



## **AGENDA**

### **FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON**

**18 JANUARY 2016 AT AT THE CONCLUSION OF BUDGET AND FINANCE  
COMMITTEE**

**IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

#### **MEMBERS**

Cr B Vermeer (Chairman)  
Mayor G Aldridge (ex officio)  
Cr D Balaza  
Cr S Bedford  
Cr D Bryant  
Cr L Caruso  
Cr R Cook (Deputy Chairman)  
Cr D Pilkington  
Cr D Proleta

#### **REQUIRED STAFF**

Acting General Manager Business Excellence, Ms L Rattigan  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Ms T Norman  
Manager Communications and Customer Relations, Mr M Bennington

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 07 December 2015.

## REPORTS

### *Administration*

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### *Health, Animal Management and By-laws*

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## OTHER BUSINESS

## CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN  
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

**7 DECEMBER 2015**

**MEMBERS PRESENT**

Cr B Vermeer (Chairman)  
Mayor G Aldridge (ex officio)  
Cr D Balaza  
Cr S Bedford  
Cr D Bryant  
Cr L Caruso  
Cr R Cook (Deputy Chairman)  
Cr D Pilkington

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Ms T Norman  
Manager Environmental Health and Safety, Mr J Darzanos  
Team Leader Corporate Communications, Mr C Treloar

The meeting commenced at 8:26 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

An apology has been received from Cr D Proleta.

**LEAVE OF ABSENCE**

Nil

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## PRESENTATION OF MINUTES

Moved Cr S Bedford  
Seconded Cr D Pilkington

The Minutes of the Resources and Governance Committee Meeting held on 16 November 2015, be taken and read as confirmed.

**CARRIED**

Moved Cr D Pilkington  
Seconded Mayor G Aldridge

The Minutes of the Confidential Resources and Governance Committee Meeting held on 16 November 2015, be taken and read as confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr D Balaza  
Seconded Cr D Bryant

1. The information be received.

**CARRIED**

### 3.3.1 Dog Control options for St Kilda Adventure Play-space

Moved Cr S Bedford

Seconded Mayor G Aldridge

1. The information be received.
2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves that effective from 1st of February 2016, the Local Government land comprising the St Kilda Play-space as identified in the diagram in Attachment 1 to this report is a 'Dog Prohibited Area' for the purposes of Clause 10 of By-Law No. 5 – Dogs.
3. Staff finalise signage design and arrange to install signs as required advising that the Local Government land comprising the St Kilda Adventure Play-space as identified in Attachment 1 to this report is declared as a "Dog Prohibited Area".
4. Staff publish a notice of determination in the Government Gazette and in a local newspaper circulating in the area, and ensure copies of the determination are made available online and within Councils register of by-laws advising that the Local Government land comprising the St Kilda Adventure Play-space as identified in the diagram in Attachment 1 to this report is a 'Dog Prohibited Area' for the purposes of Clause 10 of By-Law No. 5 – Dogs.
5. Staff undertake an education and information campaign through local media, online, advertising in local business premises (subject to owners' approval), and at Council facilities including main office, libraries and at St Kilda Adventure play-space.

**CARRIED**

### External Relations

*General Manager City Development left meeting 8:33 pm.*

### 3.4.1 Nominations Sought for the Industrial Relations Consultative Council

Moved Cr D Balaza

Seconded Cr L Caruso

1. Cr D Bryant be nominated as a Local Government Member on the Industrial Relations Consultative Council.

**CARRIED**

### **3.4.2 Nominations Sought for the South Australian Meat Food Safety Advisory Committee**

Moved Cr L Caruso  
Seconded Cr D Balaza

1. No nomination be made for the position of Local Government Member on the South Australian Meat Food Safety Advisory Committee.

**CARRIED**

#### *Corporate Governance*

### **3.6.1 Elected Member Mandatory Training**

Moved Cr D Pilkington  
Seconded Cr S Bedford

1. That the information be received.

**CARRIED**

### **OTHER BUSINESS**

Nil

The meeting closed at 8:36 pm.

CHAIRMAN.....

DATE.....

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<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 January 2016
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.
<b>RECOMMENDATION</b>	
	1. The information be received.
<b>ATTACHMENTS</b>	
	There are no attachments to this report.
<b>1. BACKGROUND</b>	
1.1	Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.
<b>2. CONSULTATION / COMMUNICATION</b>	
2.1	Internal
2.1.1	Report authors and General Managers.
2.2	External
2.2.1	Nil.

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

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Resources and Governance Committee Agenda - 18 January 2016



23/11/2015 NOM2	<b>Local Government Association of SA Governance Review and City of Salisbury Membership status</b> 3. That following release of the adopted recommendations of the LGA Governance Review, the City of Salisbury will consider the role it plays within the Local Government Association, including consultation with other Northern Region Councils on strategies to ensure appropriate representation of the region. <b>Due:</b> March 2016	Charles Mansueto
23/11/2015 NOM5	<b>Rescission of Council Decision 0710/2015 - Little Para Par 3 Golf Course</b> 1. In accordance with Council's procurement process an appropriate market approach, including Not For Profit entities, be made for the operation of the Little Para Par 3 Golf Course with a report recommending the preferred operator and operating model to return to Council prior to April 2016. <b>Due:</b> April 2016	Thuyen Vi-Alternetti
23/11/2015 OB2	<b>Wood Burning Heaters</b> That Staff report on controls Council may have on the use of residential wood burning heaters and any information available for residents on the good use of these heaters including safety issues and smoke interference to other residents. <b>Due:</b> February 2016	John Darzanos
14/12/2015 OB4	<b>Civic Chain and Robes</b> 1. Staff report back on the costs associated with: a. The design and production of a simple civic chain, bearing the City of Salisbury Crest, to be worn by the Deputy Mayor when representing the Mayor at formal ceremonies such as Citizenship Ceremonies; b. The modification of existing Elected Member robes to allow for some sort of fastening to be fitted to the front to assist with the way robes hang when worn. <b>Due:</b> March 2016	Joy Rowett

#### 4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

#### CO-ORDINATION

Officer: Executive Group  
Date: 12/01/2016



<b>ITEM</b>	3.3.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 January 2016
<b>HEADING</b>	Wood Burning Heaters
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Safety, City Development
<b>CITY PLAN LINKS</b>	3.1 To have a community that embraces healthy and active lifestyles 3.3 To have a city where a quality of life is achievable 4.6 To provide our customers with excellent service that meets their needs
<b>SUMMARY</b>	At the Council meeting on 26 November 2015 it was resolved that staff report on controls Council may have on the use of residential wood burning heaters and any information available for residents on the appropriate use of these heaters including safety issues and smoke interference to other residents. The following report provides details of the legislative controls and information available for residents.

## RECOMMENDATION

1. The information be received.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Wood Burning Heaters - how to use them effectively

## 1. REPORT

- 1.1 Combustions heaters are popular for home heating however if used or installed incorrectly, they can cause unnecessary air pollution and create an environmental nuisance.
- 1.2 The legislative controls that enable the Environment Protection Authority and/or Councils to take action for combustion heater concerns are provided in the Environment Protection Act. If a combustion heater is causing excessive smoke or an environmental nuisance then this can be considered a breach of the General Duty under Section 25 which states:
  - 1.2.1 25—*General environmental duty*

(1) *A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and*

*practicable measures to prevent or minimise any resulting environmental harm.*

- 1.3 In order to prevent nuisances from combustion heaters owners must consider the design of the heater, proper installation, operation and maintenance, and proper fuel selection, storage and use.
- 1.4 The design and installation requirements are covered by the reference to Australian standards for design and installation in the Environment Protection (Solid Fuel Heaters) Policy 2015. All heaters sold must be marked in accordance with an approved solid fuel heater standard; and must have a certificate of compliance in relation to the heater. The installation must also be in accordance with the Australian Standard 2918:2001 Domestic solid fuel burning appliances – Installation. No development approval is required for installation of combustion heaters.
- 1.5 Operation and maintenance is then reliant on owners understanding and knowledge of combustion heater usage and this is covered by a variety of information available to owners. Resources are available online through the Environment Protection Authority and also hard copy from Council. Attachment 1 Wood Burning Heaters - how to use them effectively, provides a good guide for users and additional tips and information can be found at the EPA web site:
  - 1.5.1 [http://www.epa.sa.gov.au/environmental\\_info/air\\_quality/assistance\\_and\\_advice/wood\\_smoke](http://www.epa.sa.gov.au/environmental_info/air_quality/assistance_and_advice/wood_smoke)
- 1.6 Complaints can be referred to Councils and/or the Environment Protection Authority for further action. Council received 13 complaints in 2013/14, and 23 in 2014/15. The process upon initial receipt is to establish the concerns and the first course of action is usually education. The information referenced in Attachments 1 and online is utilised and sent to the owners of the combustion heater in a first attempt to highlight there may be a concern about their heater and to advise them of the steps they can take to review their practices and remedy any possible concerns.
- 1.7 The complainants are also advised to monitor the situation for several more weeks to determine if there is any improvement. If no improvement is seen and further complaints are received staff will undertake a site inspection to check on the proper usage of the heaters, including checking the type of fuel used, how it's stored and the location and height of the flue system. If concerns are observed remedial action is requested and failing that a notice under the Environment Protection Act can be issued to ensure compliance with the General Duty. In addition the matter can be referred to the Environment Protection Authority for further action.
- 1.8 In all of the investigations that Council staff have been involved with, the matter has resulted in a resolution with the initial education and or site assessment. Any matter that required further legal action would be referred to the Environment Protection Authority for support and assistance.
- 1.9 The Environment Protection Authority is currently reviewing Air Quality Policies, and has released the draft Environment Protection (Air Quality) Policy 2016, which incorporates all policies relating to Air Quality, including the following policies:

- 1.9.1 Environment Protection (Air Quality) Policy 1994.
- 1.9.2 Environment Protection (Burning) Policy 1994.
- 1.9.3 Environment Protection (Solid Fuel Heaters) Policy 2015.
- 1.10 In addition to including the current controls for design and installation the new policy has inclusions that aim to further reduce the impact of wood smoke, in particular:
  - 1.10.1 a requirement that owners and operators of solid fuel heaters must ensure they operate their heater efficiently so that it does not emit 'excessive smoke'. The test to determine what constitutes 'excessive smoke' from solid fuel heaters is as follows:
    - *Smoke will be taken to be excessive if a visible plume of smoke extends into the air from the flue or chimney of the heater for a continuous period of not less than 10 minutes, including a period of not less than 30 seconds when the plume extends into the air for at least 10 metres from the point at which the smoke is emitted from the flue or chimney.*
  - 1.10.2 a requirement that firewood and other solid fuels offered for sale for immediate use contain no more than 20% moisture. A maximum moisture content of 20% is generally accepted as the highest moisture content before wood begins to burn inefficiently. Fuel with greater than 20% moisture has substantially higher emissions contributing to impacts on human health and the environment.
- 1.11 Staff are supportive of these suggested changes as they will provide another effective tool to manage concerns as they arise in the community.

## 2. CONCLUSION / PROPOSAL

- 2.1 There is a large amount of suitable information available to residents for the purposes of educating them on their obligations when it comes to combustion heaters.
- 2.2 The current controls under the Environment Protection Act ensures that suitable action can be taken if enforcement is required to address an unsuitable combustion heater and or operator which is causing a concern.
- 2.3 The new additions to the Air Quality policy will provide a practical test for excessive smoke to assist in enforcement and provide an obligation on owners/operators to prevent excessive smoke. This combined with controls on the installation and sale of heaters, and appropriate solid fuel usage and sale will ensure practical measures can be continued to address these concerns.

## CO-ORDINATION

Officer: EXECUTIVE GROUP  
 Date: 12/01/2016





## Wood-burning heaters—how to use them effectively

Updated September 2011<sup>1</sup>

*EPA 230/11: This information sheet offers advice to householders on the best way to operate their wood-burning heaters.*

### Introduction

Although wood-burning heaters are a popular means of home heating, they can cause unnecessary air pollution, create an environmental nuisance for your neighbours, and waste your money through unburnt fuel if they are used inefficiently.

This information sheet tells you how to use your wood-burning heater correctly so that you can reduce air pollution while gaining maximum heating value from the wood you purchase. It includes a checklist to help make sure you're getting the best out of your heater and provides advice to help resolve complaints between neighbours with wood smoke problems.

If you are considering installing a wood-burning heater, the Environment Protection Authority (EPA) recommends heaters made to Australian Standard AS4013, which are designed to provide efficient heating with little pollution when used correctly. Heaters made to this standard will carry a label showing their certification. Your heater should also be correctly installed, according to AS2918.

### What pollution can be caused

Domestic wood-burning heaters are one of the main sources of pollution affecting air quality in the Adelaide metropolitan area in winter—second only to motor vehicle emissions.

When wood is burnt completely, its waste products are carbon dioxide and water vapour, which are emitted to the air, and an ash residue. However, wood fires can emit smoke, soot, smells and a range of toxic compounds that affect air quality; this may cause discomfort for people with respiratory problems such as asthma.

Smoke is no joke! Take responsibility for your wood heater. Use it correctly to minimise the harmful effects of smoke pollution in your neighbourhood and save money on running costs.

### Operation

#### The secrets of successful burning

When they are used incorrectly, wood-burning heaters emit more pollutants and use up expensive fuel inefficiently. There are some simple rules to get the most efficient results from your heater:

<sup>1</sup> Last updated March 2007

Environment Protection Authority



### 3.3.1 Wood Burning Heaters - how to use them effectively

#### Wood-burning heaters—how to use them effectively

- use dry fuel and seasoned timber which maximises heat release during combustion
- adjust the air damper to allow enough air flow to provide oxygen for combustion
- make sure the fire is burning brightly so that there is enough heat for complete combustion
- balance the mix of air and hot combustion gases to promote complete burning
- allow enough time for complete burning of all the fuel.
- If there is a lack of any or all of the above factors, your fuel will not burn completely, more pollutants will be released and you will waste some of your fuel.

#### How to choose your fuel

The wood you burn should always be dry and well seasoned because this burns more cleanly and more efficiently than unseasoned wood. Unseasoned wood contains a great deal of moisture, which reduces the burning temperature of the fire and causes smoke and pollutants.

The EPA recommends that you buy wood from a reputable firewood merchant, and do not collect wood from roadsides or illegally from national parks and reserves. Reputable merchants can be found by contacting the Firewood Association of Australia (see Page 7 for more information).

Hardwoods, such as mallee and redgum, are preferable to softwoods, such as pine, because softwoods tend to contain more resins, which create smoky odours, deposits in the chimney, and exhaust gases.

When the flue on your heater is not hot enough—and especially when you have been using unseasoned wood—a dark, sticky substance known as creosote attaches to the walls of the flue. Creosote lodges in flues and chimneys, and can cause a chimney fire. It can be minimised by burning at higher temperatures.

Remember:

- buy wood from a reputable firewood merchant
- check that the wood you are buying is dry and well seasoned by striking two pieces together. Dry wood gives a resonant 'clack', while unseasoned wood sounds more like a dull 'clunk'
- never use wood treated with copper chrome-arsenate<sup>2</sup> (such as permapine)—it releases poisonous fumes when burnt
- wood collected from the seashore is not suitable because it contains corrosive salts
- don't burn garbage, painted timber or particle board<sup>1</sup>—these release pollutants.

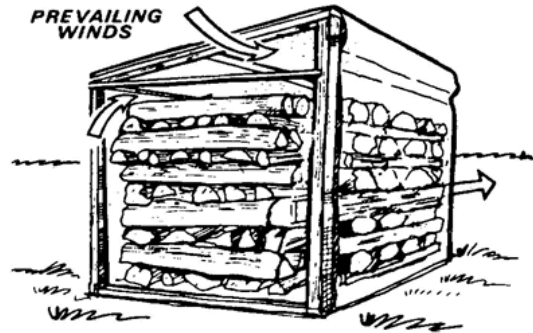
#### How to store wood correctly

Stack your wood loosely off the ground in a criss-cross fashion to allow the air to circulate freely (Figure 1). Store it under a roof to keep it dry. It is better to keep wood at least eight months before use so that it is properly seasoned.

<sup>2</sup> Burning these materials is also illegal.



**Figure 1** Storing wood in a criss-cross pattern allows free air flow



### How to start a fire correctly

Use kindling wood, firelighters or paper to start the fire. Then add larger pieces of wood when a bed of fire has been established.

The air intake on your heater should be left fully open for at least 30 minutes to encourage the fire to reach maximum temperature—a hot fire will burn the wood more completely and therefore more efficiently and cleanly.

### How to keep it going efficiently

It is better to build small fires regularly, and provide them with plenty of air, than to build one large fire and partly close the air intake—it will smoulder through lack of oxygen, give you less heat and burn inefficiently. It will also cause pollution, upset the neighbours, and allow partly burnt cinders to build up in the chimney, which could cause a chimney fire.

Every time you add fuel, open the air intake first and then add the wood. After 10–20 minutes when all the wood is burning properly, you may then reduce the air intake to give a comfortable fire. If your room is too hot, reduce the heat by adding less wood when refuelling the fire.

For the best results, keep your fire burning at a moderate rate.

### Where there is smoke

Smoke means air pollution—and the best way to check for smoke is to look outside. If you can see smoke rising from your chimney, your heater is not burning efficiently and the air supply to the fire should be increased. If you still can't find the source of your wood smoke problem, the Australian Home Heating Association offers a free home inspection service in conjunction with participating councils. Please contact your council to enquire about the availability of this service.

You can expect some light smoke when you start your fire and when you refuel it, but this should last no longer than 20 minutes. The less smoke you can see, the hotter and cleaner your fire is burning.

If you prevent your fire from smoking, you can reduce your contribution to air pollution and the haze caused by fires, get more value from your firewood, and avoid unpleasantness with your neighbours.

## Installation

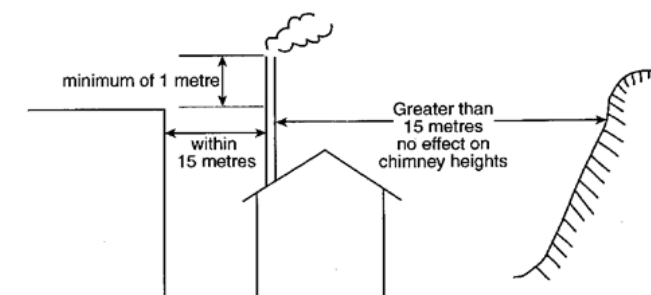
### Height and position of chimneys and flues

When installing a wood-burning heater, your chimney must be high enough to allow the combustion gases to disperse.

If another building, or a solid mass such as the side of a hill, is closer than 15 metres, the chimney needs to be at least one metre higher than the building or hillside (Figure 2). In some areas, it may not be practical to install and use a wood fire because the chimney would need to be very high to achieve this minimum clearance (Figure 3).

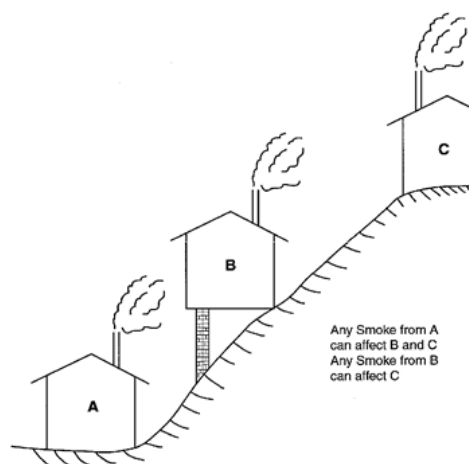
## 3.3.1 Wood Burning Heaters - how to use them effectively

## Wood-burning heaters—how to use them effectively



**Figure 2** Recommended minimum chimney height rule

**Figure 3** Houses at different elevations—installation is not recommended for houses A and B unless only smokeless fuel or a catalytic reactor stove complying with AS4013 is used



A flue or chimney that is correctly installed will:

- avoid smoke and odours entering your neighbours' homes
- disperse the smoke and gases
- reduce the concentration of pollutants.

### Saving money

You can also reduce your heating costs by insulating your home, closing doors and drawing your curtains to conserve the heat from your fire.

However, you should always have some fresh air flowing into the room in which your heater is located to provide air for combustion.

### Buying the right size

Buying the right sized heater is important. A model that is too large for your room will have to be turned down, and this immediately reduces efficiency, creates smoke and fouls the flue with creosote.

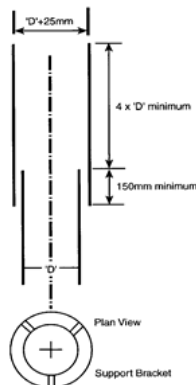
Operating a heater with a smaller load of firewood than it is designed for to reduce the heat output will reduce its efficiency, although it also decreases air pollution.

### Installing your heater

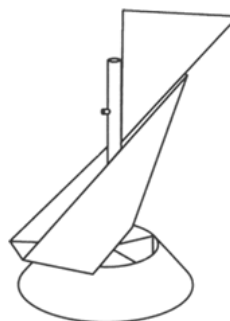
Check with your local council before the heater is installed, because installation of wood-burning heaters normally requires approval under building codes.

You should use a qualified tradesperson to install the heater properly, according to the manufacturer's instructions and complying with Australian Standard AS2918.

Do not fit a rain protector, such as a 'Chinaman's cap', that restricts the upward flow of the hot gases. Instead, use a cowl that does not impede the upward flow of smoke, eg concentric rain excluders (vertical discharge flue in Figure 4), or a rotating wind directional cowl (Figure 5) if you live in a heavy rainfall area.



**Figure 4** Extended concentric shroud rain excluder



**Figure 5** Rotating wind directional cowl

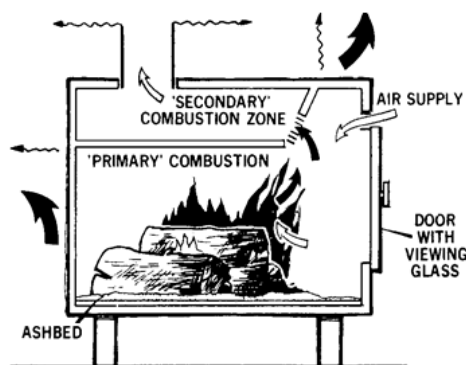
### Choosing an efficient design

Look for the following design features when choosing a heater that will burn the fuel completely and with minimal pollution effects:

- compliance with Australian Standards AS4012 and AS4013 relating to energy and efficiency, and smoke emission
- properly designed internal baffle plates
- provision for preheating the incoming primary air to be directed through the active fire or the secondary air after the fire
- promotion of secondary combustion to reduce air pollution
- insulation of the flue as high as possible to minimise condensation fouling, and assist both dispersion and natural draught air flow to the fire.

### Combustion system

Good design and operation will ensure enough air is supplied to burn off smoke and volatile wood components in the secondary combustion zone (Figure 6). This will generate more heat in the room and reduce air pollution.



**Figure 6** Combustion system of a wood burner

## Advice for neighbours with wood smoke problems

The EPA encourages neighbours to resolve problems between themselves or through mediation. We all need to give greater consideration to the impacts we might be having on our neighbours.

If your neighbour's wood heater is producing smoke or odour that is affecting the enjoyment of your property, you can do something about it:

- **Tell your neighbour what the problem is**

You may find that your neighbour is unaware that their wood heater is affecting your property.

- **Don't get angry**

Anger, frustration and fear can impact upon how we react to annoyance.

By confronting the issue immediately you can avoid the risk of ill health caused by compounding stress. Less stress places you in a better frame of mind to constructively discuss your concerns with your neighbour. Most people are responsible and willing to help if asked.

- **Approaching your neighbour**

Be calm, not angry. Focus your discussion on the issue, not the person. Help your neighbour to resolve the issue.

- **If approached by a neighbour**

Don't be defensive or offended. Remember—they are not there for a personal attack, it is 'the issue' that they are concerned about. Be friendly and work with your neighbour to find a solution.

- **Mediation processes**

Sometimes both parties choose to seek assistance through free mediation that includes an interpreter service. These services can be found in the White Pages under 'Mediation'.

- **Taking civil action**

If the parties have been unable to resolve the issue informally through negotiation or mediation, either party can take civil action (under Section 104 of the *Environment Protection Act 1993*) through the Environment, Resources and Development Court. Please call the EPA on (08) 8204 2004 (Freecall 1800 623 445 for country callers) for further information.

When seeking ways for neighbours to live in harmony, we advise that legal action should only be considered as a last option.

## Helpful tools

A number of tools are available to help you use your wood heater correctly, minimise harmful wood smoke pollution and save money. The EPA and the Australian Home Heating Association (AHHA) have some useful tools available on their websites and you can order a FREE copy of the DVD, *Clear Skies—getting the most out of your wood heater* from the EPA or AHHA.

Contact the association at:

Tel: (08) 8351 9288 Fax: (08) 8351 9099

Email: <[homeheat@homeheat.com.au](mailto:homeheat@homeheat.com.au)>

Website: <[www.homeheat.com.au](http://www.homeheat.com.au)>

## For further assistance with solid fuel heating

EPA

Email: <[epainfo@epa.sa.gov.au](mailto:epainfo@epa.sa.gov.au)>

Website: <[www.epa.sa.gov.au/woodsmoke](http://www.epa.sa.gov.au/woodsmoke)>

Firewood Association of Australia (FAA) Inc

Telephone: 1300 131 481

Website: <[www.firewood.asn.au](http://www.firewood.asn.au)>

Mediation services

[White Pages](#)

Chimney sweeps

[Yellow Pages](#)

## Disclaimer

This publication is a guide only and does not necessarily provide adequate information in relation to every situation. This publication seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is important, therefore, that you seek information from the EPA itself regarding your possible obligations and, where appropriate, that you seek your own legal advice.

## Further information

### Legislation

Legislation may be viewed on the Internet at: <[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)>

Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet  
Adelaide Service SA Centre  
108 North Terrace  
Adelaide SA 5000

Telephone: 13 23 24  
Facsimile: (08) 8204 1909  
Website: <[shop.service.sa.gov.au](http://shop.service.sa.gov.au)>

### For general information please contact:

Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001

Telephone: (08) 8204 2004  
Facsimile: (08) 8124 4670  
Freecall (country): 1800 623 445  
Website: <[www.epa.sa.gov.au](http://www.epa.sa.gov.au)>  
Email: <[epainfo@epa.sa.gov.au](mailto:epainfo@epa.sa.gov.au)>

## Wood heating checklist

**Are you using your wood heater correctly?**  
**Tick the boxes that mostly describe your situation.**

Do you:		A	B	C
1	Burn well-seasoned dry wood	<input type="checkbox"/> ALWAYS	<input type="checkbox"/> MOSTLY	<input type="checkbox"/> NEVER
2	Burn treated and/or painted wood	<input type="checkbox"/> NEVER	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> OFTEN
3	Burn household rubbish (eg plastic or nappies)	<input type="checkbox"/> NEVER	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> OFTEN
4	Use only dry kindling, paper and/or firelighters for starting fires	<input type="checkbox"/> ALWAYS	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> RARELY
5	Burn hardwoods (eg redgum, mallee)	<input type="checkbox"/> ALWAYS	<input type="checkbox"/> MOSTLY	<input type="checkbox"/> RARELY
6	Obtain next year's wood well in advance	<input type="checkbox"/> ALWAYS	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> RARELY
7	Keep wood supply covered	<input type="checkbox"/> ALL	<input type="checkbox"/> SOME	<input type="checkbox"/> NONE
8	Understand burning values of different types of wood	<input type="checkbox"/> GOOD KNOWLEDGE	<input type="checkbox"/> SOME KNOWLEDGE	<input type="checkbox"/> LITTLE KNOWLEDGE
9	Have flue inspected and cleaned regularly	<input type="checkbox"/> EVERY YEAR	<input type="checkbox"/> EVERY 2–3 YEARS	<input type="checkbox"/> 4-YEARLY OR GREATER
10	Have heater inspected and cleaned regularly	<input type="checkbox"/> EVERY YEAR	<input type="checkbox"/> EVERY 2–3 YEARS	<input type="checkbox"/> 4-YEARLY OR GREATER
11	When starting fire, leave air controls fully open for 20–30 minutes	<input type="checkbox"/> MOSTLY	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> NEVER
12	Leave fire-box door closed during burning, except when starting	<input type="checkbox"/> ALWAYS	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> NEVER
13	Keep fire burning brightly, not smouldering	<input type="checkbox"/> ALWAYS	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> NEVER
14	Occasionally check externally for smoke from your heater 20 minutes after starting up	<input type="checkbox"/> SOMETIMES	<input type="checkbox"/> RARELY	<input type="checkbox"/> NEVER
15	Check the condition of your heater's door seal	<input type="checkbox"/> EVERY YEAR	<input type="checkbox"/> EVERY 2–3 YEARS	<input type="checkbox"/> 4-YEARLY OR GREATER

**Total number of ticks: A (    ) B (    ) C (    )**

This checklist is provided with scoring instructions (overleaf) as a guide to assist and encourage householders to improve their use of wood heaters.

**Checklist scoring:**

		No. of ticks		
Answers:	Column A	(   )	x 2 =	
	Column B	(   )	x 1 =	
	Column C	(   )	x 0 =	0
			Total:	<input type="text"/>

**Score**

30	☺	<b>GREAT</b>	Keep up the good work!!
21–29		<b>GOOD</b>	Improvement possible
16–20		<b>ACT NOW!</b>	Changes needed to save you money and improve the environment
0–15	☹	<b>SERIOUS</b>	Improvement urgently needed!

If you still need assistance, the Australian Home Heating Association (AHHA) offers a free wood heater inspection service to councils. An AHHA representative will only conduct an inspection in conjunction with a council officer.





<b>ITEM</b>	3.3.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 January 2016
<b>HEADING</b>	Local Nuisance and Litter Control Bill - Status Report
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Safety, City Development
<b>CITY PLAN LINKS</b>	3.1 To have a community that embraces healthy and active lifestyles 3.3 To have a city where a quality of life is achievable 4.6 To provide our customers with excellent service that meets their needs
<b>SUMMARY</b>	The Local Nuisance and Litter Control Bill 2015 (the Bill) was introduced to parliament in December 2015, and provides the legislative tools for Local Government to address local nuisances and littering. The Bill includes new provisions and also incorporates existing provisions from other legislation which will be repealed, including the littering and nuisance provisions under the Local Government Act. This report provides an overview of the initial considerations for Council and staff pending the implementation of the Bill.

## RECOMMENDATION

1. That the report be received, and a copy of the report be provided to the Local Government Association reflecting Council's commentary on the Local Nuisance and Litter Control Bill 2015.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. EPA nuisance complaints data

## 1. BACKGROUND

- 1.1 On the 2<sup>nd</sup> of December 2015 the Local Nuisance and Litter Control Bill 2015 (the Bill) was introduced to parliament.
- 1.2 The Bill development has been underway since 2012 and the draft Bill consultation commenced in July 2015.
- 1.3 The consultation included meetings, discussions with stake holders and formal working groups, which included staff from the City of Salisbury.
- 1.4 The Bill that was presented to Parliament included amendments that aimed to improve the operation and scope of the Bill and limit the resource implications for

Councils. This report summarises the key features of the Bill – the Bill is 40 pages in length and a full copy of the Bill can be found at <http://bit.ly/1Rgurie> or via <https://www.legislation.sa.gov.au>.

- 1.5 The Local Government Association (LGA) has requested feedback from Councils in relation to the Bill via LGA Circular 52.4. In the circular the LGA notes that the *Local Nuisance and Litter Control Bill 2015 introduced in to Parliament on 2 December is substantially different to that consulted with councils in July 2015 (refer LGA circular 29.10). The LGA understands that many of the more onerous components of the previous version were removed, or edited and that the Bill introduced to Parliament has reflected many of the amendments sought by the LGA and councils. To facilitate the potential introduction of the Bill the EPA has been working with the LGA on a transition/implementation package of codes, guidelines, standard operating procedures etc and other supporting resources (including the potential for support staff based out of the LGA) to assist councils if/when the Bill passes Parliament.*
- 1.6 It is proposed that this report be provided to the LGA as Council's feedback on the Bill, subject to Council's consideration.

## 2. REPORT

- 2.1 The Bill was developed to address littering and activities that cause nuisance such as noise, smoke and dust that impact on the enjoyment of local areas.
- 2.2 The aim of the Bill is to reduce the prevalence of nuisance, provide improved methods of resolving nuisance complaints, and to lower the prevalence of litter across South Australia. Some of the key features of the Bill include:
  - 2.2.1 formalises the role of Local Government in managing local minor nuisances and provides better enforcement tools
  - 2.2.2 tiered offences depending on the type of litter (small vs large quantities; dangerous and hazardous litter),
  - 2.2.3 improvements for the use of surveillance for evidence gathering in the case of illegal dumping (linking an offence to the registered owner of a vehicle),
  - 2.2.4 allowing non-government organisations to undertake compliance activities (subject to approval),
  - 2.2.5 facilitate the establishment of a 'dob in a litterer' scheme
- 2.3 In relation to nuisance the legislation will establish:
  - 2.3.1 consistency in the management of nuisance across South Australia and provide the community with more effective local management of nuisance complaints.
  - 2.3.2 Councils will have better tools to manage complaints including provisions to deal with vexatious complaints that are a significant drain on council and Members of Parliament resources.

### Littering

- 2.4 The Bill addresses littering by providing a tiered approach recognising the difference between serious and minor littering offences.

- 2.5 This is a significant improvement to the current system and will act as a greater deterrent due to the increased penalties and the liability of vehicle owners. This liability will enable a citizen's notification program to be developed. The current penalty for littering under the Local Government Act is \$315 fine or \$5000 penalty, regardless of type of litter or volume. The penalties in the Bill include:
- 2.5.1 the disposal of any amount of class A hazardous litter—
    - (i) in the case of a body corporate—\$250 000;
    - (ii) in the case of a natural person—\$120 000 or imprisonment for 2 years;
  - 2.5.2 the disposal of 50 litres or more of class B hazardous litter or general litter—\$1 000;
  - 2.5.3 the disposal of up to 50 litres of class B hazardous litter—\$500;
  - 2.5.4 the disposal of up to 50 litres of general litter—\$210.
- 2.6 Currently Local Government and City of Salisbury deal with littering under the Local Government Act and this power would be repealed and replaced with the Bill.
- 2.7 The costs associated with illegal dumping and littering for the City of Salisbury are significant and this new regime will provide better enforcement and deterrents which will hopefully lead to reduced costs and expenditure in this area. In 2014/15, 2356 jobs were actioned in relation to dumped rubbish and this equated to 6813 of labour hours for Council staff.
- 2.8 The ability to utilise vehicle details to issue a fine to the registered vehicle owner will also improve enforcement which is currently not available under the Local Government Act.

### **Nuisances**

- 2.9 The definition of local nuisance was amended in the Bill as a result of feedback during the consultation. Clause 17 of the Bill defines nuisance. The definition includes what can be declared a nuisance but more importantly Schedule 1 has been included on the Bill which lists what does not constitute a nuisance.
- 2.10 Littering and Nuisances are currently addressed by the City of Salisbury under the Local Government Act, SA Public Health Act, Development Act and Environment Protection Act. The activities under the Environment Protection Act include discharge of wastes, development pollution such as drag out of mud, dust and litter, back yard burning, combustion heaters, dust and odour complaints.
- 2.11 An example of the type of nuisances and littering concerns addressed by City of Salisbury in 2014/15 under the above legislation that could be addressed by the provisions of the Bill include the following:

Customer Type	Request Number	Customer Request Type	Number
Air Pollution & Odours	52	Rats or Mice	79
Asbestos	4	Refuse and Long Grass	46
Chemical Spray Drift	1	Refuse Storage & Disposal	78
Combustion Heaters	23	Residential Odours	14
Development Pollution	33	Vermin and Insect	9

Discharge of Wastes	75	Cat Nuisance	54
Dust	28	Other Animal / Bird	109
Excessive Vegetation/Undergrowth	81	Unauthorised Burning	85
Keeping of Animals	11	Amenity and Unsightly premises**	50
Littering / Pollution	226		

Note: Activities undertaken by Environmental Health and Safety Division

\*\* indicates activities undertaken by Development Services

- 2.12 The inclusion of the insanitary condition definition in the Bill is a positive step in providing Local Government with a useful tool that was eliminated when the Public and Environmental Health Act was repealed and replaced with the SA Public Health Act. It provides an opportunity to address significant recurring nuisances that are present in the community and result in numerous complaints to Local Government annually. These conditions are not a “public health” concern and cannot be addressed under the SA Public Health Act and they are different to severe domestic squalor. As such the Bill will enable Councils to address these concerns with an enforcement tool and not only an education approach. As per the above table Salisbury had over 200 complaints that could potentially be suitably addressed by the insanitary condition provisions of the Bill. Current practices rely predominantly on education.
- 2.13 The major concern raised in most of the feedback relating to the Bill was the issue around noise nuisance complaints. Whilst noise is covered under the Environment Protection (Noise) Policy 2007 and this sets out specific decibel levels for air conditioners, pool pumps and other activities, the policy is not exempted under Schedule 1. Therefore noise complaints could be directed to Local Government for action and this particular area is what is likely to have the greatest impact on resources in Local Government and the City of Salisbury.
- 2.14 The extent of the problem is unknown and cannot be pre-empted as there is not a benchmark of local data that can be attributed to complaints coming directly into Local Government. The data that can be used for comparisons is the data captured by the Environment Protection Authority on a state wide basis. The EPA nuisance complaints data which has been included in Attachment 1 indicates that noise complaints were the highest of all nuisance complaints.
- 2.15 Statewide in 2013/14, 536 noise complaints were received from a total of 748 complaints, however only 30 of these progressed to a Stage 3 complaint, in accordance with the EPA staged complaint investigation protocols. The protocols are as follows:
- 2.15.1 Stage 1 response: record the complainant’s contact details, address and details of the alleged source, record these details in a letter template and write to both the complainant and the alleged source.
- 2.15.2 Stage 2 response: If a further complaint is received another letter is sent to the alleged source and in most cases a complaint diary is sent to the complainant.

- 2.15.3 Stage 3 response: If the matter has still not been resolved by the parties and further complaints are made, an authorised officer of the EPA will investigate the alleged source to assess the situation.
- 2.16 In 2013/14, 47 complaints received by the EPA were from within the City of Salisbury and one of these progressed to a stage 3 response.
- 2.17 City of Salisbury staff utilise a similar system in complaint investigations and could adapt the above model to address complaints relating to noise and other nuisances.
- 2.18 The exact impact of noise complaints on resources and how significant they could be is not known however it is anticipated that knowledge of councils undertaking these activities will result in increased complaints and expectations from the community.
- 2.19 The EPA has indicated that they will have a Local Government support officers to assist in any complaint that requires decibel measurement and or training in the use of noise level meters.

#### **Cost Recovery**

- 2.20 Any resource impacts of the Bill can be partially offset by the cost recovery provisions that have been included and allow councils to recover costs associated with action taken under the Bill. This means Council may, by notice in writing served on a person who contravenes the Act, require that person to pay reasonable costs and expenses incurred by the Council in taking such action. The action taken includes:
  - 2.20.1 investigating a contravention or
  - 2.20.2 issuing a nuisance abatement notice or litter abatement notice in respect of the contravention; or
  - 2.20.3 ensuring that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under this Act;
  - or
  - 2.20.4 has in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses.
- 2.21 In addition if the costs aren't paid the offender is guilty of an offence and also liable to a penalty.
- 2.22 However it should be noted that, whilst the Bill provides more effective enforcement tools, it also imposes additional responsibilities upon Local Government particularly in relation to noise complaints. Not all matters will progress to formal notices or action that enables cost recovery – for example the negotiation of resolution of matters without resort to formal action, and community education, is a resource impact that will not involve cost recovery.

#### **Resources and Enforcement**

- 2.23 The full impact on resources cannot be determined until the regulations are established and until such time that complaints are lodged with Council directly and further work is done by the EPA and Local Government Association into the administration of the Bill.

- 2.24 However in relation to who administers the Bill, many Council staff have the skills and regulatory enforcement background that can be utilised for the implementation of the Bill. This includes General Inspectors, Environmental Health Officers, Development compliance staff, and in some cases field staff. Which staff administer the Bill is at the discretion of each Council, but it will be appropriate to assign the administration for the relevant sections to those staff with the relevant expertise. This is the current model for administering Section 254 under the Local Government Act at the City of Salisbury.
- 2.25 All staff with some potential involvement are authorised and the policy document determines which Division is the lead in certain activities. This enables staff across different Departments to take a lead in investigations and collection of evidence, however it is envisaged that enforcement will predominantly be undertaken within City Development. The full extent of administrative roles will be subject to further review pending the release of regulations.
- 2.26 In addition the Bill also allows for other agencies to be administering bodies subject to regulations. An administering body would be involved in litter control activities and have the same powers as a Council and could take enforcement action. The regulations and establishing of an administrative body would seek to ensure that there is no duplication or overlap of services undertaken by councils. An example provided was agencies such as KESAB where they could undertake action in relation to littering and also work in partnership with Councils to improve responses and help reduce the incidence of littering and dumping.

### **3. CONCLUSION / PROPOSAL**

- 3.1 The development of the Bill has been underway for a significant period of time with extensive consultation. The Bill aims to improve the responses and legislative tools required to address littering and activities that cause nuisance.
- 3.2 Littering and illegal dumping is serious concern and results in extensive costs to the community when councils are required to undertake the cleanup. The Bill provides for more effective tools to try and combat this concern and the new penalties and public reporting will hopefully act as a deterrent.
- 3.3 The nuisance provisions also aim to address local nuisances that may cause residents long term and ongoing concerns. Many nuisances can potentially escalate to larger concerns if not addressed and the tools in the Bill provide councils with an opportunity to better address many of the concerns that are already being attended to under other legislation.
- 3.4 Some new areas such as noise concerns will potentially be a challenge for councils and the extent of impact on resources is not known at this stage but can be further explored when the regulations are established and complaints are received.
- 3.5 Pending the implementing of the Bill it is proposed that an enforcement policy and procedures will be prepared when the regulations are released that defines the parameters for Council staff and the process to be followed in relation to noise and other local nuisances and litter control issues.
- 3.6 The improved legislative tools will enable improved cost recovery opportunity with a polluter /offender pays system that can offset the costs of enforcement which are not available to Council's under current legislation.

- 3.7 The Bill provides the community with clarity about the roles and responsibilities related to local nuisance issues and in many cases local government is best placed to respond quickly and effectively to local nuisance and littering issues due to the local presence and community expectation of local government.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 12/01/2016







## EPA nuisance complaints data

Issued August 2015

*EPA 1076/15: This information sheet presents data analysis of environmental nuisance complaints received by the Environment Protection Authority between 2011–12 and 2013–14.*

### 1 Introduction

This information sheet provides analysis of nuisance complaints received by the Environment Protection Authority between 2011–12 and 2013–14. It contains detailed analysis of the types of nuisances that are most prevalent in the community, giving useful guidance as to where to focus legislative reform and provide improved mechanisms to manage these issues.

This information has been prepared to provide data on nuisance complaints. This data may be useful for anyone preparing a response to the EPA's request for submissions on the draft *Local Nuisance and Litter Control Bill 2015*. The aim of the draft bill is to reduce the prevalence of nuisance complaints through a greater understanding of nuisance, better consideration of nuisance in development assessment, and improved methods of resolution, and to lower the prevalence of litter across South Australia, particularly in tourist and shopping precincts. The draft Bill seeks to formalise the roles of State and local government in managing local minor nuisances, to establish consistency across the state in the way nuisance is managed and to provide the community with effective local management of nuisance complaints.

### 2 EPA nuisance complaints process

The EPA currently processes environmental nuisance complaints through a staged process.

- *Stage 1 response:* record the complainant's contact details, address and details of the alleged source, record these details in a letter template and write to both the complainant and the alleged source.
- *Stage 2 response:* If a further complaint is received another letter is sent to the alleged source and in most cases a complaint diary is sent to the complainant.
- *Stage 3 response:* If the matter has still not been resolved by the parties and further complaints are made, an authorised officer of the EPA will investigate the alleged source to assess the situation.

### 2 Stage 1 Responses

#### 2011–12 nuisance complaints data

The EPA recorded 638 Stage 1 responses in 2011–12. Of the 638 Stage 1 complaints, 23 (3.6 percent) progressed to a Stage 3 response.

There was a higher occurrence of complaints in metropolitan Councils than in regional Councils, with 549 complaints (86 percent) received for metropolitan and 89 complaints (14 percent) for regional. The complaints received came from

Environment Protection Authority



### 3.3.2 EPA nuisance complaints data

#### Local Nuisance and Litter Control Bill EPA nuisance complaints data

residents of 44 of the 68 Council areas across the state. Within these 44 councils, the number of complaints received from each Council area varied considerably. The spread of complaints across Council areas is depicted in Appendix 1.

As demonstrated in Figure 1, the majority of Stage 1 responses were for noise complaints. The total number of noise-related complaints was 420, which accounts for 65 percent of all received complaints. The majority of these noise complaints were related to construction, industrial and general noise. The high occurrence of noise complaints may be attributed to the fact that less than half of Councils surveyed manage noise complaints (other than dog barking) in their local area.

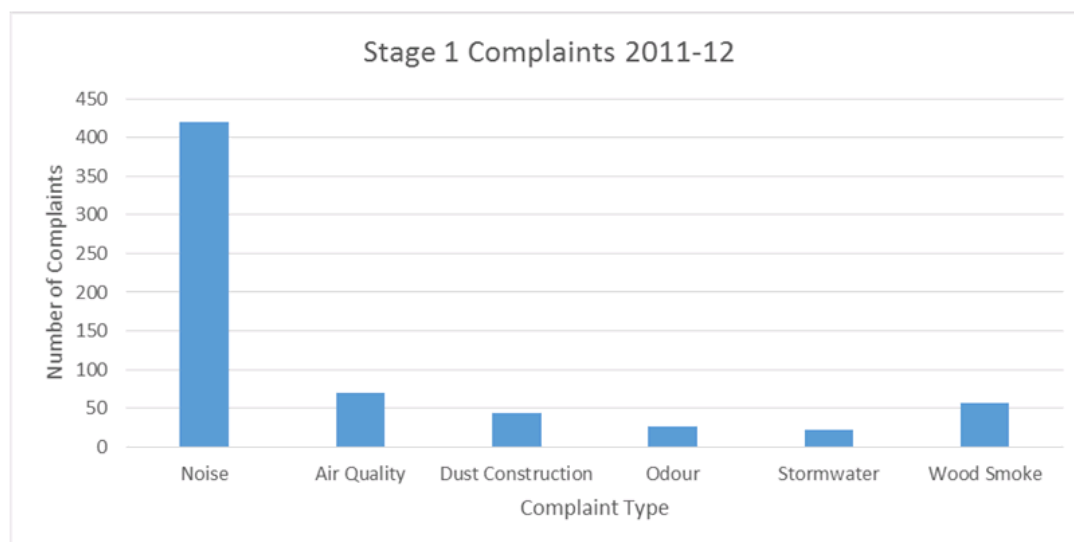


Figure 1 Stage 1 complaints for 2011-12

#### 2012-13 nuisance complaints data

The EPA recorded 739 Stage 1 responses in 2012-13. Of the 739 Stage 1 incidents, 47 (6.3 percent) continued to a Stage 3 response. The 2012-13 financial year experienced a 15.8 percent increase in Stage 1 complaints compared with 2011-12 data.

There was, again, a higher occurrence of complaints in metropolitan Councils than in regional Councils, with 636 complaints received for metropolitan and 103 for regional. The complaints received came from residents of 45 of the 68 Council Areas across the state. Within these 45 Councils, the number of complaints received from each Council area varied considerably. The spread of complaints across Council areas is depicted in Appendix 2.

Like the 2011-12 period, the majority of Stage 1 responses were for noise complaints (see Figure 2). The total number of noise-related complaints was 505, which accounts for 68 percent of all complaints. The majority of these noise complaints were related to construction, industrial and general noise.

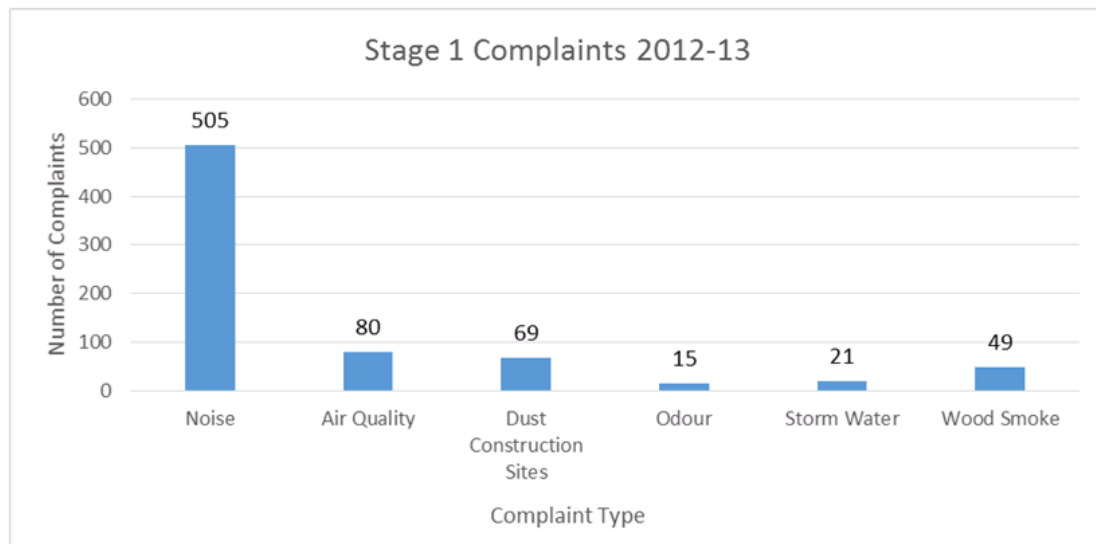


Figure 2 Stage 1 complaints for 2012–13

### 2013–14 nuisance complaints data

The EPA recorded 748 Stage 1 responses in 2013–14. Of the 748 Stage 1 incidents, 37 (5 percent) continued to a Stage 3 response. The 2013–14 financial year experienced a 17 percent increase in Stage 1 complaints compared with the 2011–12 financial year and a 1.2 percent increase compared with the 2012–13 financial year.

Like the two previous periods, there was a higher occurrence of complaints in metropolitan Councils than in regional Councils, with 658 complaints (88 percent) received for metropolitan and 90 (12 percent) for regional. The EPA received complaints from residents of 47 of the 68 Council Areas across the state. Within these 47 councils, the number of complaints received from each Council area varied considerably. The spread of complaints across Council areas is depicted in Appendix 3.

The majority of Stage 1 responses were for noise complaints (see Figure 3). The total number of noise-related complaints was 536, which accounts for 71% of all complaints. The majority of these noise complaints were related to construction, industrial and general noise (see Figure 5).

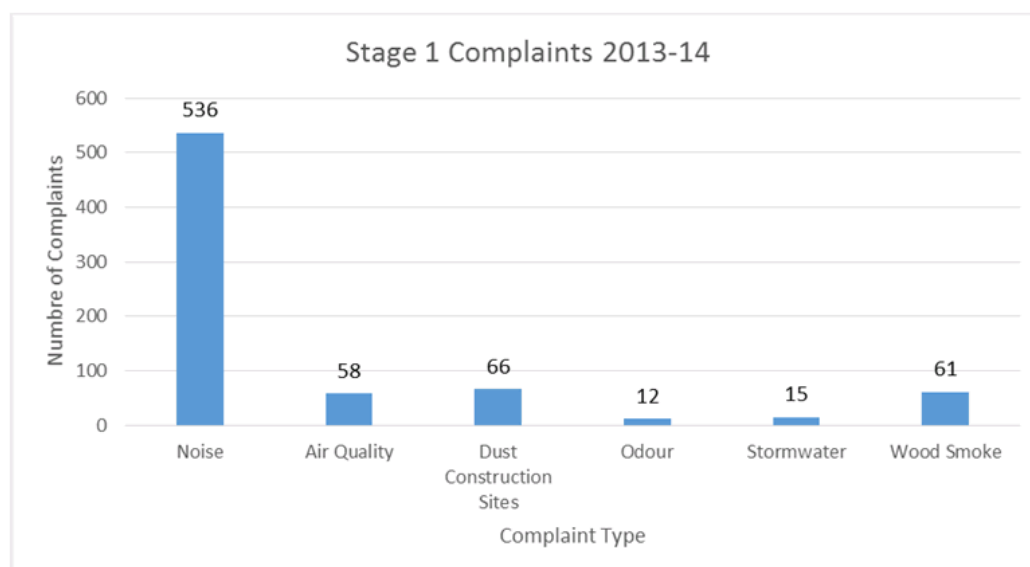


Figure 3 Number of Stage 1 complaints for 2013–14

### 3.3.2 EPA nuisance complaints data

Local Nuisance and Litter Control Bill EPA nuisance complaints data

#### Discussion

Stage 1 noise complaints have increased over the past three years (see Figure 4). As demonstrated in Figure 5, construction noise received the most complaints over the three year period. The number of construction noise complaints received in 2013–14 increased by 55 percent from the 2011–12 financial year. This may be attributable to certain major projects occurring over that period.

General noise received the second highest number of total complaints over the three year period. However, the number of general noise complaints has decreased steadily since the 2011–12 financial year (see Figure 5). In contrast, power tools and industrial noise complaints have steadily increased each year. Air quality complaints decreased in the 2013–14 period, yet wood smoke complaints increased. Dust construction site complaints increased over the 2011–12 and 2012–13 period, then plateaued. Odour complaints have gradually decreased.

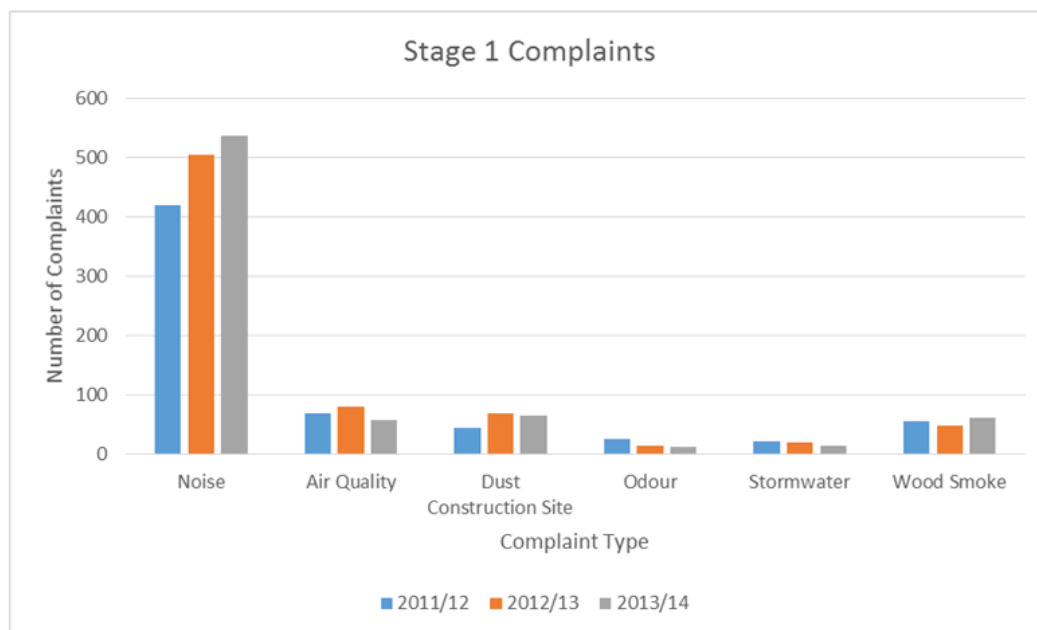


Figure 4 Stage 1 complaints for 2011–12, 2012–13 and 2013–14

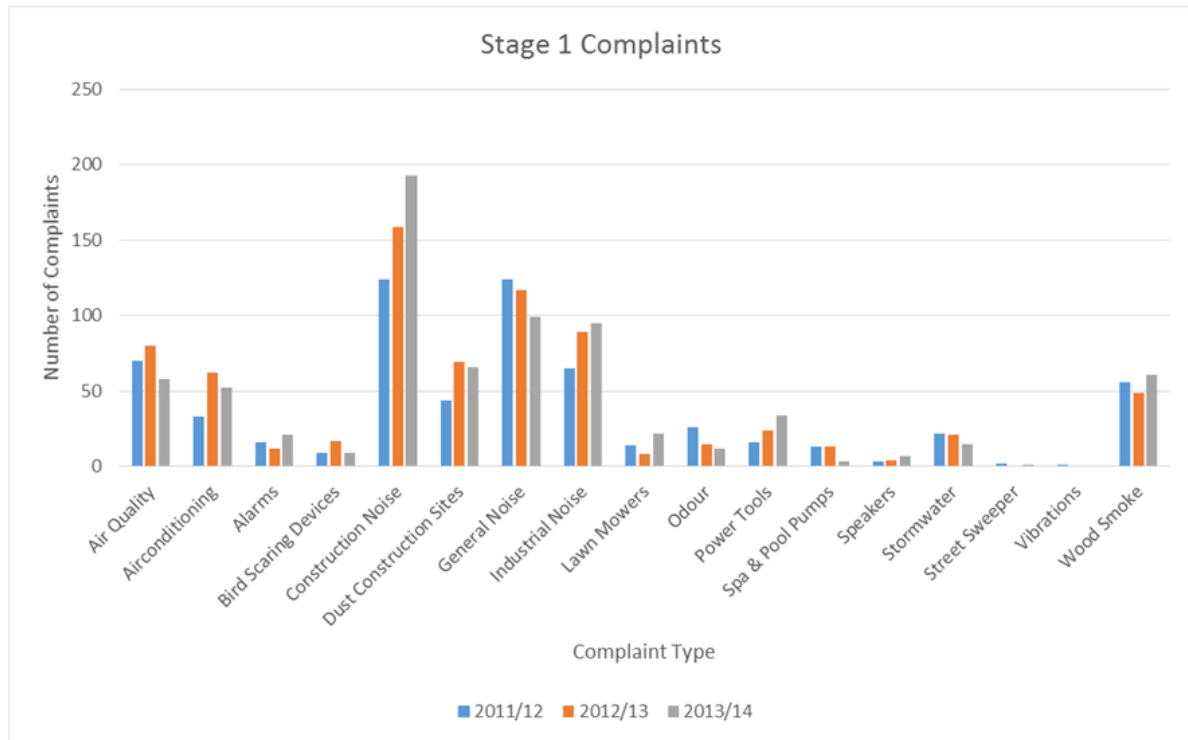


Figure 5 All Stage 1 complaints for 2011–12, 2012–13 and 2013–14

### 3 Stage 3 Responses

#### Transition from Stage 1 to Stage 3

As demonstrated in Figure 6, only a relatively low number of Stage 1 incidents progress to a Stage 3 level. Reasons for the low numbers include:

- parties were able to resolve their nuisance dispute
- offender stopped creating the relevant nuisance (ie the completion of construction works)
- offender took steps to mitigate nuisance activity
- complainant sought help elsewhere (ie local Council, mediation, legal recourse)
- complainant decided to tolerate the nuisance

### 3.3.2 EPA nuisance complaints data

Local Nuisance and Litter Control Bill EPA nuisance complaints data

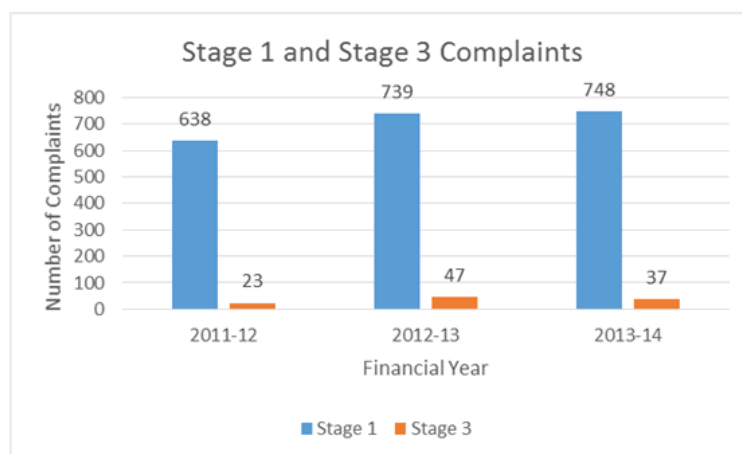


Figure 6 Stage 1 and Stage 3 complaints for 2011–12, 2012–13 and 2013–14

#### 2011–12 nuisance complaints data

From the 638 Stage 1 incidents, only 23 (3.6 percent) progressed to a Stage 3 response. The 23 Stage 3 responses occurred over 13 Council areas and the majority were within metropolitan Councils, at a rate of 87 percent. The majority (76 percent) of Stage 3 responses were noise complaints. Air conditioning received six Stage 3 complaints and industrial noise closely followed with five complaints (see figure 7).

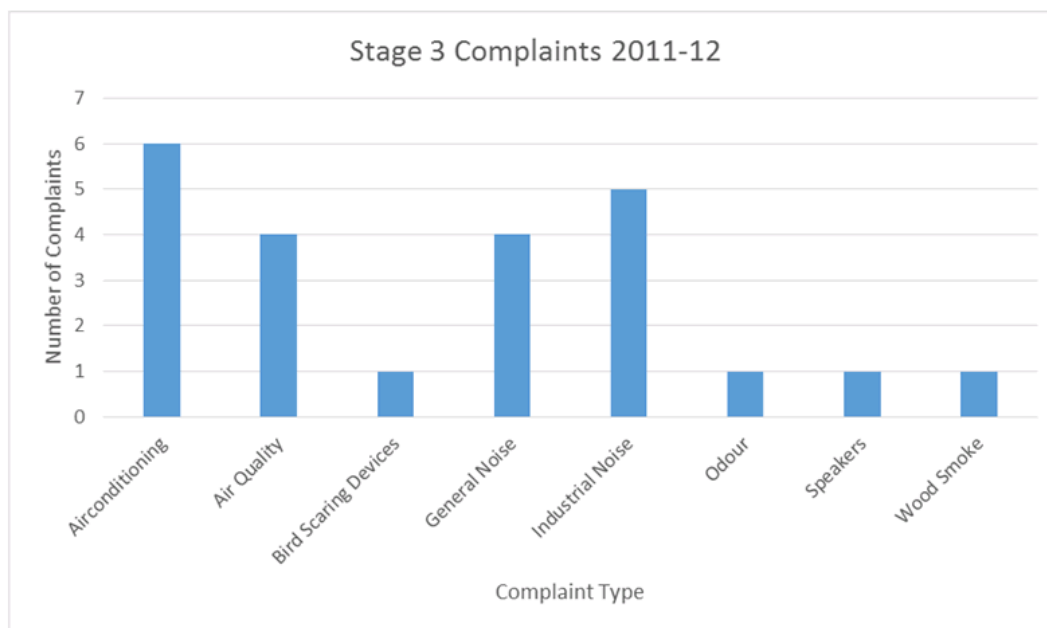


Figure 7 Stage 3 complaints for 2011–12

#### 2012–13 nuisance complaints data

From the 739 Stage 1 incidents, 47 (6.3 percent) progressed to a Stage 3 response. The 2012–13 financial year experienced a 15.8 percent increase in Stage 1 complaints compared with 2011–12 data.

The 47 Stage 3 responses occurred over 18 Council areas, and the majority were within metropolitan Councils, at a rate of with 96%. The majority (76%) of Stage 3 responses were noise complaints, with industrial noise receiving 16 complaints, followed by air conditioning receiving eight complaints (see Figure 8).

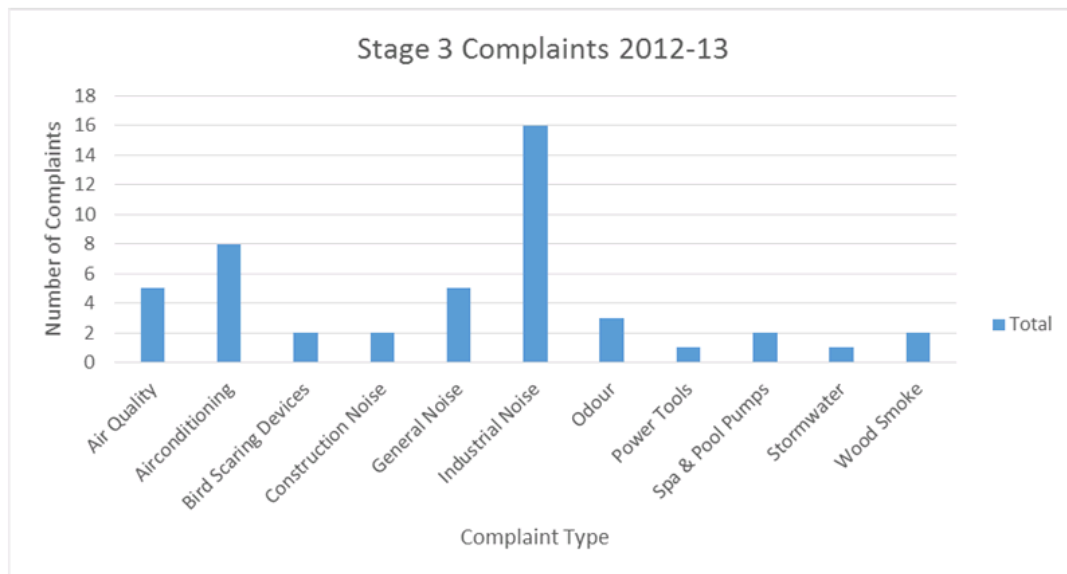


Figure 8 Stage 3 complaints for 2012–13

### 2013–14 nuisance complaints data

From the 748 Stage 1 incidents, 37 (5 percent) continued to a Stage 3 response. The 2013–14 financial year experienced a 61 percent increase in Stage 3 complaints compared with the 2011–12 financial year, and a 21 percent decrease compared with the 2012–13 financial year.

The 37 Stage 3 responses occurred over 21 Council areas and the majority were within metropolitan Councils, at a rate of 74 percent. The majority (81 percent) of Stage 3 responses were noise complaints, with industrial noise receiving 14 complaints, followed by 12 air conditioning complaints (see figure 9).

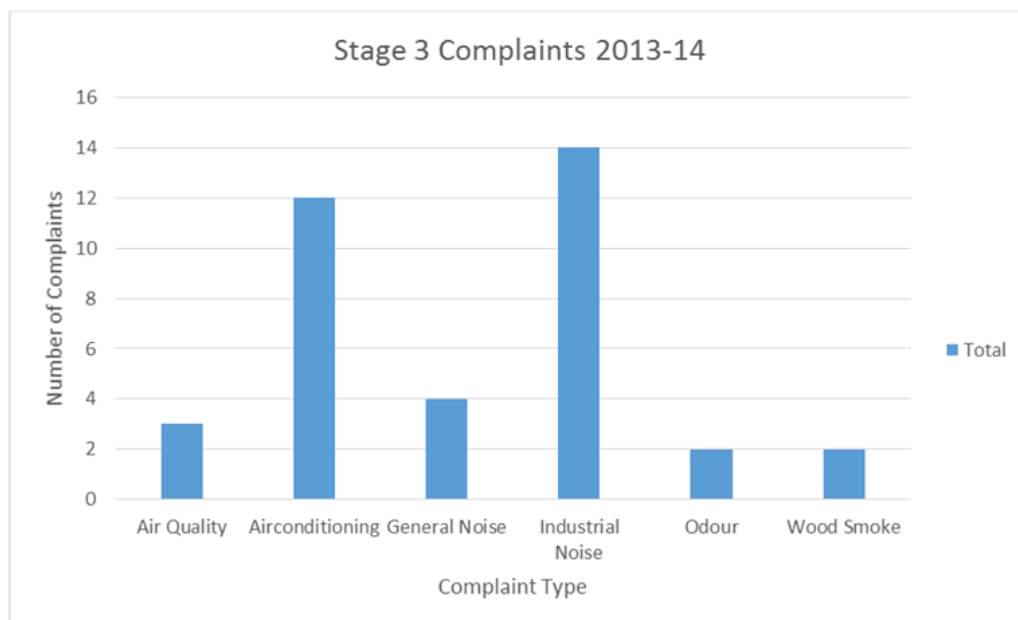


Figure 9 Stage 3 Complaints for 2013–14



### 3.3.2 EPA nuisance complaints data

Local Nuisance and Litter Control Bill EPA nuisance complaints data

#### Discussion

Noise complaints formed the majority of all Stage 3 complaints over the three year period (see Figure 10). In the 2012–13 and 2013–14 financial years, the industrial noise received the most Stage 3 complaints (see Figure 11). Industrial noise complaints spiked in 2012–13 when 16 complaints were received, compared to 5 in the previous year. As depicted in Figure 11, air conditioning complaints have steadily risen each year, as have bird scaring device complaints and wood smoke complaints. Interestingly, despite construction noise receiving the most Stage 1 complaints over the three year period, only two complaints (1.8 percent) progressed to a Stage 3 response.

In the 2011–12 financial year, air quality saw the highest percentage of Stage 1 complaints progress to a Stage 3 response. Of the 70 Stage 1 air quality complaints, four progressed to stage 3, equating to 5.7 percent. The noise category which encompasses air conditioning, industrial noise, general noise, construction noise, bird-scaring devices, alarms, lawn mowers, power tools and speakers received 420 complaints, yet only 17 progressed to a Stage 3 response (four percent).

In the 2012–13 financial year, the collective noise category saw the highest percentage of Stage 1 complaints progress to Stage 3. Of the 505 Stage 1 complaints, 36 progressed to a Stage 3 (7 percent). Air quality received 80 Stage 1 complaints, of which, five progressed to Stage 3 (6.2 percent).

In the 2013–14 financial year, odour saw the highest percentage of Stage 1 complaints progress to the Stage 3 level. Of the 12 Stage 1 complaints, two progressed to Stage 3 (16 percent). The collective noise category received 536 Stage 1 complaints, of which, 30 progressed to Stage 3 (5.5 percent).

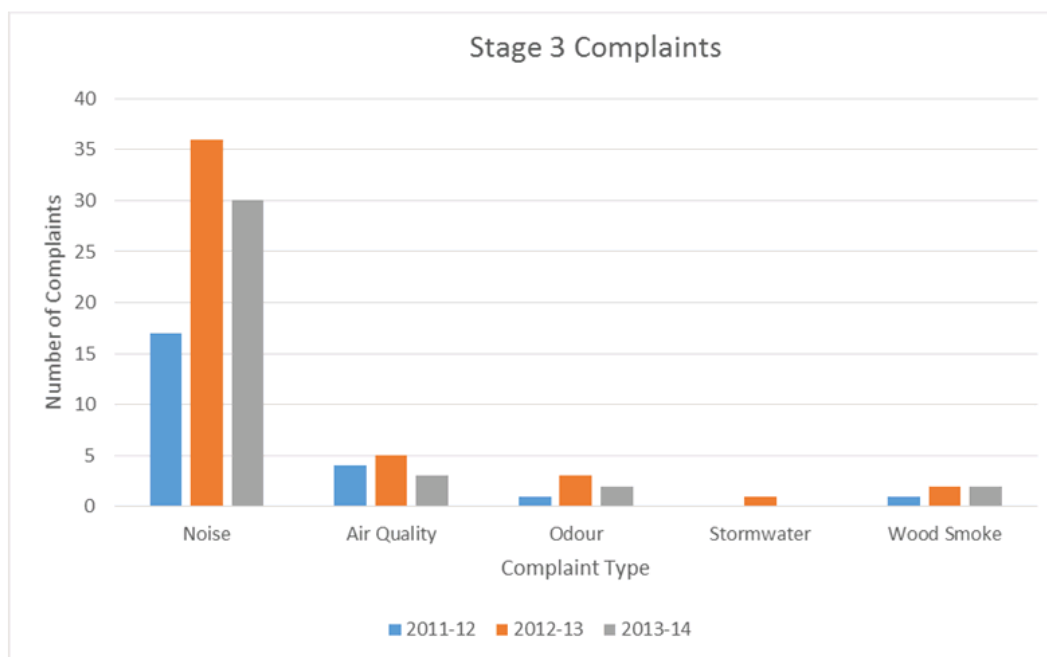


Figure 10 Stage 3 complaints for 2011–12, 2012–13 and 2013–14



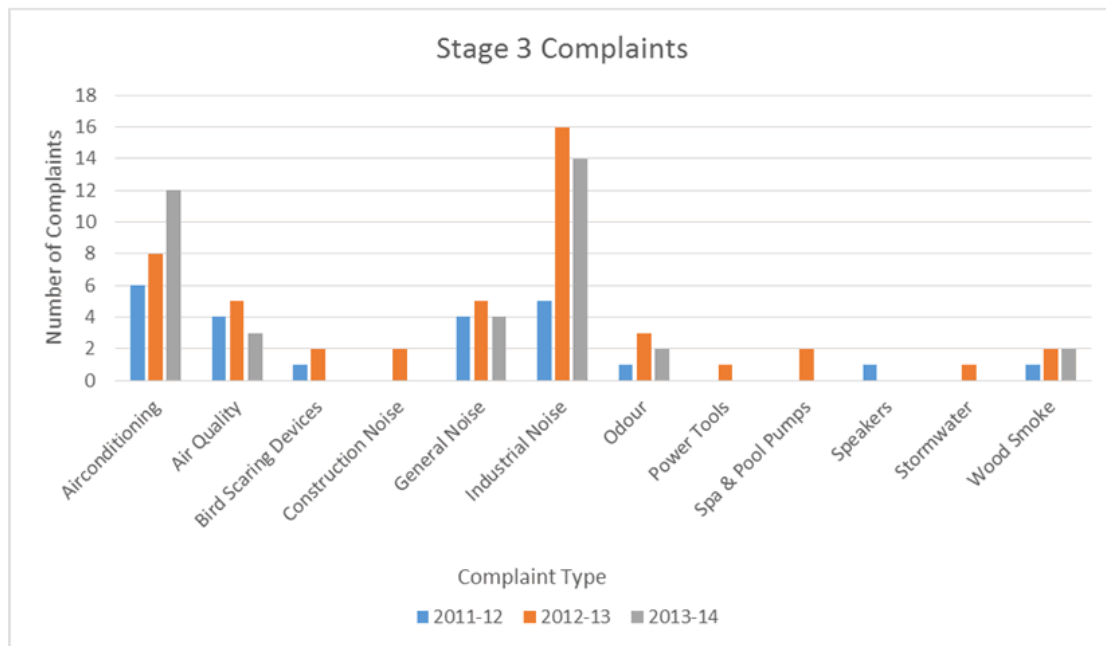


Figure 11 Stage 3 complaints for 2011–12, 2012–13 and 2013–14

## Summary

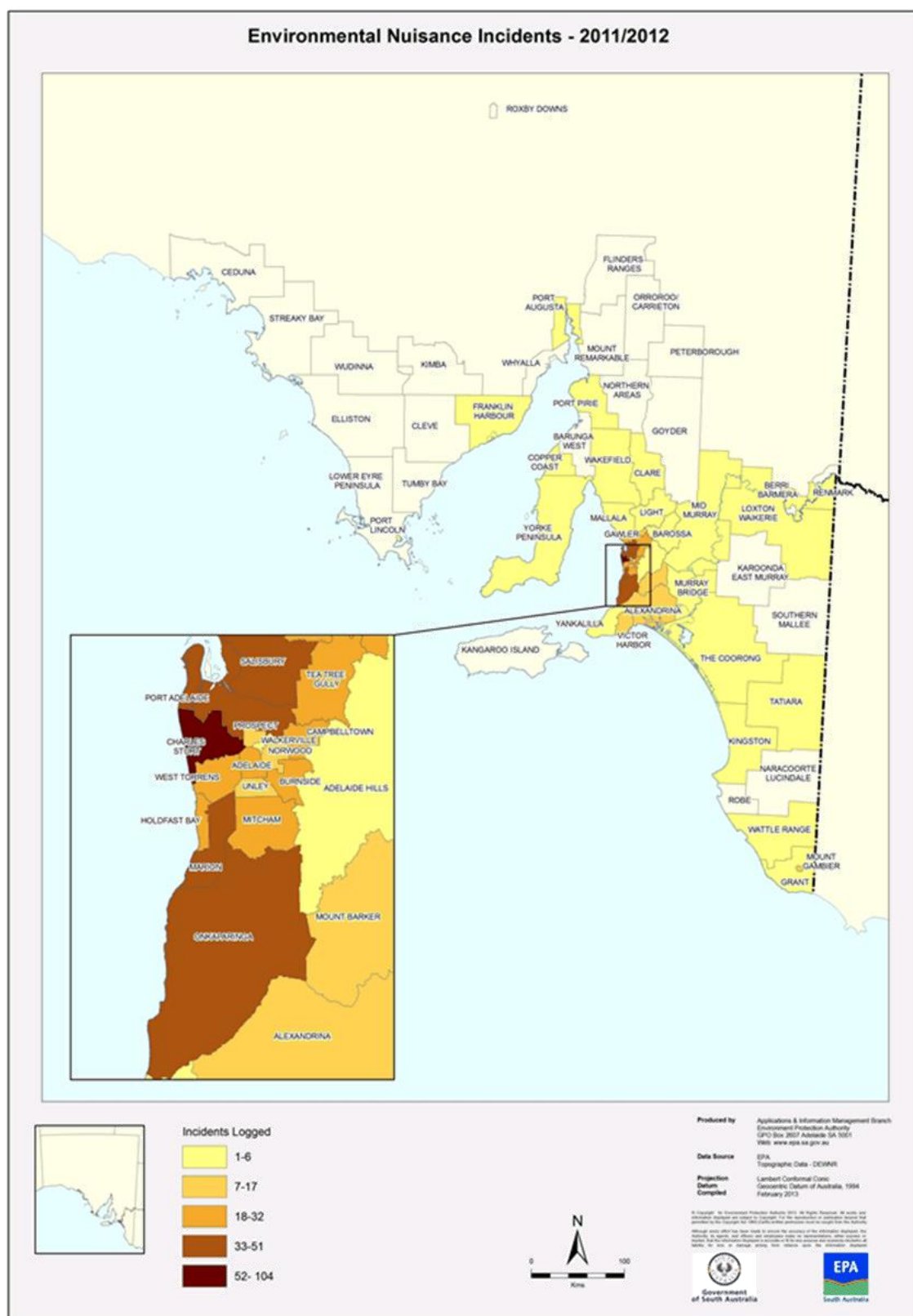
The number of Council areas represented has slightly increased each year. The highest number of complaints recorded for one Council area is 112, which took place in 2012–13. The average number of complaints per Council (of those represented) reached its peak in 2012–13 (16.8 complaints), which then decreased in 2013–14 (15.9 complaints). The average number of complaints per Council (counting all Councils) has steadily increased from 9.4 in 2011–12, to 10.9 in 2012–13, to 11 in 2013–14.

EPA nuisance complaints analysis	2011–12	2012–13	2013–14	Avg
Stage 1 complaints (total complaints received)	638	739	748	708
• Metropolitan area	549 (86%)	636 (86%)	658 (88%)	614 (87%)
• Non-metropolitan areas	89 (14%)	103 (14%)	90 (12%)	94 (13%)
Stage 3 escalations (those needing physical investigation)	23 (3.6%)	47 (6.4%)	37 (4.9%)	37 (5.2%)
Number of council areas where complaints are received	44	45	47	–
Highest number of complaints in an individual council area	105	112	83	–
Average complaints per council (those represented)	14.5	16.8	15.9	15.7
Average complaints per council (all councils)	9.4	10.9	11	10.4
Median complaints received by a council (those represented)	5	6	6	–
Median complaints received by a council (all councils)	2	1.5	2	–

### 3.3.2 EPA nuisance complaints data

Local Nuisance and Litter Control Bill EPA nuisance complaints data

## Appendix 1 2011-12 complaints data spatial distribution



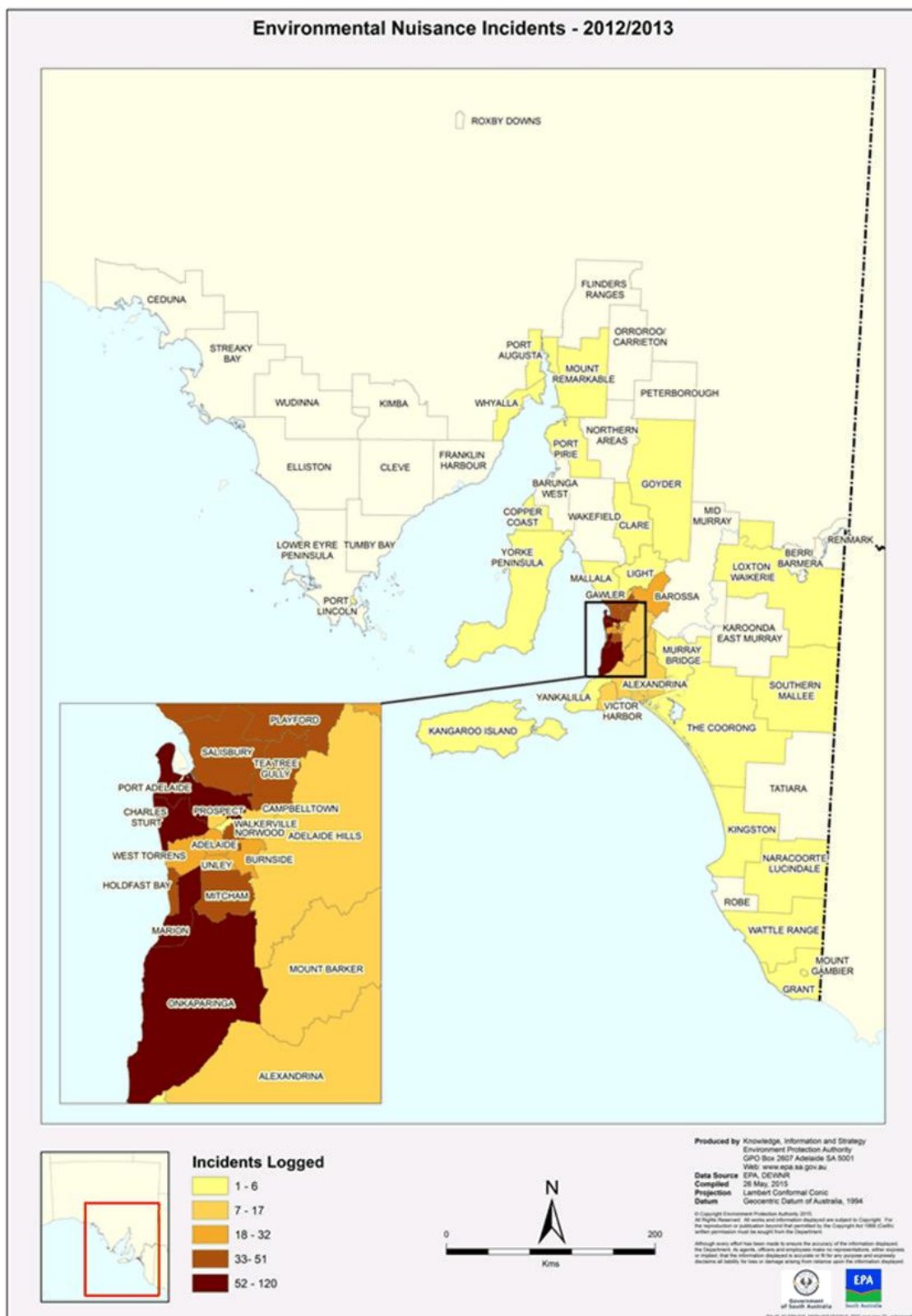
**Environmental Nuisance Incidents - 2011/2012  
Stage 1 (Stage 3)**

ADELAIDE HILLS, 5 (0)	MURRAY BRIDGE, 2 (1)
ADELAIDE, 20 (1)	NARACOOORTE LUCINDALE, 0 (0)
ALEXANDRINA, 11 (0)	NORTHERN AREAS, 0 (0)
BAROSSA, 4(0)	NORWOOD PAYNEHAM AND ST PETERS, 17 (0)
BARUNGA WEST, 0 (0)	ONKAPARINGA, 51 (5)
BERRI BARMERA, 3 (0)	ORROROO/CARRIETON, 0 (0)
BURNSIDE, 24 (0)	PETERBOROUGH, 0 (0)
CAMPBELLTOWN, 25 (0)	PLAYFORD, 29 (0)
CEDUNA, 0 (0)	PORT ADELAIDE ENFIELD, 47 (2)
CHARLES STURT, 104 (1)	PORT AUGUSTA, 1 (0)
CLARE AND GILBERT VALLEYS, 2 (0)	PORT LINCOLN, 1 (0)
CLEVE, 0 (0)	PORT PIRIE, 1 (0)
COOBER PEDY, 0 (0)	PROSPECT, 11 (0)
COPPER COAST, 1 (0)	REMARK PARINGA, 2 (0)
ELLISTON, 0 (0)	ROBE, 0 (0)
FLINDERS RANGES, 0 (0)	ROXBY DOWNS, 0 (0)
FRANKLIN HARBOUR, 1 (0)	SALISBURY, 47 (1)
GAWLER, 8 (0)	SOUTHERN MALLEE, 0 (0)
GOYDER, 0 (0)	STREAKY BAY, 0 (0)
GRANT, 1 (0)	TATIARA, 1 (1)
HOLDFAST BAY, 24 (1)	TEA TREE GULLY, 32 (0)
KANGAROO ISLAND, 0 (0)	THE COORONG, 2 (0)
KAROONDA EAST MURRAY, 0 (0)	TUMBY BAY, 0 (0)
KIMBA, 0 (0)	UIA RIVERLAND, 0 (0)
KINGSTON, 2 (1)	UIA WHYALLA, 0 (0)
LIGHT, 3 (0)	UNLEY, 14 (3)
LOWER EYRE PENINSULA, 0 (0)	VICTOR HARBOR, 10 (0)
LOXTON WAIKERIE, 3 (0)	WAKEFIELD, 2 (0)
MALLALA, 2 (0)	WALKERVILLE, 6 (0)
MARION, 37 (4)	WATTLE RANGE, 1 (0)
MID MURRAY, 2 (0)	WEST TORRENS, 27 (1)
MITCHAM, 21 (1)	WHYALLA, 0 (0)
MOUNT BARKER, 16 (0)	WUDINNA, 0 (0)
MOUNT GAMBIER, 11 (0)	YANKALILLA, 1 (0)
MOUNT REMARKABLE, 0 (0)	YORKE PENINSULA, 3 (0)

### 3.3.2 EPA nuisance complaints data

Local Nuisance and Litter Control Bill EPA nuisance complaints data

## Appendix 2 2012-13 complaints data spatial distribution



### Environmental Nuisance Incidents - 2012/2013 Stage 1 (Stage 3)

ADELAIDE HILLS, 8 (0)	MURRAY BRIDGE, 5 (0)
ADELAIDE, 24 (1)	NARACOORTE LUCINDALE, 2 (0)
ALEXANDRINA, 14 (1)	NORTHERN AREAS, 0 (0)
BAROSSA, 18 (0)	NORWOOD PAYNEHAM AND ST PETERS, 33 (2)
BARUNGA WEST, 0 (0)	ONKAPARINGA, 60 (2)
BERRI BARMERA, 0 (0)	ORROROO/CARRIETON, 0 (0)
BURNSIDE, 26 (1)	PETERBOROUGH, 0 (0)
CAMPBELLTOWN, 13 (0)	PLAYFORD, 32 (3)
CEDUNA, 0 (0)	PORT ADELAIDE ENFIELD, 65 (4)
CHARLES STURT, 112 (8)	PORT AUGUSTA, 1 (0)
CLARE AND GILBERT VALLEYS, 4 (0)	PORT LINCOLN, 1 (0)
CLEVE, 0 (0)	PORT PIRIE, 4 (1)
COOBER PEDY, 0 (0)	PROSPECT, 17 (0)
COPPER COAST, 1 (0)	RENMARK PARINGA, 0 (0)
ELLISTON, 0 (0)	ROBE, 0 (0)
FLINDERS RANGES, 0 (0)	ROXBY DOWNS, 0 (0)
FRANKLIN HARBOUR, 0 (0)	SALISBURY, 37 (3)
GAWLER, 7 (1)	SOUTHERN MALLEE, 1 (0)
GOYDER, 2 (0)	STREAKY BAY, 0 (0)
GRANT, 1 (0)	TATIARA, 0 (0)
HOLDFAST BAY, 35 (2)	TEA TREE GULLY, 35 (3)
KANGAROO ISLAND, 1 (0)	THE COORONG, 2 (0)
KAROONDA EAST MURRAY, 0 (0)	TUMBY BAY, 0 (0)
KIMBA, 0 (0)	UIA RIVERLAND, 0 (0)
KINGSTON, 1 (0)	UIA WHYALLA, 0 (0)
LIGHT, 4 (0)	UNLEY, 23 (3)
LOWER EYRE PENINSULA, 0 (0)	VICTOR HARBOR, 11 (0)
LOXTON WAIKERIE, 1 (0)	WAKEFIELD, 0 (0)
MALLALA, 2 (0)	WALKERVILLE, 2 (0)
MARION, 52 (5)	WATTLE RANGE, 1 (0)
MID MURRAY, 0 (0)	WEST TORRENS, 21 (3)
MITCHAM, 34 (3)	WHYALLA, 2 (0)
MOUNT BARKER, 16 (0)	WUDINNA, 0 (0)
MOUNT GAMBIER, 5 (0)	YANKALILLA, 2 (0)
MOUNT REMARKABLE, 1 (0)	YORKE PENINSULA, 0 (1)





### Environmental Nuisance Incidents - 2013/2014 Stage 1 (Stage 3)

ADELAIDE HILLS, 13 (0)	MURRAY BRIDGE, 11 (0)
ADELAIDE, 21 (2)	NARACORTE LUCINDALE, 2 (0)
ALEXANDRINA, 7 (1)	NORTHERN AREAS, 1 (0)
BAROSSA, 7 (0)	NORWOOD PAYNEHAM AND ST PETERS, 25 (0)
BARUNGA WEST, 2 (0)	ONKAPARINGA, 78 (3)
BERRI BARMERA, 1 (0)	ORROROO/CARRIETON, 0 (0)
BURNSIDE, 44 (3)	PETERBOROUGH, 0 (0)
CAMPBELLTOWN, 22 (2)	PLAYFORD, 31 (1)
CEDUNA, 0 (0)	PORT ADELAIDE ENFIELD, 75 (3)
CHARLES STURT, 83 (2)	PORT AUGUSTA, 1 (0)
CLARE AND GILBERT VALLEYS, 4 (1)	PORT LINCOLN, 5 (1)
CLEVE, 0 (0)	PORT PIRIE, 2 (1)
COOBER PEDY, 0 (0)	PROSPECT, 13 (1)
COPPER COAST, 0 (0)	REMARK PARINGA, 2 (1)
ELLISTON, 0 (0)	ROBE, 0 (0)
FLINDERS RANGES, 0 (0)	ROXBY DOWNS, 0 (0)
FRANKLIN HARBOUR, 0 (0)	SALISBURY, 47 (1)
GAWLER, 2 (0)	SOUTHERN MALLEE, 1 (0)
GOYDER, 3 (1)	STREAKY BAY, 0 (0)
GRANT, 3 (0)	TATIARA, 0 (0)
HOLDFAST BAY, 34 (3)	TEA TREE GULLY, 25 (1)
KANGAROO ISLAND, 1 (0)	THE COORONG, 0 (0)
KAROONDA EAST MURRAY, 0 (0)	TUMBY BAY, 0 (0)
KIMBA, 0 (0)	UIA RIVERLAND, 0 (0)
KINGSTON, 0 (0)	UIA WHYALLA, 0 (0)
LIGHT, 2 (0)	UNLEY, 21 (3)
LOWER EYRE PENINSULA, 2 (0)	VICTOR HARBOR, 6 (0)
LOXTON WAIKERIE, 1 (0)	WAKEFIELD, 2 (0)
MALLALA, 2 (0)	WALKERVILLE, 6 (0)
MARION, 61 (2)	WATTLE RANGE, 1 (0)
MID MURRAY, 1 (0)	WEST TORRENS, 23 (3)
MITCHAM, 34 (1)	WHYALLA, 0 (0)
MOUNT BARKER, 6 (0)	WUDINNA, 1 (0)
MOUNT GAMBIER, 12 (0)	YANKALILLA, 1 (0)
MOUNT REMARKABLE, 0 (0)	YORKE PENINSULA, 0 (0)

### 3.3.2 EPA nuisance complaints data

Local Nuisance and Litter Control Bill EPA nuisance complaints data

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## Further information

### Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet  
Adelaide Service SA Centre  
108 North Terrace  
Adelaide SA 5000

Telephone: 13 23 24  
Facsimile: (08) 8204 1909  
Website: <[shop.service.sa.gov.au](http://shop.service.sa.gov.au)>  
Email: <[ServiceSAcustomerservice@sa.gov.au](mailto:ServiceSAcustomerservice@sa.gov.au)>

### General information

Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001

Telephone: (08) 8204 2004  
Facsimile: (08) 8124 4670  
Freecall: 1800 623 445 (country)  
Website: <[www.epa.sa.gov.au](http://www.epa.sa.gov.au)>  
Email: <[epainfo@epa.sa.gov.au](mailto:epainfo@epa.sa.gov.au)>

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<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 January 2016
<b>HEADING</b>	Annual Review of Delegations
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report provides information with respect to the review of delegations and seeks Council's endorsement of the review.

## RECOMMENDATION

1. The information be received.
2. That, having conducted its annual review of its Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

### Revocations

- a. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:
  - i. Community Titles Act 1996
  - ii. Development Act 1993 and Development Regulations 1993/2008
  - iii. Dog and Cat Management Act 1995
  - iv. Environment Protection Act 1993 and Environment Protection (Waste management) Policy 1994 OR Environment Protection (Waste to Resources) Policy 2010
  - v. Expiation of Offences Act 1996
  - vi. Fences Act 1975
  - vii. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - viii. Food Act 2001
  - ix. Freedom of Information Act 1991
  - x. Housing Improvement Act 1940
  - xi. Land and Business (Sale and Conveyancing) Act 1994
  - xii. Liquor Licensing Act 1997
  - xiii. Local Government Act 1934
  - xiv. Local Government Act 1999
  - xv. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005

- xvi. Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008
  - xvii. Roads (Opening and Closing) Act 1991
  - xviii. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
  - xix. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
  - xx. Supported Residential Facilities Act 1992
  - xxi. Unclaimed Goods Act 1987
  - xxii. Work Health and Safety Act 2012
  - xxiii. Safe Drinking Water Act 2011
  - xxiv. Water Industry Act 2012 and Water Industry Regulations 2012
  - xxv. Real Property Act 1886
  - xxvi. Strata Titles Act 1988
  - xxvii. Heavy Vehicle National Law (South Australia) Act 2013
  - xxviii. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- b. Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.

**Delegations made under Local Government Act 1999**

3. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the Delegations Register are hereby delegated from the 19th day of February 2016 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified within the Delegations Register:
- i. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
  - ii. Community Titles Act 1996
  - iii. Dog & Cat Management Act 1995
  - iv. Environment Protection Act 1993
  - v. Expiation of Offences Act 1996
  - vi. Fences Act 1975
  - vii. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - viii. Freedom of Information Act 1991
  - ix. Heavy Vehicle National Law (South Australia) Act 2013
  - x. Housing Improvement Act 1940

- xi. Land & Business (Sale & Conveyancing) Act 1994
  - xii. Liquor Licensing Act 1997
  - xiii. Local Government Act 1934
  - xiv. Local Government Act 1999
  - xv. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005
  - xvi. Real Property Act 1886
  - xvii. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
  - xviii. Roads (Opening and Closing) Act 1991
  - xix. Safe Drinking Water Act 2011
  - xx. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
  - xxi. Strata Titles Act 1988
  - xxii. Unclaimed Goods Act 1987
  - xxiii. Water Industry Act 2012 and Water Industry Regulations 2012
  - xxiv. Work Health and Safety Act 2012
4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

**Delegations made under Development Act 1993**

5. In exercise of the powers contained in Sections 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the Delegations Register (Delegations Register, pages 32 – 141) are hereby delegated this 19th day of February 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
6. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
7. In exercise of the powers contained in Sections 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the Delegations Register (Delegations Register, pages 1 - 3) are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

**Delegations Made under Food Act 2001**

8. In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the Delegations Register (Delegations Register, pages 376 – 382) are hereby delegated from the 19th day of February 2016 to the person occupying the office of Chief Executive Officer (“the head of the enforcement agency” for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
9. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

**Delegations under Supported Residential Facilities Act 1992**

10. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Facilities Act 1992 and Supported Residential Facilities Regulations 2009 contained in the Delegations Register (Delegations Register, pages 434 – 446) are hereby delegated this 19th day of February 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
11. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

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

12. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for transport and Infrastructure (the ‘instrument’) the Council authorises the following persons pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such persons shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements.
  - i. Patrick Trimboli, Senior Traffic Engineer
  - ii. Dameon Roy, Manager Technical Services
  - iii. Tony Calandro, Senior Traffic Engineer
13. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:
  - i. Patrick Trimboli, Senior Traffic Engineer
  - ii. Dameon Roy, Manager Technical Services
  - iii. Tony Calandro, Senior Traffic Engineer
14. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and

delegated to the Council pursuant to Clause G of the Instrument and contained in the Delegations Register (Delegations Register, page 478) is hereby sub-delegated this 19th day of February 2016 to the person occupying the office of Chief Executive Officer of the Council subject to:

- a. The conditions contained in the Instrument; and
  - b. Any conditions contained in this Resolution or in the Instrument of Sub-delegation; and
  - c. The creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.
15. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of traffic management plans:
- i. Patrick Trimboli, Senior Traffic Engineer
  - ii. Dameon Roy, Manager, Technical Services
  - iii. Tony Calandro, Senior Traffic Engineer

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

16. In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the Delegations Register (Delegations Register, pages 394 – 399) are hereby delegated this 19th day of February 2016 to the person occupying the office of Chief Executive officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of delegation under the Safe Drinking Water Act 2011.
17. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of delegation under the Safe Drinking Water Act 2011.

**ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Powers to Remain With Council
2. Delegations to Remain with CEO - Not to be Sub-Delegated

**1. BACKGROUND**

- 1.1 Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the Local Government Act 1999, as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body.
- 1.2 Delegations are the way in which Council enables other people/bodies (usually Council Officers) to undertake these duties or exercise these powers on its behalf. Delegations enhance decision-making processes and allow nominated routine matters to be resolved efficiently and effectively without the need for submission to Council. However, in order to do this, Council must take formal steps to

delegate to such people and bodies, the authority to make decisions, or undertake activities on its behalf. It is usual for Council to make delegations to the Chief Executive Officer who will then make sub-delegations to the appropriate Council Officers.

- 1.3 A full review of Delegations is usually undertaken on an annual basis. In addition, Norman Waterhouse Lawyers provide a quarterly service to the LGA whereby they monitor legislative amendments and distribute changes required to delegations via “Delegations Templates”. In some instances the changes identified are editorial in nature only; other changes reflect legislative amendments that have occurred since the previous templates review.
- 1.4 Council last undertook a major review of delegations in May 2012 and at that review Council retained the powers set out in Appendix 1 titled “Powers to Remain with Council”. Appendix B titled “Delegations to Remain with the Chief Executive Officer – Not to be Sub-Delegated” sets out the delegations held by the Chief Executive Officer that cannot be sub-delegated to staff. No changes are proposed to the powers to remain with Council or Delegations to remain with the Chief Executive Officer.
- 1.5 In addition, subsequent quarterly reviews have been presented to Council as a result of the service provided by Norman Waterhouse to the LGA.
- 1.6 Since the last major review of Council’s Delegations Register occurred in May 2012, an extensive review of Council’s Delegations Register has occurred to update it in line with the current Instruments of Delegations as provided by the Local Government Association.
- 1.7 Other Acts also contain specific provisions for the delegation of powers and functions to councils, such as the Development Act 1993, the Food Act 2001 and the Supported Residential Facilities Act 1999. Delegations under these Acts form separate recommendations in this report.
- 1.8 Members are reminded that delegations to individuals under all Acts are revocable at will, and furthermore, do not prevent Council from acting in a matter.
- 1.9 The exception to this rule is Section 34(24) of the Development Act 1993 in relation to delegations by Council to the Development Assessment Panel.

## 2. REPORT

### **2015/16 Review of Delegations**

- 2.1 The City of Salisbury uses a database for management and maintenance of legislative delegations. The database was developed by the City of Charles Sturt in conjunction with the LGA for use by Councils.
- 2.2 The database acts as the City of Salisbury’s Delegations Register required under Section 44(6) of the *Local Government Act 1999*.
- 2.3 This Register includes a record of the sub-delegations of these powers and functions by the Chief Executive Officer to specific officers in exercise of his powers under Sections 44(4) and 101 of the *Local Government Act 1999*. While these sub-delegations do not require the authorisation of Council, it is appropriate they be noted by Council and included in the publicly available Delegations Register.



- 2.4 Since the last review of delegations, Council Officers have made the necessary adjustments as advised by Norman Waterhouse and updated the Delegations Register in accordance with the current Instruments of Delegation as provided by the Local Government Association.
- 2.5 It is important to note that within the listings in the Delegations Register, where there are no conditions/limitations imposed against delegations, these have been considered, but none exist.

#### **Process to be followed**

- 2.6 In order for the statements contained in the instruments of delegation to come into effect, Council must first resolve to revoke the existing delegations. Council then resolves to adopt the new delegations contained in the instruments of delegations.
- 2.7 If required, position titles will be updated within the delegations register to reflect changes as a result of implementation of any recent changes to titles or organisation structure. It is important to note, there is likely to be very few instances where this is required as Council's delegation decisions primarily relate to the delegation of powers/functions to the Chief Executive Officer.
- 2.8 Any sub-delegations that have been made in relation to the existing delegations become void as soon as the 'head' delegation is revoked. In order to ensure that Council Officers have the necessary powers to continue their duties, the resolution is worded so that revocation of the existing delegations does not come into force until such time as the sub-delegations are ready to be approved by the Chief Executive Officer. The new delegations will take effect immediately prior to the Chief Executive officer approval of the sub-delegations.
- 2.9 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council policies. Even though Council may delegate its powers, functions and duties, this does not prevent the Council from acting in the same matters at any time should the need arise.

#### **Delegations Register**

- 2.10 The Delegations Register is a large document consisting of 483 pages and is currently available on the City of Salisbury website. A printed copy is also available for inspection in the Publicly Available Documents Folder in the reception area of the Civic Centre.
- 2.11 Given the size of the full Delegations Register it has not been included as an attachment to this Report. A printed copy is available for review by Elected Members in the Elected Members Room. The website and Publicly Available Documents Folder will be updated with the revised Delegations Register once Council has considered this Report.

### **3. CONCLUSION / PROPOSAL**

- 3.1 The annual review of Council delegations has been conducted and is presented to Council for endorsement.

#### **CO-ORDINATION**

Officer: Executive Group  
Date: 12/01/2016





## Appendix A - Powers to remain With Council

### LOCAL GOVERNMENT ACT 1999

#### Instrument of Sub Delegation

In exercise of the power contained in Sections 44 (4) and 101 of the Local Government Act 1999, I hereby sub-delegate to the To remain with Council and any person appointed to act in that position, the following powers and functions which have been delegated to me by Council pursuant to Section 44 of the Act.

#### DEVELOPMENT ACT 1993

##### Council to Establish Development Assessment Panels

The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act. LIMITATIONS:

The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act. LIMITATIONS:

The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women. LIMITATIONS:

The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years. LIMITATIONS:

The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel. LIMITATIONS:

The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:

36.6.1 breach of, or failure to comply with, the conditions of appointment; or

36.6.2 misconduct; or

36.6.3 neglect of duty; or

36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or

36.6.5 failure to carry out satisfactorily the duty of his or her office; or

36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act. LIMITATIONS:

**LOCAL GOVERNMENT ACT 1934****Representation of Council Before Courts**

The power pursuant to Section 698 of the Act to appoint an officer of the Council for the purpose, to represent the Council in all proceedings before a court of summary jurisdiction or a local court in all respects as though the officer were the party concerned. LIMITATIONS:

**LOCAL GOVERNMENT ACT 1999****Staffing Arrangements**

The power pursuant to Section 21(4)(b) of the Act to give the Boundary Adjustment Facilitation Panel ('the Panel') use of the Council's services, facilities or staff. LIMITATIONS:

**Committees**

The power pursuant to Section 41(1) and (2) of the Act to establish committees. LIMITATIONS:

The power pursuant to Section 41(3) of the Act to determine the membership of a committee. LIMITATIONS:

The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member. LIMITATIONS:

The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee. LIMITATIONS:

The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee. LIMITATIONS:

**Principal Office**

The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act. LIMITATIONS:

The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council. LIMITATIONS:

The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements. LIMITATIONS:

**Commercial Activities**

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Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project'). LIMITATIONS:

The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:

12.2.1 establish a business;

12.2.2 participate in a joint venture, trust, partnership or other similar body. LIMITATIONS:

**Meetings to be Held in Public Except in Special Circumstances**

The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made. LIMITATIONS:

**Obstructing of Meetings**

The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors. LIMITATIONS:

**Internal Control Policies**

The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records. LIMITATIONS:

**Audit Committee**

The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act. LIMITATIONS:

If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act. LIMITATIONS:

**The Auditor**

The power and duty pursuant to and in accordance with Section 128(2), (3) (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee. LIMITATIONS:

The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor. LIMITATIONS:

The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:

39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:

- 39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and
- 39.3.1.2 other remuneration;

39.3.2 if person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end. LIMITATIONS:

**Other Investigations**

The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section. **LIMITATIONS:**

Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:

41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;

41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act. **LIMITATIONS:**

**Preliminary**

The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative). **LIMITATIONS:**

The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%. **LIMITATIONS:**

**Rebate of Rates - Community Services**

The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:

61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and

61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and

61.1.3 does not restrict its services to persons who are members of the body. **LIMITATIONS:**

**Rebate of Rates - Educational Services**

The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:

62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or

62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or

62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis. **LIMITATIONS:**

### **Discretionary Rebates of Rates**

The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):

63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and

63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and

63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;

63.1.4 any other matter considered relevant by the Council or the Delegate. LIMITATIONS:

The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:

63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;

63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;

63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;

63.2.4 where the land is being used for educational purposes;

63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;

63.2.6 where the land is being used for a hospital or health centre;

63.2.7 where the land is being used to provide facilities or services for children or young persons;

63.2.8 where the land is being used to provide accommodation for the aged or disabled;  
LIMITATIONS:

The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:

63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or

63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or

63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment. LIMITATIONS:

The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.  
LIMITATIONS:



**Valuation of Land for the Purpose of Rating**

The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year. LIMITATIONS:

For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:

64.2.1 valuations made, or caused to be made, by the Valuer-General; or

64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;

or a combination of both. LIMITATIONS:

**Payment of Rates - General Principles**

The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:

73.7.1 the payment of instalments of rates in advance; or

73.7.2 prompt payment of rates. LIMITATIONS:

The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act. LIMITATIONS:

The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:

73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and

73.10.2 the Delegate must give at least 30 days notice before an instalment falls due. LIMITATIONS:

**Remission and Postponement of Payment**

The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:

74.3.1 to assist or support a business in the Council's area; or

74.3.2 to alleviate the effects of anomalies that have occurred in valuations under the Act. LIMITATIONS:

The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act). LIMITATIONS:

The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect). LIMITATIONS:

The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:

74.1.2 remit the rates in whole or in part. LIMITATIONS:

**Postponement of Rates - Seniors**

The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require. LIMITATIONS:

The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:

75.2.1 reject an application for the postponement of rates; or

75.2.2 impose conditions on the postponement of rates

but only in accordance with the Regulations. LIMITATIONS:

**Sale of Land for Non-Payment of Rates**

The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more. LIMITATIONS:

**Acquisition of Land by Agreement**

The power pursuant to Section 190 of the Act to acquire land by agreement. LIMITATIONS:

**Alienation of Community Land by Lease or Licence**

The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 21 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 21 years. LIMITATIONS:

**Special Jurisdiction**

The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:

137.1.1 proceedings to try the title of a member to an office;

137.1.2 proceedings to try the right of a person to be admitted or restored to an office;

137.1.3 proceedings to compel restoration or admission;

137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;

137.1.5 proceedings to try the validity of a rate or service charge;

137.1.6 proceedings to try the validity of a by-law;

137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act. LIMITATIONS:

**ROAD TRAFFIC (ROAD RULES - ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999****Permit Zones**

The power pursuant to Regulation 14(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999 to determine-

7.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;

7.1.2 the persons entitled to such permits;

7.1.3 any fees to be paid for such permits;

7.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles).

and to vary any such determination. LIMITATIONS:



NOTES:

(1) Progress Claims - Approved Contracts includes:

- Valuer General's Annual Valuations
- Utilities for Water, Power and Telephone
- Maintenance Contracts
- Leaser Payments

(2) Authorised to approve variations to contracts up to the authorised level of budgeted expenditure of the officer

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**To remain with Council**

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Date

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## Appendix 2 - Delegations to remain with CEO - Not to be Sub-Delegated

### LOCAL GOVERNMENT ACT 1999

#### Instrument of Sub Delegation

In exercise of the power contained in Sections 44 (4) and 101 of the Local Government Act 1999, I hereby sub-delegate to the 000174 Chief Executive Officer - not to be sub delegated and any person appointed to act in that position, the following powers and functions which have been delegated to me by Council pursuant to Section 44 of the Act.

#### **DEVELOPMENT ACT 1993**

##### **Appointment of Authorised Officers**

The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993. LIMITATIONS:

The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer. LIMITATIONS:

The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card. LIMITATIONS:

The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition. LIMITATIONS:

#### **DOG & CAT MANAGEMENT ACT 1995**

##### **Council Responsibility For Management Of Dogs**

1.1 The duty pursuant to Section 26 of the Dog and Cat Management Act 1995 (the Act) to administer and enforce the provisions of the Act relating to dogs within the Council area and for that purpose to-

appoint at least one full time dog management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers; LIMITATIONS:

##### **Appointment of Dog Management Officers**

The power pursuant to Section 27 of the Act to appoint suitable persons (other than members of Council) to be dog management officers subject to any condition that is specified in the instrument of appointment, and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment. LIMITATIONS:

##### **Cat Management Officers**

The power pursuant to Section 68 of the Act to appoint suitable persons to be cat management officers subject to any condition that is specified in the instrument of appointment and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment. LIMITATIONS:

**ENVIRONMENT PROTECTION ACT 1993****Authorised Persons**

The power pursuant to Section 85(3) of the Environmental Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act. LIMITATIONS:

The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation. LIMITATIONS:

The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition. LIMITATIONS:

**FIRE AND EMERGENCY SERVICES ACT 2005****Fire Control Officers**

The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area). LIMITATIONS:

The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment. LIMITATIONS:

**Giving of Expiation Notices**

The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer. LIMITATIONS:

**Appropriation of Penalties**

The duty pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account). LIMITATIONS:

**Interpretation**

The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999. LIMITATIONS:

**Fire Prevention Officers**

The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area. LIMITATIONS:

The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act. LIMITATIONS:

## **FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

### **SACFS Group Committee**

The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group. LIMITATIONS:

### **Fires Permitted under Section 79(2) of Act**

The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations. LIMITATIONS:

### **Special Fire Areas**

The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area. LIMITATIONS:

The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations. LIMITATIONS:

### **Coronial Inquests**

The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency. LIMITATIONS:

## **FREEDOM OF INFORMATION ACT 1991**

### **Internal Review (1)**

The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review. LIMITATIONS:

The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral. LIMITATIONS:

### **Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With**

The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records. LIMITATIONS:

The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received. LIMITATIONS:

### **Internal Review (2)**

The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review. LIMITATIONS:

**External Review**

The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation. LIMITATIONS:

The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation. LIMITATIONS:

The power:

25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and

25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated. LIMITATIONS:

The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process. LIMITATIONS:

**Appeal to District Court**

The power pursuant to Section 40(1) of the Act and with the permission of the District Court, to appeal against a determination made under Division 1 of Part 5 of the Act on a question of law. LIMITATIONS:

**Consideration of Restricted Documents**

The power pursuant to Section 41(1) of the Act to make application to the District Court to have the District Court receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative. LIMITATIONS:

**HOUSING IMPROVEMENT ACT 1940****Dispossession of Occupiers Failing to Vacate Premises When Required to Do So**

The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise. LIMITATIONS:



**LOCAL GOVERNMENT ACT 1999****General Powers and Capacities**

The power, acting within the approved budget of the Council, to transfer funds between budget lines for employee salaries and wages (as set out in the adopted Operating Statement and further detailed in the Program Budget information) for the purpose of re-allocating staff resources provided that such re-allocation does not, in the opinion of the Chief Executive Officer, detract from the service provisions as set out in the Annual Business Plan. The Chief Executive Officer will report any transfer of funds to Council at Quarterly Budget Review. LIMITATIONS:

The power, acting within the approved budget of the Council, to transfer funds of up to \$20,000 in any one matter (up to a maximum of \$120,000 in any one financial year), between budget lines for Materials, Contracts and Other Services (as set out in the adopted Operating Statement and further detailed in the Program Budget information) for the purpose of re-allocating expenses provided that the re-allocation does not, in the opinion of the Chief Executive Officer, detract from the service provisions set out in the Annual Business Plan. The Chief Executive Officer will report any transfer of funds to Council at Quarterly Budget Review. LIMITATIONS:

**Expenditure of Funds**

The power, acting within the approved budget of the Council, to transfer funds between budget lines for employee salaries and wages (as set out in the adopted Operating Statement and further detailed in the Program Budget information) for the purpose of re-allocating staff resources provided that such re-allocation does not, in the opinion of the Chief Executive Officer, detract from the service provisions as set out in the Annual Business Plan. The Chief Executive Officer will report any transfer of funds to Council at Quarterly Budget Review. LIMITATIONS:

The power, acting within the approved budget of the Council, to transfer funds of up to \$20,000 in any one matter (up to a maximum of \$120,000 in any one financial year), between budget lines for Materials, Contracts and Other Services (as set out in the adopted Operating Statement and further detailed in the Program Budget information) for the purpose of re-allocating expenses provided that the re-allocation does not, in the opinion of the Chief Executive Officer, detract from the service provisions set out in the Annual Business Plan. The Chief Executive Officer will report any transfer of funds to Council at Quarterly Budget Review. LIMITATIONS:

**Appointment of Authorised Persons**

The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person. LIMITATIONS:

The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment. LIMITATIONS:

The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment. LIMITATIONS:

**NATURAL RESOURCES MANAGEMENT ACT 2004****Regional Authorised Officers**

The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board. LIMITATIONS:

**Contributions by Constituent Councils**

The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year. LIMITATIONS:

The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination. LIMITATIONS:

**Payment of Contributions by Councils**

The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation. LIMITATIONS:

The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year. LIMITATIONS:

**Cost of Councils**

The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act. LIMITATIONS:

**Management Agreements**

The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement. LIMITATIONS:

**Vesting of Property**

The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation. LIMITATIONS:

**FOOD ACT 2001****Appointment of Authorised Officers**

The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer. LIMITATIONS:



## **SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

### **Appointment of Authorised Officers**

The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act; LIMITATIONS:

The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer. LIMITATIONS:

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NOTES:

(1) Progress Claims - Approved Contracts includes:

- Valuer General's Annual Valuations
- Utilities for Water, Power and Telephone
- Maintenance Contracts
- Leaser Payments

(2) Authorised to approve variations to contracts up to the authorised level of budgeted expenditure of the officer

John Harry

**Chief Executive**

Dated this .....

I acknowledge that I have received, read and accept the attached delegation of authority.

Name .....

Signature .....

**000174 Chief Executive Officer - not to be sub delegated**

Date .....

<b>ITEM</b>	3.6.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 January 2016
<b>PREV REFS</b>	
<b>PREV REFS</b>	Resources and Governance 3.6.4 16/11/2015 Committee
<b>HEADING</b>	Review of Representation of the City of Salisbury by Elected Members Policy
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Representation of the City of Salisbury by Elected Members Policy to Council for consideration and endorsement.

## RECOMMENDATION

1. The Information be received.
2. The Representation of the City of Salisbury by Elected Members Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.2, 16/11/2015), be endorsed.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Representation of the City of Salisbury by Elected Members Policy

## 1. BACKGROUND

- 1.1 At its November 2015 meeting Council moved the following:

*A revised version of the policy be presented for consideration of Council, that provides where the Mayor is unable to attend an event, the Deputy Mayor is the first call for attendance in the place of the Mayor, followed by the relevant Ward Councillors.*

*Resolution No. 0747/2015*

## 2. REPORT

- 2.1 The Policy has now been amended in accordance with Council's resolution above and is re-presented for endorsement.

### **3. CONCLUSION / PROPOSAL**

- 3.1 The Representation of the City of Salisbury by Elected Members as contained within Attachment 1, subject to any further changes proposed by the Resources and Governance Committee, is recommended to Council for endorsement.

### **CO-ORDINATION**

Officer:	Executive Group	MG
Date:	12/01/2016	15/12/2015



## Representation of the City of Salisbury by Elected Members Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2012/1390
Approval Date:	17 December 2012	Last Reapproval Date:	25 January, 2016
Review Date:	<del>17 December 2014</del> January 2016	Internal Reference No.:	
Department:	CEO and Governance	Division:	Governance
Function:	9 - Governance	Responsible Officer:	Manager, Governance

### A - PREAMBLE

1. The City of Salisbury seeks to ensure that it is appropriately represented at events and functions hosted by schools, community groups and businesses throughout the City.

### B - SCOPE

1. This Policy applies to all City of Salisbury Elected Members, including the Mayor.

### C – POLICY PURPOSE/OBJECTIVES

1. This Policy provides guidance to ensure appropriate representation to the City of Salisbury at events/functions to which the Mayor has been invited and is unable to attend.

### D - DEFINITIONS

1. Elected Members mean the Mayor and Councillors of the City of Salisbury.

### E - POLICY STATEMENT

1. Where an invitation is received by the Mayor and the Mayor is not able to attend the event or function for which the invitation has been extended, the Deputy Mayor is the first call for attendance in the place of the Mayor, followed by the relevant Ward Councillors, the following order of precedence will apply to determine alternative attendee(s).
  - Where the matter is of strategic/city wide importance:
    - The Deputy Mayor;
    - If the Deputy Mayor is not able to attend, the Chairperson of the relevant Standing Committee;
    - If the Chairperson of the relevant Committee is not able to attend, a Ward Councillor from the ward where the event is being held.
  - Where the matter is a local matter:
    - The Deputy Mayor;

- ~~○ If the Deputy Mayor is not able to attend, a Ward Councillor from the ward where the event is being held.~~
2. Where an invitation has been accepted by the Mayor and the Mayor is subsequently no longer able to attend the event, the Deputy Mayor is the first call for attendance in the place of the Mayor, followed by the relevant Ward Councillors, the Executive Office will facilitate an alternative attendee, following the order of precedence as set out above.
  3. In circumstances where there is a limited time available to confirm an alternative attendee, every effort will be made to contact members in accordance with the order of precedence. Where it is not possible to confirm an attendee from the order of precedence, guidance will be sought from the Mayor or Deputy Mayor as to who should be asked to attend the event/function.
  4. Where a Councillor accepts an invitation as an alternative attendee and then is subsequently not able to attend the event or function for which the invitation has been extended, the Councillor is to contact the Executive Office to advise that they are unable to attend the event/function and to request an alternative attendee be approached to attend the event/function.
  5. Details of invitations to events received by the Mayor, including confirmed attendees, will be communicated to all Elected Members via the Elected Member Portal Bulletin, providing the opportunity for an Elected Member to nominate to attend an event where an attendee has not been confirmed from the order of precedence set out above.

#### F - LEGISLATION

1. Nil

#### G - REFERENCES

1. Nil

#### H - ASSOCIATED PROCEDURES

1. Nil

#### Document Control

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