00
Mount Gambier Swimming Club	12	\$ 1,787.50	\$ 1,700.00
		\$ 185,532.82	\$ 101,700.00



3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

Leave of the Meeting was granted

The Variation became the Motion.

COMMITTEE RESOLUTION

Moved: Cr Max Bruins
 Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/60319 titled 'Sport and Recreation Capital Works Program 2020/2021 - Applications' as presented on 06 October 2020 be noted.
2. That \$100,000 be endorsed for distribution for the 2020/2021 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
North Gambier Football / Netball Club	14	\$ 20,000.00	\$ 10,000.00
Apollo Football Club	14	\$ 40,000.00	\$ 35,000.00
Mount Gambier Bowls Club	15	\$ 14,900.00	\$ 14,000.00
Blue Lake Golf Club	13	\$ 27,000.00	\$ 0
Mount Gambier RSL & District Bowling Club	13	\$ 22,758.32	\$ 12,000.00
Mount Gambier Harness Racing Club	15	\$ 25,000.00	\$ 14,000.00
Blue Lake BMX Club	11	\$ 28,500.00	\$ 12,000.00
Mount Gambier Golf Club	12	\$ 5,587.00	\$ 3,000.00
Mount Gambier Swimming Club	12	\$ 1,787.50	\$ 1,700.00
		\$ 185,532.82	\$ 101,700.00
3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

CARRIED

Cr Christian Greco returned to the meeting at 5:47 pm



5.3 CREATIVE ARTS FUND 2020/2021 APPLICATIONS

COMMITTEE RESOLUTION

Moved: Cr Frank Morello
Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR20/63453 titled 'Creative Arts Fund 2020/2021 Applications' as presented on 06 October 2020 be noted.
2. That \$50,000 be endorsed for distribution for the 2020/2021 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
Commerce Lane Mural	Scott Coleman	\$ 24,300.00	\$ 24,300.00
Art in the Community	Pariya Ziakas	\$ 4,800.00	\$ 4,800.00
To celebrate with dance	Pariya Ziakas & Ruth Stephenson	\$ 6,432.80	\$ 6,432.80
Beauty Empowerment	Aileen Costales-Clarke	\$ 8,500.00	\$ 8,500.00
		\$ 44,032.80	\$ 44,032.80

3. That the remaining \$5,967.20 from the Creative Arts Fund be used to engage a photographer / videographer to document the above projects.
4. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

CARRIED

6 MEETING CLOSE

The Meeting closed at 5.58 p.m.

The minutes of this meeting were confirmed at the People and Place Committee held on 7 December 2020.

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PRESIDING MEMBER

