

8 June 2018

**MAYOR  
COUNCILLORS  
CITY OF MOUNT GAMBIER**

**NOTICE** is given that the Strategic Standing Committee will meet in the following Meeting Room on the day, date and time as follows:

**Strategic Standing Committee**  
*(Committee Room - Level 4):*

Tuesday, 12 June 2018 at 5:30 p.m.

An agenda for the meeting is enclosed.



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

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**AGENDA OF ORDINARY STRATEGIC STANDING COMMITTEE MEETING**

Meeting to be held in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 12 June 2018 at 5:30 p.m.

**PRESENT**

Mayor Andrew Lee

Cr Frank Morello (Presiding Member)

Cr Josh Lynagh

Cr Hanna Persello

Cr Penny Richardson

**COUNCIL OFFICERS**

Chief Executive Officer

General Manager Community Wellbeing

General Manager Council Business Services

General Manager City Growth

General Manager City Infrastructure

Manager Governance and Property

Administration Officer

- Mr M McShane

- Ms B Cernovskis

- Mrs P Lee

- Dr J Nagy

- Mr N Serle

- Mr M McCarthy

- Ms A Lavia

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

**1. APOLOGY(IES)**

Apology(ies) received from Cr

That the apology from Cr

be received.

Moved:

Seconded:

**2. LEAVE OF ABSENCE**

Cr Sonya Mezinec

**3. CONFIRMATION OF STRATEGIC STANDING COMMITTEE MINUTES**

Meeting held on 7 May 2018.

That the minutes of the Strategic Standing Committee meeting held on 7 May 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:

**4. QUESTIONS**

**4.1. With Notice**

Nil submitted.

**4.2. Without Notice**

**5. DEPUTATIONS**

Nil

**6. STRATEGIC STANDING COMMITTEE REPORTS**

Strategic Standing Committee Reports commence on the following page.



**6.1. Policy Review L130 – Land Divisions – Report No. AR18/21584**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 June 2018
<b>REPORT NO.</b>	AR18/21584
<b>RM8 REFERENCE</b>	AF18/54
<b>AUTHOR</b>	Simon Wiseman
<b>SUMMARY</b>	This report is intended to update the current Land Division policy L130 as required under the conditions of Council’s policy review guidelines and to bring the policy in line with current best practice.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR18/21584 titled <i>‘Policy Review L130 – Land Divisions’</i> as presented to the Strategic Standing Committee on 12 June 2018 be noted.</p> <p>(b) That Council adopt the updated policy L130 – Land Divisions</p>

Moved:

Seconded:



## Background

As part of the conditions under Council’s policy guidelines, Council is required to update its policies on an annual basis (or as otherwise determined for specific policies).

Accordingly, Council policy L130 – Land Division, is now required to be reviewed.

## Discussion

*L130 – Land Divisions* has been reviewed and is presented with the following changes to wording recommended.

- Minor staff title changes
- Minor improvements to material to be used and energy efficiencies in construction process
- Minor upgrade to Footpath section to include more detail in regard to kerb ramps and sections of footpaths

The suggested changes have been proposed in order to bring the current policy in line with current best practices.

## Conclusion

It will be recommended that Council adopt the updated Land Division policy L130 as presented in this report

## Attachments

[Attachment 1 \(AR18/21583\): Draft Council Policy L130 – Land Divisions](#)



**Simon WISEMAN**  
SENIOR PLANNER



**Tracy TZIOUTZIOUKLARIS**  
MANAGER DEVELOPMENT SERVICES

1 June 2018  
SBW



**6.2. Policy Review B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities – Report No. AR18/21637**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 June 2018
<b>REPORT NO.</b>	AR18/21637
<b>RM8 REFERENCE</b>	AF18/54
<b>AUTHOR</b>	Simon Wiseman
<b>SUMMARY</b>	This report is intended to update the current building sewer connections, waste management control and the provision of toilet facilities policy B150 as required under the conditions of Council's policy review guidelines and to bring the policy in line with current best practice.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location

**REPORT RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR18/21584 titled '*Policy Review B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities*' as presented to the Strategic Standing Committee on 12 June 2018 be noted.
- (b) That Council adopt the updated policy B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities.

Moved:

Seconded:



## Background

As part of the conditions under Council’s policy guidelines, Council is required to update its policies on an annual basis (or as otherwise determined for specific policies).

Accordingly, Council policy B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities, is now required to be reviewed.

## Discussion

‘Council Policy B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities has been reviewed and is presented with no changes to wording.

## Conclusion

It will be recommended that Council adopt the reviewed B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities as presented in this report

## Attachments

[Attachment 1 \(AR18/21637\):](#) [Draft Council Policy B150 – Building Sewer Connections, Waste Management Control and the Provision of Toilet Facilities](#)



**Simon WISEMAN**  
SENIOR PLANNER



**Tracy TZIOUTZIOUKLARIS**  
MANAGER DEVELOPMENT SERVICES

1 June 2018  
SBW





**6.3. Policy Review - F120 - Fires - Clean Air - Burning in Open Non-Domestic Premises - Report No. AR18/3151**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 June 2018
<b>REPORT NO.</b>	AR18/3151
<b>RM8 REFERENCE</b>	AF18/54
<b>AUTHOR</b>	Derek Ferguson
<b>SUMMARY</b>	This report presents a combined replacement policy for the management of burning within the City of Mount Gambier at all times of the year. The previous F120 Burning in the open – Non Domestic premises, did not cover burning in the open for a domestic premises. The replacement policy covers both of these in accordance with new regulations and has a more generic title ‘City of Mount Gambier Burning Policy’.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR18/3151 titled ‘<i>Policy Review - F120 - Fires - Clean Air - Burning in Open Non-Domestic Premises</i>’ as presented to the Strategic Standing Committee on 12 June 2018 be noted.</p> <p>(b) That Council Policy ‘<i>F120 - Fires - Clean Air - Burning in Open Non-Domestic Premises</i> be replaced by the <i>City of Mount Gambier Burning Policy</i>.’</p>

Moved:

Seconded:



## Background

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

## Discussion

The City of Mount Gambier recognises the need for residents to utilise the method of burning to clear properties especially to minimise fire fuel loading and risk of bushfire outbreak. The purpose of this policy is to set out the requirements of the relevant legislation and instances when permits for burning are required.

The previous F120 Burning in the open – Non Domestic premises, did not cover burning in the open for a domestic premises. The replacement policy covers both of these in accordance with new regulations and has a more generic title 'City of Mount Gambier Burning Policy'.

The burning of garden refuse, dry grass and materials for bushfire prevention in South Australia is regulated by two sources of authority.

1. Fire and Emergency Services Act 2005. This act regulates the burning of garden refuse, dry grass and materials for bushfire prevention in South Australia and operates in fire season.
2. Environment Protection (Air Quality) Policy 2016 aims to protect and improve the environment and the health of South Australians by reducing the impact of smoke on human health and operates in the non fire season.

On 6th March 2018, an Elected Member's workshop presented information about the changes derived from the above sources of authority. In addition, two particular measures that have been trialed over the previous 18 months to regulate behaviors, were presented providing evidence to inform the proposed burning policy.

The trial involved

- not permitting burning for any residential premises was well received with SAPOL have also monitoring burning practices.
- for 'Country Living' blocks the recognition of a need for residents to clear properties especially to minimize fire fuel loading and risk of bushfire outbreak, permits could be requested in the non fire season. It was noted that Council
  - issued 17 permits in 2016/17
  - Issued 20 permits to date in 2017/18

The main points derived from the two source documents noted above and from trial information included in the policy are as follows;

- No burning for any reason can be undertaken during a total fire ban
- At any other time of the year 'comfort fires' using appropriate fuels and appropriate receptacles such as a Chimera, or fire pit can be used without a permit.
- Burning will only be permitted on larger properties outside the residential areas (in Rural Living zones on the City perimeter) during the non fire season to undertake controlled burning of stockpiled vegetation for bushfire prevention by applying for a permit.



## Conclusion

The new Draft City of Mount Gambier Burning Policy is attached together with Powerpoint slides from the Elected member Workshop.

It is proposed that the policy be next scheduled for review in June 2020.

## Attachments

[Attachment 1 \(AR18/21486\): Draft City of Mount Gambier Burning Policy](#)

[Attachment 2 \(AR18/22339\): Elected Member Workshop Presentation - Fires](#)



**Derek FERGUSON**  
TEAM LEADER GENERAL INSPECTORATE



**Judy NAGY**  
GENERAL MANAGER CITY GROWTH

29 January 2018  
SW



**6.4. Policy Review - C305 Caretaker Policy - Report No. AR18/20224**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 June 2018
<b>REPORT NO.</b>	AR18/20224
<b>RM8 REFERENCE</b>	AF11/1950
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	This report presents Council’s Caretaker Policy C305 and recommends that it be re-endorsed for application during the election period for the 2018 Local Government Elections.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR18/20224 titled ‘<i>Policy Review – C305 Caretaker Policy</i>’ as presented to the Strategic Standing Committee on 12 June 2018 be noted.</p> <p>(b) That the updated Caretaker Policy C305 as attached to Strategic Standing Committee Report No. AR18/20224 be adopted for application during the 2018 Local Government Elections caretaker period noting minor updates that have no material policy implications.</p>

Moved:

Seconded



## Background

Council Policy C305 - Caretaker Policy was originally adopted in April 2010 and further updated in October 2010 following changes to legislation and to the LGA Model Caretaker Policy (on which it is based) for the purpose of the 2010 Local Government Elections. The Policy was re-adopted with minor alterations in March 2014 for the 2014 Local Government Elections.

With the 2018 Local Government Elections being conducted in the second half of the 2018 calendar year it is timely to reconsider the Caretaker Policy for its application during the 2018 election period.

## Discussion

As noted above, Council's Caretaker Policy is based upon the LGA Model Caretaker Policy which has not substantially changed since the 2010 Local Government Elections.

An administrative review of the Caretaker Policy has resulted in only minor (mostly cosmetic) alterations being considered necessary to update the policy for the 2018 election period. Proposed changes comprise updated branding and minor wording changes with no material policy implications.

A copy of the updated Caretaker Policy as recommended for re-adoption has been previously circulated to Members with tracked changes to identify the proposed alterations. A clean version of the updated Caretaker Policy is now attached to this report (refer Attachment A).

## Conclusion

Due to the minor nature of the proposed updates and in accordance with Clause 10 of the current Caretaker Policy, public consultation on the proposed update/re-adoption of the Caretaker Policy is not considered necessary.

It is proposed that the Caretaker Policy be scheduled for further review in mid-2022 prior to the 2022 Local Government Elections.

## Attachments

[Attachment 1 \(AR18/20221\): Updated Caretaker Policy C305 – May 2018](#)



**Michael McCARTHY**  
MANAGER GOVERNANCE & PROPERTY



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

29 May 2018



**6.5. By-Law Review – Outcome of Public Consultation and Referrals / Adoption Report No. AR18/20150**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 June 2018
<b>REPORT NO.</b>	AR18/20150
<b>RM8 REFERENCE</b>	AF18/163
<b>AUTHOR</b>	Michael McCarthy
<b>SUMMARY</b>	A report to consider the outcome of public consultation and referral of proposed replacement By-Laws and to adopt replacement By-Laws.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Strategic Standing Committee Report No. AR18/20150 titled ‘*By-Law Review – Outcome of Public Consultation and Referrals / Adoption*’ as presented to the Strategic Standing Committee on 12 June 2018 be noted.
- (b) That In the exercise of the powers contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act and noting that no submissions were received from the public in relation to the proposed By-laws and, having had regard to the National Competition Policy Report, the Certificates of Validity provided by the Council’s legal practitioner and the comments from the Dog and Cat Management Board in relation to By-Law Number 5, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked ‘Attachments 2-7’:
  - Permits and Penalties By-law No. 1 of 2018;
  - Local Government Land By-law No. 2 of 2018;
  - Roads By-law No. 3 of 2018;
  - Moveable Signs By-law No. 4 of 2018; and
  - Dogs By-law No. 5 of 2018.
- (c) That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.

Moved:

Seconded:



## Background

At its meeting held on 20 February 2018 Council endorsed the following proposed replacement By-Laws for the purpose of undertaking public consultation and consultation with necessary referral agencies:

- By-Law No.1 – Permits & Penalties
- By-Law No.2 – Local Government Land
- By-Law No.3 – Roads
- By-Law No.4 – Moveable Signs
- By-Law No.5 – Dogs.

The proposed replacement By-Laws were referred to the Department of Planning, Transport and Infrastructure and the Dog and Cat Management Board on 22 February 2018 and public consultation commenced on 16 March 2018 and concluded on 6 April 2018.

## Discussion

A written response was received from the Dog and Cat Management Board advising that Council's Draft By-Law No. 5 – Dogs was considered by the Board on 3 April 2018 and was accepted as being broadly consistent with those of other Councils. A copy of the response letter is attached (refer Attachment 1).

Council's Lawyers received verbal notification from the Department of Planning, Transport and Infrastructure that they did not have any comments on the Draft By-Law No. 2 Local Government Land or By-Law No. 5 - Dogs.

No submissions were received following the 21 day public consultation that ended on 6 April 2018.

Having regard to the outcomes from public consultation and the referral process, Council must now have regard to a National Competition Policy Report and Certificates of Validity that have been prepared before making (adopting) the replacement By-Laws.

The National Competition Policy Report attached for consideration (Attachment 2) addresses each of the five proposed replacement By-Laws and includes the following report section headings:

- Background
- Status and Objectives
- Potential Restrictions on Competition
- Alternative Means of Achieving the Same Result
- Do the Benefits Outweigh the Costs to the Community.

The five proposed replacement By-Laws are attached (Attachments 3-7) together with covering Certificates of Validity signed by the legal practitioner assisting Council with the By-Law review.

It should be noted that in finalising By-Law No. 5 – Dogs an exemption clause (clause 12) was included to provide the flexibility to grant exemptions from the requirements of the By-law if Council sees fit. This clause is administrative in nature and is not considered a significant change as it does not impact on the rights or interests of the public. No further consultation is required on this change before the Dogs By-law can be adopted.

Having considered the outcome of public consultation and referrals, the National Competition Policy Report and the Certificates of Validity, the proposed replacement By-Laws may now be considered for adoption at a meeting where two thirds of the members of Council are present and



where the associated resolution is supported by an absolute majority of the members of the Council.

Following adoption, a Public Notice of the making of the By-Laws is to be published in The Border Watch and entire copies of the By-Laws including the date they were made is to be published in the SA Government Gazette. Copies signed by the Chief Executive Officer must also be delivered to the Legislative Review Committee within 6 Parliamentary sitting days of the By-Laws being made.

The By-Laws will commence operation 4 months from the date that they are published in the Gazette unless disallowed by Parliament. Depending upon the exact gazettal date the replacement By-Laws will commence operation on a date to be determined between late October and 31 December 2018.

The new By-Laws are proposed to expire on 1 January 2026 unless revoked or replaced prior.

## Conclusion

Having considered the necessary matters prior to making new By-Laws this report presents recommendations for the making of replacement By-Laws numbered 1-5 and to authorise the Chief Executive Officer to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.

## Attachments

[Attachment 1 \(AR18/14456\):](#)

[Attachment 2 \(AR18/20063\):](#)

[Attachment 3 \(AR18/20129\):](#)

[Attachment 4 \(AR18/20130\):](#)

[Attachment 5 \(AR18/20131\):](#)

[Attachment 6 \(AR18/20133\):](#)

[Attachment 7 \(AR18/20134\):](#)

[Response Letter from Dog & Cat Management Board](#)

[National Competition Policy Report](#)

[By-Law No. 1 Permits & Penalties](#)

[By-Law No. 2 Local Government Land](#)

[By-Law No. 3 Roads](#)

[By-Law No. 4 Moveable Signs](#)

[By-Law No. 5 Dogs](#)



**Michael McCARTHY**

MANAGER GOVERNANCE & PROPERTY



**Judy NAGY**

GENERAL MANAGER CITY GROWTH

22 May 2018  
MMcC





**6.6. Limestone Coast Local Government Association – Draft 2018/2019 Business Plan and Budget - Report No. AR18/21428**

<b>COMMITTEE</b>	Strategic Standing Committee
<b>MEETING DATE:</b>	12 June 2018
<b>REPORT NO.</b>	AR18/21428
<b>RM8 REFERENCE</b>	AF17/50
<b>AUTHOR</b>	Pamela Lee
<b>SUMMARY</b>	This report provides Council with the Limestone Coast Local Government Association's draft 2018/2019 Business Plan and Budget for consideration; and recommends that provision be made in Council's draft 2018/2019 Annual Business Plan and Budget for Council's contribution.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 3: Our Diverse Economy

<b>REPORT RECOMMENDATION</b>
<p>(a) That Strategic Standing Committee Report No. AR18/22428 titled '<i>Limestone Coast LGA – Draft Business Plan and Budget 2018/2019</i>' as presented to the Strategic Standing Committee on 12 June 2018 be noted.</p> <p>(b) The draft 2018/2019 Limestone Coast Local Government Association Business Plan and draft Budget be accepted and provision made in Council's 2018/2019 draft Budget for the amount of \$180,098.</p> <p>(c) The Limestone Coast Local Government Association be advised of Council's acceptance of their draft 2018/2019 Annual Business Plan and Budget.</p>

Moved:

Seconded:



## Background

The Limestone Coast Local Government Association (LCLGA) is constituted under the Local Government Act 1999 and is governed by a Charter detailing the objectives and operation of the Association. With a mission

***‘To Lead Local Government in the Region, and to advance the Limestone Coast communities through effective advocacy, facilitation and innovation’***

the LCLGA comprises the seven constituent councils in the Limestone Coast Region including the City of Mount Gambier. The LCLGA’s five year direction is governed by its Strategic Plan 2014-2019. The Plan identifies five themed Regional Strategies to guide areas of activity:

- Infrastructure
- Sustainable Economy
- Environmental Sustainability
- Community and Social Wellbeing
- LCLGA governance, leadership and financial sustainability.

The LCLGA’s 2018/2019 draft Business Plan identifies the actions to be delivered under each of the regional strategies and the draft budget is the financial plan prepared to support the business plan.

The LCLGA’s draft annual business plan and budget is presented by the Executive Officer annually to the constituent councils for consideration and feedback.

## Discussion

The LCLGA Executive Officer presented to an Elected Member workshop held on Monday 16 April 2018. The LCLGA also provided constituent councils with an electronic copy of its draft 2018/2019 Business Plan and Budget:

- For comment and potential adjustment based on feedback from Council on the draft prior to its final adoption at the LCLGA meeting in June 2018; It has been confirmed with the LCLGA that there has been feedback from Council’s hence the draft is now presented.
- To inform constituent councils’ budget considerations and process.

The following LCLGA documents are attached for Elected Members information:

- Draft 2018/2019 Business Plan - refer Attachment A; and
- Draft Budget for the financial year 2019 - refer Attachment B.

The following table provides a comparison between the actual 2017/2018 and proposed 2018/2019 contribution to the LCLGA by Council.

Item	2017/2018	2018/2019
LCLGA Subscription	72,985	72,985
RDA Limestone Coast	23,552	24,023
Tourism	29,194	29,194
Heritage Services	24,702	24,702
Regional Sport and Recreation	13,270	13,270
Regional Waste Management Officer	15,924	15,924
Drug Action	10,616	0
<b>Total Contribution</b>	<b>\$190,243</b>	<b>\$180,098</b>



The material changes from the LCLGA's current 2017/2018 budget year contribution by Council is an overall decrease of \$10,145 in the LCLGA's requested contribution from Council for the 2018/2019 financial year compared to 2017/2018.

### Conclusion

The Council's contribution proposed in the LCLGA's 2018/2019 draft budget, as presented to an Elected Member workshop is \$180,098 and represents a decrease of \$10,145 on Council's contribution to the LCLGA for 2017/2018 financial year.

Council's 2018/2019 draft budget includes provision for \$180,098 for the LCLGA.

It is recommended that Council note:

- The LCLGA's draft 2018/2019 Business Plan and Budget
- Accepts the LCLGA proposed contribution by Council of \$180,098; and
- Advise the LCLGA accordingly.

### Attachments

[Attachment 1 \(AR18/21457\): LCLGA 2018/2019 Business Plan](#)

[Attachment 2 \(AR18/21458\): LCLGA draft Budget for financial year 2019](#)



**Pamela LEE**  
GENERAL MANAGER COUNCIL BUSINESS SERVICES



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

31 May 2018  
PLee



## 7. MOTION(S) WITH NOTICE

### 7.1 STRATEGIC MANAGEMENT - Elected Member Planning Session - Ref. AF16/185

Following the Councillor workshop held on May 28, 2018, regarding the integration of council's strategic priorities, a planning day is proposed to further refine the recommendations. While an integrated approach has been developed to frame more than 80 recommendations, the high number of strategic priorities and the proposed framework require further discussion. The purpose of the planning day is to review and reduce the number of recommendations, re-examine the framework and prioritise the recommendations over a five year timeframe.

RECOMMENDATION
(a) That a Councillor planning day/half day be schedule in July 2018 to refine Council's strategic priorities over a five year time frame. This would consider all of the strategies and priorities identified by Council as well as the more recent Youth and Culture and Heritage strategies and priorities.

Moved: Cr Morello

Seconded:

## 8. MOTION(S) WITHOUT NOTICE

Meeting closed at                      p.m.

AR18/21955



## 9. REPORT ATTACHMENTS



 City of Mount Gambier	<h2>L130 LAND DIVISIONS</h2>	Version No:	12.0
		Issued:	June 2018
		Next Review:	June 2019

### 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier (“Council”) for land divisions and their associated road construction, within the Council area.

### 2. PLANNING REQUIREMENTS

(a) In addition to the plans and specification requirements for land divisions, as detailed in Schedule 5 of the Development Regulations 2008, a development application and supporting material shall include the following:

1. Where new roads are to be created - proposed road reserve and road pavement widths; and
2. Reference to and details of any proposed fencing, particularly fencing adjoining reserves/screening reserves.
3. Street trees are encouraged in land divisions. They must be properly planned for and integrated as part of the overall land division proposal. A Plan of the land division showing proposed street trees should accompany the Development Application. The number, position and type of street trees shall be at the total discretion of Council and should be discussed with Council prior to submitting the proposal. The cost of purchasing any agreed to street trees shall be totally borne by the applicant/land Developer

### 3. STREET NAMES

(a) Proposed street names associated with the overall land division (including estate name etc.) shall comply with Council Policy S135 STREETS - Naming of.

### 4. LAND MANAGEMENT AGREEMENTS

(a) Where appropriate, Council is prepared to accept Land Management Agreements, in accordance with the provisions of the Development Act 1993 and Development Regulations 2008. Such Land Management Agreements are only be used in relation to the development and initial maintenance of screening reserves and development requirements for small allotments. The use of any Land Management Agreement shall be at the total discretion of Council. All costs associated with the preparation of a Land Management Agreement (including any draft agreement) for any matter and its final lodgement and execution shall be totally borne by the applicant/land developer.

### 5. RESERVES

- (a) Council, when dealing with land division applications, seek where appropriate, to have public open space contributions in parcels of at least 2,000m<sup>2</sup> in area and on flat land. Such areas should link with other reserves where possible and practicable;
- (b) In instances when screening reserves are required, the Development Approval and/or Land Management Agreement, should include a request for the Developer to fence the screening reserve and develop the reserve in accordance with a plan approved by Council;
- (c) Council aims to plant out public open space reserves to the equivalent of approximately 10% of the reserve area, with the remainder of the area to be left grassed to allow for low level active and passive recreation.

	<h2>L130 LAND DIVISIONS</h2>	Version No:	12.0
		Issued:	June 2018
		Next Review:	June 2019

**6. CLEARANCE/CERTIFICATE OF APPROVAL**

- (a) Where Council has been engaged to undertake the physical construction works, associated with the land division (or part works), all money for the cost of the work shall be paid to Council prior to Council clearing the land division and advising the Development Assessment Commission that it can issue the Certificate of Approval for the plan of division; and
  - 1. where a private contractor has been engaged to undertake the physical construction works, associated with the land division (or part works), all of the work shall be completed to the satisfaction of Council, prior to Council clearing the land division and advising the Development Assessment Commission that it can issue the Certificate of Approval for the plan of division; or
  - 2. where a private contractor has been engaged to undertake the work, the contracted sum shall be lodged with Council in the form of cash or bank guarantee, together with an agreement (which sets out the construction stages and timing of each stage for the whole of the works) that will allow Council to draw upon deposited funds or bank guarantee to complete outstanding works. If works fall more than 30 days behind the submitted schedule, Council will have the sole discretion in the decision to complete the works, or to grant time extensions.
- (c) The form of bank guarantee is to be such that no termination date of the guarantee is to be specified, and the guarantee can only be cancelled on the written advice of the Chief Executive Officer of Council.
- (d) Upon receipt of the contract sum (or other amount as determined to be reasonable by Council) and the signed works schedule agreement, Council will clear the land and advise the Development Assessment Commission that it can issue the Certificate of Approval for the plan of division.

**7. DEPRESSIONS - PRONE TO FLOODING**

- (a) In any proposed land division where land is situated within a depression which may be prone to flooding, Council continue to endeavor to have the land transferred to Council for reserve purposes.
- (b) The applicant, with the assistance of a professionally qualified and experienced Engineer, assess any depression situated within a proposed land division which may become flooded and develop a strategy, based on current engineering design principles, to eliminate or reduce the flooding or potential for flooding to any property. The applicant will be required to submit the strategy (which is to include engineering plans showing retention areas, drainage pits, bores, contouring, etc. if appropriate) to Council for approval and if approved, incorporate same into the overall development plan for the land division.
- (c) Where there is a depression situated within a proposed land division, which may be prone to flooding, Council continue to impose the following conditions, when considered necessary, following execution of the strategy developed in 2. above:

*"That the applicant be advised that Allotments ..... are situated within a depression and as such an appropriate notation to the effect is to be registered on the title to the allotment, which will bring to the attention of prospective purchasers of the allotment, so that they can establish satisfactory floor levels in respect to any building to be erected on these allotments in order to reduce the potential for property damage"*

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- (d) Council to ensure to the best of its resources, that any flooding problem has been satisfactorily overcome prior to issuing any approval.
- (e) Where a flooding problem is unable to be satisfactorily overcome, the application should not be approved by Council.

## 8. ENGINEERING WORKS

The applicant is required to submit for approval, design plans for all the engineering works associated with the land division and such plans are to include:

1. Road Hierarchy, Design and Construction Standards
2. Kerb Profile
3. Drainage
4. Footpaths
5. Crossing Places

## 9. ROAD HIERARCHY, DESIGN AND CONSTRUCTION STANDARDS

### *Philosophy*

- (a) The development's road hierarchy is to reflect the different road functions ranging from traffic distribution to shared traffic, pedestrian and recreation use. Road design, based on current engineering standards is to be consistent with the road hierarchy, land use and land forms.
- (b) Development should generally be undertaken in a manner consistent with general policies contained in the Mount Gambier (City) Development Plan and the Australian Model Code for Residential Development.
- (c) Table 1 is to be used in developing design criteria consistent with this philosophy.

### *Technical requirements - Road Design*

- (d) Centre line grades generally should be a maximum of 10%, absolute minimum of 0.4%. Steeper grades, over a short distance will be permitted subject to the prior approval of the General Manager City Infrastructure or Engineering Design and Contract Management.
- (e) Intersections in areas of steep grades should be avoided if possible. Intersection storage area for one vehicle is desirable. Intersection site distances should comply with current engineering standards, as should all the design work within the proposed development.
- (f) In roads classified as local streets or collector roads, consideration should be given to the installation of accepted traffic management devices to control traffic flow and speed (e.g. roundabouts, slow points etc).
- (g) Where a new road is to intersect with a connector road or major local road/industrial road, developers are encouraged to be innovative in the design to ensure vehicles leaving the main road do so at a very low speed for the safety of all road users. Such designs are to be in accordance with the Code of Practice for the Installation of Traffic Control Devices in South Australia. If the developer and the General Manager City Infrastructure cannot agree on a suitable intersection treatment then this may be referred to Council for a final and binding decision.



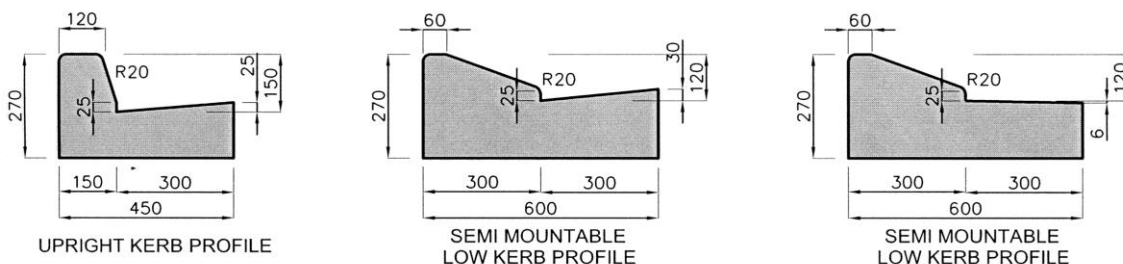
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- (h) Table 2 sets out the requirements for vehicle turning movements.
- (i) Road cross fall should generally be in the range of 1 in 20 (5%) to 1 in 50 (2%) with the desirable being 1 in 33 (3%).
- (j) One way cross fall may be utilised, where the land form is such that the road will tie into existing natural surface levels more readily than with the conventional and desired 2-way cross fall with centre crown.

### 10. KERB PROFILE

- (a) Kerb and channel is required to both sides of all streets to provide a structural pavement edge, a drainage mechanism and to delineate vehicle movements. This does not apply to allotments within a Country Living or Rural Living Zone.
- (b) Pavement edges may be provided as follows:
1. Access place and local street - roll-over profile;
  2. Collector road and industrial road - roll-over profile and/or barrier profile;
  3. Major local road - barrier profile or adjacent to reserves where no access is required;
  4. Other kerb profiles may be used subject to the prior approval of the General Manager City Infrastructure or Engineering Design and Contract Management and the provision of kerb inverts at the location shown on the engineering drawings.
- (c) Kerb and channel is to be constructed using concrete of twenty eight (28) day strength of 20MPa ( $F'c=25MPa$ ). All concrete surfaces within the development to be finished to a steel float finish.

**Diagram 1: Kerb profiles**



### KERB DETAILS

- (d) Kerb transition between types shall be made over 3 metres.

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## 11. ROAD PAVEMENT REQUIREMENTS

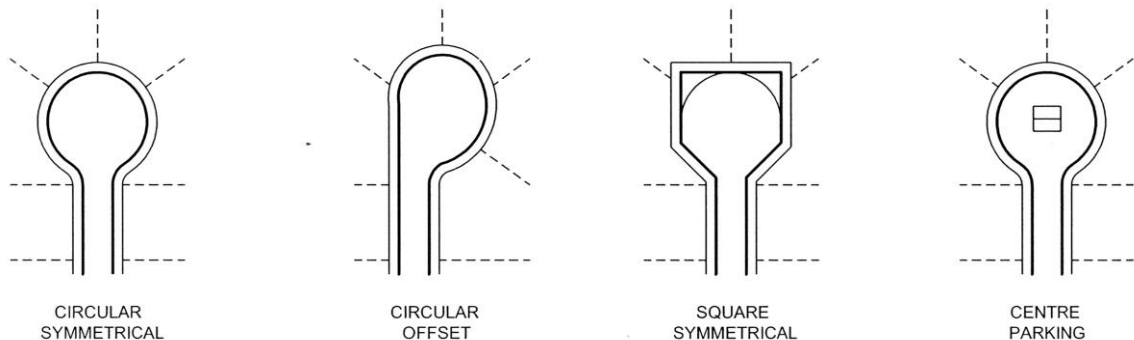
- (a) Table 1 gives minimum pavement depths (as a general guide) but they may be increased depending on the quality and type of sub-grade material and also based on:
1. the design of flexible pavements as per the 'Australian Road Research Board (ARRB) residential street pavement design method using equivalent standard axle (esa's) loadings based on 10 vehicles per day per allotment and a twenty year design life; OR
  2. road designs shall provide for concrete pavement based on the Concrete and Cement Associations design tables; OR
  3. road design shall provide for interlocking block pavement based on the ARRB interlocking block pavement design method (with pavement work subject to the following criteria).
- (b) All flexible pavements shall be constructed of materials approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts.
1. Where there is any doubt about the quality of proposed pavement materials, the General Manager City Infrastructure or Manager Engineering Design and Contracts may require laboratory testing of materials as follows:
    - Sieve Analysis (Gradings)
    - Atterberg Limits
  2. All testing to be carried out by a NATA registered laboratory.
  3. Material, in the opinion of the General Manager City Infrastructure or Manager Engineering Design and Contracts, not considered suitable for road pavement construction is not to be used.
- (c) Pavement density testing is required on all works prior to placement of seal coat, pavers, asphalt etc. Unless otherwise indicated by the General Manager City Infrastructure or Manager Engineering Design and Contracts, the modified density test method shall be used.
- (d) The road pavement is to extend a minimum of 150mm behind the back of kerb and a minimum of 100mm under the base of kerb. Kerb base material is to be compacted to the same specifications as the road pavement.
- (e) A Asphaltic concrete (hotmix) surface to be provided to all roadways to the satisfaction of the General Manager City Infrastructure or Manager Engineering Design and Contracts. The design of the hotmix surface to be to the satisfaction of the General Manager City Infrastructure or Manager Engineering Design and Contracts and may include a requirement to use a mix design utilizing polymer modified binders.

## 12. VEHICLE TURNING MOVEMENTS

All vehicle turning movements shall be deemed to comply with performance measures when compared with templates contained in the National Association of Australian State Road Authorities Design Vehicles and Turning Templates, as follows:

- (a) for turning movements involving major local roads/industrial roads, the design semi-trailer with radius 12.5 metres shall be used;

- (b) for turning movements involving collector roads but not major local roads/industrial roads, the design single unit truck with radius 12.5 metres shall be used;
- (c) for turning movements involving local streets or access places, but not involving major local roads/industrial roads or collector roads, the design car with radius 8.0 metres shall be used;
- (d) for turning movements at the head of dead-ended streets, sufficient area shall be provided for the design car to make a complete turn. Pavement shapes may be one of, but not restricted to:



- (e) Access places and access streets should not exceed 150 metres in length. It is desirable streets interconnect at 90 degree junctions separated by at least fifty (50) metres. Cross roads and "Y" junctions are to be avoided, to reduce the likelihood of road-user accidents.

### 13. TRAFFIC VOLUMES

Type	Maximum 24 Hour Traffic Volume	Projected No. of Allotments Serviced	Maximum Design Speed km/h	Road Reserve Width (metres)	Carriageway Width (metres)	Minimum Pavement Thickness (mm)
Access Place	100	< 10	30	<12.5	4.5 to 7.0	300
Access Street	250	<25	40	<14.0	4.5 to 8.0	300
Minor Collector Street	1000 to 2000	<100	40	13 to 15	6.00 to 8.0	300
Major Collector Street	2000 to 6000	100 to 600	60	14 to 17	7.0 to 10.0	300
Major Local Road	6000	600 +	60	15 to 19	8.0 to 12.0	300

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#### 14. MATERIALS FOR ROADWORKS

(a) General:

1. All material shall be clean, sound, hard and durable. Foreign material shall not be present in sufficient quantity to produce adverse affect upon the usage or performance of the material.
2. All material shall be produced from natural rock or sand deposits and shall be pre-approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts prior to its use.
3. The contractor shall be required to submit a reference sample of the proposed material and to undertake the following laboratory testing of the material:
  - Sieve analysis (gradings)
  - Atterberg limits
4. Appendix 1 - Pavement Material Specification, shall be referred to and used as the general document to determine the acceptability of various classes of materials to be used in roadworks. The suitability of fill material shall be determined on a case by case basis by the General Manager City Infrastructure or Manager Engineering Design and Contracts or his appointed nominee but generally shall conform to the requirements as indicated in 4 (b) - Fill material.

(b) Fill Material:

1. Excavated material may be used as fill material provided it is considered acceptable by the General Manager City Infrastructure or Manager Engineering Design and Contracts, but shall generally consist of the following properties:
  - particle size to not exceed 75mm
  - be free of organic or other foreign matter
  - under proof rolling, not show any signs of deformation, rutting, softness or yielding or be unstable
  - be stable under various moisture contents with minimal swell or shrinkage.
2. Proof rolling shall be used to determine the acceptability of a material placed as fill and shall be undertaken by using either a fully laden water cart or other heavy machine exceeding 10 tonne in mass.
3. Fill material shall be placed in layers of between 150 - 200mm loose thickness.

**Proof rolling shall constitute a hold point in roadwork construction and the contractor shall not proceed to the next stage until approval has been granted by the General Manager City Infrastructure or Manager Engineering Design and Contracts.**

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(c) Sub-grade:

1. The sub-grade shall be prepared to produce a tight dense surface and shall be compacted to not less than 95% of standard maximum dry density for all roadways up to and including residential class. For road classes considered above residential (i.e. industrial and or collector) the sub-grade shall be compacted to a level as determined by the General Manager City Infrastructure or Manager Engineering Design and Contracts and based on the materials sub-grade CBR value and its resilient modulus. The method for determining the sub-grade materials CBR value shall be in accordance with the Austroads pavement design manual "A Guide to the Structural Design of Road Pavements."

**The testing and verification of the sub-grade shall constitute a hold point in the road construction and the contractor shall not proceed to the next stage until approval has been granted by the General Manager City Infrastructure or Manager Engineering Design and Contracts.**

(d) Sub-base:

1. For roads up to and including residential class, the sub-base layer shall consist of either 40mm crushed limestone rubble as approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts, and in accordance with the material properties as indicated below, or PM2/40QG as specified in Appendix 1 - Pavement Material Specification. The minimum sub-base thickness shall be 150mm, and with no individual layer placed exceeding a compacted thickness of 150mm.
2. A minimum compaction of 96% MDD is required and tested at a frequency of 1 test per 500m<sup>2</sup> per sub-base layer.
3. Material to be used is generally described as non-plastic cementitious coralline limestone rubble. It shall be graded and all material shall pass a 75mm screen, with the maximum dimensions being not more than 100mm. It shall be free of deleterious material. Surfaces containing oversize material may be rejected.
4. Contractors are required to provide a NATA laboratory analysis of the material being used. The analysis is to include:
  - particle size distribution to AS1289 C.6.1 (sampled in accordance with AS1141.3);
  - consistency limits and moisture content to AS1289.

**NOTE:** If the above tests are superseded by revised Australian Standards, such new standards to be used and listed.

5. During the course of the works, any substantial variation in the material may be rejected. The General Manager City Infrastructure or Manager Engineering Design and Contracts will have sole discretion on definition of substantial variation.
6. The contractor shall supply two samples in suitable containers. Samples shall weigh at least eight (8) kilograms each and be lodged at the time of tender or at least two (2) weeks before work commences on site. The samples will be marked. One sample will be returned to the contractor and the other sample will be retained by Council.

- For road classes considered above residential (i.e. industrial and or collector status) the sub-base material and layer thickness and compaction specification shall be determined by a proper road pavement design process as referred to in the Austroads pavement design manual "A Guide to the Structural Design of Road Pavements" or approved equivalent design process, and shall take into account the design traffic loading for the road class.

**The testing and verification of the sub-base shall constitute a hold point in the road construction and the contractor shall not proceed to the next stage until approval has been granted by the General Manager City Infrastructure or Manager Engineering Design and Contracts.**

(e) Base:

- For roads up to and including residential class, the base layer shall consist of a 100mm thick compacted layer of PM2/20QG.
- A minimum compaction of 96% MDD is required for all sample points, tested at a frequency of 1 test per 250m<sup>2</sup> per layer.
- For road classes considered above residential (i.e. industrial and or collector status) the base material and layer thickness and compaction specification shall be determined by a proper road pavement design process as referred to in the Austroads pavement design manual "A Guide to the Structural Design of Road Pavements" or approved equivalent design process, and shall take into account the design traffic loading for the road class.

**The testing and verification of the base shall constitute a hold point in the road construction and the contractor shall not proceed to the next stage until approval has been granted by the General Manager City Infrastructure or Manager Engineering Design and Contracts.**

(f) Construction Tolerances

- Tolerances for the construction of various pavement courses shall comply with Table A.

**Table A: Construction Tolerances**

Course	Design Level Tolerance	Layer Thickness Tolerance	Shape Tolerance
Sub-grade	+ 30mm - 30mm	+ 30mm - 30mm	30mm in 3 metres maximum
Sub-base	+ 20mm - 20mm	+ 20mm - 20mm	25mm in 3 metres maximum
Base	+ 10mm - 10mm	+ 15mm - 15mm	15mm in 3 metres Maximum
Overall	+ 20mm - 10mm	+ 20mm - 10mm	

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(g) Final Trim

Following placement and compaction of base course material, the whole of the surface of the base course shall be final graded and trimmed to the specified tolerances so as to leave a hard, dense, tightly packed surface, free of defects. Road surfacing shall not be commenced until the profile, surface compaction, quality and finish of the base course have been inspected and approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts.

**This shall constitute a hold point in the road construction and the contractor shall not proceed to the next stage until approval has been granted by the General Manager City Infrastructure or Manager Engineering Design and Contracts.**

## 15. DRAINAGE

- (a) A detailed drainage design is required for all of the proposed development, and if necessary due to existing land form, include areas outside the proposed development but within the drainage catchment affecting the development;
- (b) Design shall be in accordance with procedures in the current edition of "Australian Rainfall and Runoff (IEA)" or other edition as approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts;
- (c) And also have regard to the Environment Protection Authority Guidelines for stormwater treatment and disposal. These documents are to be used to determine the appropriate sizing on the drainage system for both minor and major storm events;
- (d) Drainage computations are required to be prepared by a qualified and experienced Engineer and submitted with the detailed engineering drawings for the proposal;
- (e) All stormwater runoff attributable to the proposal is to be adequately disposed of within the development area or as otherwise approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts;
- (f) As a general rule, side entry pits should be spaced at no greater than 100 metres and at closer spacing if required, depending on conditions and detailed design;
- (g) Drainage bores and associated settlement tanks shall be constructed to meet the requirements of Council and the State Government licensing authority. Drainage capacity of any bore is to exceed the calculated drainage discharge for the designated stormwater system and the bore is to be proved to the satisfaction of the General Manager City Infrastructure or Manager Engineering Design and Contracts;
- (h) Storage basins capable of holding the run-off of the designated rainfall storm shall be provided at suitable locations if drainage bores prove to be unacceptable;
- (i) Spoon drains, when required at junctions, shall be constructed to maintain the pavement width of the through street and to ensure continuity of flow of all stormwater. A spoon drain may not be constructed across a through street. Generally, spoon drains are not to be used unless approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts;

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- (j) All stormwater storage basins are to be provided with appropriate warning signs and fencing where required to the satisfaction of the General Manager City Infrastructure or Manager Engineering Design and Contracts and in accordance with Council Policy S115.;
- (k) Council requires a separate drainage reserve in land divisions of adequate area to provide stormwater treatment and retention for a one (1) in five (5) year storm event in residential areas and a one in ten (10) year storm event in other zones. Any requirements above these limits may be incorporated into the public open space calculation.
- (l) Drainage reserves may require perimeter fencing to be installed in accordance with Council Policy S115 – Fencing of Stormwater Retention Basins.

## 16. DOWN STREAM DRAINAGE CONTRIBUTION SCHEME

- (a) Where possible and practical, Council will endeavour to direct stormwater from proposed new development (with development being defined as works requiring formal Provisional Development Plan Consent/Development Approval) to existing stormwater bore and pit or stormwater detention/treatment system deemed to have adequate capacity to accommodate flows and the formal Planning/Development Approval to reflect this requirement.
- (b) If, in the opinion of the General Manager City Infrastructure or Manager Engineering Design and Contracts, no such Council drainage system of adequate capacity is located within reasonable proximity, onsite disposal to the satisfaction of Council or the Environment Protection Authority to become a condition/requirement of Development Approval.
- (c) In Development Applications that are not land divisions and (a) above applies, the developer where practical be required to install an additional settlement pit to that provided by Council within the development area, at a point upstream of the connection into the Council drainage system, to the approval of the General Manager City Infrastructure or Manager Engineering Design and Contracts .
- (d) Council adopt the principles set out in **Engineering Report No. 38/96** as the basis for dealing with Development Applications that include stormwater discharge issues. In particular, Council encourage developers to liaise with adjoining landowners in instances where the drainage catchment crosses, property boundaries, with a view to a joint private arrangement for the provision of drainage infrastructure within the catchment, based on an engineering design approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts.
- (e) In the event of the developer being unable to satisfactorily negotiate an arrangement as per (c) above, Council proceed to implement the Downstream Drainage Contribution charge with a view to the provision of a suitable drainage outfall for the development in accordance with the approved engineering drainage design.
- (f) The Downstream Drainage Contribution rate be set by Council at a rate/hectare for developments of one (1) hectare or greater, and a per square metre rate for developments less than one (1) hectare with Council reserving the right to alter these charges at its own discretion from time to time in accordance with (h) below.



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- (g) Development area is defined as the entire site, subject to Development Plan Consent/Development Approval or the clearly defined drainage area under consideration within the Development Application.
- (h) Council review the Downstream Drainage Contribution rate annually and adjust as necessary to reflect the actual costs of fulfilling the objective of providing outfall and trunk drainage.
- (i) Council establish a Downstream Drainage Reserve to fund the outfall and trunk drainage works, with contributions from developers, being credited to the reserve.

## 17. FOOTPATHS

- (a) Paved footpaths are to be provided where shared use of road pavement is not appropriate and potential volumes of pedestrians warrant formal construction to provide safe and adequate all weather links.
- (b) Footpaths shall be provided as follows:
  1. Industrial streets, local streets and access places carrying less than 400 vehicles per day shall have no separate constructed pedestrian path;
  2. Streets carrying between 400 and 2000 vehicles per day shall have on one side of the road pavement a separate pedestrian path of concrete or blockwork of 1.5 metres width to the approved construction standard;
  3. Collector roads and major local roads/industrial roads with greater than 2,000 vehicles per day shall have on each side of the road pavement a separate pedestrian path of concrete or blockwork of 1.5 metres width to an approved construction standard;
  4. Concrete footpaths shall be constructed to a minimum thickness of 80mm with regular control joints at 1.2 metres to 1.5 metre centres and 10mm expansion joints at 6.0 metre centres and with sections of paths extending through crossovers to be suitably steel reinforced to take the required traffic loading;
  5. The footpaths shall be located on the relevant road reserves in accord with the current edition of 'Code of Practice for Coordination of Work and Allocation of Space on Roads and Footpaths (South Australia)';
  6. All concrete footpaths are to have a broom finish;
  7. Kerb Ramps shall be provided at every corner radius where footpaths are proposed. The location is to be approved by the General Manager City Infrastructure or Manager Engineering Design and Contracts. Kerb ramps shall comply with various AS1428 standards.

Warning Tactile Ground Surface Indicators (TGSi) shall be provided within kerb ramps. The ramps shall have a maximum grade of 1:8, as allowed in AS1428.4.

- (c) The full width of footpaths (nature strips with or without paved path) shall be graded to slope toward the adjoining top of kerb at a rate of 0.040 metre (fall) per metre (width);

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- (d) Details of blockwork and concrete footpaths are to be submitted with the detailed engineering drawings for the proposed land division.
- (e) The land owner/developer should have regard for the establishment of bike lane/bike paths within the road reserve (either on-road or off-road).

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## 18. CROSSING PLACES

- (a) It is Council's expectations that one (1) paved crossover will be provided to each new allotment created by the land division. Crossing places must avoid road/drainage infrastructure, particularly stormwater pits, service pits etc.
- (b) Crossing places shall be constructed to the following:
1. finished grades shall be consistent with the adjoining roadway and footpaths (levels at the property boundaries shall be designated by the General Manager City Infrastructure or Engineering Design and Contract Management);
  2. materials shall be either reinforced concrete with a minimum thickness of 100mm for residential allotments (125mm to 150mm for industrial allotments); or
  3. blockwork of suitable strength and design for the expected vehicle movements (full design details to be submitted with engineering drawings).
- (c) Crossing place relocation due to inappropriate siting for a specific building design/development shall be the responsibility of the then owner of the allotment.

## 19. STREET LIGHTS AND STREET SIGNS

- (a) Street lighting to be designed and installed in accordance with the current Australian Standard and have regard to energy efficient lighting systems, with all costs associated with this requirement being borne by the Developer.
- (b) Street signs shall be supplied (from an approved supplier) and erected so as to indicate the appropriate streets to the reasonable satisfaction of the General Manager City Infrastructure or Manager Engineering Design and Contracts.

## 20. DEFECTS LIABILITY PERIOD

- (a) Applicants are required to lodge with Council, (unless Council is the construction contractor) a standard agreement to indemnify Council against any defects that occur in any infrastructure (including but not limited to road and drainage infrastructure, reserves and retention basins, etc) within twelve (12) months of the date of practical completion. The date of practical completion will be the date that Council accepts the engineering works;
- (b) The agreement will provide for the faults to be rectified by the applicant or to reimburse Council the full cost of all necessary works;
- (c) Council will notify the applicant in writing of practical completion in response to a written request by the applicant;
- (d) The applicant is required to notify Council when the following stages of the engineering works have been achieved and will not proceed until such works have been approved (including appropriate testing if required) by Council:

## 21. PROVISION OF POWER TO NEW ALLOTMENTS

- (a) Where any new allotment is created and/or any new building work is undertaken, the provision of electricity shall only be permitted to be installed as an above ground service (i.e. through the use of stobie poles), in areas where electricity is currently provided above ground.
- (b) In areas where there is currently no above ground electricity installed and any new allotment is created and/or any new building work is undertaken, Council will require that the provision of electricity shall be provided via underground cables.

## 22. HOLD POINTS

<b>HOLD POINTS</b>	
The following stages are considered hold points in the process of road construction for roads up to and including residential class	
<b>ROADWORKS</b>	
<b>Stage</b>	<b>Testing Required</b>
1. Cut/Fill	Proof Rolling
2. Sub-Grade Placement	95% SDD 1 test per 500m <sup>2</sup> per layer
3. Sub-Base Placement	96% MDD 1 test per 500m <sup>2</sup> per layer
4. Base Placement	96% MDD 1 test per 250m <sup>2</sup> per layer
5. Final trim prior to placement of wearing course	Refer Table B construction Tolerance
6. Concrete Kerbing - Kerb base preparation prior to placement of kerbing	Visual inspection
7. Stormwater - Pipe laying prior to backfilling of trenches	Visual inspection

## 23. AVAILABILITY OF POLICY


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

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File Reference:	AF11/1741
Applicable Legislation:	Development Act 1993; Development Regulations 2008;
Reference: Strategic Plan – Beyond 2015	
Related Policies:	<a href="http://www.mountgambier.sa.gov.au/docs/council/policies/F175%20-%20Footways%20and%20Crossovers.pdf">http://www.mountgambier.sa.gov.au/docs/council/policies/F175%20-%20Footways%20and%20Crossovers.pdf</a>  <a href="http://www.mountgambier.sa.gov.au/docs/council/policies/R270%20Road%20Pavement%20-%20Excavation%20and%20Reinstatement%20Of.pdf">http://www.mountgambier.sa.gov.au/docs/council/policies/R270%20Road%20Pavement%20-%20Excavation%20and%20Reinstatement%20Of.pdf</a>  <a href="http://www.mountgambier.sa.gov.au/docs/council/policies/S115%20-%20Strategic%20Management%20-%20Engineering%20Works%20-%20Fencing%20of%20Stormwater%20Retention%20Basins.pdf">http://www.mountgambier.sa.gov.au/docs/council/policies/S115%20-%20Strategic%20Management%20-%20Engineering%20Works%20-%20Fencing%20of%20Stormwater%20Retention%20Basins.pdf</a>  <a href="http://www.mountgambier.sa.gov.au/docs/council/policies/S135%20Streets%20-%20Naming%20Of.pdf">http://www.mountgambier.sa.gov.au/docs/council/policies/S135%20Streets%20-%20Naming%20Of.pdf</a>
Related Procedures:	
Related Documents:	Applicable Australian Standards; Road works Construction Inspection Record; Mount Gambier (City) Development Plan; Engineering Report No. 38/96

## DOCUMENT DETAILS

Responsibility:	General Manager City Infrastructure
Version:	12.0
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 City of Mount Gambier	<b>COUNCIL POLICY</b>	<b>Version No:</b>	6
	<b>B150 BUILDING SEWER CONNECTIONS, WASTE MANAGEMENT CONTROL AND THE PROVISION OF TOILET FACILITIES</b>	<b>Issued:</b>	June 2018
		<b>Next Review:</b>	June 2019

## 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for the connection of South Australian Water Corporation sewer to and/or the installation of wastewater systems on properties within the Council area.

For the purpose of this Policy, refer to the SA Health On-site Wastewater System Code for an Aerobic Wastewater Treatment System (AWTS).

## 2. PLANNING - NEW BUILDINGS, LAND DIVISIONS AND DEVELOPMENTS

(a) Where planning and building consents/Development approval are granted for a new building/development on an existing parcel of land to which the SA Water Corporation sewer system is not available, then sewage disposal shall be in accordance with the following:

1. Extension of the SA Water sewer system;
2. Where i) is not practical, sewage is to be disposed of by pumping sewage or septic tank effluent from the parcel of land to the nearest SA Water Corporation sewer connection;
3. Where ii) is not practical by pumping sewage to the nearest SA Water Corporation sewer connection, sewage is to be disposed of by installing an approved aerobic wastewater treatment system, or other appropriate on-site wastewater treatment system.

(b) Where an approved aerobic wastewater treatment system or other approved system is installed in accordance with this policy, the premises must be connected to the SA Water Corporation sewer system within three (3) months of such sewer becoming available to the parcel of land.

## 3. SEWER CONNECTIONS - EXISTING BUILDINGS


(a) All premises are to be connected to the SA Water Corporation sewer if available to the parcel of land.

(b) All premises to which sewer is not currently available are to be connected to the SA Water Corporation sewer system within three (3) months of such sewer becoming available to the parcel of land.

## 4. DISPOSAL OF WASTEWATER

(a) The minimum disposal area (for irrigation systems of AWTS) is 280m<sup>2</sup> to minimise storage of wastewater in the soil.

(b) It is encouraged that multi barrier solutions (e.g. Pressure Dosed Distribution Bed and Mounds) for disposal of wastewater are used in conjunction with an AWTS.

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		<b>Issued:</b>	June 2018
		<b>Next Review:</b>	June 2019

## 5. ON-SITE WASTEWATER SYSTEM

- (a) Approval from Council must be received before installation of the on-site wastewater system commences.
- (b) The on-site wastewater system must be on the Department of Health and Ageing approved products list.

## 6. DISPENSATION


Council may, in any case in which Council deems it expedient, dispense with the observance of this policy, or any part thereof, either absolutely or on such terms and conditions as the Council deems proper.

## 7. REVIEW & EVALUATION

This Policy is scheduled for review by Council in June 2019; however, will be reviewed as required by any legislative changes which may occur.

## 8. AVAILABILITY OF POLICY

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

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		<b>Issued:</b>	June 2018
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File Reference:	
Applicable Legislation:	
Reference: Strategic Plan – Beyond 2015	
Related Policies:	
Related Procedures:	
Related Documents:	

### DOCUMENT DETAILS

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 <p>City of Mount Gambier</p>	<p><b>COUNCIL POLICY</b> <b>CITY BURNING POLICY</b></p>	Version No:	1
		Issued:	June 2018
		Next Review:	June 2020

## 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier (“Council”) for all burning activities within the City of Mount Gambier.

### Scope

This policy applies to the burning of garden refuse, dry grass and materials for bushfire prevention in South Australia and is regulated by the Fire and Emergency Services Act 2005. In addition, the Environment Protection (Air Quality) Policy 2016 aims to protect and improve the environment and the health of South Australians by reducing the impact of smoke on human health.

### Purpose

The City of Mount Gambier recognises the need for residents to utilise the method of burning to clear properties especially to minimise fire fuel loading and risk of bushfire outbreak. The purpose of this policy is to set out the requirements of the relevant legislation and instances when permits for burning are required.

## 2. BURNING IN RESIDENTIAL AREAS

**No permits will be issued for burning in residential areas inside or outside the Fire Season.**

## 3. BURNING - NO PERMIT REQUIRED

Pursuant to the Environment Protection (Air Quality) Policy 2016 introduced in July 2016 and subject to any ban, prohibition, restriction or other requirement under the Fire and Emergency Services Act 2005 residents may undertake the following burning activities:

- (1) **Except for Total Fire Ban Days**, light or maintain a fire in the open on and using charcoal, dry wood or other dry plant material such as paper, cardboard and garden pruning’s:
  - (a) for the purpose of preparing food or beverages;
  - (b) for a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity.
- (2) **Except for Total Fire Ban Days**, burn charcoal, dry wood or other plant material such as paper, cardboard or garden pruning’s in a brazier, chimera or fire pit for domestic heating.

## 4. BURNING - PERMIT REQUIRED

Pursuant to the Environment Protection (Air Quality) Policy 2016 and the Fire and Emergency Services Act 2005, Council supports responsible burning of excess vegetation that may otherwise increase the risk of an uncontrolled fire. Council may issue a permit to larger properties outside residential areas for the purpose of bushfire prevention. Enquiries regarding applications to undertake controlled burning of stockpiled vegetation for bushfire prevention should be directed to the Councils Fire Prevention Officer.

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>CITY BURNING POLICY</b>	Version No:	1
		Issued:	June 2018
		Next Review:	June 2020

## 5. TOTAL FIRE BAN RESTRICTIONS

### BURNING MUST NOT OCCUR ON DAYS DECLARED A TOTAL FIRE BAN

If a permit has been issued it becomes invalid on such days that any activities (e.g. welding, grinding, friction tools, burning) on a day of a total Fire Ban Day is declared, and **MUST** obtain a Schedule 10 permit prior to any activities undertaken.

## 6. RELEVANT DELEGATED POWERS AND DUTIES

Any actions or decisions made regarding this policy, will be enacted in accordance with Council's current Delegations Register.

## 7. REVIEW AND EVALUATION

This Policy is scheduled for review by Council in February 2020; however, will be reviewed as required by any legislative changes which may occur.

## 8. AVAILABILITY OF POLICY

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

**COUNCIL POLICY  
CITY BURNING POLICY**

Version No:	1
Issued:	June 2018
Next Review:	June 2020

File Reference:	AF18/49
Applicable Legislation:	Fire and Emergency Services Act 2005 EPA (Air Quality) Policy 2016
Reference: Strategic Plan – Beyond 2015	Goal #, Strategic Objective #
Related Policies:	N/A
Related Procedures:	N/A
Related Documents:	Council By-Laws

**DOCUMENT DETAILS**

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<u>Document History</u>	
First Adopted By Council:	## <sup>th</sup> Month, 201#
Reviewed/Amended:	

# Draft Policy for Control of Backyard Burning

March 2018

City of  
Mount Gambier



# Draft policy for control of backyard burning

- The purpose of this policy is to set out the requirements of the relevant legislation and instances where permits for burning are required.
- The previous policy did not have clarity about when and for what type of properties 'permits for burning' could be issued.
- New regulations have increased clarity for these issues and the attached draft policy incorporates the provisions of regulations.

# Draft Policy for control of backyard burning

The burning of garden refuse, dry grass and materials for bushfire prevention in South Australia is regulated by two sources of authority.

1. Fire and Emergency Services Act 2005. This act regulates the burning of garden refuse, dry grass and materials for bushfire prevention in South Australia

**Operates in FIRE SEASON**

2. Environment Protection (Air Quality) Policy 2016 aims to protect and improve the environment and the health of South Australians by reducing the impact of smoke on human health.

**Operates in NON FIRE SEASON**

The sources of authority are not always clear in their boundaries and can cause confusion.

# Draft Policy for control of backyard burning

- Over the last 18 months we have trialed two particular measures to regulate behaviors and now propose that these measure be included into a policy.
- The measures are noted here and given context in the table that follows
  - no permits are granted at any time for residential backyard burning
  - permits can be granted for lifestyle blocks (Country living allotments between 3,000 and 5,000 m<sup>2</sup> of which there are approx. 300 within the council boundary) limited to prior fire season clean up to be “bushfire ready”.

<b>Fire &amp; Services Emergency Act 2005 - operates during</b>		<b>Fire Season ONLY</b>	
	Fire Season	Non Fire season	Total Fire ban
<p>No burning on any residential blocks in council area. <u>The Act allows us to issue a permit however the EPA Policy recommends not permitting backyard burning.</u></p> <p>For the past 18 months we have trialed not granting permits at any time for residential backyard burning.</p>	X	N/A	X
<b>EPA (Air Quality) Policy 2016 – operates during</b>		<b>Non Fire Season ONLY</b>	
<p>Lifestyle rural blocks – properties greater than 3,000 m2.</p> <p>Permits are granted and are limited to prior fire season clean up to be “bushfire ready”.</p>	N/A	With permit	X
<p>Comfort (patio or party) fires are permitted any time provided they use charcoal or dry timber</p>	√	√	X




# Policy for control of backyard burning

## Discussion

- The trial which does not grant permits for any residential backyard burning has been well received and SAPOL have also been monitoring.
- Re Country Living blocks the City of Mount Gambier recognized the need for residents to clear properties especially to minimize fire fuel loading and risk of bushfire outbreak.
  - Issued 17 permits in 2016/17
  - Issued 8 permits to date in 2017/18
- Provided 'Comfort fires' are prepared in the right way (a fire pit, away from flammable materials and using the right fuel) we are not able to restrict this activity.

Questions?

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		<b>Issued:</b>	June, 2018
		<b>Next Review:</b>	June, 2022

## 1. POLICY STATEMENT

It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

This Caretaker Policy affirms Council's commitment to fair and democratic elections, and adherence to this principle. This Policy includes a commitment to comply with the requirements of Section 91A of the *Local Government (Elections) Act 1999*.

## 2. APPLICATION OF POLICY

This Policy applies to:

- each periodic election of Members of the Council under the *Local Government (Elections) Act 1999*; and
- each general election<sup>1</sup>. of Members of the Council held pursuant to a proclamation or notice under the *Local Government Act 1999*.

This Policy does not apply to:

- supplementary elections.

In this Policy:

- All references to 'Council Members' should be read as including the Mayor and the Deputy Mayor; and
- All references to the Chief Executive Officer should be read as including an Acting Chief Executive Officer and his/her delegate.

## 3. OUTLINE


This Policy applies during an '*election period*' of Council to cover:

- (a) designated decisions as defined in the *Local Government (Elections) Act 1999* that are made by Council; and
- (b) use of Council resources, including:
  - materials published by Council;
  - attendance and participation at functions and events;
  - access to Council information;
  - media services issues; and
  - responsibilities of Council employees;

This Policy applies to both the elected Council (Council Members) and to employees and captures all 'designated decisions' of Council, a committee of Council, or a delegate of the Council – refer to Clause 6.2.

<sup>1</sup> Section 91A (1) of the *Local Government (Elections) Act 1999* states that the caretaker policy applies during the 'election period' for a 'general election'. General elections are defined in the *Local Government Act 1999* to mean a periodic election held under section 5 of the *Local Government (Elections) Act 1999*, or an election pursuant to a proclamation or notice under the *Local Government Act 1999*. [In the case of an election pursuant to a notice under section 56 of the *Local Government Act 1999*, the specific provisions of section 57 will apply.]

The Policy does not apply to supplementary elections.

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This Policy forms part of (and is to be read in conjunction with) the prescribed Code of Conduct for Council Members and Code of Conduct for Employees in accordance with section 91A(7) of the *Local Government (Elections) Act 1999*.

#### 4. 'ELECTION PERIOD'

During an 'election period', Council must assume a 'Caretaker mode', which means that it:

- must avoid designated decisions which are prohibited by section 91A of the *Local Government (Elections) Act 1999* (refer clause 6.2);

An '**election period**':

- commences** on the day that nominations open for the election so that the Caretaker Policy applies to all Council Members whilst they consider nominating for re-election; and
- terminates** at the 'conclusion of the election' (as defined at Section 4(2) of the *Local Government Act 1999*) for the relevant periodic or general election being the time at which the last result of the election is certified by the returning officer.

#### 5. PURPOSE

During a Local Government 'election period', Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

The purpose of this Policy is to clearly set the parameters that Council will operate within during a Caretaker period. Caretaker provisions are required pursuant to section 91A of the *Local Government (Elections) Act 1999* and are generally regarded as necessary for the promotion of transparent and accountable government during an 'election period'.

#### 6. SIGNIFICANT DECISIONS

##### 6.1 Scope

This clause applies to decisions of Council, a committee of Council, or a delegate of Council, including the Chief Executive Officer.

##### 6.2 'Designated decisions' prohibited by the Local Government (Elections) Act 1999

The following table outlines those designated decisions which are expressly prohibited by section 91A of the *Local Government (Elections) Act 1999*.

Designated Decisions	
(a)	A decision relating to the employment or remuneration of the Chief Executive Officer, (other than a decision to appoint an acting Chief Executive Officer) other than a decision of a kind excluded from the definition of "designated decision" by Regulation.

(b)	A decision to terminate the appointment of the Chief Executive Officer
(c)	<p>A decision to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates in the preceding financial year, other than a decision of a kind excluded from the definition of "designated decision" by Regulation.</p> <p>A "<b>prescribed contract</b>" means a contract entered into by the Council for the purpose of undertaking road construction or road maintenance or drainage works.</p>
(d)	A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election), other than a decision of a kind excluded from the definition of "designated decision" by Regulation.

Council notes that the *Local Government (Elections) Act 1999* stipulates that any designated decision made by Council during the 'election period' without an exemption from the Minister is invalid. Furthermore, it also notes that Council is liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such an invalid designated decision.

Council, if faced with extraordinary circumstances, may apply in writing to the Minister for an exemption. Council further notes that if the Minister chooses to grant an exemption it may be subject to any conditions or limitations that the Minister considers appropriate.

### 6.3 Exemptions to 'Designated decisions' under the *Local Government (Elections) Regulations 2010*

The *Local Government (Elections) Regulations 2010* were gazetted and came into effect on 27 August 2010. Regulation 12 exempts a number of key decisions from the definition of a 'designated decision' which will assist Councils' on-going operations during the election 'caretaker' period. It provides that for the purposes of section 91A of the *Local Government (Elections) Act 1999*, the following types of decisions are excluded from the definition of 'designated decision', if the decision:

- relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*; or
- is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth Government or State Government or otherwise for the council to be eligible for funding from the Commonwealth Government or State Government; or
- relates to the employment of a particular Council employee (other than the chief executive officer); or
- is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been

made for funds relating to such negotiations in the budget of Council for the relevant financial year and the negotiations commenced prior to the election period; or

- relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by Council; or
- if the decision is for the suspension of the Chief Executive Officer for serious and wilful misconduct.

#### **6.4 Scheduling consideration of designated decisions**

The Chief Executive Officer must ensure that 'designated decisions' are not scheduled for consideration during the 'election period'.

#### **6.5 Decisions made prior to an 'election period'**

This Policy applies to actual decisions made during an 'election period', not the announcement of decisions made prior to the 'election period'.

#### **6.6 Other significant decisions which are prohibited by operation of this Policy**

<b>Prohibited Decision</b>	<b>Notes</b>
Any major policy or other decisions which will significantly affect the Council area or community or will inappropriately bind the incoming Council	This is an internal requirement of Council

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and, instead, ensure that such decisions:

- (a) are considered by Council prior to the 'election period'; or
- (b) are scheduled for determination by the incoming Council.


In the context of this Policy, a 'major policy' decision includes any decision:

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of Council land;
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the Chief Executive Officer,

that is not a 'designated decision'.

#### **6.7 Role of the Chief Executive Officer**

The determination as to whether any Policy decision is major or any other decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor.

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### 6.8 Considerations for urgent decisions

Where the Chief Executive Officer has determined that a decision is a major policy decision or is otherwise significant and therefore is covered by 6.6 above, and circumstances arise that require the decision to be made during the election period, Council will consider the matter and determine whether to make the decision.

The report to Council will address the following issues, where relevant:

- (a) Why the matter is considered 'significant';
- (b) Why the matter is considered urgent;
- (c) What are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- (d) Whether deciding the matter will significantly limit the policy choices of the incoming Council;
- (e) Whether the matter requires the expenditure of unbudgeted funds;
- (f) Whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- (g) Whether the matter requires community engagement;
- (h) Any relevant statutory obligations or timeframes; and
- (i) Whether dealing with the matter in the 'election period' is in the best interests of the Council area and community.

The aim of the report is to assist Council Members assess whether the decision should be deferred as a decision for the incoming Council.

## 7. USE OF COUNCIL RESOURCES


Council notes that Section 91A(8)(d) of the *Local Government (Elections) Act 1999* requires Council to prohibit the use of Council resources for the advantage of a particular candidate or group of candidates. This includes a candidate or candidates who are currently elected Members of Council.

Council resources cover a wide range of personnel, goods, services, information and opportunities and may include:

- materials published by Council;
- attendance and participation at functions and events;
- access to Council information; and
- media services issues.

Council Members and employees will ensure that due propriety is observed in the use of Council resources and must exercise appropriate judgement in this regard.

Council resources, including employees, support employees, hospitality services, equipment and stationery must be used exclusively for normal Council business during an 'election period' and, must not be used in connection with an election other than uses strictly relating to the election process.

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## 7.1 Council Publications During an ‘Election Period’

### 7.1.1 Prohibition on publishing certain materials during an 'election period'

Subject to the operation of Section 12(b) of the *Local Government (Elections) Act 1999* Council must not:

- (a) print, publish or distribute; or
- (b) cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice that contains ‘electoral material’ during an ‘election period’.

For the purposes of this Policy ‘electoral material’ means material which is calculated (i.e. intended or likely) to affect the result of an election. However, it does not include any materials produced by Council relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the returning officer for the purposes of conducting an election.

This Policy does not prevent publications by Council which merely announce the holding of an election or relate only to the election process itself for the purposes of Section 12(b) of the *Local Government (Elections) Act 1999* or otherwise. Council may provide information, education and publicity designed to promote public participation in the electoral processes for its area, and to inform potential voters about the candidates who are standing for election in its area. It will not publish material that refers to, or comments on, an issue submitted to or is otherwise before voters in connection with the election.

Council Members are, however, permitted to publish campaign material on their own behalf, but cannot assert for that material to be originating from, or authorised by, Council (e.g. by the use of Council logos).

*NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio etc.*

### 7.1.2 Council website

During an ‘election period’, new material which is prohibited by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Council's website will include an express link or reference to the Local Government Association publication of candidate profiles and electoral statements for the purposes of section 19A of the *Local Government (Elections) Act 1999*.



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### 7.1.3 Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an 'election period', the content contained within them regarding Council Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

Council publications produced before an 'election period' containing material which might be construed as electoral material will not be circulated or displayed during the 'election period'. However, they may be made available to members of the public on request.

## 7.2 Attendance at Events and Functions during an 'Election Period'

In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

### 7.2.1 Events staged by external bodies

Council Members may continue to attend events and functions staged by external bodies during an 'election period'. This includes but is not limited to LGA and regional LGA meetings, including the LGA Annual General Meeting held in October.

### 7.2.2 Council events and functions

Council organised events and functions held during the 'election period' will be reduced to only those essential to the operation of Council.

### 7.2.3 Addresses by Council Members

Council Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an 'election period'.

Council Members may, however, make short welcome speeches at Council organised or sponsored events and functions during an 'election period'.

### 7.2.4 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the 'election period', such preparation will be consistent with Clause 7.1 of this policy.

## 7.3 Access to Council Information

Council Members continue during an 'election period' to have a statutory right to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with caution and limited to matters that Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed that is not publicly available must not be used for election purposes.





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All candidates (including those that are Council Members) have equal rights of access to public information relevant to their election campaigns from the Council administration. Neither Council Members nor candidates will be provided with information or advice from Council employees that might be perceived to support an election campaign, and there shall be transparency in the provision of all information and advice during an 'election period'.

### **7.3.1 Information and briefing material**

Information and briefing material prepared or secured by employees for a Council Member during an 'election period' must be necessary to the carrying out of the Council Member's role and, where appropriate, provided to any candidate seeking the same information. Queries by employees regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

## **7.4 Media Service**

Council's media and communication services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an 'election period'.

### **7.4.1 Media advice**

Any request for media and communication advice or assistance from Council Members during an 'election period' will be referred to the Chief Executive Officer. No media or communication advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.

### **7.4.2 Media releases / spokespersons**

Media releases will not refer to specific Council Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will generally be the appropriate person.

### **7.4.3 Publicity campaigns**

During the 'election period', publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the *Local Government (Elections) Act 1999*, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

In any event, Council publicity during an 'election period' will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

### **7.4.4 Council Members**

Council Members will not use their position as an elected representative or their access to Council employees and other Council resources to gain media attention in support of an election campaign.



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#### **7.4.5 Council employees**

During an 'election period', no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

### **7.5 Council Employees Responsibilities During and Election Period**

Prior to any election period, the Chief Executive Officer will ensure that all employees of Council are advised in relation to the application of this Caretaker Policy.

#### **7.5.1 Correspondence**

All correspondence addressed to Council Members will be answered by the Chief Executive Officer during the election period.

#### **7.5.2 Activities that may affect voting**

- (a) Council employees must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;
- (b) Council employees must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer; and
- (c) Council employees must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

### **7.6 Equity in Assistance to Candidates**

Council confirms that all candidates for the Council election will be treated equally.

#### **7.6.1 Candidate assistance and advice**


Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

#### **7.6.2 Election process enquiries**

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer (or nominee).

#### **7.6.3 Expenses incurred by Council Members**

Payment or reimbursement of costs relating to Council Members out-of-pocket expenses incurred during an 'election period' will only apply to necessary costs that have been incurred in the performance of normal Council duties. No

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reimbursements will be provided for campaigning, or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

#### **7.6.4 Council branding and stationery**

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

#### **7.6.5 Support employees to Council Members**

Council employees who provide support to Council Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Council Member.

#### **7.6.6 Equipment and facilities**

Equipment and facilities provided to Council Members for the purpose of conducting normal Council business must not be used for campaigning purposes.

### **7.7 Public Consultation during an 'Election Period'**

#### **7.7.1 Prohibition**

It is prohibited under this Policy for discretionary public consultation to be undertaken during the 'election period' on an issue which is contentious unless Council specifically resolves otherwise.

For the purpose of this provision, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.


This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

#### **7.7.2 Approval for public consultation**

Where public consultation is approved to occur during an 'election period', the results of that consultation will not be reported to Council until after the 'election period', except where it is necessary for the performance of functions as set out at clause 7.7.1 above.

#### **7.7.3 Community meetings**

Community meetings will not be held during an 'election period'.

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## 8. HANDLING CODE OF CONDUCT COMPLAINTS DURING AN ELECTION PERIOD

Any complaint against a Council Member who is also a candidate for re-election made under the Code of Conduct for Council Members during an 'election period' will not be heard or determined by the Council during that period.

The Chief Executive Officer, upon receiving a complaint against a Council Member, who is also a candidate for re-election about conduct specifically in relation to this Policy (considered part of the Code of Conduct for Council Members), will refer the complaint to the independent Local Government Governance Panel established by the Local Government Association for assessment and investigation.

If the complaint is, in the opinion of the Chairperson of the Governance Panel, not so serious as to warrant urgent determination, consideration of the complaint must be deferred until after the 'election period'.

If the Council Member against whom the complaint is made is not returned to office after the election, the complaint will lapse.

An example of a serious complaint which would warrant urgent determination is where a complaint of a deliberate and wilful breach of this Policy is made, and is supported by sufficient evidence for the Chairperson of the Governance Panel to be satisfied that the conduct of the Council Member was not an honest or innocent mistake.

Where a complaint is made against a Council Member for a breach of this Policy and is deferred until after the 'election period', the Chief Executive Officer will remind the Council Member of the content of this Policy and will provide them with a copy of it.

Council recognises that the Electoral Commissioner has the role of investigating any alleged breach of the *Local Government (Election) Act 1999*, including alleged illegal practices.

## 9. COUNCIL ENDORSEMENT

This Policy was first adopted by resolution of the Council on Tuesday 20<sup>th</sup> April, 2010.

## 10. REVIEW & EVALUATION


This Policy is scheduled for review by Council in June 2022.

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

## 11. AVAILABILITY OF POLICY

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

(Version 4.0 minor alterations 19<sup>th</sup> June, 2018).

 City of Mount Gambier	<b>COUNCIL POLICY C305 COUNCIL AND COMMITTEE – CARETAKER POLICY</b>	<b>Version No:</b>	4
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File Reference:	AF11/1740
Applicable Legislation:	Local Government (Elections) Act 1999 Local Government (Elections) Regulations 2010 Local Government Act 1999 <ul style="list-style-type: none"> <li>• Code of Conduct for Council Members</li> <li>• Code of Conduct for Council Employees</li> </ul>
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	E105 Elections – Supplementary Elections M130 Media – Statements on behalf of Council M265 Members – Complaint Handling
Related Procedures:	
Related Documents:	

## DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	4.0
Last revised date:	June, 2018
Effective date:	20 <sup>th</sup> June, 2018
Minute reference:	19 <sup>th</sup> June, 2018 Strategic Standing Committee Report AR18/20224
Next review date:	June, 2022
<u>Document History</u> First Adopted By Council: Minute reference:  Reviewed/Amended: Minute reference  Reviewed/Amended: Minute reference	20 <sup>th</sup> April, 2010 Corporate & Community Services Report 17/2010 p.33  19 <sup>th</sup> October, 2010 Corporate & Community Services Report 51/2010 p.30  18 <sup>th</sup> March, 2014 Corporate & Community Services Report 17/2014, Item 7



**Government of South Australia**  
**Dog and Cat Management Board**

6 April 2018

GPO Box 1047  
Adelaide SA 5001  
Ph: 08 8124 4962  
Fax: 08 8124 4648

Mr Mark McShane  
Chief Executive Officer  
PO Box 56  
Mount Gambier  
South Australia, 5290

ABN 36 702 093234  
<http://www.dogandcatboard.com.au>

Dear Mr McShane

**THE COUNCIL OF MOUNT GAMBIER BY-LAW NO. 5 – DOGS**

I write to advise that on 3 April 2018 the Dog and Cat Management Board considered the draft by-law relating to dogs submitted by the Council.

The Dog and Cat Management Board accepted the Council's by-law as being broadly consistent with those of other councils. The Board had no recommendations in respect of the draft by-law provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Lamb'.

Andrew Lamb  
**Board Secretary**  
**Dog and Cat Management Board**

**CC: Cimon Burke Kelledy Jones Lawyers**

## CITY OF MOUNT GAMBIER

### REPORT TO COUNCIL – NATIONAL COMPETITION POLICY

#### BACKGROUND

Various statutory requirements apply to the making of by-laws, including the obligation under section 247(c) of the *Local Government Act 1999* (the Act) which provides:

*A by-law made by a council must –*

- c. avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction.*

Accordingly, any restriction on competition contained in a proposed by-law must be identified before the Council is in a position to make that by-law. A restriction on competition arises where any provision of the by-law has the potential to impact upon competitive conduct in any market. In general terms, restrictions on competition fall within the following categories:

- regulation of the entry or exit of business entities or individuals in to or out of markets;
- controls on prices or production levels;
- restrictions on the quality, level or location of goods and services;
- restrictions on advertising and promotional activities;
- restrictions on price entitled input used in the production process;
- legislation which is likely to confer significant costs on business; and
- legislation which provides advantages to some business entities or individuals over others.

#### REPORT

##### **1. PERMITS AND PENALTIES BY-LAW 2017**

###### **Status**

This by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition.

###### **Objectives of the By-Law**

The objectives of the by-law are to:

- a) create a permit system for Council by-laws;
- b) provide for the enforcement of breached of Council by-laws and fixing penalties; and
- c) clarify the construction of such by-laws.

## 2. LOCAL GOVERNMENT LAND BY-LAW 2017

### Status

Certain provisions of this by-law have been identified as having the potential to restrict competition.

### Objectives of the By-law

The objectives of the by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- a) to prevent and mitigate nuisances;
- b) to prevent damage to Local Government land;
- c) to protect the convenience, comfort and safety of members of the public;
- d) to enhance the amenity of the Council area; and
- e) for the good rule and government of the area.

### Potential Restrictions on Competition

The following provisions of the by-law have the potential to restrict competition:

- (a) Subclauses 5.3 and 5.4 provide that certain provisions of clauses 9 and 10 will only apply in respect of certain areas of the Council as determined by the Council;
- (b) Clause 7 gives the Council a general power to close, regulate or restrict access to Local Government land for specified times and days and to fix fees or charges payable for entry onto Local Government land;
- (c) Clause 9 provides that certain activities require the permission of the Council; "*permission*" means the permission of the Council given in a permit, the form of which is to be determined by the Council in accordance with the *Permits and Penalties By-law 2017*. The Council may attach conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder; permit holders are to comply with every such condition. The Council may revoke a permit at any time by notice in writing to the permit holder;
- (d) Clause 10 provides that certain activities are prohibited on Local Government land in the Council's area; and
- (e) Clause 11 requires a person's compliance with reasonable directions from an authorised person relating to that person's use of Local Government land, the person's conduct and behaviour on the land, that person's safety on the land and the safety and enjoyment of the land by other persons.

The provisions restricting access to Local Government land, prohibiting certain activities and requiring persons to obtain a permit for other activities, have the potential to restrict competition by limiting the number of providers of goods or service using Local Government land and/or by restricting the area a permit holder may occupy, or the manner in which they may conduct business.



The by-law contains an administrative discretion that can be exercised selectively to grant permission (with conditions) for certain activities to be carried out in certain circumstances. However, the Council can ensure that reasonable and objective criteria are used in the exercise of administrative discretion by way of appropriate policy implementation.

### **Alternative Means of Achieving the Same Result**

There are no identified alternative means of regulating the use of and access to Local Government land as provided for in this by-law.

### **Do the Benefits Outweigh the Costs to the Community?**

The costs to the community may include:

- (f) administrative costs in applying for a permit, if necessary;
- (g) any permit fees; and
- (h) the cost of compliance with the by-law, for example, relocating the activity to a suitable location.

The costs to the Council will include:

- (a) administrative costs in making the by-law;
- (b) administrative costs in considering permit applications; and
- (c) staffing costs in connection with the administration and enforcement of the by-law.

Benefits to the community will include:

- (d) the proper management of Local Government land on behalf of the community;
- (e) the protection of Council property, which is critical for its long-term sustainability; and
- (f) a reduction in the level of inconvenience that could be caused to members of the public by unregulated conduct on Local Government land.

Based on a review of the by-law, the Administration considers that the benefits of the proper management and regulation of the use of and access to Local Government land outweigh the potential restrictions on competition posed by this by-law.

### 3. ROADS BY-LAW 2017

#### **Status**

This by-law has been reviewed against the requirements of section 247(c) of the Act. Certain provisions of this by-law have been identified as having the potential to restrict competition.

#### **Objectives of the By-law**

The objectives of the by-law are to manage and regulate certain uses of roads in the Council's area:

- a) to protect the convenience, comfort and safety of road users and members of the public;
- b) to prevent damage to buildings and structures on roads;
- c) to prevent certain nuisances occurring on roads; and
- d) for the good rule and government of the Council's area.

#### **Potential Restrictions on Competition**

Clause 7 provides that certain activities on a road require the permission of the Council. The Council may attach conditions to any grant of permission. Further, the Council may vary the conditions attaching to a permit or revoke a permit at any time by notice in writing to the permit holder.

Where an activity that is subject to the requirement to obtain permission is an activity undertaken as an incidence of competition within a market, then the requirements to obtain the Council's permission is a restriction on competition. Restrictions on competition will arise where a person is seeking to utilise a road for a business activity.

The use of public roads for business purposes is prohibited by section 222 of the Act except where the Council permits the activity. Section 222 of the Act was considered during the legislation review of the *Local Government Bill 1999*, during which Parliament concluded that the benefits of the provision outweigh the costs.

The proposed by-law does not restrict competition to any greater degree than section 222 of the Act. On this basis, there is no need to further analyse the proposed by-law for the purposes of section 247(c) of the Act.

#### 4. MOVEABLE SIGNS BY-LAW 2017

##### **Status**

The proposed by-law has been reviewed against the requirements of section 247(c) of the Act. The review has concluded that:

- a) there are restrictions on competition contained in the by-law;
- b) some of these restrictions restrict competition to a significant degree;
- c) the objectives of the by-laws containing the restrictions can only be achieved by restricting competition; and
- d) the public benefits of the restrictions outweigh the costs of those restrictions.

##### **Objectives of the by-Law**

The objectives of the by-law are to set standards for moveable signs on roads and to provide conditions for the placement of such signs. These objectives include:

- a) the prevention of nuisances;
- b) protecting the convenience, comfort and safety of road users and members of the public;
- c) protecting or enhancing the amenity of the Council's area; and
- d) ensuring that moveable signs do not unreasonably restrict the use of a road.

##### **Potential Restrictions on Competition**

Section 226(1) of the Act enables a person to place a moveable sign on a road without an authorisation or permit under Chapter 11, Part 2 of the Act if:

- a) the design and structure of the sign complies with the requirements of the Council's by-laws;
- b) the sign is placed in a position that complies with the requirements of the Council's by-laws;
- c) any other relevant requirements of the Council's by-laws are complied with; and
- d) the sign does not unreasonably:
  - i. restrict the use of the road; or
  - ii. endanger the safety of members of the public.

##### ***Clause 7: Construction and design***

Clause 7 place restrictions on the construction and design of moveable signs. This potentially restricts product innovation.

##### ***Clauses 8, and 10: Placement and restrictions***

Clauses 8 and 10 restrict the placement of a moveable sign. This may inadvertently restrict competitive behaviour and may preclude some businesses from being able to use moveable signs for advertising.

A restriction on competition will restrict competition to a significant degree where the impact on competition is more than nominal or trivial.

The restrictions contained in the proposed by-law are highly prescriptive and are likely to have a significant effect on competition in the market for moveable signs. There may also be significant impacts for other businesses required to comply with the by-law. However, the by-law does not prevent the advertising of businesses. It merely regulates the manner in which this occurs.

In the absence of the proposed by-law, a person would need to seek an authorisation or permit under section 221 or section 222 of the Act. An authorisation or permit under these provisions would also achieve the objective. However, rather than requirements being stated in a by-law any requirements would be conditions on the authorisation or permit. This could mean that there would be a less standardised approach to moveable signs than is achieved by the proposed by-law.

Parliament has expressly indicated that the regulation of moveable signs on a road can, within the terms of section 226 of the Act be regulated by Councils. The public policy preference, therefore, is for by-laws to govern the design, structure and placement of moveable signs on roads. In the context of section 226 of the Act, the optimal means of achieving the objective is through the proposed by-law.

In any event, the By-law contains an administrative discretion such that the Council may grant permission (with conditions) for the display of a moveable sign on a road which is otherwise contrary to the controls under the by-law relating to the construction and placement of moveable signs. The Council can ensure that reasonable and objective criteria are used in the exercise of the administrative discretion by way of appropriate policy implementation.

### **Alternative Means of Achieving the Same Result**

There are no identified alternative means of regulating the placement of moveable signs within the Council's area.

### **Do the Benefits of the By-Law Outweigh the Costs to the Community?**

The costs to the community may include:

- a) the costs of compliance with conditions specified in the by-law; and
- b) administrative costs in obtaining a permit, if necessary.

The costs to the Council will include:

- a) the administrative costs of making the by-law; and
- b) staffing costs in connection with the administration and enforcement of the by-law.

The benefits to the community will include:

- a) the proper management of moveable signs on roads on behalf of the community to ensure and maintain road safety;
- b) the protection of Council property and other property within the Council's area;
- c) the protection and enhancement of the amenity of the Council's area;

- d) a reduction in the level of inconvenience that could be caused to members of the public if the placement of moveable signs was not regulated.

The benefits to the community are significant. Accordingly, based on a review of the by-law, the Administration considers that the benefits of the effective management of moveable signs on roads within the Council area outweigh the potential restrictions on competition posed by this by-law.

## 5. DOGS BY-LAW 2017

### Status

The by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This is on the basis that the limitations on the number of dogs that may be kept in any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) do not apply to:

- approved kennel establishments operating in accordance with all required approvals and consents; and
- a business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

### Objectives of the By-law

The objectives of this By-law are to control and manage dogs in the Council's area:

- (a) to reduce the incidence of environmental nuisance caused by dogs; and
- (b) to promote responsible dog ownership; and
- (c) to protect the convenience, comfort and safety of members of the public; and
- (d) for the good rule and government of the Council's area.

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of Mount Gambier**

**By-law No 1 – Permits and Penalties By-Law 2018**

*A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws;*

and do certify that in my opinion:

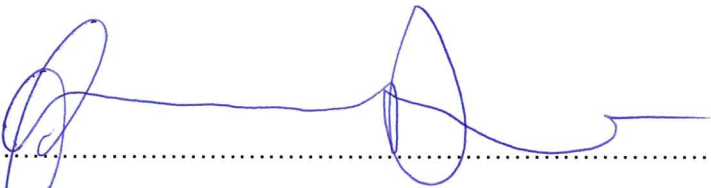
City of Mount Gambier

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(g);*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 17 day of May 2018



Cimon Burke, Legal Practitioner



**CITY OF MOUNT GAMBIER**  
**PERMITS AND PENALTIES BY-LAW 2018**  
**By-law No. 1 of 2018**

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

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## PART 1 PRELIMINARY

### 1. Title

This By-law may be cited as the *Permits and Penalties By-law 2018* and is By-law No. 1 of the City of Mount Gambier.

### 2. Authorising law

This By-law is made under section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

### 4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

- 4.1.1 By-Law No.1 – Permits And Penalties 2010.<sup>2</sup>

4.2 This By-law will expire on 1 January 2026.<sup>3</sup>

#### Note:-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

This By-law applies throughout the Council's area.

### 6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means the City of Mount Gambier; and
- 6.3 **person** includes a natural person, a body corporate or an incorporated association or an unincorporated association.

#### Note:-

Section 14 of the Acts *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

## 7. Construction of By-laws generally

- 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any By-law of the Council, unless the contrary intention appears **permission** means permission of the Council, or such other person as the Council may authorise, granted in writing (including by way of the Council adopting a policy of general application for this purpose) prior to the act, event or activity to which it relates.

## PART 2 – PERMITS AND PENALTIES

### 8. Permits

- 8.1 Where a By-law requires that permission be obtained any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
- 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

### 9. Offences and Penalties

- 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
- 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
- 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee that is fixed for an alleged offence against the Council's By-laws which is 25% of the maximum fine for the offence to which it relates.
- 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature

**Note-**

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE** **2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
MARK MCSHANE  
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of Mount Gambier**

**By-law No 2 – Local Government Land By-Law 2018**

*A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places;*

and do certify that in my opinion:

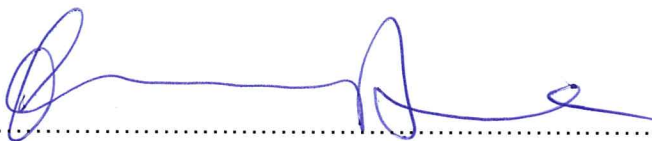
City of Mount Gambier

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and  
Harbors and Navigation Act 1993: section 18A.*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 17 day of May 2018



Cimon Burke, Legal Practitioner



**CITY OF MOUNT GAMBIER**  
**LOCAL GOVERNMENT LAND BY-LAW 2018**  
**By-law No. 2 of 2018**

A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Local Government Land By-law 2018* and is By-law No. 2 of the City of Mount Gambier.

### 2. Authorising law

This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.

### 3. Purpose

The objectives of this By-law are to regulate access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.

### 4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 2 – Local Government Land 2010.<sup>2</sup>

4.2 This By-law will expire on 1 January 2026.<sup>3</sup>

#### Note

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.

5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.

5.3 Subclauses 9.3, 9.5.4, 9.9.1, 9.9.5, 9.21.2, 9.25.1, 9.25.3-9.25.5, 9.28.2, 9.38.1, 10.3 and 10.9 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

- 5.4 Subclauses 9.9.3, 9.10.2, 9.14.2(b), 9.25.6 and 9.34.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.5 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.6 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a caravan or motor home to remain on the land, for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.7 **Council** means City of Mount Gambier;
- 6.8 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.9 **effective control** means a person exercising effective control of an animal either:
- 6.9.1 by means of a physical restraint; or
  - 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.10 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.11 **foreshore** means land (regardless of whether or not it is Local Government land) extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
- 6.12 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.13 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.14 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.15 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.16 **open container** means a container which after the contents of the container have been sealed at the time of manufacture;

- 6.16.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.16.2 being a can, it has been opened or punctured;
- 6.16.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.16.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.16.5 is a flask, glass, mug or other container able to contain liquid.
- 6.17 **personal watercraft means** a device that –
- 6.17.1 is propelled by a motor; and
- 6.17.2 has a fully enclosed hull; and
- 6.17.3 is designed not to retain water if capsized; and
- 6.17.4 is designed to be operated by a person who sits astride, stands, or kneels on the device
- and includes the device commonly referred to as a jet ski;
- 6.18 **skate facility** means an area that has been established and/or set aside by the Council for wheeled recreational devices.
- 6.19 **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.20 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.21 **waters** mean a body of water (including a pond, lake, river, creek or wetlands) under the care, control and management of the Council but does not include ocean waters; and
- 6.22 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note:-**

Section 14 of the Acts *Interpretation Act 1915* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

## PART 2 – ACCESS TO LOCAL GOVERNMENT LAND

### 7. Access

**Note:-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and



7.2 fix charges or fees payable for entry onto any part of Local Government land.

## 8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

## PART 3 – USE OF LOCAL GOVERNMENT LAND

### 9. Activities requiring permission

**Note:-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land or, where stated, the foreshore.

#### 9.1 *Advertising*

Display paint or erect, or cause to be displayed, painted or erected, on Local Government Land or a structure, building or fixture on Local Government Land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

#### 9.2 *Aircraft*

Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.

#### 9.3 *Alcohol*

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

#### 9.4 *Amplification*

Use an amplifier or other mechanical or electrical device for the purpose of amplifying or broadcasting sound to an audience.

#### 9.5 *Animals*

9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters.

9.5.3 Lead, herd, ride or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of

that kind, and provided that the animal or animals are under effective control.

- 9.5.4 cause or allow any horse to be or remain on Local Government land to which the Council has determined this clause applies.

9.6 *Annoyance*

Do anything likely to offend or unreasonably interfere with any other person:

- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises, by making a noise or creating a disturbance.

9.7 *Attachments*

Subject to subclause 9.1, attach, hang or fix or cause to be attached, hung or fixed, anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.8 *Bees*

Place a hive of bees on such land, or allow it to remain thereon.

9.9 *Boats & Mooring*

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.9.1 launch or retrieve a boat from or onto any Local Government land or foreshore to which the Council has determined this subclause applies;
- 9.9.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 9.9.3 propel, float or otherwise use a boat on or in any waters except:
- (a) in any area to which the Council has determined this subclause applies; and
- (b) in accordance with any conditions that the Council may have determined by resolution apply to that use.
- 9.9.4 hire out a boat or otherwise use a boat for commercial purposes;
- 9.9.5 moor any boat on or to Local Government land to which the Council has determined this subclause applies; or
- 9.9.6 moor any boat on or to Local Government land other than in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.

9.10 *Boat Ramps*

- 9.10.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.

9.10.2 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land except:

- a) onto any foreshore or Local Government land determined by the Council; and
- b) other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp.

9.11 *Bridge Jumping*

Jump or dive from a bridge on Local Government land.

9.12 *Buildings*

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.13 *Burials and Memorials*

9.13.1 Bury, inter or spread the ashes of any human or animal remains.

9.13.2 Erect any memorial.

9.14 *Camping and Tents*

9.14.1 Subject to clause 9.14.2, erect a tent, booth, marquee or other structure of calico, canvas, plastic or similar material.

9.14.2 Camp or sleep overnight except:

- a) in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or
- b) in an area which has been designated by resolution of the Council for that purpose and only then, in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.

9.15 *Canvassing*

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

9.16 *Defacing Property*

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

9.17 *Distribution*

Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

### 9.18 *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

### 9.19 *Entertainment and Busking*

9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

### 9.20 *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

### 9.21 *Fires and Barbeques*

9.21.1 Subject to the *Fire and Emergency Services Act 2005* light a fire except:

- a) in a place provided by the Council for that purpose; or
- b) in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.21.2 Light or maintain any barbeque, gas light or gas stove on Local Government land to which the Council has determined this clause applies.

### 9.22 *Fireworks*

Ignite or discharge any fireworks.

### 9.23 *Flora and Fauna*

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972* (where applicable):

9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;

9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.23.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.23.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

- 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature;
- 9.23.8 burn any timber or dead wood; or
- 9.23.9 feed any animal on any Local Government land to which Council has determined this clause applies -

with the exception that subclauses 9.23.4 and 9.23.7 do not apply to lawful fishing activities.

#### 9.24 *Foreshore*

On Local Government land comprising the foreshore:

- 9.24.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose.
- 9.24.2 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose.
- 9.24.3 hire out a boat on or from the foreshore.

#### 9.25 *Games and Sport*

- 9.25.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.25.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.25.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.25.4 Play or practise any game which involves kicking, hitting or throwing a ball on Local Government land to which Council has determined this clause applies.
- 9.25.5 Subject to this subclause 9.25, play or practise a game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land.
- 9.25.6 Play, take part in or practise golf, hang gliding, scuba or hookah diving, except in any area determined by the Council and only then, in accordance with any conditions determined by the Council that apply to such activity and are contained in signage on or near the land.

### 9.26 *Marine Life*

Introduce any marine life to any waters located on Local Government land.

### 9.27 *Interference with Land*

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.27.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.27.2 erecting or installing a structure in, on, across, under or over the land;
- 9.27.3 changing or interfering with the construction, arrangement of materials on the land;
- 9.27.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.27.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

### 9.28 *Model Aircraft, Boats and Cars*

Subject to the *Civil Aviation Safety Regulations 1998*:

- 9.28.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.28.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government Land to which the Council has resolved this subclause applies.

### 9.29 *Overhanging Articles or Displaying Personal Items*

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

### 9.30 *Playing Area*

Use or occupy a playing area:

- 9.30.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.30.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.30.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

9.31 *Pontoons*

Install or maintain a pontoon or jetty or similar structure in any waters.

9.32 *Preaching*

Preach, harangue or solicit for religious purposes.

9.33 *Ropes*

Place a buoy, cable, chain, hawser, rope or net in or across any waters.

9.34 *Swimming*

Subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or bathe in any waters on Local Government land except:

9.34.1 in an area which the Council has designated and set aside for such purposes; and

9.34.2 in accordance with any conditions that the Council may have determined by resolution apply to such use that are exhibited on any signage on land adjoining the body of water.

9.35 *Trading*

9.35.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.

9.35.2 Carry on any business or promote or advertise the same.

9.35.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

9.36 *Vehicles*

9.36.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose, unless for the purpose of attending to stock or in the case of a genuine emergency.

9.36.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

9.36.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

9.37 *Weddings, Functions and Special Events*

9.37.1 Hold, conduct or participate in a marriage ceremony, funeral service or special event.

9.37.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral service or special event.

9.37.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.38 *Wheeled Recreational Devices*

9.38.1 Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.

9.38.2 Use a skate facility other than in accordance with any condition determined by resolution of the Council and contained in any signage displayed at the facility.

10. **Prohibited activities**

A person must not do any of the following on Local Government land.

10.1 *Animals*

10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person.

10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place or to pollute any waters:

10.1.3 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.

10.2 *Equipment*

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

10.3 *Fishing*

Fish in any waters to which the Council has determined this subclause applies.

10.4 *Glass*

Willfully break any glass, china or other brittle material.

10.5 *Interference with Permitted Use*

Disrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.6 *Nuisance*

Behave in such an unreasonable manner so as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

10.7 *Playing games*

Play or practise a game:



10.7.1 which is likely to cause damage to the land or anything on it; or

10.7.2 in any area where a sign indicates that the game is prohibited.

#### 10.8 *Rubbish dumps*

10.8.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump, landfill area, waste transfer centre or recycling centre located on Local Government land.

10.8.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

#### 10.9 *Smoking*

Subject to the *Tobacco Products Regulation Act 1997*, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.

#### 10.10 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

#### 10.11 *Throwing objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way, in a manner which will cause or be likely to cause injury to any person or property.

#### 10.12 *Toilets*

In any public convenience on Local Government land:

10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

10.12.3 use it for a purpose for which it was not designed or constructed;

10.12.4 enter a toilet that is set aside for use of the opposite gender except:

- (a) where a child under the age of eight years is accompanied by a parent or adult guardian of that gender;
- (b) to provide assistance to a person with a disability; or
- (c) in the case of a genuine emergency.

#### 10.13 *Waste*

Deposit or leave thereon anything obnoxious or offensive.

## PART 4 - ENFORCEMENT

### 11. Directions

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of the land;

11.1.2 that person's conduct and behaviour on the land;

11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

### 12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

**Note:-**

Section 262(1) of the Act states:

- 1) *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
  - (a) *if the conduct is still continuing - to stop the conduct; and*
  - (b) *whether or not the conduct is still continuing-to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

### 13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 5 - MISCELLANEOUS

### 14. Exemptions

14.1 The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of or in accordance with a direction from a Council officer.

14.2 The restrictions in subclauses 9.15 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

**15. Liability of vehicle owners**

- 15.1 For the purposes of this clause 15, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on the **DATE** 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
MARK MCSHANE  
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of Mount Gambier**

**By-law No 3 – Roads By-Law 2018**

*A By-law to manage, control and regulate certain activities on roads in the Council's area;*

and do certify that in my opinion:

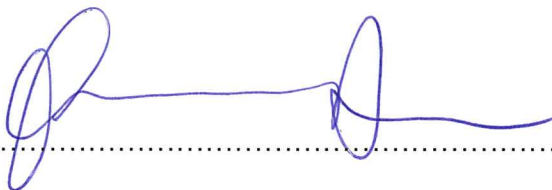
City of Mount Gambier

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and  
Local Government (General) Regulations 2015: regulation 28.*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 17 day of May 2018



Cimon Burke, Legal Practitioner



## **CITY OF MOUNT GAMBIER**

### **ROADS BY-LAW 2018**

#### **By-law No. 3 of 2018**

A By-law to manage, control and regulate certain activities on roads in the Council's area.

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## **PART 1– PRELIMINARY**

### **1. Title**

This By-law may be cited as the Roads By-law 2018 and is By-law No. 3 of the City of Mount Gambier.

### **2. Authorising law**

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

### **3. Purpose**

The objectives of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area.

### **4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation.<sup>1</sup>
  - 4.1.1 By-Law No.3- Roads 2010.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2026.<sup>3</sup>

#### **Note:-**

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### **5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.4.2 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may, by resolution, direct in accordance with section 246(3)(e) of the Act.

### **6. Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp, or causing:
- 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or
- 6.4.2 a swag or similar bedding; or
- 6.4.3 subject to the *Road Traffic Act 1961*, a caravan or motor home;
- to remain on a road for the purpose of accommodating a person staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means City of Mount Gambier;
- 6.6 **effective control** means a person exercising effective control of an animal either:
- 6.6.1 by means of a physical restraint; or
- 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note:-**

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

## **PART 2 – USE OF ROADS**

### **7. Activities requiring permission**

A person must not do any of the following activities on a road without the permission of the Council.

#### **7.1 Advertising**

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.

## 7.2 *Amplification*

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound including for the broadcasting of announcements or advertisements.

## 7.3 *Animals*

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal is under effective control.

7.3.2 Lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.

7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

## 7.4 *Camping and Tents*

7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.4.2 Camp or sleep overnight except:

7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and

7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

## 7.5 *Obstructions*

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse on a road.

## 7.6 *Preaching*

7.6.1 Preach, harangue, solicit or canvass for religious or charitable purposes.

7.6.2 Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

## 7.7 *Public Exhibitions and Displays*

7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.



7.7.4 Cause any public exhibitions or displays.

## 7.8 Vehicles

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

### Note:-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By law.

## PART 3- ENFORCEMENT

### 8. Directions

A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of an authorised person to leave that part of the road.

### 9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

### Note:-

Section 262(1) of the Act states:

*If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) if the conduct is still continuing – to stop the conduct; and
- b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- dismantle and remove a tent from a road.

### 10. Removal of animals and objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

10.2 The Council may recover from the owner or apparent owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

## PART 4- MISCELLANEOUS

### 11. Exemptions

The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties or, to a contractor while performing work for the Council and while acting under the supervision of, or in accordance with the direction of, a Council officer.

### 12. Liability of vehicle owners

12.1 For the purposes of this clause 12, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE** **2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
MARK MCSHANE  
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of Mount Gambier**

**By-law No 4 – Moveable Signs By-Law 2018**

*A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety;*

and do certify that in my opinion:

City of Mount Gambier

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 226, 238, 239(1)(a), 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 17 day of May 2018



.....  
Cimon Burke, Legal Practitioner



**CITY OF MOUNT GAMBIER**  
**MOVEABLE SIGNS BY-LAW 2018**  
**By-law No. 4 of 2018**

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

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7. Construction and design .....3

8. Placement .....4

9. Banners.....5

10. Restrictions .....5

11. Exemptions.....5

**PART 3- ENFORCEMENT .....6**

12. Removal of moveable signs .....6

13. Liability of vehicle owners .....6

## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Moveable Signs By-law 2018* and is By-law No. 4 of the City of Mount Gambier.

### 2. Authorising law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

### 3. Purpose

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council's area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council's area.

### 4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 By-Law No. 4- Moveable Signs 2010.<sup>2</sup>

4.2 This By-law will expire on 1 January 2026.<sup>3</sup>

#### NOTE:-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

### 6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 **Act** means the *Local Government Act 1999*;

6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;

- 6.3 **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means City of Mount Gambier;
- 6.6 **footpath area** means:
- 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**NOTE:-**

Section 14 of the Acts *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

## **PART 2 – MOVEABLE SIGNS**

### **7. Construction and design**

A moveable sign must:

- 7.1 be of kind known as an 'A frame' or 'sandwich board' sign, an 'inverted T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions (including adverse weather conditions);
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain flashing parts;
- 7.8 not exceed 1000mm in height, 600mm in width and 600mm in depth;
- 7.9 in the case of an 'A frame' or 'sandwich board' sign:

- 7.9.1 be hinged or joined at the top;
- 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.9.3 not have a base area in excess of 0.6 square metres; and
- 7.10 in the case of an 'inverted T' sign, not contain struts or members that run between the display area and the base of the sign.
- 7.11 not rotate or contain moving or flashing parts; and
- 7.12 not have balloons, flags, streamers or other things attached to it.

## **8. Placement**

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.4 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.5 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11 displayed during the hours of darkness unless it is clearly lit; or
- 8.12 be placed in such a position or in such circumstances that:
  - 8.12.1 it compromises the safety of any person or places a person at risk of harm; or
  - 8.12.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

## 9. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

**Note:-**

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the Local Government Act 1999.

## 10. Restrictions

- 10.1 The owner or operator of a business must not without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 10.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 10.3.2 the business premises to which it relates is open to the public.
- 10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

## 11. Exemptions

- 11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises; or
- 11.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 11.2 Subclauses 10.1 and 10.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of the Council adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

**Note:-**

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;



- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

## PART 3- ENFORCEMENT

### 12. Removal of moveable signs

- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.

**Note:-**

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

- 12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

- 12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

12.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

12.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

### 13. Liability of vehicle owners

- 13.1 For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

- 13.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
 MARK MCSHANE  
 Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of Mount Gambier**

**By-law No 5 – Dogs By-Law 2018**

*A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area;*

and do certify that in my opinion:

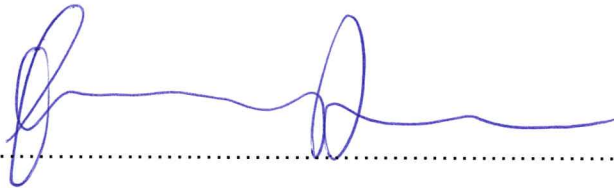
City of Mount Gambier

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e) and 246(3)(f);  
Dog and Cat Management Act 1995: section 90; and  
Harbors and Navigation Act 1993: section 18A.*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 17 day of May 2018



Cimon Burke, Legal Practitioner



## CITY OF MOUNT GAMBIER

### DOGS BY-LAW 2018

#### By-law No. 5 OF 2018

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Dog By-law 2018* and is By-law No. 5 of the City of Mount Gambier.

### 2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

### 3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

### 4. Commencement, revocation and expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>
  - 4.1.1 By-Law No. 5 – Dogs 2010.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2026.<sup>3</sup>

#### Note:-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 subclauses 9.1 and 10.2, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

### 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;

- 6.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the (*Development Act 1993*) for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means the City of Mount Gambier;
- 6.6 **dog** (except for in clause 7) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.11 **small dwelling** means a self-contained residence that is:
- 6.11.1 a residential flat building;
- 6.11.2 contained in a separate strata unit or community title;
- 6.11.3 on an allotment less than 400 square metres in area; or
- 6.11.4 without a secure yard of at least 100 square metres in area;
- 6.12 **working dog** means a dog-
- 6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is—
- (a) a primary producer; or
- (b) engaged or employed by a primary producer; and
- 6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

6.13 For the purposes of clause 9 of the By-law, a dog is (under ***effective control by means of a leash***) if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:

6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or

6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

**Note:-**

Section 14 of the *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

## **PART 2 – LIMITS ON DOG NUMBERS**

### **7. Limits on dog numbers in private premises**

7.1 Subject to subclauses 7.3 and 7.5, a person must not without the Council's permission, keep or cause, suffer or permit to be kept:

7.1.1 more than one dog in a small dwelling; or

7.1.2 in all other cases, more than three dogs on any premises (other than working dogs).

7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.

7.3 Subclause 7.1 does not apply to:

7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.

7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.

7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

## **PART 3 – DOG CONTROLS**

### **8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

**Note:-**

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

## 9. Dog on leash areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on Local Government land or a public place to which the Council has resolved that this subclause applies; and
- 9.2 on any park or reserve during times when organised sport is being played;

unless the dog is under effective control by means of a leash.

## 10. Dog prohibited areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land;
- 10.2 on any other Local Government land or public place to which the Council has determined that this subclause applies.

## 11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

## PART 4 – EXEMPTION

### 12. Council may grant exemptions

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption—
  - 12.2.1 may be granted or refused at the discretion of the Council; and
  - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

## PART 5 – ENFORCEMENT

### 13. Orders

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person under this section.

**Note:-**

- For example, an authorised person may order a person to cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **DATE** **2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
MARK MCSHANE  
Chief Executive Officer





**LCLGA**

Limestone Coast  
Local Government  
Association



# Business Plan 2018 - 2019



Naracoorte Lucindale Council  
*Better by Nature*

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## Introduction

This Business Plan sets the activities and outcomes for the work of the Limestone Coast Local Government Association (LCLGA) in 2018-19.

LCLGA is comprised of seven Constituent Councils in the Limestone Coast Region: the City of Mount Gambier, District Council of Grant, Kingston District Council, Naracoorte Lucindale Council, District Council of Robe, Tatiara District Council and Wattle Range Council.

The Mission of the Association is:

*To lead Local Government in the Region, and to advance the Limestone Coast communities through effective advocacy, facilitation and innovation.*

The five-year direction of the Association is governed by the Strategic Plan 2014-2019. The Plan identifies five themes and Regional Strategies to guide areas of activity.

### 1. Infrastructure

*Regional leadership and advocacy to ensure that regional infrastructure is fit for purpose and has the capacity to meet the region's current and future needs.*

### 2. Sustainable Economy

*Regional leadership and advocacy to promote a thriving and sustainable economy capitalising on our diverse resources, sustaining growth, prosperity and employment throughout the region.*

### 3. Environmental Sustainability

*Advocacy and partnerships to responsibly manage our natural environment and resources, ensuring sustainability and diversity.*

### 4. Community and Social Wellbeing

*Advocacy and partnerships to enhance the quality of life, health and opportunities for our regional communities.*

### 5. LCLGA governance, leadership and financial sustainability

*Regional leadership and effective Constituent Council coordination to ensure that LCLGA continues as an efficient and well governed regional organisation.*

This Business Plan will identify the actions to be delivered by LCLGA in 2018-19 under each of these Regional Strategies.

## Context

LCLGA is constituted under the Local Government Act 1999. It is governed by a Charter, which details the objectives and operation of the Association. The LCLGA Strategic Plan 2014-2019 makes reference to the Constituent Councils' Strategic and Business Plans, ensuring that the strategies and actions are regionally applicable.

The LCLGA Charter identifies a broad range of roles to deliver the objectives of the Association. Given the available resources for LCLGA, it is necessary to closely define the role of LCLGA in delivering the five regional strategies. LCLGA will also work in partnership with other organisations on a number of actions. The various roles are defined below.

<b>Role</b>	<b>LCLGA will...</b>
<b>Regional Leadership</b>	<ul style="list-style-type: none"> <li>• Initiate action and lead regional activity</li> <li>• Set the agenda and direction</li> </ul>
<b>Advocacy</b>	<ul style="list-style-type: none"> <li>• Represent the region, and pursue outcomes on behalf of the Constituent Councils and the region</li> </ul>
<b>Council Coordination</b>	<ul style="list-style-type: none"> <li>• Coordinate the activities of Constituent Councils</li> <li>• Act as the central organisation for shared Local Government responsibilities</li> <li>• Provide a single point of contact to the region's Local Government</li> </ul>
<b>Partnership</b>	<ul style="list-style-type: none"> <li>• Join with other stakeholders to deliver a service or project</li> </ul>
<b>Delivery</b>	<ul style="list-style-type: none"> <li>• Initiate, develop proposals and implement projects with a dedicated budget, staff member or resources</li> </ul>

Figure One provides a summary of the roles LCLGA will focus on to deliver each Regional Strategy.

<b>Theme</b>	<b>LCLGA Role</b>				
	<b>Regional Leadership</b>	<b>Advocacy</b>	<b>Council Coordination</b>	<b>Partnership</b>	<b>Delivery</b>
<b>Infrastructure</b>					
<b>Sustainable Economy</b>					
<b>Environmental Sustainability</b>					
<b>Community and Social Well-being</b>					
<b>LCLGA Governance</b>					

Figure One: the Role of LCLGA in each Regional Strategy

## Business Plan

*To be read in conjunction with the LCLGA Strategic Plan 2014-2019*

The 2018-19 LCLGA Work Plan has increased from previous years, representing LCLGA's role to deliver regional programs as directed by the Constituent Councils. This includes the investigation of regional procurement/collaboration, the implementation of the Limestone Coast Regional Tourism Plan, the continuation of the Regional Planning Alliance Project, the development of sporting excellence programs as well as the development of a Regional Waste Infrastructure Plan.

In 2018-19, LCLGA will be delivering a range of projects with specific budgets and staff resources, and managing many partnership contracts for joint delivery of programs. In addition, there are a number of ongoing activities that LCLGA will deliver, in particular through its advocacy and partnership roles.

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## 1. INFRASTRUCTURE

Desired Regional Outcome	LCLGA Role	LCLGA Actions 2018-19
Existing and future regional infrastructure is fit for purpose and has the capacity to meet the region's needs.	Regional Leadership	Lead the implementation of the updated LCLGA 2030 Regional Transport Plan.
	Advocacy	Advocate for appropriate State and Australian Government investment in the upgrade, maintenance and operation of the South East drainage and bridge network, in partnership with the South East Natural Resources Management Board, Regional Development Australia Limestone Coast and the South Eastern Water Conservation and Drainage Board.
	Council Coordination	Effectively coordinate regional submissions for the Special Local Roads Program to maximise investment in regional road infrastructure.
Councils to protect built heritage, heritage spaces and the region's cultural heritage.	Council Coordination	Effectively coordinate and manage a regional Heritage Advisory Service for the benefit of Constituent Councils and private owners.
Development of a regional approach to the maintenance and provision of improved and new infrastructure and utility services.	Advocacy	Advocate for the region for improved and sustainable services from State and Australian Governments in meeting our regional needs for: <ul style="list-style-type: none"> <li>• Roads</li> <li>• National Broadband Network</li> <li>• Mobile phone coverage</li> </ul>

## 2. SUSTAINABLE ECONOMY

Desired Regional Outcome	LCLGA Role	LCLGA Actions 2018-19
A growing and diverse economy, based on the region's natural assets and innovative community, under the priorities of: <i>Premium Food and Wine from our Clean Environment</i> , and <i>Growing Advanced Manufacturing</i> .	Regional Leadership	Convene the Limestone Coast Economic Development Group, and maintain the Limestone Coast Economic Development Group Work Plan.
	Advocacy	Strongly advocate for investment, projects, legislation/policy review or development to promote economic growth in the region.
	Partnership	Partner with Regional Development Australia Limestone Coast to drive economic development projects for the Region.

<b>Desired Regional Outcome</b>	<b>LCLGA Role</b>	<b>LCLGA Actions 2018-19</b>
A thriving and well-supported tourism industry, growing the region's status as a visitor destination.	Advocacy	Advocate for and support industry leadership within regional tourism, including the rollout of the Regional Limestone Coast Brand.
	Council Coordination	Coordinate Council investment to implement the Regional Tourism Plan.
	Regional Leadership and Advocacy	Continue to represent the region at the Regional Tourism Chairs Forum at State level.
A sustainable population base with the skills and capability to grow regional economic development.	Advocacy	Assist key regional bodies and the South Australian Government with the objective to grow our population, develop our regional workforce, and to build skills and capability in our communities, through implementation of the outcomes developed in the Limestone Coast Regional Growth Plan.

### 3. ENVIRONMENTAL SUSTAINABILITY

<b>Desired Outcome</b>	<b>LCLGA Role</b>	<b>LCLGA Actions 2018-19</b>
Local Government is a key partner in the sustainable management of the environment and natural resources in the region.	Advocacy and Partnership	Through implementation of the Local Government Resource Industry Protocol 2015, lead appropriate regional action to ensure that resource development projects, including mining and unconventional gas, are environmentally sustainable, have approval of impacted landholders, provide for community consultation, and are governed by legislation and regulation appropriate to the Limestone Coast.
	Partnership	In partnership with Natural Resources South East and RDA Limestone Coast, deliver the outcomes identify in the Climate Adaptation Plan.
A regional approach to landfill minimisation and innovative waste management.	Council Coordination	Coordinate shared resources for the Regional Waste Management Coordinator to deliver a regional approach to waste management.
	Delivery	In partnership with Constituent Councils, develop an implementation plan for the Regional Waste Infrastructure Plan.
Well-managed and protected terrestrial, wetland, coastal and marine environments, with active partnership from all responsible organisations.	Partnership	Look to partner with community and Natural Resources South East to continue to deliver a <i>Limestone Coastwatchers</i> program. Investigate further opportunities for funding of critical environmental outcomes and identified regional projects.

#### 4. COMMUNITY AND SOCIAL WELLBEING

Desired Outcome	LCLGA Role	LCLGA Actions 2018-19
Regional communities have access to appropriate health and education services and facilities.	Advocacy	<p>Advocate for expanded mental health and drug treatment services and support in the Limestone Coast.</p> <p>Encourage and support the initiatives of Constituent Councils to be expanded regionally, particularly regarding suicide prevention and other priority issues with significant impacts on regional areas.</p>
Regional communities have access to programs and facilities promoting a healthy lifestyle.	Partnership and Delivery	<p>Partner with Constituent Councils to deliver the Regional Public Health and Well-being Plan.</p> <p>Partner with the Office of Recreation and Sport to deliver the STARCLUB Program for the Limestone Coast.</p> <p>Partner with Constituent Councils to investigate opportunities to deliver on the Limestone Coast Regional Trails Master Plan.</p>
Local Government is a key regional partner in emergency management, road safety and other community safety programs.	Council Coordination	Assist to coordinate Constituent Councils' role in Zone Emergency Management to ensure appropriate role for Local Government in emergency response and recovery.
	Partnership and Delivery	Partner with the Motor Accident Commission to advance road safety in the South East region and work with relevant State agencies and community groups to implement a regional road safety strategy. The LCLGA will continue to support the partnership's dedicated, part-time Community Road Safety Officer to effect a whole of region program.

#### 5. LCLGA GOVERNANCE, LEADERSHIP AND FINANCIAL SUSTAINABILITY

Desired Outcome	LCLGA Role	LCLGA Actions 2018-19
LCLGA is recognised as the regional leadership body which provides a framework and coordination for other regional groups.	Regional Leadership	<p>Lead regional advocacy and action on priority issues, and actively engage and coordinate partner organisations' action on common regional issues.</p> <p>Facilitate active engagement and participation of Constituent Councils on issues and decisions that impact their communities.</p>

Desired Outcome	LCLGA Role	LCLGA Actions 2018-19
Regional Local Government is effective and cost efficient.	Council Coordination	<p>Work with the State Government to implement the new <i>Planning Act</i>.</p> <p>Identify and coordinate practical opportunities for joint investment, shared services and resources between Constituent Councils and the LGA that improve service delivery and provide cost savings.</p> <p>Coordinate and convene specialist LCLGA Working Groups to address and take action on regional issues of common interest to Constituent Councils, including:</p> <ul style="list-style-type: none"> <li>• Limestone Coast Roads and Transport Management Group</li> <li>• Limestone Coast Tourism Management Group</li> <li>• Limestone Coast Economic Development Group</li> <li>• Limestone Coast Regional Waste Steering Committee</li> <li>• Limestone Coast Regional Sport and Recreation Advisory Group</li> <li>• Limestone Coast Climate Adaptation Committee</li> </ul>
A well-governed regional organisation.	Delivery	Ensure the Association operates carries out its operations in alignment with the adopted LCLGA Charter and relevant legislation.
LCLGA maintains its reputation with State and Australian Governments as a leading Local Government body and effective advocate for the Limestone Coast.	Advocacy	<p>Lead effective and targeted advocacy campaigns on priority regional issues, in partnership with Constituent Councils, the LGA and regional organisations as appropriate.</p> <p>Continue to be active members of SAROC and the LGA Board to support LCLGA's advocacy on regional issues and issues affecting Local Government.</p> <p>Lead the region's response and input to the State and Australian Governments on key issues and opportunities, acting as a single point of contact for regional visits and requests.</p>
Effective communications with Constituent Councils, partner organisations and the community.	Delivery	<p>Develop a modern communication plan that provides up-to-date information.</p> <p>Continue LCLGA representation on key outside organisations.</p>



Desired Outcome	LCLGA Role	LCLGA Actions 2018-19
LCLGA financial processes are transparent and efficient, ensuring a sustainable financial position.	Delivery	<p>Implement an annual program of budget development, consultation, adoption and review.</p> <p>Ensure that the LCLGA Board and Constituent Councils are provided with bimonthly financial and performance reports, and an Annual Report.</p> <p>Explore approaches to attract funding for LCLGA to deliver or partner on priority regional projects.</p>

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## Budget

Income for the Limestone Coast Local Government Association is derived from three main sources:

1. Subscriptions and Project Fees from Constituent Councils of LCLGA;
2. Funding from the LGA SA for Regional Capacity Building Projects; and
3. Project funding through partnerships with external organisations.

A small amount of income is derived from interest and project management fees.

Annual expenditure is divided between two main areas:

1. Operating – expenditure required to employ an Executive Officer and Project Manager, and general costs for administration, rent, Board expenses and other general organisational expenses;
2. Projects – expenditure required to deliver specific projects, including where applicable the engagement of a project officer.

The diagram below demonstrates the sources of income used for each area of expenditure:

	Expenditure	
	Operating	Projects
<b>INCOME SOURCE</b>		
Constituent Councils	LCLGA Subscriptions	Project Fees
LGA SA	-	Regional Capacity Building
External Organisations	-	Contractual Partnerships

The Income and Expenditure Budget for LCLGA in 2018-19 is provided in **Attachment 1**.

LCLGA Constituent Council contributions via Subscriptions and Project Fees is provided in the Draft Budget 2018-19.

## Staff Resources

The following staff resources are included as part of the Work Plan and Budget.

Position	Program Delivered	FTE
Executive Officer	LCLGA Board, leadership and representational	1.00
Tourism Industry Development Manager	Regional tourism strategic plan and work program	1.00
Starclub Field Officer Limestone Coast	Regional Starclub Development Program Limestone Coast	1.00
Project Manager	All contract and project management Other projects	0.60
Executive Support Officer	Administration support	0.65
Regional Community Road Safety Officer	MAC LCLGA Road Safety Partnership	0.60
Climate Adaptation Project Officer	Climate Adaptation Work Plan	0.40
Regional Waste Management Coordinator	LCLGA Regional Waste Management Strategy	0.60
<b>TOTAL FTE</b>		<b>5.85</b>

LCLGA Draft Budget FY 2019

LCLGA Proposed Council Contributions FY 2019

	LCLGA Programs				External Programs			TOTAL
	Subscription	Tourism	Sport & Recreation	Waste Officer	RDALC	Heritage Services	Drug Action	
City of Mount Gambier	\$ 72,985	\$ 29,194	\$ 13,270	\$ 15,924	\$ 24,023	\$ 24,702	\$ -	\$ 180,098
District Council of Grant	\$ 35,530	\$ 14,212	\$ 6,460	\$ 7,752	\$ 11,695	\$ 2,476	\$ -	\$ 78,125
Wattle Range Council	\$ 58,493	\$ 23,397	\$ 10,635	\$ 12,762	\$ 19,252	\$ 9,903	\$ -	\$ 134,442
Naracoorte Lucindale Council	\$ 39,958	\$ 15,983	\$ 7,265	\$ 8,718	\$ 13,152	\$ 4,951	\$ -	\$ 90,026
District Council of Robe	\$ 15,758	\$ 6,303	\$ 2,865	\$ 3,438	\$ 5,186	\$ 9,903	\$ -	\$ 43,453
Tatiara District Council	\$ 34,458	\$ 13,783	\$ 6,265	\$ 7,518	\$ 11,342	\$ 2,476	\$ -	\$ 75,841
Kingston District Council	\$ 17,820	\$ 7,128	\$ 3,240	\$ 3,888	\$ 5,865	\$ 2,476	\$ -	\$ 40,417
<b>TOTAL:</b>	<b>\$ 275,000</b>	<b>\$ 110,000</b>	<b>\$ 50,000</b>	<b>\$ 60,000</b>	<b>\$ 90,515</b>	<b>\$ 56,887</b>	<b>\$ -</b>	<b>\$ 642,402</b>

LCLGA Department Forecast FY 2019

	Admin	Misc Projects	Waste	Star Club	Sports Academy	Tourism	Road Safety	Climate	Total
<b>Income:</b>									
Council Contributions	275,000.00	147,401.80	60,000.00	50,000.00		110,000.00			642,401.80
SATC						66,000.00			66,000.00
LGA Funding		-			-			-	-
RDA Funding								18,993.00	18,993.00
Rec & Sport				56,000.00	-				56,000.00
MAC							65,000.00		65,000.00
State Heritage Unit		5,000.00							5,000.00
Coastwatchers		-							-
DEWNR								33,500.00	33,500.00
Interest	12,000.00								12,000.00
<b>Total Income</b>	<b>\$ 287,000.00</b>	<b>\$ 152,401.80</b>	<b>\$ 60,000.00</b>	<b>\$ 106,000.00</b>	<b>\$ -</b>	<b>\$ 176,000.00</b>	<b>\$ 65,000.00</b>	<b>\$ 52,493.00</b>	<b>\$ 898,894.80</b>

<b>Expenses:</b>									
- Admin	58,290.00		8,460.00	7,860.00	-	7,860.00	6,180.00	7,980.00	96,630.00
- Wages & Oncoasts	241,670.86		47,224.26	83,013.94	-	105,754.06	48,583.24	30,364.73	556,611.10
- Project Costs	16,500.00	272,401.80	18,000.00	12,000.00	-	87,600.00	15,000.00	15,300.00	436,801.80
- Vehicle	19,500.00		2,100.00	13,800.00	-	13,800.00	2,100.00	4,800.00	56,100.00
<b>Total Expenses</b>	<b>\$ 335,960.86</b>	<b>\$ 272,401.80</b>	<b>\$ 75,784.26</b>	<b>\$ 116,673.94</b>	<b>\$ -</b>	<b>\$ 215,014.06</b>	<b>\$ 71,863.24</b>	<b>\$ 58,444.73</b>	<b>\$ 1,146,142.90</b>

<b>Total Profit/Loss</b>	<b>-\$ 48,960.86</b>	<b>-\$ 120,000.00</b>	<b>-\$ 15,784.26</b>	<b>-\$ 10,673.94</b>	<b>\$ -</b>	<b>-\$ 39,014.06</b>	<b>-\$ 6,863.24</b>	<b>-\$ 5,951.73</b>	<b>-\$ 247,248.10</b>
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LCLGA Other Projects

Activity	Amount	Notes
RDALC	90,514.80	- Council contribution external program
Heritage Services	61,887.00	- Council contribution external program
Procurement	10,000.00	- Carried forward reserves
Regional Planning	20,000.00	- Carried forward reserves
Growth Plan Initiatives	30,000.00	- To be funded by rubble royalty
Council Inundation Models	15,000.00	- To be funded by rubble royalty
Leadership Program	10,000.00	- To be funded by rubble royalty
Brand development	15,000.00	- To be funded by rubble royalty
LC Coastal Trail	20,000.00	- To be funded by rubble royalty
<b>TOTAL:</b>	<b>\$ 272,401.80</b>	