



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

19 JUNE 2017 AT CONCLUSION OF POLICY AND PLANNING COMMITTEE

IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY

MEMBERS

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

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
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 15 May 2017.

Presentation of the Minutes of the Confidential Resources and Governance Committee Meeting held on 15 May 2017.

REPORTS

Administration

3.0.1	Future Reports for the Resources and Governance Committee	9
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Development Control Administration

3.2.1	Development Assessment Panel changes arising from Implementation of Planning, Development and Infrastructure Act	13
-------	--	----

Health, Animal Management and By-laws

3.3.1	Proposal to Amend the Australian Road Rules to enable parking on Council verges.....	33
-------	--	----

External Relations

3.4.1	Nominations Sought for the Premier's Climate Change Council	41
3.4.2	Nominations Sought for the Stormwater Management Authority	47
3.4.3	Nominations Sought for the State Bushfire Coordination Committee.....	53

Corporate Governance

3.6.1	Review of Verge Development by Residents Policy	59
3.6.2	Review of Sports Club Directional Signage on Council Reserves Policy	69
3.6.3	Review of Salisbury Water Flow Restrictions Policy for Residential Customers	73
3.6.4	Review of Undergrounding of Power Cables Policy	81
3.6.5	Review of Local Government Act Order Making Policy.....	85
3.6.6	Summary Report for Attendance at Training and Development Activity - Cr Woodman	121
3.6.7	Australia Day Council of South Australia - Election of Board Members.....	127
3.6.8	Variations to Delegations	135

OTHER BUSINESS

CLOSE



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

15 MAY 2017

MEMBERS PRESENT

Mayor G Aldridge (ex officio)
Cr D Balaza
Cr D Bryant
Cr L Caruso
Cr D Pilkington

STAFF

General Manager Business Excellence, Mr C Mansueto
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington

The meeting commenced at 8.24 pm.

The Manager Governance welcomed the members, staff and the gallery to the meeting and invited a member to move the appointment of an Acting Chairman in the absence of the Chairman and Deputy Chairman.

Appointment of Acting Chairman, Resources and Governance Committee 15/05/2017

Moved Cr D Bryant
Seconded Cr L Caruso

That Cr Damien Pilkington be appointed as Acting Chairman for the
Resources and Governance Committee Meeting on Monday 15 May
2017

CARRIED

APOLOGIES

Apologies were received from Cr S Bedford, Cr R Cook and Cr D Proleta.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr D Bryant
Seconded Cr L Caruso

The Minutes of the Resources and Governance Committee Meeting held on 18 April 2017, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr L Caruso
Seconded Mayor G Aldridge

1. The information be received.

CARRIED

Health, Animal Management and By-laws

3.3.1 Little Para Golf Course - Playing Area Signage

Cr L Caruso declared an actual conflict of interest on the basis of owning a golf course. Cr L Caruso left the meeting at 8:26 pm and QUORUM was LOST.

This matter is referred to Council for decision

Recommendation

1. That the information be received.
2. Pursuant to the power contained in section 246(3)(e) of the *Local Government Act 1999*, the Council resolves, effective from 30 May 2017, to apply sub-clause 9.25.4 of *By-law No. 4-Local Government Land* (the By-law) to the Local Government land comprising the Little Para Golf Course as detailed in the diagram in Attachment 1 to this report so that the permission of the Council (or its agent) is required to play or practice the game of golf on the land unless a person is a member of the Little Para Golf Course or, has paid the required fee.

3. That, as a playing area for the purposes of sub-clause 9.30 of the By-law, the Council resolves by way of a direction under clause 9.30.3 of the By-law, that the Little Para Golf Course as detailed in the diagram in Attachment 1 to this report must not, without the permission of the Council (or its agent), be used by any person:
 - a. to play or practice the game of golf unless the person is a member of the Little Para Golf Course or, has paid the required fee; or
 - b. to play or practice any other sporting activity.
4. That the Administration undertake all necessary steps to give effect to the Council's resolution under paragraphs 2 and 3 above, including by:
 - a. publishing notice of them in the Government Gazette and in a local newspaper circulating in the Council's area;
 - b. making copies of them available online and within the Councils register of by-laws; and
 - c. erecting signage as appropriate on the land.
5. (If council resolves as per recommendation 2 and 3) that Belgravia staff be trained and appointed as Authorised Officers for the purposes of being able to enforce Sub-clauses 9.25.4 and 9.30 of By-law in respect of the Little Para Golf Course.

Cr L Caruso returned to the meeting at 8:27 pm and a QUORUM was RE-ESTABLISHED

External Relations

3.4.1 LGA Governance Review Update

Moved Mayor G Aldridge
Seconded Cr D Bryant

1. Information be received.

CARRIED

Corporate Governance

3.6.1 Review of Elected Members Training and Development Policy

Moved Mayor G Aldridge
Seconded Cr L Caruso

1. The information be received.
2. The Elected Members Training and Development Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.1, 15/05/2017), be endorsed.

CARRIED

3.6.2 Summary Report for Attendance at Training and Development Activity - Cr Gill

Moved Cr L Caruso

Seconded Mayor G Aldridge

1. The information be received.

CARRIED

OTHER BUSINESS

3.7.1 Provision of IT Loan Equipment

Moved Cr D Balaza

Seconded Mayor G Aldridge

1. That the information be received.
2. That Council endorse Option 1 to maintain the existing provision of IT equipment available to community groups to be utilised in house as part of room hire arrangements available through libraries and community centres.

CARRIED

CONFIDENTIAL ITEMS

3.8.1 Appointment of the Development Assessment Panel Public Officer

Moved Cr L Caruso

Seconded Mayor G Aldridge

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Non-disclosure of the matter and discussion of this item in confidence would protect information relating to the personal affairs of the person affected and proposed action by Council in considering the individual to whom those personal affairs relate for appointment as Public Officer of the Development Assessment Panel.*

*On that basis the public's interest is best served by not disclosing the **Appointment of the Development Assessment Panel Public Officer** item and discussion at this point in time.*

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3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED

The meeting moved into confidence at 8.31 pm.

The meeting moved out of confidence and closed at 8.32 pm

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	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.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

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

Meeting Item	- Heading and Resolution	Officer
22/06/2015 3.3.2 Due:	Amendments to the Dog and Cat Management Act 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. July 2017	John Darzanos
28/09/2015 3.6.1 Due:	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
27/06/2016 3.6.2 Due:	Mobile Food Van Policy 3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement. July 2017	Tim Starr
30/01/2017 3.2.1 Due:	Appointment of Independent Members to Development Assessment Panel 2. A further report is provided on the changes to the Development Assessment Panels as a result of the Planning, Development and Infrastructure Act 2016 once the full information has been released by the state government. July 2017	Chris Zafirooulos
30/01/2017 3.6.4 Due:	Review of the Procurement Policy to incorporate use of Australian Made steel for Council construction projects 2. A review of the implications of the adoption of a variation to the Procurement Policy to use to use Australian made steel as set out in Part 1 (Item 3.6.4, Resources and Governance Committee, 23/01/2017) be undertaken in 12 months. January 2018	Matt Harris

24/04/2017 OB1-R&G	Signage to Improve Dog Management at St Kilda 1. That staff investigate signage options to improve dog management at St Kilda and provide a report to Council for consideration. Due: July 2017 Deferred to: August 2017 Reason: Staff have reviewed the current signs and met with Corporate Communications regarding new signs and locations. The landscaping section are in the process of creating/installing some 'welcome to St Kilda' and advisory/history signage. Staff want to allow this to occur to ensure any locations recommended are actually available and won't interfere with other installations.	Brad Scholefield
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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	GMCID	GMCI	GMBE
Date:	09/06/17	05/06/17		

ITEM	3.2.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Development Assessment Panel changes arising from Implementation of Planning, Development and Infrastructure Act
AUTHOR	Chris Zafiropoulos, Manager Development Services, City Development
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice. 4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The next stage of the implementation of the <i>Planning, Development and Infrastructure Act 2016</i> requires Council to consider the appointment of a new Council Assessment Panel by 1 October 2017. This report outlines the key changes and options for Councils consideration.

RECOMMENDATION

1. That, subject to acceptance by the existing independent members of an offer of extension of term, the term of the existing independent members of the Development Assessment Panel be extended until May 2019 and transitioned to the new Council Assessment Panel under the *Planning, Development and Infrastructure Act 2016*.
2. A further report be presented to Council on the appointment of an Elected Member to the Panel, a procedure for appointing additional members, deputy members and acting presiding member, together with other changes to enable the transition the new Council Assessment Panel.
3. A further report be presented to Council on the option of a Regional Assessment Panel canvassing the pros and cons of such an option for Council's consideration.

ATTACHMENTS

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

1. High Level Implementation Plan
2. Draft Assessment Panel Code of Conduct
3. New PDI (Assessment Panel) Regulations

1. BACKGROUND

- 1.1 The state government has commenced the staged implementation of the *Planning, Development and Infrastructure Act 2016* (PDI Act) with the proclamation of the first components of the new system on 1 April 2017.

- 1.2 The government has announced the next stage of the implementation will include the introduction of the new Council Assessment Panels, to replace the Development Assessment Panels from 1 October 2017.
- 1.3 The current term of Council's Independent members on the Panel expired in May 2017 and Council resolved to extend their term in order to consider the requirements of the PDI Act.
- 1.4 A briefing on the provisions of the Act as they apply to Council Assessment Panels was provided to Elected Members at Informal Strategy on 6 June 2016.

2. REPORT

- 2.1 The initial components of the new system that the government has introduced essentially establish the framework of the new system and introduce mechanisms to pilot key new instruments. The key elements include:
 - 2.1.1 The new State Planning Commission.
 - 2.1.2 Establishment of the Minister's statutory advisory committees.
 - 2.1.3 Infrastructure scheme pilot projects.
 - 2.1.4 The establishment of the Environment Food Production Areas.
 - 2.1.5 Joint Planning Agreements.
 - 2.1.6 The first stage of the SA Planning Portal.
- 2.2 Information in relation to these elements is provided on the government website www.saplanningportal.sa.gov.au. A high level road map is provided in Attachments.

New Assessment Panels

- 2.3 The PDI Act creates a range of entities to performance prescribed functions. In respect to the assessment and determination of development applications, a number of assessment Panels may now be established. These include:
 - 2.3.1 Council Assessment Panel – essentially replaces Council's current Development Assessment Panel (DAP) function.
 - 2.3.2 Joint Planning Board Assessment Panel – appointed by a Joint Planning Board.
 - 2.3.3 Combined Assessment Panel – established by the Minister to assess applications across different legislation (e.g. planning and mining or liquor licensing).
 - 2.3.4 Regional Assessment Panel – established by the Minister and comprises parts or all of the areas of two or more Councils.
 - 2.3.5 Local Assessment Panel – constituted by the Minister upon recommendation of the Commission following an inquiry into an existing Council Assessment Panel.
- 2.4 Councils are required to establish a Council Assessment Panel (CAP) by 1 October 2017.

- 2.5 The Development Regulations and/or the Planning and Design Code will determine the relevant authority (who makes the decision) for the classes of development. At this stage this is not prescribed and Council may transition the existing delegations from the DAP to the new CAP.
- 2.6 In considering the new CAPs, the PDI Act requires that the following should be taken into consideration when making appointments:
 - 2.6.1 Council may appoint more than 1 assessment panel but, if it does it must clearly specify which class of development each assessment panel is to assess. There is no clear grounds however for Council to consider establishing more than one CAP at this stage.
 - 2.6.2 The membership of the assessment panel must be no more than 5 members and only one of which may be a member of a Council.
 - 2.6.3 Independent members must be accredited professionals. The accreditation requirements have however been deferred until July 2018.
 - 2.6.4 An Assessment Manager, who is an accredited professional, must be appointed to the Panel by the Chief Executive Officer.
 - 2.6.5 Procedures for appointment of members, their term of office and conditions of appointment.
 - 2.6.6 The appointment of deputy members and the process for appointing an acting presiding member. A deputy member is essentially a proxy to the CAP in the event a member is not available.
 - 2.6.7 The staffing and support required for the operations of the panel. This is expected to be largely unchanged from those resources currently supporting the DAP.
- 2.7 The government has also released Regulations and Code of Conduct for the new CAPs. The new operational requirements largely reflect those that apply to the current DAP. A copy is provided in the attachments.
- 2.8 The CAP may also determine its own procedures where they are not specified in the Regulations. In addition, the PDI Act enables a CAP can determine additional members (up to two) to deal with a matter that it must assess as the relevant authority. The person must be accredited and will be taken to be a member of the CAP, but is not able to vote. While the PDI Act provides this power to the CAP, it would seem Council could determine the procedure for such an appointment, given this power is generally provided to Council.
- 2.9 The new regulations assign investigations in relation to compliance with the Code of Conduct to the State Planning Commission. Council is therefore not required to appoint a Public Officer as is the current situation with the DAP.
- 2.10 The Assessment Manager is responsible for:
 - 2.10.1 Acting as a relevant authority as provided under PDI Act and is not subject to direction by an assessment panel or any other person in this capacity.
 - 2.10.2 Managing the staff and operations of the assessment panel in relation to which the assessment manager has been appointed.
 - 2.10.3 Providing advice to the assessment panel (as appropriate).

Council Decision

- 2.11 As a consequence of this legislative change, Council will need to consider the membership of the CAP. While the PDI Act limits the appointment of one Elected Member of Council on the new CAP from 1 October 2017, Council may determine not to appoint an Elected Member. The existing members of the DAP; Cr S White, Cr L Caruso and Cr G Reynolds were appointed in October 2016 until 30 November 2018 (the balance of the current term of Council).
- 2.12 The number of independent members on the CAP is unchanged from the DAP, and at this stage the accreditation requirements will not come into effect until July 2018. The term of the current independent members however expired in May 2017 and Council resolved to extend their term until the new requirements were known or a period not exceeding 6 months. Council may now undertake a process to appoint the independent members.
- 2.13 The PDI Act provides for Council to determine the process for appointing membership. The following options are presented for consideration:
- 2.13.1 **Seek Expressions of Interest for Independent Members.** Council may commence a process to invite expressions of interest from interested people for the new CAP. Consistent with current practice, the term of this office could expire six months following the next local government election (ie in May 2019) enabling new appointments to follow the election of a new Council in November 2018 and be made by the new Council. In order to undertake this process, a notice would be placed in The Advertiser and Messenger newspapers inviting expressions of interest and Council would be presented suitable candidates in the August 2017 meeting. Interested candidates would be expected to seek accreditation when the scheme is released by the government.
- 2.13.2 **Extend term of the current Independents pending the accreditation scheme.** In this option, Council may further extend the term of the current independent members until such time the accreditation requirements have been implemented and then commence a process to appoint accredited professionals. This option is likely to be undertaken after July 2018 when the scheme has been established. This option does not however leave sufficient time to undertake the process before the caretaker period for the next local government election. This option would be dependent upon acceptance by the current independent members of an offer of extension of their term.
- 2.13.3 **Extend the term of current Independents until after the local government election, subject to their future accreditation.** This is the preferred and recommended option. This option would extend the term of existing independent members to May 2019, enabling new appointments to follow the election of a new Council in November 2018 and be made by the new Council. The current independent members would need to obtain accreditation under this option, once the scheme is released by the government. In the event that a member did not obtain accreditation, an interim recruitment process would be undertaken for that position. Alternatively, Council could consider whether a deputy member could be appointed for the period. This option would be dependent upon acceptance by the current independent members of an offer of extension of their term.

- 2.14 At the Informal Strategy session held on 6 June 2016, the option of Council considering a Regional Assessment Panel in conjunction with neighbouring Councils was also discussed. At this stage of the implementation of the Act, the process for establishing a Regional Assessment Panel is largely for the transition of existing Regional DAPs to the new RAP. These appointments are made by the Minister for Planning and councils are required to advise the Minister of their preferred approach by 1 September 2017. It is proposed that a further report canvassing the pros and cons of a Regional Assessment Panel be brought back to Council for further consideration. Given that establishing and coordination of a Regional Assessment Panel may take some time should Council wish to ultimately pursue this option, it is recommended that the option outlined in paragraph 2.13.3 above be pursued in the first instance, pending a better understanding of the pros and cons of a Regional Assessment Panel and the logistics of implementation.

3. CONCLUSION / PROPOSAL

- 3.1 The next staged implementation of the PDI Act requires Council to consider the appointment of a new Council Assessment Panel. Given the coincidence of these changes with the expiry of the current term of the independent members and the caretaker period of the local government election, it is recommended that Council consider extending the term of the term of current independents until after the next local government election.
- 3.2 The new CAPs also introduce new arrangements such as additional members on the CAP and the appointment of deputy members. A further report will be provided for Council to consider a process for such appointments, together with other changes to enable the transition the new CAP.
- 3.3 A further report will also be brought back to Council on the option of a Regional Assessment Panel.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 09.06.17

[illegible]

Please note: pale blue shading indicates what has been completed

*To be proclaimed and subject to change

Disclaimer: prepared on 09/03/17 and subject to change



Assessment Panel Members – Code of Conduct

Introduction

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

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

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

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

Legislative framework

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

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

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

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

- (a) exercise professional care and diligence; and*
- (b) act honestly and in an impartial manner; and*
- (c) be responsible and accountable in its conduct; and*
- (d) comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*

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

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

Code of conduct requirements

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

General duties

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

Act in the public interest

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

Procedures

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

Regard for honesty

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

Conflict of interest

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

Making decisions and taking action

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

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

Public comment

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

Protection and use of information

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

Proper exercise of power

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

Gifts and benefits

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

Bias

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

Draft
19.5.2017 (3)

South Australia

Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

- 4 Substitution of heading to Part 2
 - Part 2—Administration and structural matters
 - 5 Variation of regulation 8—Disclosure of financial interests
 - 6 Insertion of regulation 11
 - 11 Compliance with code of conduct—assessment panels
 - 7 Insertion of Part 3
 - Part 3—Assessment panels—procedures
 - 12 Application
 - 13 Public access to meetings
 - 14 Minutes and other documents
 - 15 Quorum
 - 16 Voting
 - 17 Validity of proceedings
 - 18 Other matters
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on [date to be inserted].

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Draft

Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017
 Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

4—Substitution of heading to Part 2

Heading to Part 2—delete the heading and substitute:

Part 2—Administration and structural matters

5—Variation of regulation 8—Disclosure of financial interests

Regulation 8—after subregulation (12) insert:

- (13) For the purposes of paragraph (b) of the definition of *relevant official* in clause 1(1) of Schedule 1 of the Act in relation to an assessment panel appointed by a council, the chief executive officer of the council is prescribed as the relevant official.

6—Insertion of regulation 11

After regulation 10 insert:

11—Compliance with code of conduct—assessment panels

- (1) In this regulation—
- code of conduct* means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(b) of Schedule 3 of the Act.
- (2) A person may make a complaint to the Commission if the person believes that a member of an assessment panel has acted in contravention of the code of conduct.
- (3) A complaint must—
- be in writing; and
 - contain particulars of the allegation on which the complaint is based; and
 - be verified by statutory declaration.
- (4) Except with the approval of the Commission, a complaint must not be lodged with the Minister more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.
- (5) The Commission may require the complainant to give further particulars of the complaint (verified, if the Commission so requires, by statutory declaration).
- (6) The Commission may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to continue to entertain a complaint, if it appears to the Commission—
- that the complainant does not have a sufficient interest in the matter to which the complaint relates; or

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Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017
Variation of Planning, Development and Infrastructure (General) Regulations 2017—Part 2

- (b) that the matter raised by the complaint is trivial; or
 - (c) that the complaint is frivolous or vexatious or is not made in good faith; or
 - (d) that there is some other good reason not to proceed (or further proceed) with the matter under this regulation.
- (7) The Commission may, as the Commission's first step in dealing with a complaint, refer the matter to the member of the assessment panel to whom the complaint relates for a response.
- (8) The Commission may take such further action as the Commission thinks fit (including deciding not to proceed further with the matter).
- (9) The Commission may, whether or not the Commission has acted under subregulation (7), appoint a person to investigate a complaint.
- (10) If the Commission appoints an investigator—
- (a) the Commission must inform the member of the assessment panel to whom the complaint relates of the appointment of an investigator and furnish formal notification of the nature of the complaint; and
 - (b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and
 - (c) the investigator must give the member of the assessment panel to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint; and
 - (d) the investigator may require—
 - (i) the complainant; and
 - (ii) the member of the assessment panel to whom the complaint relates,
 to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and
 - (e) the investigator—
 - (i) must otherwise comply with the rules of natural justice; and
 - (ii) subject to subparagraph (i), may conduct the investigation in such a manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).

- (11) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the member of the assessment panel, the investigator may, after consultation with the Commission, deal with the matter as if a complaint had been made about the matter.
- (12) The investigator—
 - (a) may report to the Commission at any stage of the investigation; and
 - (b) must present a report to the Commission at the conclusion of the investigation.
- (13) The Commission must provide the person to whom the complaint relates with a copy of a report presented under subregulation (12)(b) (and the Commission may, if the Commission thinks fit, invite a response from the person).
- (14) The Commission may, on the receipt of a report under subregulation (12)(b), or at the conclusion of any process that the Commission has adopted in the alternative—
 - (a) decide to take no further action on the complaint; or
 - (b) undertake any consultation or further inquiry as the Commission thinks fit; or
 - (c) take action to have the member of the assessment panel to whom the complaint relates removed from office; or
 - (d) take such other action as the Commission thinks fit.
- (15) The Commission must inform the complainant of the outcome of a complaint under subregulation (14).
- (16) Without limiting a preceding subregulation, the Commission may, at any time, consult with or provide a report to—
 - (a) the Minister; and
 - (b) in the case of a complaint that relates to a member of an assessment panel appointed by a joint planning board or a council, the joint planning board or the council (as the case requires),

about a complaint that has been made under this regulation.
- (17) Nothing in this regulation limits or restricts any action or proceedings that may be taken against or in relation to a member of an assessment panel on account of the member being an accredited professional under the Act.

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Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017
Variation of Planning, Development and Infrastructure (General) Regulations 2017—Part 2

7—Insertion of Part 3

After regulation 11 insert:

Part 3—Assessment panels—procedures**12—Application**

This Part applies to and in relation to the procedures of an assessment panel established under section 83 of the Act or clause 12 or 13 of Schedule 8 of the Act.

13—Public access to meetings

- (1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in subregulation (2).
- (2) An assessment panel may exclude the public from attendance at a meeting—
 - (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (B) would, on balance, be contrary to the public interest;
 - (iii) information the disclosure of which would reveal a trade secret;
 - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
 - (v) matters affecting the safety or security of any person or property;

- (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice;
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
- (x) information the disclosure of which—
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
 - (B) would, on balance, be contrary to the public interest;
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

14—Minutes and other documents

- (1) An assessment panel must ensure that accurate minutes are kept of its proceedings.
- (2) A disclosure by a member of an assessment panel of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the assessment panel.
- (3) Members of the public are entitled to reasonable access to—
 - (a) the agendas for meetings of an assessment panel; and
 - (b) the minutes of meetings of an assessment panel.
- (4) However, an assessment panel may, before it releases a copy of any minutes under subregulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by the assessment panel.
- (5) Minutes must be available under subregulation (3) within 5 business days after their adoption by the members of the assessment panel.

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Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017
Variation of Planning, Development and Infrastructure (General) Regulations 2017—Part 2

15—Quorum

A quorum at a meeting of an assessment panel is a number obtained by dividing the total number of members of the assessment panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

16—Voting

- (1) Each member of an assessment panel present at a meeting of the assessment panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (2) Subregulation (1) does not apply to a person who is taken to be a member of an assessment panel under section 85 of the Act.

17—Validity of proceedings

A proceeding of an assessment panel (and any decision made by an assessment panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

18—Other matters

Except insofar as a procedure is not prescribed by the Act or these regulations, the procedures of an assessment panel in relation to the conduct of its business will be as determined by the assessment panel (and an assessment panel is accordingly a specified body for the purposes of section 246(6)(d) of the Act).

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on
No of 2017

ITEM	3.3.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Proposal to Amend the Australian Road Rules to enable parking on Council verges
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The Local Government Association Ordinary General Meeting resolved to ask the Local Government Association to consult with Councils on whether there is support in the sector to advocate for a change to the Australian Road Rules to enable parking, wholly or in part, on council verges. The motion arose from concerns that parking on both sides of narrow streets can be a hazard which could be alleviated by a change to the road rules to enable parking on verges. This report presents the options for legislative amendments and seeks Council's position for feedback to be provided to the LGA as part of its consultation process.

RECOMMENDATION

1. The information be received.
2. A response to the LGA be prepared and submitted advising that Council supports the proposed amendment under Section 63(2) of the *Road Traffic (Miscellaneous) Regulations 2014*, to include Australian Road Rule 197 enabling each Council to exempt this provision as required in areas that Council deems suitable and enable the development of standards for the application of any exemptions to ARR 197, subject to the following considerations:

2.1. Standards to include but not be limited to:

Approximately 50% of the left hand side of the vehicle can be driven onto the verge provided that:

- The tyres are not placed on a footpath, unless the footpath is immediately adjacent to the kerb and there is more than 1 metre of clear space available for pedestrian access.
- If there isn't a footpath then there must be at least 1 metre of clear space available for pedestrian access.
- Residents can only park this way directly in front of their own property or with the permission of the property owner.
- The vehicles must be facing in the direction of travel.
- The exemption does not apply to commercial or heavy vehicles.
- The property owner/resident and or vehicle owner/driver is liable for any damage to the verge and will be responsible for repairs.

- 2.2 Standards to acknowledge that some locations are not suitable for parking in this manner due to visibility, other safety concerns for road users or pedestrians, and the presence of verge infrastructure and as such this may result in this guide not being applicable and the property owner/resident will be advised accordingly.
- 2.3. Consideration being given in the standards to accommodation of cyclists and pedestrians on footpaths adjacent to verges on which parking is permitted.
3. The Local Government Association be advised that Council does not support the proposed amendment to Australian Road Rule 197 allowing verge parking on all Council roads without any limitations.

ATTACHMENTS

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

1. LGA Circular 19.4 - Parking on Council Verges - Proposal to Amend the Australian Road Rules

1. BACKGROUND

- 1.1 At the 2017 Local Government Association Ordinary General Meeting it was resolved, “that the Ordinary General Meeting requests the Local Government Association (LGA) to consult with Councils to see if there is support for the LGA to lobby Department of Planning Transport and Infrastructure (DPTI) to review the section of the *Australian Road Rules 1999* (under the *Road Traffic Act 1961* and the *South Australian Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*) relating to the provision of the legal parking of vehicles on the nature strip (verge) or road related area.”
- 1.2 This motion arose from concerns that parking on both sides of narrow streets can be a hazard which could be alleviated by the change to the road rules to enable parking on verges.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Manager Technical Services, City Infrastructure
 - 2.1.2 Senior Traffic Engineer, City Infrastructure
 - 2.1.3 Team Leader Landscape Design, City Infrastructure
 - 2.1.4 Team Leader General inspectorate, City Development

3. REPORT

- 3.1 The current rules relating to verge parking are set out within the Australian Road Rules, Rule 197 which states:

ARR 197—Stopping on a path, dividing strip, nature strip, painted island or traffic island

(1) *A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area, unless—*

(a) *the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or*

(b) *the driver is permitted to stop under another law of this jurisdiction.*

Offence provision. Expiation fee \$93

1.1.1 **nature strip** is defined as an area between a road (except a road-related area) and adjacent land, but does not include a bicycle path, footpath or shared path. (e.g. verge)

3.2 The rule is in place as the predominant functions of verges are to provide a corridor for safe and continuous accessible path of travel for pedestrians as well as a service corridor for public utilities including Council. The rule is enforced for several reasons and this includes:

3.2.1 Pedestrian safety – verges are associated with pedestrian activity and as such vehicles are not permitted for this primary objective so as to maintain a continuous accessible path of travel. Vehicles parking on verges can be in direct conflict with pedestrian activity and can either be a hazard as they move on and off verges or obstruct pedestrians forcing them onto the road way. In addition vehicles on verges can obstruct gophers and other mobility devices and legal bike riders using footpaths, forcing these users onto the road and into potential traffic hazards. Doors opening into the path of pedestrians and cyclists on the footpath can also be a hazard.

3.2.2 Prevent verge damage – construction of verges in most cases is not of a suitably compacted material to allow for constant traffic movement, and many verges are grassed or planted. Vehicles traversing and parking on verges may damage the verge surface and can also lead to damage to underground services, including storm water pipes, underground irrigation, and associated infrastructure pits.

3.2.3 Maintained verges – many residents take pride in their verge area and make this an extension of their property and landscaped environments and maintain the area in a well-managed and appealing condition which promotes City Pride and amenity. As outlined above, uncontrolled traversing and parking on verges is likely to damage these areas and adversely affect the amenity of the locality.

3.3 The LGA issued circular 19.4 (Attachment 1) and is seeking Council feedback on this resolution and provided 2 options:

3.3.1 Option 1 - Amend the Australian Road Rules

3.3.2 Option 2 - Amend the Road Traffic (Miscellaneous) Regulations 2014.

3.4 **Option 1 Amending the ARR**

3.4.1 Amending the ARR would mean that any change would apply across local government. The Australian Road Rules (ARR) are a national set of road rules designed to increase consistency of road rules across Australia (although still allowing for some state differences) An amendment of the ARR will apply in all council areas.

- 3.4.2 This amendment would not enable any flexibility or allowances or controls to be put in place for areas that are or are not suitable for verge parking, and not allow for the consideration of individuals who are managing their verges and would not like to see them damaged.
- 3.4.3 A change such as this would also mean that verge development and construction would need to be of a standard that supported vehicles so they do not damage or impact on infrastructure and this would potentially increase development and maintenance costs for Councils and require new standards for verges.

3.5 Option 2 - Amend the Road Traffic (Miscellaneous) Regulations 2014.

- 3.5.1 Amending the Road Traffic Act ((Miscellaneous) Regulations 2014 would enable each council to consider parking on verges on a situational, case by case, basis, rather than applying across the Council area.
- 3.5.2 Under the Road Traffic Act section 174C a Council may grant exemptions from certain prescribed provisions of the Act.
174(C)(1) A council may exempt any person, or any persons of a specified class, or any specified vehicle, or any vehicles of a specified class, from compliance within its area with a prescribed provision of this Act.
- 3.5.3 An amendment made under Section 63(2) of the Road Traffic (Miscellaneous) Regulations 2014, to include ARR 197 would enable each Council to exempt this provision as required and impose or develop standards and areas where it can or cannot be applied, and to whom;
63—Prescribed provisions (sections 174A, 174B, 174C and 174D of Act)
63(2) For the purposes of section 174C of the Act (Council may grant exemptions from certain provisions), the following are prescribed provisions:
- 3.5.4 Ideally however there should be a consistent set of base-line standards that Councils adopt when considering allowing parking on verges in particular situations, to reduce potential confusion for motorists and property owners from one Council area to another.
- 3.5.5 Allowing exemptions under this provision allows Council to consider all the potential concerns raised in paragraph 3.2 above, and balance them against a particular local situation such as where parking on both sides of narrow streets creates a potential hazard.
- 3.5.6 Historically the City of Salisbury introduced a Narrow Street Parking Guidelines under the previous Local Government Parking Regulations. This guideline became void under the transition to the Australian Road Rules and could not be applied legally as an exemption. However the guideline has subsequently been applied to guide enforcement standards in locations in the city that have narrow streets. Narrow streets have been defined as any street that is six metres wide or less. The enforcement of verge parking in narrow streets is subject to the following criteria:

Approximately 50% of the left hand side of the vehicle can be driven onto the verge provided that:

- The tyres are not placed on a footpath, unless the footpath is immediately adjacent to the kerb and there is more than 1 metre of clear space available for pedestrian access.
- If there isn't a footpath then there must be at least 1 metre of clear space available for pedestrian access,
- Residents can only park this way directly in front of their own property or with the permission of the property owner,
- The vehicles must be facing in the direction of travel,
- The exemption does not apply to commercial or heavy vehicles,
- The property owner/resident and or vehicle owner/driver is liable for any damage to the verge and will be responsible for repairs

Some locations are not suitable for parking in this manner due to visibility, other safety concerns for road users or pedestrians, and the presence of verge infrastructure and as such this may result in this guide not being applicable and the property owner/resident will be advised accordingly.

3.5.7 Setting a standard such as the one above will enable Council's to address verge parking on a situational basis and ensure that the concerns associated with verge parking can be addressed prior to any approvals.

3.5.8 The alternative to Options 1 and 2 is to not permit any verge parking. However this option has been proven to be a concern for residents in narrow streets relating to safe access and also emergency service vehicle access.

3.6 Parking Bays

3.6.1 Council also provides an option for some residents in the form of a hard-stand or informal off-road parking area within Council verge (parking bays).

3.6.2 Where possible Council can permit the installation of this type verge parking facility if there was a lack of available off-street parking within private property, or alternatively in the event that there is a removal of existing on-street parking for the purpose of providing and maintaining local area traffic management or road safety.

3.6.3 Council would only allow the installation of some form of verge parking area adjacent to either a residential property where it can be demonstrated by an affected household that there is a genuine need.

3.6.4 The use of a verge area for additional parking adjacent to a site used for business or commercial purposes is not encouraged. Principles within Council's Development Plan require that commercial premises provide on-site parking to meet the needs of the business, and this is the first option pursued in these cases.

- 3.6.5 However it is recognised that the road reserve for local roads services multiple functions, including provision for safe traffic movement, vehicle access to and from properties, provision of on-street parking, and a passage for pedestrian and cyclists. A balanced approach is required in meeting those multiple needs.

4. CONCLUSION / PROPOSAL

- 4.1 An amendment to the Australian Road Rules to allow for verge parking in general will have wide spread ramifications in relation to existing verges, developed verges and also verge condition. Parking without any restrictions or opportunity to implement controls will see verges deteriorate. This in turn may potentially lead to neighbourhood disputes in relation to maintained verges, a deterioration of the amenity of the area, and increased maintenance demands upon Council.
- 4.2 Allowing selective exemptions based upon local circumstances under the provisions of the Road Traffic Act and Road Traffic Act (Miscellaneous) Regulations 2014 will allow Council to consider all elements prior to approving verge parking in an area.
- 4.3 A submission to the LGA supporting Option 2 and including the standards currently utilised by City of Salisbury in enforcing verge parking in narrow streets is recommended, reflecting a balanced approach to the issue.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 15.06.17



Circulars

Parking on Council Verges – Proposal to Amend the Australian Road Rules - Circular 19.4

To

Chief Executive Officer
Elected Members
General Inspector
Governance Officers
Policy and Strategic Planning Staff

Date

9 May 2017

Contact

Andrea Malone
Email: andrea.malone@lga.sa.gov.au

Response Required

Yes

Respond By

30 June 2017

Summary

The LGA Ordinary General Meeting resolved to consult with councils on whether there is support in the sector to advocate for a change to the Australian Road Rules to enable parking, wholly or in part, on council verges.

The LGA Ordinary General Meeting resolved to ask the LGA to consult with councils on whether there is support in the sector to advocate for a change to the Australian Road Rules to enable parking, wholly or in part, on council verges. The motion was put in the following terms:

that the Ordinary General Meeting requests the LGA to consult with Councils to see if there is support for the LGA to lobby DPTI to review the section of the Australian Road Rules 1999 (under the Road Traffic Act 1961 and the South Australian Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014) relating to the provision of the legal parking of vehicles on the nature strip (verge) or road related area.

The motion arose from concerns that parking on both sides of narrow streets can be a hazard which could be alleviated by the change to the road rules to enable parking on verges.

Option 1 - Amend the ARR

This option would mean that any change would apply across local government.

Some of the factors that councils may wish to consider when determining a view on this question include:

- The Australian Road Rules (ARR) are a national set of road rules designed to increase consistency of road rules across Australia (although still allowing for some state differences)
- An amendment of the ARR will apply in all council areas
- Some council verges are used by householders as an extension to their garden areas and may not welcome the change
- Councils are responsible for maintaining verges
- Allowing parking on verges could alleviate hazards on narrow roads
- Many households now own multiple vehicles and allowing parking on verges may assist in alleviating parking problems.

Option 2 - Amend the Road Traffic (Miscellaneous) Regulations 2014

This option would then enable each council to address this on their own merits and not make it a general rule across the board for every Council

Under the Road Traffic Act section 174C a Council may grant exemptions from certain provisions.

(1) A council may exempt any person, or any persons of a specified class, or any specified vehicle, or any vehicles of a specified class, from compliance within its area with a prescribed provision of this Act.

If the amendment was made under section 63(2) of the Road Traffic (Miscellaneous) Regulations 2014, then each Council could exempt as required.
s63—Prescribed provisions (sections 174A, 174B, 174C and 174D of Act)

(2) For the purposes of section 174C of the Act (Council may grant exemptions from certain provisions).

3.3.1 LGA Circular 19.4 - Parking on Council Verges - Proposal to Amend the Australian Road Rules

Some of the factors that councils may wish to consider when determining a view on this question include:

- Lack of consistency across council areas could cause difficulties for motorists
- How will the public be advised of the legality of parking on verges in each council area that permits it?
- Will councils provide signage to the effect that parking on verges is permitted on certain roads or in the council area generally?

For further information, please contact Andrea Malone (andrea.malone@lga.sa.gov.au)

ITEM	3.4.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Nominations Sought for the Premier's Climate Change Council
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Minister Hunter MLC, Minister for Climate Change, has written to the LGA requesting further nominations for a Local Government Member on the Premier's Climate Change Council (PCCC). The term will be three years commencing on the date of appointment.

RECOMMENDATION

1. The information be received.
2. _____ be nominated as an LGA member on the Premier's Climate Change Council.

ATTACHMENTS

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

1. Selection Criteria - Part A - Premier's Climate Change Council

1. BACKGROUND

- 1.1 In November 2016, nominations were called for local government representatives to the Premier's Climate Change Council (PCCC) and the City of Salisbury nominated Cr L Caruso. The Minister for Climate Change, Hon Ian Hunter MLC has written to the LGA advising that he is in the process of considering the composition of the new PCCC and has asked for additional nominations to be forwarded to help facilitate this process.
- 1.2 Those who forwarded nominations in November 2016 will not be required to re-nominate as the Minister is still considering their nominations. Council's previous nomination of Cr L Caruso, made at the time of the previous call for nominations is therefore still being considered.
- 1.3 The PCCC is established pursuant to the *Climate Change and Greenhouse Gas Emissions Reduction Act 2007*.
- 1.4 The primary function of the PCCC is to provide independent advice to the Minister about matters associated with reducing greenhouse gas emissions and adapting to climate change, including by achieving energy efficiencies, increasing the use of renewable energy, developing methods to remove greenhouse gases from the atmosphere, and establishing and achieving relevant targets.

1.5 In the performance of its functions, the PCCC should seek to:

1.5.1 Provide advice to the Minister on:

- (i) the impact of climate change on business and the wider community, and the development or implementation of policies or programs relevant to addressing climate change, including by the initiation of specific projects and plans
- (ii) the impact of the operation and implementation of this Act on business and the wider community and, as appropriate, any amendments to relevant legislation (including this Act) that, in the opinion of the PCCC, should be considered or promoted by the Minister
- (iii) costs associated with reducing or limiting climate change or greenhouse gas emissions, or with mitigating the effects of climate change or greenhouse gas emissions
- (iv) costs associated with failing to take action to address climate change
- (v) commercial or other opportunities associated with climate change or reducing or limiting greenhouse gas emissions, with mitigating the effects of climate change or greenhouse gas emissions or with increasing the use of renewable energy sources
- (vi) the effectiveness of any determination or target under section 5, and the need to revise any such determination or target
- (vii) any other matter on which the Minister requests the advice of the PCCC.

1.5.2 Take a leadership role in consulting with business, the environment and conservation movement and the wider community about issues associated with climate change and to assist in disseminating information to business and other groups in order to encourage the implementation of practices that will assist in addressing climate change or adapting to the effects of climate change..

1.5.3 The PCCC can also have other functions not defined in the Act as conferred by the Minister.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 LGA Circular 21.12 dated 25 May 2017 was emailed to Elected Members, Executive Group and relevant staff and posted on the Elected Members Portal on 25 March 2017. Council's previous nomination of Cr L Caruso, made at the time of the previous call for nominations in November 2016, is still being considered by the Minister. At the time of writing this report, Mr Andrew Legrand, Team Leader Lighting and Electrical, has registered an interest in being nominated.

2.2 External

2.2.1 Nil

3. REPORT

- 3.1.1 Appointments to the PCCC are for a period of three years, commencing on the date of the appointment. The LGA was previously represented by Ms Michelle Tucker (City of Salisbury Employee), who resigned from the position in September 2016 as a consequence of relocating interstate. The Local Government Members' position is therefore vacant, hence this call for nominations.
- 3.1.2 A member of the PCCC is entitled to fees, allowances and expenses as determined by the Minister.
- 3.1.3 The PCCC meets quarterly, in Adelaide. Meeting dates and times are to be determined after appointments to the PCCC have been made.
- 3.1.4 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or LGA Management Group, be currently serving Council Members or Council Staff.
- 3.1.5 Initially nominations addressing the selection criteria provided in PART A (attached) were to be forwarded to the LGA by COB on Friday 7 July 2017. However an amendment to the closing date was made with nominations to be received by COB 9 June 2017. The LGA was advised that this was insufficient time for a report to be presented to Council for endorsement of any further nominees.
- 3.1.6 The LGA has since advised that further nominations could be submitted by 9th June 2017 stating that they are contingent on endorsement by Council on 26th June 2017. If Council's nominee(s) were to be chosen and forwarded to the Minister and he then selected one of them, the appointment would only be confirmed once Council has endorsed the nomination.
- 3.1.7 The LGA Executive Committee will consider the nominations received at its 15 June 2017 meeting.
- 3.1.8 At the time of writing this report, Mr Andrew Legrand, Team leader Lighting and Electrical, has registered an interest in being nominated. With qualifications in Carbon Management, Andrew Legrand has experience in development of government climate change mitigation plans, greenhouse gas emissions inventory management, implementation of carbon reduction plans and experience as an energy manager.
- 3.1.9 Andrew Legrand's nomination was submitted to the LGA by the closing date Friday 9 June 2017 noting that his nomination was contingent on Council's endorsement at its meeting on 26th June 2017.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made for the Premier's Climate Change Council.
- 4.2 It should be noted that Council is not obliged to submit a nomination. Council's previous nomination of Cr L Caruso, made at the time of the previous call for nominations in November 2016, is still being considered by the Minister.

CO-ORDINATION

Officer:	Executive Group	MG	MTS
Date:	09/06/2017	26/05/2017	

Nominations to Outside Bodies**PART A**

Name of Body	Premier's Climate Change Council
Legal Status of Body	Council established under the Climate Change and Greenhouse Emissions Reduction Act 2007 (statutory body).
Summary Statement	The Premier's Climate Change Council will provide the Government with an independent stream of advice on the impacts of climate change on Local Government, business and the wider community and on the effectiveness of policy responses.

SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES

The following selection criteria must be addressed when completing Part B

Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required.
Industry Experience	Extensive knowledge and experience on environmental issues and Local Government impacts.
Board / Committee Experience	Previous experience on high level intergovernmental boards or committees.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	<ol style="list-style-type: none"> 1. An understanding of the issues and impacts associated with climate change and a commitment to addressing climate change. 2. Ability to represent and advocate for the interests of the Local Government sector as a whole.

LIABILITY AND INDEMNITY COVER

The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)

Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ECM 644760

ITEM	3.4.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Nominations Sought for the Stormwater Management Authority
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The Minister for Water and the River Murray has written to the LGA requesting nominations for three members of the Stormwater Management Authority (SMA) for a term commencing on 1 July 2017.

RECOMMENDATION

1. _____ be nominated as a Local Government Member on the Stormwater Management Authority.

ATTACHMENTS

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

1. Part A - Selection Criteria - Stormwater Management Authority

1. BACKGROUND

- 1.1 Nominations are being sought for three (3) Members for the Stormwater Management Authority. Nominations must be forwarded to the LGA by COB 30 June 2017.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Circular 20.5 dated 17 May 2017 from the LGA was posted on the Elected Members Portal and emailed to the Executive Group, Elected Members and relevant staff seeking interest. At the time of writing this report, Cr D Bryant has registered an interest in being nominated.

2.2 External

- 2.2.1 Nil

3. REPORT

- 3.1 The Stormwater Management Authority (SMA) is established pursuant to Schedule 1A of the *Local Government Act 1999* (the Act) to facilitate and co-ordinate stormwater management planning by Councils and to ensure relevant public authorities co-operate in relation to facilitating this outcome.
- 3.2 The functions of the SMA as set out in Schedule 1A of the Act are as follows:
- 3.2.1 to liaise with relevant public authorities with a view to ensuring the proper functioning of the State's stormwater management system;
 - 3.2.2 to contribute to the urban water plan for Greater Adelaide and lead the implementation of elements of that plan relating to stormwater;
 - 3.2.3 to facilitate and co-ordinate stormwater management planning by Councils;
 - 3.2.4 to formulate policies and provide information to councils in relation to stormwater management planning (including policies and information promoting the use of stormwater to further environmental objectives and address issues of sustainability including the use of stormwater for human consumption, for the maintenance of biodiversity and other appropriate purposes);
 - 3.2.5 to facilitate programs by councils promoting the use of stormwater to further environmental objectives and address issues of sustainability including the use of stormwater for human consumption, for the maintenance of biodiversity and other appropriate purposes;
 - 3.2.6 to ensure that relevant public authorities co-operate in an appropriate fashion in relation to stormwater management planning and the construction and maintenance of stormwater management works;
 - 3.2.7 to provide advice to the Minister in relation to the State's stormwater management system;
 - 3.2.8 to carry out other functions conferred on the Authority –
 - (i) under this Schedule; or
 - (ii) by the Minister with the agreement of the LGA.
- 3.3 Nominations are being sought for a number of positions on the board of the SMA:
- 3.3.1 The Presiding Member of the SMA is appointed by the Minister on the nomination from the LGA (with the agreement of the Minister). However, the LGA Board has determined that nominees for this position should **not** be currently serving local government members or officers.
 - 3.3.2 The LGA must also provide three further nominations for members of the board, one of whom must be a person who has appropriate qualifications or experience to represent the interests of regional local government.
- 3.4 The SMA comprises of a further three members appointed by the Minister.

- 3.5 A person nominated for appointment to the board must have appropriate qualifications or experience in public administration, water resources, stormwater management, mitigation of flood hazards, environmental management or infrastructure development.
- 3.6 Appointments to the SMA are for a period not exceeding three years, commencing 1 July 2017.
- 3.7 LGA-nominated persons currently on the board are Mr Stephen Hains (Presiding Member), Mayor Lorraine Rosenberg (Onkaparinga), Dr Helen Macdonald (Naracoorte Lucindale) and Mr Wally Iasiello (Port Adelaide Enfield). The incumbents' terms on the board expire on 30 June 2017 and are eligible for re-appointment.
- 3.8 Eligible members of the Stormwater Management Authority Board are entitled to sitting fees unless the member appointed is an officer or employee of a Public Authority.
- 3.9 A Public Authority is defined as:
 - a) a Minister;
 - b) an agency or instrumentality of the Crown; or
 - c) a Council or Council subsidiary.
- 3.10 Sitting fees for members of the SMA are \$12,383 per annum.
- 3.11 While actual dates and times are not available, meetings are to be held at least quarterly, with special meetings to be called as required. Recent meetings have been held at the Office of the Department of Environment, Water and Natural Resources (81-95 Waymouth Street, Adelaide).
- 3.12 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board, be currently serving Council Members or Council Staff.
- 3.13 Nominations addressing the Selection Criteria must be forwarded to the LGA by COB 30 June 2017. Due to State Government requirements all nominees must also provide an **up-to-date CV/Resume**.
- 3.14 The LGA Board will consider nominations received at its meeting on Thursday 20 July 2017.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination be made for the Stormwater Management Authority
- 4.2 It should be noted that Council is not obligated to submit a nomination.

CO-ORDINATION

Officer: Executive Group
Date: 09/06/2017

Nominations to Outside Bodies - PART A

Name of Body	Stormwater Management Authority (SMA)
Legal Status of Body	Statutory Authority
Summary Statement	The Stormwater Management Authority is established under Schedule 1A of the <i>Local Government Act 1999</i> . The Authority oversees stormwater management planning on a catchment basis including priority works and funding arrangements.
<u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	Qualifications in disciplines relevant to public administration and stormwater management would be desirable.
Industry Experience	Relevant experience in public administration and stormwater management.
Special Condition	The State Executive Committee (now the LGA Board) has determined that nominees for the position of Presiding Member for the SMA should not be a currently serving Council Member or Local Government employee.
Board / Committee Experience	Extensive experience serving on high level intergovernmental boards or committees is essential. Previous experience as a presiding member of such boards or committees is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Knowledge of current policy and funding issues associated with stormwater management and flood mitigation in South Australia. Understanding of Local and State Government decision making processes. Ability to preside over high level board meetings, provide leadership, facilitate problem solving and negotiate agreed outcomes with Local and State Government stakeholders.
<u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ECM 650182

ITEM	3.4.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Nominations Sought for the State Bushfire Coordination Committee
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Nominations are sought for a Local Government Member and Deputy Member on the State Bushfire Coordinating Committee (SBCC) for a term not exceeding three years commencing 1 July 2017.

RECOMMENDATION

1. The information be received.
2. _____ be nominated to the State Bushfire Coordination Committee.

ATTACHMENTS

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

1. Part A - Selection Criteria - State Bushfire Coordination Committee

1. BACKGROUND

- 1.1 The Minister for Emergency Services has written to the LGA requesting nominations for a Local Government Member and one Deputy Member on the State Bushfire Coordination Committee (SBCC) for a term not exceeding three years.
- 1.2 Nominations must be forwarded to the LGA by COB Wednesday 12 July 2017.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 LGA Circular 23.12, dated 8 June 2017, was emailed to Elected Members, the Executive Group and the Deputy Manager, Civil and Waste on 8 June 2017.
- 2.1.2 At the time of writing this report Cr Reardon has registered an interest in being nominated.

2.2 External

- 2.2.1 Nil

3. REPORT

- 3.1 Nominations are sought for a Local Government Member and one Deputy Member on the State Bushfire Coordinating Committee (SBCC). Nominations must be forwarded to the LGA by COB Wednesday 12 July 2017.
- 3.2 The SBCC is the peak bushfire management committee that has responsibility for all aspects of bushfire management in South Australia.
- 3.3 The *Fire and Emergency Services Act 2005* assigns the following general functions to the committee:
 - 3.3.1 to advise the Minister on bushfire prevention in the country and in designated urban bushfire risk areas;
 - 3.3.2 to advise the Minister on matters related to bushfire management;
 - 3.3.3 as far as is reasonably practicable to promote the State-wide coordination and integration of policies, practices and strategies relating to bushfire management activities;
 - 3.3.4 to provide guidance, direction and advice to bushfire management committees;
 - 3.3.5 to prepare, and to keep under review, the State Bushfire Management Plan;
 - 3.3.6 to oversee the implementation of the State Bushfire Management Plan and to report to the Minister on any failure or delay in relation to the implementation of the plan;
 - 3.3.7 to prepare, or initiate the development of, other plans, policies, practices, codes of practice or strategies to promote effective bushfire management within the State;
 - 3.3.8 to convene forums to discuss bushfire management issues, and to promote public awareness of the need to ensure proper bushfire management within the State;
 - 3.3.9 at the request of the Minister, or on its own initiative, to provide a report on any matter relevant to bushfire management.
- 3.4 Appointments to the SBCC are for a term of three years, commencing 1 July 2017. The LGA is currently represented by Cr Katherine Stanley-Murray (Alexandrina Council) as Member, and Cr John Neal (Regional Council of Goyder) as Deputy Member. Their terms on the SBCC expire on 30 June 2017, and both are eligible for re-appointment.
- 3.5 Sitting Fees of \$206 per 4 hour session are payable, plus travel expenses.
- 3.6 The SBCC meets quarterly at a metropolitan location for 2-3 hours during business hours. Future meetings are scheduled for 18 August and 20 October 2017. The meetings for 2018 will be decided at the October 2017 meeting.
- 3.7 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff.

- 3.8 Nominations addressing the Selection Criteria provided in Part A (attached) for the SBCC must be forwarded to the Local Government Association by COB Wednesday 12 July 2017.
- 3.9 The LGA Board will consider nominations received at its meeting on Thursday 20 July 2017.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made for the State Bushfire Coordinating Committee.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

CO-ORDINATION

Officer:	Executive Group	MG
Date:	09/06/2017	08/06/2017

Nominations to Outside Bodies**PART A**

Name of Body	State Bushfire Coordination Committee (SBCC)
Legal Status of Body	Committee established pursuant to s71 of the Fire and Emergency Services Act 2009
Summary Statement	The SBCC is the peak bushfire management committee that has responsibility for all aspects of bushfire management in South Australia. The LGA has a member and deputy member appointed to the Committee.

SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES

The following selection criteria must be addressed when completing Part B

Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	N/A
Industry Experience	Preferable: Volunteer fire fighter, membership on a Bushfire Management Committee, bushfire response operations, bushfire prevention planning.
Board / Committee Experience	Membership on high level intergovernmental committees. Member on Bushfire Management Committee Membership of Council or Council Committees
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Knowledge of legislation appropriate to the position. Understanding of current best practice bushfire management principles Understanding of Local Government and its relationship with the emergency services.

LIABILITY AND INDEMNITY COVER

The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)

Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ECM 637400

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
PREV REFS	
HEADING	Review of Verge Development by Residents Policy
AUTHOR	Craig Johansen, Team Leader Landscape Design, City Infrastructure
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This report presents the Verge Development by Residents Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and has had minor changes made.
RECOMMENDATION	<ol style="list-style-type: none"> 1. The Information be received. 2. The Verge Development by Residents Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.1, 19/06/2017), be endorsed.
ATTACHMENTS	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> 1. Verge Development by Residents Policy
1. BACKGROUND	<ol style="list-style-type: none"> 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years. 1.2 This Policy was last reviewed and endorsed by Council in March 2015 and is now due again for review.
2. CONSULTATION / COMMUNICATION	<ol style="list-style-type: none"> 2.1 Internal <ol style="list-style-type: none"> 2.1.1 Consultation with the Policy owner has occurred as to the continuing relevance of the Policy and any changes that may be required. 2.1.2 Field Services staff. 2.1.3 City Development staff in relation to Resources and Governance Report 3.3.1 being presented to the 19th June 2017 meeting. 2.2 External <ol style="list-style-type: none"> 2.2.1 Nil

3. REPORT

- 3.1 The Verge Development by Residents Policy has been reviewed by the Policy Owner in consultation with the internal staff.
- 3.2 With the Tree Management Policy being endorsed in April 2016, the Verge Development Guidelines now reference this policy rather than the superseded Streetscape Renewal Policy.
- 3.3 With the recent changes to the verge mowing contract approved by Council earlier this year, references to the frequency and duration of this work on the verge have changed and are reflected in the Verge Development Guidelines document which supports the policy, see attached.

4. CONCLUSION / PROPOSAL

- 4.1 The Verge Development by Residents Policy as contained within Attachment 1 as amended is presented to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 09/06/2017



Verge Development by Residents Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2010/2261, 2011/327, 2013/1700
Approval Date:		Last Reapproval Date:	23 March 2015
Review Date:	23 March 2017	Internal Reference No.:	
Department:	City Infrastructure	Division:	Technical Services
Function:	14 - Infrastructure	Responsible Officer:	Manager, Technical Services

A - PREAMBLE

- Many residents prefer to manage the Council owned area in front of their residence to a different standard to the service level provided by the City of Salisbury. Primarily this is done to enhance the visual appeal of the property by managing their front garden in continuity from their front door to the road or street. Council continues to maintain the verge where residents choose not to or are unable to maintain the verge themselves.

B - SCOPE

- This policy applies to the verge area that is common throughout the City of Salisbury, between the kerb and a property boundary.

C – POLICY PURPOSE/OBJECTIVES

- This policy provides residents with information on the kinds of verge development that are appropriate in the City of Salisbury.

D - DEFINITIONS

Verge – The strip of Council owned land between the kerb and the property boundary.

E - POLICY STATEMENT

- Residents are encouraged to develop and maintain the verge area between their property boundaries and the kerbing, having regard to the provisions of any relevant By-Law. However, in order to ensure public, Council and Service Authority rights over the area, the form of development permitted by council is restricted.
- The *Local Government Act 1999* requires that all private development on the verge has Council approval.
- Details of permissible development, and application procedures, are given in the Verge Development Guidelines, as adopted by Council and amended from time to time.
- In approving a verge development, the following will be taken into consideration
 - the safety of pedestrians,

2. access of pedestrians to the verge and footpath,
3. access to services that may occupy the verge area; and
4. existing verge development and vegetation.
5. Approval for development will be given for those types of development that do not:
 1. prevent any pedestrian from walking along the verge area in preference to walking on the roadway, regardless of whether a footpath has been constructed;
 2. prevents Council or any Service Authority from installing new services or maintaining existing services;
 3. prevents Council from planting a street tree.
6. Where a resident develops the verge, the responsibility for ongoing maintenance rests with the resident. The development may be removed by Council where adequate maintenance is not carried out.

F - LEGISLATION

1. *Local Government Act 1999*
2. *Electricity Act 1996*

G - REFERENCES

H - ASSOCIATED PROCEDURES

1. Verge Development Guidelines, City of Salisbury (Attachment 1)

Document Control

Document ID	Verge Development by Residents Policy
Prepared by	Craig Johansen
Release	4.00
Document Status	Approved
Date Printed	09/05/2017

Attachment 1

VERGE DEVELOPMENT GUIDELINES**Verge Development by Property owners****1. GENERAL**

Many property owners prefer to manage the Council owned area in front of their residences to a different standard than the service level provided by the City of Salisbury. Primarily this is undertaken to enhance the visual appeal of the property by managing their front garden in continuity from their front door to the road or street. The strip of Council owned land between the kerb and the property boundary is known as the 'VERGE'.

Verge developments permitted by the City of Salisbury are approved according to these guidelines, to ensure public safety. This includes safe pedestrian access for all members of the community and the maintenance of safe sight lines for traffic movement which enable property access.

Where property owners choose not to or are unable to maintain the verge adjacent to their property,

Council will service this area to the following standards:

- Council will ensure the verge surface is even and free of potholes and depressions or mounds that may present a trip hazard to pedestrians.
- Council will treat any verges where proclaimed pest plants have been identified. A common pest plant found on residential verges is caltrop, which will be treated on both a programmed and reactive basis.
- Turf treated verges (excluding areas subject to an encumbrance for verge maintenance) will be cut to height of 80mm and edged on a six-week cycle between February and December. (This is a grass reduction service not a lawn mowing service.) Council will not cut or edge a verge where it is maintained in compliance with the above height specification.
- Grass clippings are not collected and removed from the verge, but are blown off the footpath to ensure safe access for pedestrians and any grass clippings deposited on the road or gutter are collected by the streetsweeper within 24 hours of grass cutting.

Council will not subsidise or assist with the development of verges in any other form or manner.

Service Authorities have access and rights over this portion of the road reserve, in line with agreements with Council. The verge area may be occupied (above or below the ground) by the following;

- Electricity underground/overhead wiring, pits and poles
- Telecommunications wiring, pits and poles
- Gas mains
- Water mains and connections
- Sewer mains and connections
- City of Salisbury stormwater drainage systems (including the concrete kerbing)
- City of Salisbury footpath
- City of Salisbury street furniture, signage, bus shelters and street trees
- Australia Post mail delivery corridor

2. DEVELOPMENT

The Local Government Act 1999 requires that all private development of the verge has Council approval.

Property owners may develop their verge areas, provided the type or form of development maintains the following;

- 2.1 Pedestrian access along the verge area in preference to walking on the roadway, regardless of whether a footpath has been constructed or not.
- 2.2 Traffic sight line distances
- 2.3 Service Authority and Council access for installation of new services and maintaining services.
- 2.4 Provision or allowance is made for a Council Street Tree/s as per the City of Salisbury Tree Management Policy.
- 2.5 Where a property owner develops the verge, the responsibility for ongoing maintenance rests with the property owner. The development may be removed where adequate maintenance is not carried out (refer to the Verge Development Application Form provided with this document).

3. VERGE TREATMENTS

The following verge treatments are PERMITTED, providing they are permeable to water and are suitable for safe pedestrian access;

- 3.1 Mulch
- 3.2 Rubble/gravel (not compacted)
- 3.3 Low plants (maximum 500mm height). Refer to Section 4 Planting.
- 3.4 Permeable paving (to be constructed to Council's standards and manufacturers specifications)
- 3.5 Synthetic turf (to manufacturer's specifications and Council approval). Refer to Section 5 Synthetic Turf.
- 3.6 Turf (irrigated and unirrigated). Refer to Section 7 Irrigation Systems.

The following verge treatments are NOT PERMITTED, as they are not permeable to water and/or are not suitable for safe pedestrian access;

- 3.7 Raised edging or items which may obstruct pedestrian movement. Refer to Section 6 Solid Construction.
- 3.8 Plants that cannot be maintained to a maximum height of 500mm
- 3.9 Plants with spines and/or thorns. Refer to Section 4 Planting.
- 3.10 Concrete and pavers (except for driveway crossovers and footpaths, where written approval is required). Refer to Section 10 Footpath Constructed by Property Owners.
- 3.11 Fully impervious membrane under mulch (such as black plastic). Weed matting that allows exchange of air and water is a permitted treatment
- 3.12 Chemically sterilised treatments.

4. PLANTING

Planting is to be maintained to a maximum height of 500mm, with the exception of Council managed street trees. All planting must consider the needs and conditions of Council and various Service Authorities as well as the requirement to ensure clear pedestrian access along the verge area. For more information on plant species selection, please contact the Landscape Design Office on 8406 8222. The streetscape is an important part of community open space and the co-ordination of plantings is an important aspect of Council works. If no street trees are present, provision must be made for the future planting of trees on all property frontages. Existing street trees will not be removed for verge development works, and all verge development must accommodate existing street trees. Please refer to Council's Tree Management Policy for more information.

5. SYNTHETIC TURF

Where a property owner desires to install a synthetic/artificial turf treatment to the verge, it is to be with a product and in a manner that complies with the following conditions;

- A pile length of between 25-40mm with a sand or rubber particle infill, to ensure the pile remains upright.
- To comprise of bicolour filaments/tufts.
- To be installed as per manufacturers' specifications, ensuring that any excavation does not damage Council infrastructure eg. footpath, kerb and gutter, or street trees.
- The finished surface level of the product is to be flush with adjacent levels, limiting potential trip hazards.
- The ground fixing method does not pose any public safety or trip hazard concerns.
- The base construction and chosen product is permeable by water and where a street tree exists the finished surface is to grade towards the tree.
- Dial Before You Dig service location search is undertaken, to minimise disruption to service authorities infrastructure.

6. SOLID CONSTRUCTION

Public safety is Council's highest priority and therefore Council does not permit structures such as fences, walls and letterboxes within the verge area. Australia Post also requires all letterboxes to be located on the property boundary.

7. IRRIGATION SYSTEMS

Property owners may install below-ground irrigation systems (including pop-up sprinklers, below ground drippers and 'leaky-pipe' systems) provided the property owner accepts all responsibility for all on going repairs and maintenance.

The location of sprinklers should be near the back of the concrete kerb with at least 100mm of clearance to allow for mechanical edging of the concrete kerb without damage to the irrigation system.

8. REINSTATEMENT

When any development of a verge is altered or removed by the activity of a Service Authority, reinstatement will be subject to negotiation between the property owner and that Service Authority. Where a Council activity or operation alters or removes a conforming verge development, Council will endeavour to restore the verge to a reasonable standard.

9. FOOTPATH CONSTRUCTION

Any development of a verge without an existing concrete or block paver footpath must allow for the possible future construction of a footpath by Council.

10. FOOTPATH CONSTRUCTION BY PROPERTY OWNERS

Where a property owner desires as part of a verge development to construct a paved footpath (where no paved footpath exists on adjoining verges) its location within the verge and the materials used for its construction shall be to Council specification with written approval required. Such construction shall be at the property owner's cost.

Footpaths constructed by a property owner shall be maintained by the property owner, in a safe and trafficable condition at all times.

11. PROCEDURE FOR WRITTEN APPROVAL

- Read through the Verge Development Policy and Guidelines and if further information is required please contact the Landscape Design Office on 8406 8222.
- Complete the attached Verge Development Application Form, ensuring that a sketch plan of the proposed development is attached.
- Applications may only be submitted by Property Owners. Tenants wishing to develop the verge area are to consult with the property owner.
- The application will be assessed taking into account the suitability and safety of the community.
- Council will then approve the application in writing, notifying the applicant of any alterations that may be required. This documentation will be recorded for future reference.
- Once the works are undertaken, the maintenance of the verge will be the sole responsibility of the property owner.
- If the condition of the verge is altered in any way, other than the approved development, Council must be notified as soon as possible.
- Applications will be considered on a case-by-case basis, with regard to the overall streetscape.

12. REMOVAL OR MODIFICATION OF EXISTING DEVELOPMENT

Where any verge has been developed (either before the adoption of these guidelines or following its adoption) in a manner contrary to these guidelines and Council considers that the verge development could cause or is causing a hazard or obstruction to the public or Service Authority, then Council shall require the development to be removed or modified to Council's satisfaction. Any such removal or modification shall be at cost to the property owner except where Council deems otherwise.

13. FURTHER INFORMATION

For more information regarding verge development please contact the Landscape Design Office on 8406 8222.

VERGE DEVELOPMENT APPLICATION

ATTENTION:

Landscape Design Office, City of Salisbury

Please Post to:
City of Salisbury
PO Box 8, Salisbury
South Australia 5108

Please email to:
city@salisbury.sa.gov.au



Name of Property Owner/s:

I hereby apply for permission to develop the verge area of the property I own:

Property Address: Post Code:

Mailing Address (if different from above): Post Code:

Telephone Home: Other:

Intent of Works (detailed description of the proposed works, plant species and materials to be used):

I have read and agree to the attached terms and conditions (see over) for the development and maintenance of the verge area, to which all works will comply with the City of Salisbury Verge Development Policy and Guidelines and will commence following written approval from Council.

Signature of Property Owner/s:

Date:

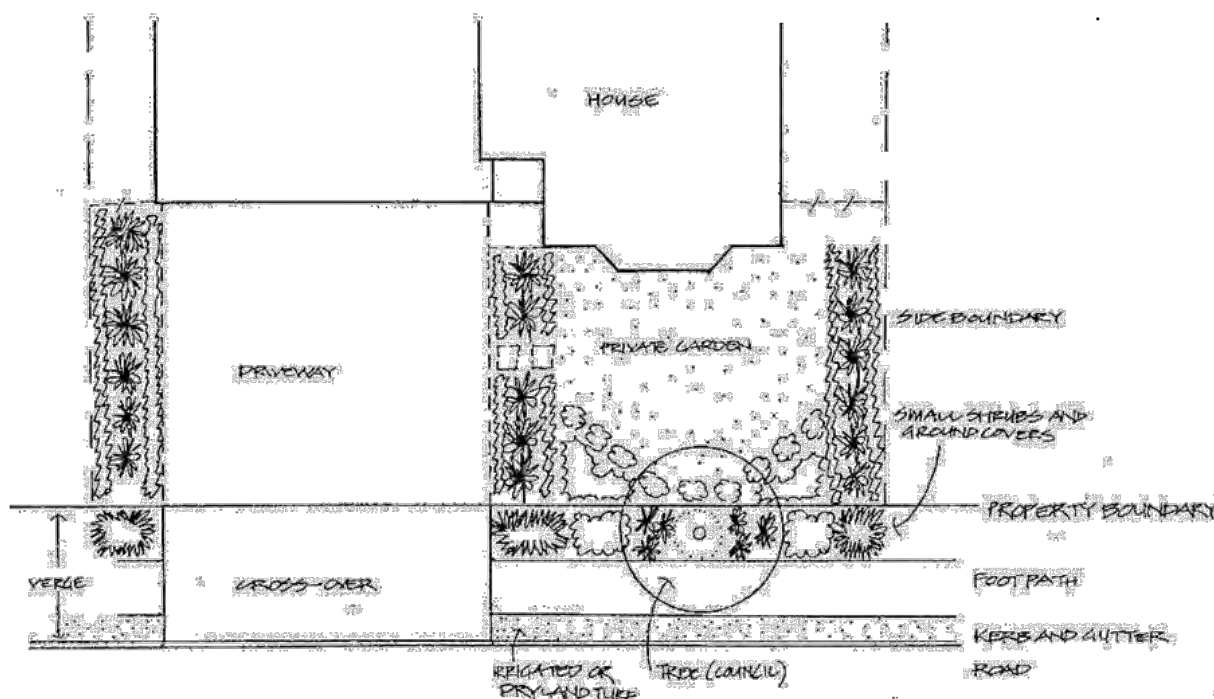
Space provided below for labelled plan of the proposed works: (See example over page)

Verge Development Terms and Conditions

The applicant agrees to the following:

1. To provide a plan illustrating the proposed verge development (see below for example).
2. To ensure that works within the verge result in an even surface.
3. To ensure that development does not cause interference to or cause loss of view to:
 - a. Pedestrian movement across the verge area.
 - b. Motorists entering streets from private property or adjoining streets and intersections.
4. To indemnify Council against all actions/claims whatsoever for bodily injury and/or damage to property arising out of the development and/or maintenance of the verge (excluding works undertaken by Council).
5. If the condition of the verge is altered in any other way than the approved development, Council must be notified as soon as possible.
6. To accept full responsibility for the maintenance of the verge. In the event the verge is not maintained to the satisfaction of the Council, to pay for all costs associated with the verge removal.

An example of a Verge Development Plan (not to scale):



ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Review of Sports Club Directional Signage on Council Reserves Policy
AUTHOR	Dameon Roy, Manager Technical Services, City Infrastructure
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Sports Club Directional Signage on Council Reserves Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and no changes are required.

RECOMMENDATION

1. The Information be received
2. The Sports Club Directional Signage on Council Reserves Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.2, 19/06/2017), be endorsed.

ATTACHMENTS

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

1. Sports Club Directional Signage on Council Reserves Policy

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 This Policy was last reviewed and endorsed by Council in April 2015 and is now due again for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with the Manager Technical Services has occurred as to the continuing relevance of the Policy and any changes that may be required.
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 The Sports Club Directional Signage on Council Reserves Policy has been reviewed by the Policy Owner. No changes of substance are required in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Sports Club Directional Signage on Council Reserves Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 09/06/2017



Sports Club Directional Signage on Council Reserves Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	1655, 2011/522, 2014/2535, 2015/0373
Approval Date:	25 July 2005	Most Recent Approval:	25 May 2015
Review Date:	25 May 2017	Internal Reference No.:	
Department:	City Infrastructure	Division:	Technical Services
Function:	14 - Infrastructure	Responsible Officer:	Manager, Technical Services

A - PREAMBLE

1. Council receives several requests a year from various licensed sports clubs to install directional signage on Council Reserves. This policy sets out the type of signs that can be used to ensure both consistency and compliance with the relevant codes.
2. The Community Wayfinder sign complies with Australian Signage standards and is easily changed if a club relocates or changes its name.
3. This type of Community Wayfinder sign is consistent with City wide format agreed to in the City Marketing Plan.

B - SCOPE

1. This policy applies to all Council licensed sports clubs' directional signs on Council Reserves

C – POLICY PURPOSE/OBJECTIVES

1. To provide for consistent sports club identification signs on City reserves. This policy also allocates the responsibility for costs associated with installing the signs.

D - DEFINITIONS

1. **Community Wayfinder** – a sign that points visitors in the direction of clubrooms.
2. **The Community Wayfinder sign** - consists of a minimum 2.5 meter, 60mm OD galvanised support post colour Blue, which is secured into the ground by a wizard spike sleeve. The 200mm Community Wayfinder sign blade has the City logo nearest the post and the directional information lettering made from reflective white sheeting on a on a blue mask panel overlay.

E - POLICY STATEMENT

1. Where appropriate, a Community Wayfinder sign that complies to Australian Standards can be installed on Council's verges and reserves.
2. The installation of a Community Wayfinder sign will be at the total cost to the requesting club.

3.6.2 Sports Club Directional Signage on Council Reserves Policy

3. The location of the sign is to be approved by the responsible officer to ensure compliance with traffic management and location of essential services issues.
4. The Community Wayfinder sign will be installed on the verge area to comply with setback requirements as defined in [Australian Standard 1742.5 – 1997](#) - *Manual for uniform traffic control devices (Part 5 Street name and community facility name signs)*.

G - REFERENCES

1. This Community Wayfinder signage specifications for fabrication and installation requirements are described within Contract No 05 CM 02 & CM 3 - CORPORATE STREET AND SUBURB SIGNAGE (Fabrication and Installation)
2. [Australian Standard 1742.5 – 1997](#) - *Manual for uniform traffic control devices (Part 5 Street name and community facility name signs)*

H - ASSOCIATED PROCEDURES

1. City of Salisbury Style Guide – last updated 14 December 2010.

1. Document Control

2. Document ID	3. Sports Club Directional Signage on Council Reserves Policy
4. Prepared by	5. Dameon Roy
6. Release	7. 4.0
8. Document Status	9. Endorsed
10. Issue Date	11.

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Review of Salisbury Water Flow Restrictions Policy for Residential Customers
AUTHOR	Roseanne Irvine, Salisbury Water Administration Coordinator, Business Excellence
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Salisbury Water Flow Restrictions Policy for Residential Customers to Council for consideration and endorsement. The Policy has been reviewed by Salisbury Water Business Unit staff and no changes are required.

RECOMMENDATION

1. The information be received
2. The Salisbury Water Flow Restrictions Policy for Residential Customers as set out in Attachment 1 to this report be endorsed.

ATTACHMENTS

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

1. Salisbury Water Flow Restriction Policy for Residential Customers

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 This Policy was last reviewed and endorsed by Council in May 2015 and is now due for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with staff as to the continuing relevance of the Policy and any changes that may be required.
- 2.2 External
 - 2.2.1 Nil

3. REPORT

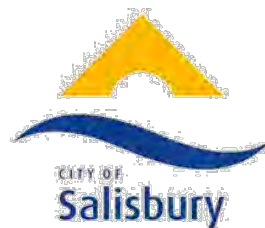
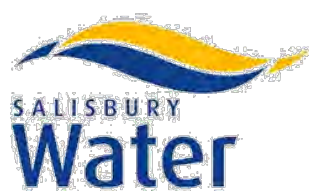
- 3.1 The Salisbury Water Flow Restrictions Policy for Residential Customers has been reviewed by the Salisbury Water Business Unit who is the Policy Owner. No changes of substance are required in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Salisbury Water Restrictions Policy for Residential Customers as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 09/06/2017



Salisbury Water Flow Restriction Policy for Residential Customers

Policy Type:	Policy		
Approved By:	Council	Decision No:	2014/2541, 2015/0371
Approval Date:	28 July 2014	Last Reapproval Date:	25 May 2018
Review Date:	25 May 2019	Internal Reference No.:	
Department:	Business Excellence	Division:	Salisbury Water Business Unit
Function:	7 - Financial Management	Responsible Officer:	Manager, Salisbury Water

A - PREAMBLE

1. This policy provides clear direction to staff, management and Council in relation to the recovery of outstanding Salisbury Water residential water charges through the restriction of water supply in accordance with the Council's Water Industry Retail Licence.
2. A flow restrictor is a device that can limit water flow to a property, typically an orifice plate inserted at the supply meter. The Council proposes to use restrictors to limit the flow of water to a nominal 0.4 litres per minute thus allowing residents to still meet basic hygiene for toilet flushing but limiting the 'usability' of the supply for other purposes.

B – POLICY PURPOSE/OBJECTIVES

1. This policy applies to residential customers who receive Salisbury Water from the City of Salisbury's Water Business Unit who meet the criteria for non-payment of Salisbury Water accounts as per Clause D1.
2. This policy provides clear direction to those Council officers who are responsible for managing the recovery of outstanding Salisbury Water residential water charges and the criteria to be applied for the installation of a water flow restriction device.

C - DEFINITIONS

1. "*Salisbury Water Business Unit*" is a business unit of the City of Salisbury ('the Council').
2. "*Salisbury Water*" is the term used for Council's fit-for-purpose recycled water supply.

D - POLICY STATEMENT

1. Criteria for Flow Restriction

- 1.1. A residential customer ~~will~~may have a water flow restriction device installed when their water account has a minimum outstanding balance of \$200.00 or has been in arrears for 4 consecutive quarters.
- 1.2. A water flow restriction device will only be installed in accordance with the procedures outlined in the following Clauses D2 to D8.

2. Councils Ability to Restrict a Residential Water Service

2.1. The Council may arrange for the restriction of the supply of Salisbury Water to a residential customer where the residential customer has:

- a) not paid a bill or bills by the due date;
- b) not agreed to another payment option to pay a bill;
- c) not adhered to the residential customers obligations to make payments in accordance with the payment options in relation to the payment of bills in Clause E2; and
- d) not complied with the terms of Council's Residential Customer Hardship Policy, resulting in the residential customer being removed from that program.

3. Councils Obligations Prior to Restricting a Residential Water Service

3.1. Before restricting supply of Salisbury Water to a residential customer for failure to pay a bill or bills, the Council will:

- a) Use its **best endeavours** to contact the residential customer personally either by:
 - Telephone
 - Mail
 - Electronic mail
 - Visiting the property, or
 - Any other method approved or required by the Commission (ESCOSA) from time to time.
- b) Give the residential customer information about the terms of its Residential Customer Hardship Policy and assess the residential customer's eligibility for participation in the hardship program;
- c) Give the customer a reminder notice in writing;
- d) After the expiry of the period referred to in the reminder notice, give the residential customer a written "Notice of Intention to Restrict" with 7 business days' notice of its intention to install the restriction; and
- e) Advise the residential customer of the existence and operation of Councils external dispute resolution body or industry ombudsman (whichever is applicable at the time).

4. Prohibition on Residential Water Flow Restriction

4.1. In the following instances, the Council must not arrange for the supply of a residential customers water service to be restricted:

- a) where supply to the residential customer is in accordance with the terms of the Residential Customer Hardship Policy and the residential customer is adhering to those requirements,
- b) for non-payment of a bill where the amount is less than an amount approved by the Commission and the residential customer has agreed with Council to repay that amount,
- c) where the residential customer or a person residing at the residential customers supply address has advised the Council that the person ordinarily residing at the supply address is dependent on life support equipment.

- d) where a residential customer has made a complaint, directly related to the reason for the proposed flow restriction, to the industry ombudsman or another external dispute resolution body and the complaint remains unresolved,
- e) Where the residential customer is the landlord, and the supply address is occupied by a tenant and the tenant has:
 - Provided acceptable evidence (such as an executed tenancy agreement, proof of rental receipts or other bills for goods and services) demonstrating the tenant's residence at the supply address; and
 - Satisfied its payment obligations (if any) in respect of the retail service in accordance with the terms of the relevant tenancy agreement

5. Flow Restriction Procedures

5.1. The Council will recover outstanding residential water usage charges through the restriction of water supply by following the procedure below:

a) Initial invoice

- Issued by the Salisbury Water Business Unit at end of billing quarter.
- Allow the customer 30 days to make payment/arrangements.

b) Final Notice

- Issued by a Financial Officer 7-10 days after the due date.
- The final notice is to include a copy of the initial notice, including
 - advisement that failure to pay will result in restriction of flow
 - costs associated with the installation of a flow restrictor will be charged to the customer's account.

c) Notice of Intention to Restrict Flow (minimum outstanding balance \$200 or 4 quarters in arrears).

- Subject to satisfying Council's obligations under Clause D1, the Salisbury Water Business Unit will attempt to make direct 'face to face' contact, issue a written reminder notice (as per section 7) followed by a "Notice of Intention to Restrict", nominally 7 days from the date of the Final Notice issued by the Financial Officer.
- The Notice of Intention to Restrict must contain the following information:
 - Date of issue;
 - The matter giving the rise to the potential restriction;
 - Where the notice has been issued for not paying a bill, state the date on which the restriction warning notice period ends and state that the payment of the bill must be made during the restriction warning notice period;
 - Informs the customer of applicable restoration procedures and charge that will be imposed;
 - Includes details of Councils telephone number and website for complaints, and disputes; and
 - Includes details of the existence and operation of Councils external dispute resolution body or the industry ombudsman scheme (whichever is applicable).
- The notice is to be delivered via Registered Mail or Hand Delivered. Copies to be provided to the Salisbury Water Business Unit Technical Officer.

- Flow restriction will only be avoided if the balance of the account is paid in full or arrangements to pay have been agreed to by Council or other criteria as detailed in Clause D4 are met.
- All correspondence shall be registered in Pathway / Dataworks.

d) Flow Restriction Installation

- Restrictor to be installed on the existing purple recycled water meter.
- The restrictor will not be installed:
 - after 3.00pm on a business day
 - on a Friday, on a weekend, on a public holiday or on the day before a public holiday, except in the case of a planned interruption; or
 - if it is a day of total fire ban declared by a relevant authority in the area in which the supply address is located.
- Two water staff members are to be present at each installation
- Only 0.4 litres per minute restrictors are to be utilised.
- An “installation of flow restrictor fee” will be charged to the customer’s account in accordance with Council’s Fees and Charges.

e) Flow Restrictor Removal

- The removal of the flow restrictor will take place after the balance of the account is paid in full or an agreed payment scheme has been negotiated with Council or other Clause D4 criteria come into effect.
- The removal of the flow restrictor will take place as soon as possible but within 2 working days from clearance of funds.
- Restrictors will be removed during normal working hours, unless otherwise instructed by the Manager Salisbury Water.

f) Legal Action

- Legal action will only be taken in accordance with the Councils debt recovery procedures.

6. Full Disconnection from Salisbury Water Supply

- 6.1. In accordance with the Water Retail Code – Minor and Intermediate Retailers, the Council must not arrange for the full disconnection of supply of a water service to a customer’s supply address for non-payment of bills.
- 6.2. Permitted disconnections are only permitted if:
 - a) a customer has requested the disconnection;
 - b) a customer has used the retail service illegally; or
 - c) a customer has refused entry to Council staff for the purposes of meter reading or other purposes consistent with carrying out duties in accordance with the applicable regulatory instruments.

Clause D4 Prohibition clauses still apply in all cases.

- 6.3. The disconnection fee will be in accordance with the Councils Fees & Charges.

7. Recovery of Outstanding Balances after Installation of a Flow Restrictor or Disconnection

- 7.1. Following installation of a flow restrictor or disconnection of supply, the Council may

without further notice commence proceedings for recovery of all amounts due. Recovery proceedings available to Council include:

- a) Proceedings in any court of competent jurisdiction
- b) Such other legal processes as deemed appropriate by Council.

8. Reconnection to Salisbury Water Supply

- 8.1. Should a customer wish to be reconnected to Salisbury's Water Supply (eg. change of ownership), then reconnection will be at the owners cost.

E - LEGISLATION

1. City of Salisbury Water Industry Retail License (Minor Retailer);
2. Water Retail Code – Minor & Intermediate Retailers (WRC-MIR/~~0402~~)
3. Water Industry Act 2012 (SA);
4. Essential Services Commission Act 2002 (SA);
5. Local Government Act, 1999.

Document Control

Document ID	Salisbury Water Flow Restriction Policy for Residential Customers
Prepared by	Roseanne Irvine
Release	23.00
Document Status	Endorsed
Date Printed	

ITEM	3.6.4
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
PREV REFS	Resources and Governance 3.6.3 Committee 18/05/2015
HEADING	Review of Undergrounding of Power Cables Policy
AUTHOR	Dameon Roy, Manager Technical Services, City Infrastructure
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Undergrounding of Power Cables Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and no changes are required.

RECOMMENDATION

1. The information be received.
2. The Undergrounding of Power Cables Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.4, 19/06/2017), be endorsed.

ATTACHMENTS

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

1. Undergrounding of Power Cables Policy

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 This Policy was last reviewed and endorsed by Council in May 2015 and is now due again for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with the Manager Technical Services has occurred as to the continuing relevance of the Policy and any changes that may be required.
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 The Undergrounding of Power Cables Policy has been reviewed by the Policy Owner. No changes of substance are required in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Undergrounding of Power Cables Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 09/06/2017



Undergrounding of Power Cables Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	Min 1825, 2011/522, 2014/2535, 2015/0372
Approval Date:	24 October 2005	Most Recent Approval:	25 May 2015
Review Date:	25 May 2017	Internal Reference No.:	
Department:	City Infrastructure	Division:	Technical Services
Function:	14 - Infrastructure	Responsible Officer:	Manager, Technical Services

A - PREAMBLE

1. The undergrounding of power cables otherwise known as Power Line Environment Committee (PLEC) Schemes are designed to assist Council in both its objectives of ensuring safe and aesthetically pleasing environments, in relation to existing infrastructure.

B - SCOPE

1. This policy sets out the philosophy and criteria to be met in developing projects for the undergrounding of power cables. It applies particularly to areas where existing infrastructure is above ground. Where new developments are concerned there is a separate set of guidelines that determine the manner in which power and lighting is provided that automatically incorporates the principles of safety and aesthetics.

C – POLICY PURPOSE/OBJECTIVES

1. This policy aims to ensure that the development of PLEC Schemes meet with the appropriate criteria and Council's objectives of safety and aesthetics.

D - DEFINITIONS

1. **PLEC** – Power Line Environment Committee, established by the State Government.

E - POLICY STATEMENT

1. Council endorses the undergrounding of overhead mains cables to improve the aesthetics of our streetscapes and reduce the impact on landscaping.
2. Projects for the undergrounding of power may be developed upon the following criteria:
 - (a) the size and characteristics of the community benefit;
 - (b) the significance of the route, such as for tourism, heritage or its symbolic value (eg 'Gateway');
 - (c) other significant factors such as proximity to previous PLEC projects or part of a staged development;

3.6.4 Undergrounding of Power Cables Policy

- (d) minimising the impact of power lines on significant trees, landscaped features or structures and
- (e) the relationship with proposals for the reconstruction of carriageways.

F - LEGISLATION

1. *Electricity Act 1996*

G - REFERENCES

1. [Power Line Environment Committee Project Guidelines \(5 June 2010\)](#)

12. Document Control

13. Document ID	14. Undergrounding of Power Cables Policy
15. Prepared by	16. Dameon Roy
17. Release	18. 4.0
19. Document Status	20. Endorsed
21. Issue Date	22.

ITEM	3.6.5
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Review of Local Government Act Order Making Policy
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Draft Local Government Act Order Making Policy to Council for consideration. The Policy has been reviewed by the Policy Owner and the amendments made reflect legislative amendments to the Local Government Act as well as those made as a result of the introduction of the Local Nuisance and Litter Control Act. In addition the policy has been amended to include Section 216 - Power to order owner of private road to carry out specified roadwork and Section 218 - Power to require owner of adjoining land to carry out specified work. As a result of these additions, the Policy is presented for Council endorsement for the purposes of Public Consultation as per the requirements of Section 259(2) of the Local Government Act.

RECOMMENDATION

1. The Information be received.
2. The Draft Local Government Act Order Making Policy as set out in Attachment 1 to this report, (Item No. 3.6.5 Resources and Governance Committee, 19/06/2017), be endorsed.

ATTACHMENTS

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

1. Local Government Act - Order Making Policy Reviewed June 2017 DRAFT
2. Local Government Act - Order Making Policy Reviewed June 2017 DRAFT - Marked up with changes

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed every two years.

- 1.2 The review of the Local Government Act Order Making Policy as set out in Attachment 1 was deferred for the implementation of the Local Nuisance and Litter Control Act as the implementation of the nuisance provisions of the Act included amendments to the Local Government Act.
- 1.3 In addition to these amendments, there were previous legislative amendments affecting the Act and order making provisions and as part of consultation, it was identified that any orders issued under Section 216 and 218 of the Local Government Act were also subject to the provisions of the Order Making Policy.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Governance Coordinator
 - 2.1.2 Manager Field Services, City Infrastructure
 - 2.1.3 Team Leader Landscape Design, City Infrastructure
 - 2.1.4 Manager Technical Services, City Infrastructure
 - 2.1.5 Manager Development Services, City Development
 - 2.1.6 Principal Development Engineer, City Development
- 2.2 External
 - 2.2.1 Council Legal representatives

3. REPORT

- 3.1 The Local Government Act Order Making Policy has been reviewed, and there have been changes brought about by the legislative amendments and also as a result of the Local Nuisance and Litter Control Act.
- 3.2 The amendments have resulted in the deletion of Section 299 and also the deletion of a large portion of the Section 254 of the Local Government Act which is no longer relevant.
- 3.3 These changes, whilst appearing major are not considered to affect the operations of Section 254 only impacting on the areas that can be addressed. As a result of the amendments items 1 and 3 of the table specifying areas that can be addressed by the policy were deleted. These were:
 - 3.3.1 Unsightly condition of land – requiring someone to take action considered by the council to be necessary to ameliorate an unsightly condition; and
 - 3.3.2 Animals that may cause a nuisance or hazard – requiring someone to do or to refrain from doing the thing specified in the order in order to abate a nuisance or a hazard to health or safety associated with a live or dead animal or animals, or otherwise to deal with an animal or animals.

- 3.4 Both of these two areas have been included in the Local Nuisance and Litter Control Act and under the definition of a local nuisance. The Act states that:
- 3.4.1 A local nuisance is any adverse effect on an *amenity value** of an area that is caused by, the following:
- animals, whether dead or alive;
 - unsightly conditions, of a kind declared by Schedule 1, on premises caused by human activity or a failure to act. Declared conditions include:
 - excessive or unconstrained rubbish, waste or vegetation;
 - stockpiled, excessive or unconstrained disused or derelict items or material that a reasonable person would consider to be rubbish or waste in the circumstances;
 - graffiti (other than authorised graffiti) that has been left on the premises; and
 - conditions involving a building on the premises having been left partially demolished or in a state of disrepair, dilapidation or damage.
- 3.4.2 and unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area;
- **amenity value* of an area includes any quality or condition of the area that conduces to its enjoyment
- 3.5 In addition to the above changes, the policy has been amended to include Section 216 and 218 of the Local Government Act as both these sections provide for Council to issue orders. Orders for these sections must be issued and made in accordance with the provisions of the order making powers applicable under the Act and also covered in the order making policy.
- 3.5.1 Section 216 refers to power to order an owner of a private road to carry out specified roadwork to repair or improve the road.
- 3.5.2 Section 218 refers to the power to require an owner of adjoining land to carry out specified work to construct, remove or repair a crossing place from the road to the land.
- 3.6 As a result of the legislative amendments the changes to the policy are not considered to be operationally significant and the amendments are deemed to be minor. However legal advice provided stated that the inclusion of Section 216 and 218 within this policy requires that the Policy be subjected to the Public Consultation process required under the provisions of Section 259(2) of the Local Government Act.
- 3.7 The public consultation process requires that notice be given in a newspaper circulating in the area of the council that the Draft Policy is available for inspection (in the office and online) and interested persons are invited to make written representations on the draft for a period of at least 4 weeks.

4. CONCLUSION / PROPOSAL

- 4.1 The Draft Local Government Act – Order Making Policy as contained within Attachment 1 is recommended to Council for endorsement for purposes of Public Consultation as per the requirements of Section 259(2) of the Local Government Act.
- 4.2 Staff will undertake the necessary administrative procedures required for public consultation as per Section 259(2) of the Local Government Act.
- 4.3 At the conclusion of the consultation the draft policy will be reviewed pending any submissions and presented to Council with or without amendments for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 09.06.17



DRAFT Local Government Act - Order Making Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2073, 2008/1314, 2011/469, 2013/1754
Approval Date:	24 April 2006	Most Recent Approval:	TBD
Review Date:	26 June 2017	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health & Safety
Function:	5 - Environmental Management	Responsible Officer:	Manager, Environmental Health & Safety

A - PREAMBLE

Power to Make Orders

1. The *Local Government Act 1999* requires the Council to prepare and adopt a policy for the operation of its order-making power. The policy is subject to public consultation, review and evaluation.
2. This Policy will apply to the matters set out in the *Local Government Act 1999* including:
 - a. Section 254 which empowers the Council to order a person to do or refrain from doing a thing under certain circumstances, namely:
 - i. Prevent or eliminate hazards on lands adjoining a public place
 - ii. Prevent the inappropriate use of vehicle (as a place of habitation).
 - b. Section 216 which empowers the Council to order the owner of a private road to carry out specified roadwork to repair or improve the road.
 - c. Section 218 which empowers the Council to order the owner of adjoining land to carry out specified work to construct, remove or repair a crossing place from the road to the land.
3. This Policy does not apply to other circumstances provided for in the *Local Government Act 1999* and other South Australian Legislation that specifically empower the Council to make orders, when appropriate and as the need arises.
4. The exercise of the Council's order-making power, in accordance with this Policy and relevant statutes, co-exists with the Council's other regulatory powers. For example, the Council has power to make and enforce by-laws in certain circumstances and to enforce compliance with the requirements of the *Local Government Act 1999* and a range of other legislation.
5. This policy is also to be read in conjunction with Councils Enforcement Policy.

B - SCOPE

1. This policy applies to all owners or occupiers of lands within the City of Salisbury Council boundaries.

Matters to Which Policy Applies

1. The matters to which this Policy applies are set out in Section 254 and Section 216 and 218 of the *Local Government Act 1999*.

Section 254:

2. The following table is an extract from the Act. The matters are stated in general terms with particular examples for illustration. These examples are not intended to be an exhaustive list of the circumstances in which the Policy will apply. They are included to assist the community to understand the purpose and intent of this Policy and the way in which it will be applied.

Section 254 Power to make orders, states:

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

Column 1 To do or to refrain from doing what?	Column 2 In what circumstances?	Column 3 To whom?
1. Hazards on lands adjoining a public place		
(1) To fence, empty, drain fill or cover land (including land on which there is a building or other structure).	(1) A hazard exists that is, or is likely to become, a danger to the public.	(1) The owner or occupier of the land.
(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.	(2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	(2) The owner or occupier of the land.
(3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.	(3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.	(3) The owner or occupier of the land.
(4) Where the public place is a road to take action necessary to protect the road or to remove a hazard to road users. Examples (1) To fill an excavation, or to prevent drainage of water across the road. (2) To construct a retaining wall or to remove or modify a fence. (3) To fence land to prevent the escape of animals. (4) To remove a structure or vegetation near an intersection.	(4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.	(4) The owner or occupier of the land.

Column 1 To do or to refrain from doing what?	Column 2 In what circumstances?	Column 3 To whom?
2. Inappropriate use of vehicle		
To refrain from using a caravan or vehicle as a place of habitation. Refer Attachment A for further information and guidelines.	A person is using a caravan or vehicle as a place of habitation in circumstances that (a) present a risk to the health or safety of an occupant; or (b) cause a threat of damage to the environment; or (c) detract significantly from the amenity of the locality.	The owner or occupier of the land or a person apparently occupying the caravan or vehicle.

Section 216

Section 216 Power to order owner of private road to carry out specified roadwork, states:

- a. (1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.

Section 218

Section 218 Power to require owner of adjoining land to carry out specified work, states:

- a. (1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.

C – POLICY PURPOSE/OBJECTIVES

1. The City of Salisbury ("the Council") is responsible to provide for the government and management of its area at a local level. In particular it is the function of the Council to provide for the welfare, wellbeing and interests of the members of the community and to take measures to protect the area from hazards and to improve amenity.
2. To fulfill its functions, the Council has a range of statutory powers. These powers enable the Council to exercise its regulatory functions by making policies, orders and by-laws. The Council has resolved to develop an order-making policy in relation to the exercise of the Council's powers pursuant to Part 2 of Chapter 12 of the *Local Government Act 1999*, to promote the health, safety and well-being of our community and good governance. This policy sets out the matters about which orders will be made. The relevant principles, procedures and penalties that will be applied are also set out in this policy.

D - DEFINITIONS

1. "The Act" means the Local Government Act 1999

E - POLICY STATEMENT**Principles**

1. The Council will apply the following principles in the exercise of its powers to make orders:
2. In each situation in which the Council is considering making an order to require a person to act or to refrain from acting, within its powers to do so, the Council will investigate and consider (to the extent that is relevant and necessary) the following circumstances:
 - The severity of the incident or circumstance;
 - The hazard or danger posed to the community;
 - The risk to health and safety of the community;
 - Detraction from the amenity of the locality;
 - The number of occurrences of the activity or incident;
 - The impact of any previous actions to deal with the activity or incident;
 - The significance of the breach, any other public interest or wellbeing considerations;
 - The availability of a more appropriate response by the Council.

Procedures to be followed

1. The procedures to be followed in the issuing an order must be in accordance with the requirements of Section 255 of the Act. Before making an order, unless the circumstances are urgent, the Council will take the following actions:
2. Give the person to whom an order is intended to be directed a notice in writing stating the:
 - Proposed action;
 - Terms of the proposed order;
 - Period within which compliance with the order would be required;
 - Reasons for the proposed order;
 - Invite the person notified to make representations, within a specified time, as to why the penalties for non-compliance;
 - Penalties for non-compliance.
3. The Council will take reasonable steps, within available resources, to resolve cases requiring an order by negotiation and agreement before issuing an order, except in cases of threat to life, an immediate threat to public health or safety or an emergency situation.
4. Where notice of a proposed order has been given to a person who is not the owner of the relevant land, the Council must take reasonable steps to serve a copy of the notice on the owner of the land.
5. After considering the representations made by the person to whom notice of the order is directed, the Council may
 - make an order in terms of the original proposal or
 - a modification of the original proposal or
 - Determine not to proceed with making an order.
 - the council is not required to give notice of an order with modifications
6. Upon issuing an order the Council may:
 - include two or more orders in the same instrument, or
 - direct two or more persons to do something specified in the order jointly
7. An order that is issued must:
 - specify a reasonable period within which the order must be complied with, and
 - state the reasons for the order.

8. An order must be served by the Council on the person to whom it is addressed. If the person to whom the notice and order are addressed is not the owner of the land, the Council must take reasonable steps to serve a copy of the notice and order on the owner of the land.
9. Service of orders is subject to the requirements of the Local Government Act Section 279—Service of documents by councils etc.
10. If the land is owned or occupied by more than one person, the order is not invalid merely because:
 - It is not directed to all the owners, and
 - an owner or occupier who complies with an order may recover a fair contribution from the other owners or occupiers
11. The Council may at the request or agreement of the person to whom the order is directed, vary any order or may on its own initiative, revoke an order if satisfied it is appropriate to do so.
12. If the Council in particular case considers:
 - An activity constitutes or is likely to constitute a threat to life or public health or safety, or
 - An emergency situation exists,
 It may
 - Proceed to make an order without giving notice, and
 - Require immediate compliance with the order.

Rights of Review

1. In accordance with Section 256 of the Act an order must include a statement setting out the rights of review. The review process includes:
 - The person to whom an order is directed may apply to the District Court for a review of the order within 14 days after service of the order.
 - The operation of an order continues pending the determination of an application for review, unless the order is suspended in accordance with the next clause.
 - The District Court or the Council may, if it thinks fit, make an interim order suspending the operation of an order.
 - Upon review, the District Court may, if satisfied that it is appropriate and just in the circumstances, vary or set aside an order.
 - The District Court may be constituted of a magistrate.

Action on Non-Compliance with an Order

1. Section 257 of the Act provides details of action to be taken in the case of non-compliance of the order.
2. If the requirements of an order are not complied with in the time fixed for compliance or, if there is an application for review, within 14 days after the determination of the review, the council may (subject to the outcome of any review) take the action required by the order.
3. The Council or an employee of Council or another person authorized by Council, may, if the requirements of an order are not complied with within the time specified in the order, carry out the requirements of an order.
4. The reasonable costs and expenses of the Council in carrying out the requirements of an order may be recovered by the Council from the person who failed to comply with the order as a debt.

5. Where an amount is recoverable from a person by the Council, the Council may give that person notice in writing to pay the amount within no less than 28 days from the date of the notice.
6. If the person fails to pay the amount that person is liable to pay interest and, if the person is the owner of the land to which the order relates, the Council may impose a charge on the land for the unpaid amount and interest.
7. No civil liability attaches to a council, an employee of a council, or a person acting under the authority of a council, for anything done by the council, employee, or person under this section.

Penalties

1. Non-compliance with an order of the Council will constitute a breach of Section 258 of the Act and a person may incur statutory penalties provided for in the Act. The maximum penalty is \$2500. The Expiation fee is \$210. All orders of the Council will include the specific statutory penalty relevant to a breach of that particular order, and will advise of any applicable appeal rights.

Council Endorsement of the Policy

1. Any amendment or alteration to the Policy or a substitution of a new Policy is subject to public consultation provisions in Section 259(2) of the Local Government Act 1999. Council must, before adopting an amendment to a policy, commence public consultation unless the Council determines that the amendment is of only minor significance.

Availability of the Policy

1. This Policy will be available for inspection at the Council's principal office during ordinary business hours. Copies will also be provided to interested members of the community upon request, and upon payment of such fee (if any) as the Council may, in its discretion, fix.

F - LEGISLATION

1. *Local Government Act 1999*, Section 254 to 259 inclusive, Section 216 and Section 218

H - ASSOCIATED PROCEDURES

1. Responsibility for Order Making Provisions, Section 254 *Local Government Act 1999* (Refer to attachment B)
2. City of Salisbury Enforcement Policy

Document Control

Document ID	Local Government Act - Order Making Policy
Prepared by	John Darzanos
Version	4.0
Document Status	Draft
Issue Date	

ATTACHMENTS

Attachment A: Guideline for the Operation of Section 254 of the Local Government Act 1999***Pertaining to the "Inappropriate use of a Vehicle"***

The Council may make orders directed to an owner or occupier of land or a person apparently occupying a caravan or vehicle, which is used, as a place of habitation, to refrain from using the caravan or vehicle as a place of habitation if the following circumstances exist:

- Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant;
- Use of the vehicle as habitation causes a threat of damage to the environment;
- Use of the vehicle as habitation detracts significantly from the amenity of the locality.

Council has developed a list of guidelines that can be used by residents to assess their compliance with the above circumstances.

Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant

- Caravans or vehicles used for habitation must be of a suitable standard with regards to, structural soundness, cleanliness and hygiene.
- The caravan or vehicles, walls, ceiling and floors must be constructed of adequate and sound materials, and be weatherproofed.
- There has to be adequate provision for lighting and natural ventilation.
- The fixtures, fittings and furniture must be clean and sanitary.
- Connections to a mains power supply must be in accordance with the provisions of the relevant power authority.
- The number of occupants must not exceed the recommended capacity of the van
- Adequate sanitary facilities and ablution facilities (toilet and shower) must be provided for the occupant.

Please note that the sanitary facilities and ablution facilities on the caravan or vehicle must not be used unless adequately connected to sewer. (Approval may be required for this)

Use of the vehicle as habitation causes a threat of damage to the environment

- Areas of concern may include any impact on the environment including, air, water, soil or noise pollution, including;
- The improper discharge of solid or liquid wastes from the caravan or vehicle
- The emission of any offensive materials or odours from the caravan or vehicle
- The emission of excessive noise from the caravan or vehicle, or occupants

Use of the vehicle as habitation detracts significantly from the amenity of the locality.

- Areas of concern that could be considered to detract significantly from the amenity of the locality, include:
- Locating the caravan or vehicle in the front yard
- Locating the caravan or vehicle up against a neighbouring fence, (a minimum distance of 600mm should be maintained between the caravan and fence, or 900mm if there is a window in the caravan that faces the neighbouring property.
- An unsightly appearance of the caravan or vehicle

- Note: Some allotments may not be suitable to accommodate a caravan or vehicle due to the size and shape.

Development Controls

In situations where;

- Occupancy of a caravan or vehicle for a period of greater than 12 months, or
- Where the subject land does not presently contain a lawfully habitable dwelling,
- Formal Development Approval is required from the Council

Other Provisions

The above examples are not to be considered to be absolute. Council may take other things into consideration when investigating an “Inappropriate use of a vehicle”. Each assessment will take into consideration relevant local factors and circumstances.

Further Information

If you require further information regarding the above matters please contact Council’s City Development Department on 84068221.

Attachment B: - Responsibility for Order Making Provisions

Section 254 Local Government Act 1999

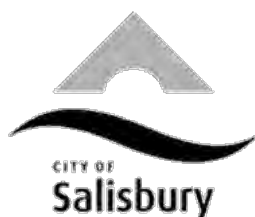
Order Provision	Details	Primary Responsibility	Other Information
3.1 Hazard on Land Adjoining Public Place	A dangerous fence adjoining any road, community land or public place	General Inspector	Development-Services to be consulted if potential structural concerns
	Where there are overhanging branches, overgrown vegetation or structures on land adjoining a public place which obstruct streets;	General Inspector	Development-Services to be consulted if potential structural concerns or City Infrastructure
	Where there is drainage of water across the road;	General Inspector	Development-Services for storm water related issues, or Environmental Health
	Where a flag, banner, flagpole or sign intrudes into a public place;	General Inspector	Development Services to be consulted if potential structural concerns or Development approval required
3.2 Inappropriate use of Vehicle	Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant; Use of the vehicle as habitation causes a threat of damage to the environment; Use of the vehicle as habitation detracts significantly from the amenity of the locality.	Environmental Health and Safety Section	Development Services to be Consulted, for location issues and amenity

Section 216 Local Government Act 1999

Order Provision	Details	Primary Responsibility	Other Information
Power to order owner of private road to carry out specified roadwork	A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	City Infrastructure	Development Engineering as required Inspectorate support as required relating to enforcement and orders

Section 218 Local Government Act 1999

Order Provision	Details	Primary Responsibility	Other Information
Power to require owner of adjoining land to carry out specified work	A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.	City Infrastructure	Development Engineering as required Inspectorate support as required relating to enforcement and orders



DRAFT Local Government Act - Order Making Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2073, 2008/1314, 2011/469, 2013/1754
Approval Date:	24 April 2006	Most Recent Approval:	23 March 2015 TBD
Review Date:	23 March 2017 26 June 2017	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health & Safety
Function:	5 - Environmental Management	Responsible Officer:	Manager, Environmental Health & Safety

A - PREAMBLE

Power to Make Orders

1. The *Local Government Act 1999* requires the Council to prepare and adopt a policy for the operation of its order-making power. The policy is subject to public consultation, review and evaluation.
2. This Policy will apply to the matters set out in the *Local Government Act 1999* ~~at including:~~
 - a. ~~Section 254 and Section 299~~ which empowers the Council to order a person to do or refrain from doing a thing under certain circumstances, namely:
 - i. Prevent or eliminate hazards on lands adjoining a public place
 - ii. Prevent the inappropriate use of vehicle (as a place of habitation).
 - b. Section 216 which empowers the Council to order the owner of a private road to carry out specified roadwork to repair or improve the road.
 - c. Section 218 which empowers the Council to order the owner of adjoining land to carry out specified work to construct, remove or repair a crossing place from the road to the land.
- ~~1.3.~~ This Policy does not apply to other circumstances provided for in the *Local Government Act 1999* and other South Australian Legislation that specifically empower the Council to make orders, when appropriate and as the need arises.
- ~~2.4.~~ The exercise of the Council's order-making power, in accordance with this Policy and relevant statutes, co-exists with the Council's other regulatory powers. For example, the Council has power to make and enforce by-laws in certain circumstances and to enforce compliance with the requirements of the *Local Government Act 1999* and a range of other legislation.
- ~~3.5.~~ This policy is also to be read in conjunction with Councils Enforcement Policy.

Comment [Cos1]: Section 299 Deleted from Local Government Act March 2016

B - SCOPE

1. This policy applies to all owners or occupiers of lands within the City of Salisbury Council boundaries.

Matters to Which Policy Applies

1. The matters to which this Policy applies are set out in Section 254 ~~and Section 299 and Section 216 and 218~~ of the *Local Government Act 1999*.

Section 254 Power to make orders, states:

- ~~3.2.~~ The following table is an extract from the Act. The matters are stated in general terms with particular examples for illustration. These examples are not intended to be an exhaustive list of the circumstances in which the Policy will apply. They are included to assist the community to understand the purpose and intent of this Policy and the way in which it will be applied.

Section 254 Power to make orders, states:

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

Footnote 1 A reference in the table to an animal or animals includes birds and insects.

Column 1 To do or to refrain from doing what?	Column 2 In what circumstances?	Column 3 To whom?
1. Unightly condition of land		
To take action considered by the council to be necessary to ameliorate an unsightly condition. Refer Attachment A for further information and guidelines.	Land, or a structure or object on land, is unsightly and detracts significantly from the amenity of the locality in which the land is situated.	The owner or occupier of the land.
1.2 Hazards on lands adjoining a public place		
(1) To fence, empty, drain fill or cover land (including land on which there is a building or other structure).	(1) A hazard exists that is, or is likely to become, a danger to the public.	(1) The owner or occupier of the land.
(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.	(2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	(2) The owner or occupier of the land.
(3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.	(3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.	(3) The owner or occupier of the land.

Comment [Cos2]: Deleted due to Litter Nuisance and Litter Control Act 2016

Column 1 To do or to refrain from doing what?	Column 2 In what circumstances?	Column 3 To whom?
<p>(4) Where the public place is a road to take action necessary to protect the road or to remove a hazard to road users.</p> <p>Examples</p> <p>(1) To fill an excavation, or to prevent drainage of water across the road.</p> <p>(2) To construct a retaining wall or to remove or modify a fence.</p> <p>(3) To fence land to prevent the escape of animals.</p> <p>(4) To remove a structure or vegetation near an intersection.</p>	<p>(4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.</p>	<p>(4) The owner or occupier of the land.</p>
<p>3— Animals that may cause a nuisance or hazard</p> <p>To do or to refrain from doing the thing specified in the order in order to abate a nuisance or a hazard to health or safety associated with a live or dead animal or animals, or otherwise to deal with an animal or animals.</p> <p>Refer Attachment B for further information and guidelines.</p>	<p>A person is keeping or dealing with (or failing to deal with) an animal or animals (whether the animal or animals are alive or dead) so as to cause, or to be likely to cause, a nuisance or a hazard to health or safety.</p> <p>A person is the owner or occupier of land where an animal or animals are located which may cause, or be likely to cause, a nuisance or a hazard to health or safety, or otherwise to become a pest.</p> <p>Examples</p> <p>(1) The slaughtering of animals in a town or urban situation.</p> <p>(2) Keeping an excessive number of insects, birds or other animals.</p> <p>(3) Keeping bees in close proximity to other property.</p> <p>(4) Keeping animals so as to generate excessive noise, dust or odours, or to attract pests or vermin.</p> <p>(5) Keeping an aggressive animal, or keeping an animal in a situation where it cannot be adequately contained or may cause danger to the public.</p> <p>(6) Failing to deal with a wasp's nest.</p>	<p>The owner or occupier of land or any person apparently engaged in promoting or conducting an activity.</p>
<p>24. Inappropriate use of vehicle</p> <p>To refrain from using a caravan or vehicle as a place of habitation.</p> <p>Refer Attachment AC for further information and guidelines.</p>	<p>A person is using a caravan or vehicle as a place of habitation in circumstances that</p> <p>(a) present a risk to the health or safety of an occupant; or</p> <p>(b) cause a threat of damage to the environment; or</p> <p>(c) detract significantly from the amenity of the locality.</p>	<p>The owner or occupier of the land or a person apparently occupying the caravan or vehicle.</p>

Comment [Cos3]: Deleted due to Local Government Act 2016

Column 1 To do or to refrain from doing what?	Column 2 In what circumstances?	Column 3 To whom?
5-Encroaching Vegetation. (Section 299)		
To remove or cut back vegetation encroaching on to the relevant land.	The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	The owner or occupier of the land.

~~299—Vegetation clearance~~

~~(1) A council may, on the application of the owner or occupier of the land (the **relevant land**), by order under this section, require the owner or occupier of adjoining land to remove or cut back vegetation encroaching on to the relevant land.~~

~~(2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—~~

~~(a) any proposal to make an order; and~~

~~(b) if an order is made, any order, under subsection (1).~~

Comment [Cos4]: Section Deleted from Local Government Act March 2016

Section 216

3. Section 216 Power to order owner of private road to carry out specified roadwork, states:

a. (1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.

Section 218

4. Section 218 Power to require owner of adjoining land to carry out specified work, states:

a. (1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.

C – POLICY PURPOSE/OBJECTIVES

1. The City of Salisbury ("the Council") is responsible to provide for the government and management of its area at a local level. In particular it is the function of the Council to provide for the welfare, ~~well-being~~**wellbeing** and interests of the members of ~~our~~**the** community and to take measures to protect ~~the~~**our** area from hazards and to improve amenity.
2. To fulfill its functions, the Council has a range of statutory powers. These powers enable the Council to exercise its regulatory functions by making policies, orders and by-laws. The Council has resolved to develop an order-making policy in relation to the exercise of the Council's powers pursuant to Part 2 of Chapter 12 of the *Local Government Act 1999*, to promote the health, safety and well-being of our community **and good governance**. This policy sets out the matters about which orders will be made. The relevant principles, procedures and penalties that will be applied are also set out in this policy.

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1. "The Act" means the Local Government Act 1999

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Principles

1. The Council will apply the following principles in the exercise of its powers to make orders:
2. In each situation in which the Council is considering making an order to require a person to act or to refrain from acting, within its powers to do so, the Council will investigate and consider (to the extent that is relevant and necessary) the following circumstances:
 - The severity of the incident or circumstance;
 - The hazard or danger posed to the community;
 - The risk to health and safety of the community;
 - Detraction from the amenity of the locality;
 - The number of occurrences of the activity or incident;
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 - The availability of a more appropriate response by the Council.

Procedures to be followed

1. The procedures to be followed in the issuing an order must be in accordance with the requirements of Section 255 of the Act. Before making an order, unless the circumstances are urgent, the Council will take the following actions:
2. Give the person to whom an order is intended to be directed a notice in writing stating the:
 - Proposed action;
 - Terms of the proposed order;
 - Period within which compliance with the order would be required;
 - Reasons for the proposed order;
 - Invite the person notified to make representations, within a specified time, as to why the penalties for non-compliance;
 - Penalties for non compliance.
3. The Council will take reasonable steps, within available resources, to resolve cases requiring an order of local nuisance by negotiation and agreement before issuing an order, except in cases of threat to life, an immediate threat to public health or safety or an emergency situation.
4. Where notice of a proposed order has been given to a person who is not the owner of the relevant land, the Council must take reasonable steps to serve a copy of the notice on the owner of the land.
5. After considering the representations made by the person to whom notice of the order is directed, the Council may
 - make an order in terms of the original proposal or
 - a modification of the original proposal or
 - Determine not to proceed with making an order.
 - the council is not required to give notice of an order with modifications
6. Upon issuing an order the Council may:
 - include two or more orders in the same instrument, or

- direct two or more persons to do something specified in the order jointly
7. An order that is issued must:
 - specify a reasonable period within which the order must be complied with, and
 - state the reasons for the order.
 8. An order must be served by the Council on the person to whom it is addressed. If the person to whom the notice and order are addressed is not the owner of the land, the Council must take reasonable steps to serve a copy of the notice and order on the owner of the land.
 9. Service of orders is subject to the requirements of the Local Government Act Section 279— Service of documents by councils etc.
 10. If the land is owned or occupied by more than one person, the order is not invalid merely because:
 - It is not directed to all the owners, and
 - an owner or occupier who complies with an order may recover a fair contribution from the other owners or occupiers
 11. The Council may at the request or agreement of the person to whom the order is directed, vary any order or may on its own initiative, revoke an order if satisfied it is appropriate to do so.
 12. If the Council in particular case considers:
 - An activity constitutes or is likely to constitute a threat to life or public health or safety, or
 - An emergency situation exists,
 It may
 - Proceed to make an order without giving notice, and
 - Require immediate compliance with the order.

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1. In accordance with Section 256 of the Act an order must include a statement setting out the rights of review. The review process includes:
 - The person to whom an order is directed may apply to the District Court for a review of the order within 14 days after service of the order.
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 - The District Court or the Council may, if it thinks fit, make an interim order suspending the operation of an order.
 - Upon review, the District Court may, if satisfied that it is appropriate and just in the circumstances, vary or set aside an order.
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2. If the requirements of an order are not complied with in the time fixed for compliance or, if there is an application for review, within 14 days after the determination of the review, the council may (subject to the outcome of any review) take the action required by the order.
3. The Council or an employee of Council or another person authorized by Council, may, if the requirements of an order are not complied with within the time specified in the order, carry out the requirements of an order.

4. The reasonable costs and expenses of the Council in carrying out the requirements of an order may be recovered by the Council from the person who failed to comply with the order as a debt.
- ~~5. The regulations may limit the amount of costs and expenses recoverable under subsection (3) in a case involving a European wasp's nest.~~
- ~~6.5.~~ Where an amount is recoverable from a person by the Council, the Council may give that person notice in writing to pay the amount within no less than 28 days from the date of the notice.
- ~~7.6.~~ If the person fails to pay the amount that person is liable to pay interest and, if the person is the owner of the land to which the order relates, the Council may impose a charge on the land for the unpaid amount and interest.
- ~~8.7.~~ No civil liability attaches to a council, an employee of a council, or a person acting under the authority of a council, for anything done by the council, employee, or person under this section.
- ~~9. In this section European wasp's nest means the nest of an insect of the species *Vespula germanica*.~~

Penalties

1. Non-compliance with an order of the Council will constitute a breach of Section 258 of the Act and a person may incur statutory penalties provided for in the Act. The maximum penalty is \$2500. The Expiation fee is \$210. All orders of the Council will include the specific statutory penalty relevant to a breach of that particular order, and will advise of any applicable appeal rights.

Council Endorsement of the Policy

- ~~1. This Policy was last reviewed by Council on the 24th November 2008.~~
- ~~2.1.~~ Any amendment or alteration to the Policy or a substitution of a new Policy is subject to public consultation provisions in Section 259(2) of the Local Government Act 1999. Council must, before adopting an amendment to a policy, commence public consultation unless the Council determines that the amendment is of only minor significance.

Availability of the Policy

1. This Policy will be available for inspection at the Council's principal office during ordinary business hours. Copies will also be provided to interested members of the community upon request, and upon payment of such fee (if any) as the Council may, in its discretion, fix.

F - LEGISLATION

1. *Local Government Act 1999*, Section 254 to 259 inclusive, Section 216 and Section 218 and Section 299

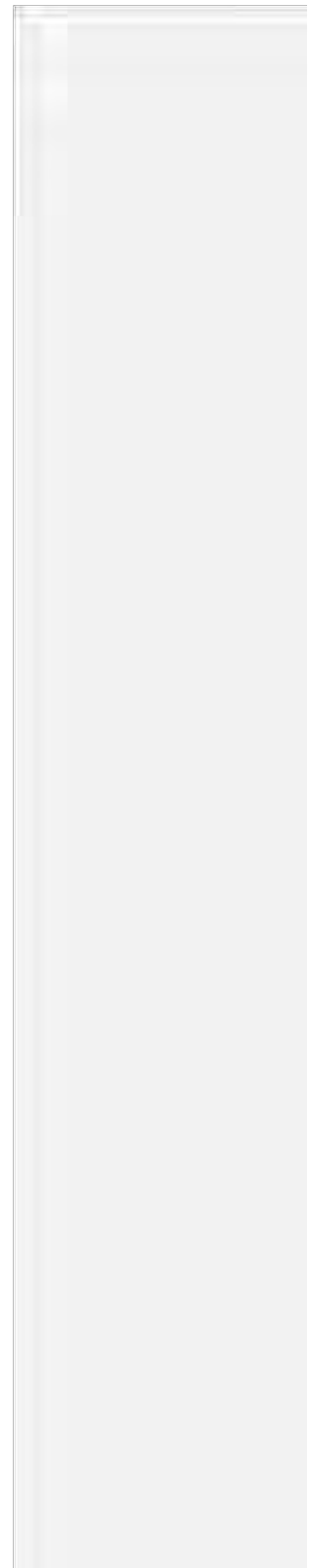
H - ASSOCIATED PROCEDURES

1. Responsibility for Order Making Provisions, Section 254 ~~and 299~~ *Local Government Act 1999* (Refer to attachment BD)
2. City of Salisbury Enforcement Policy

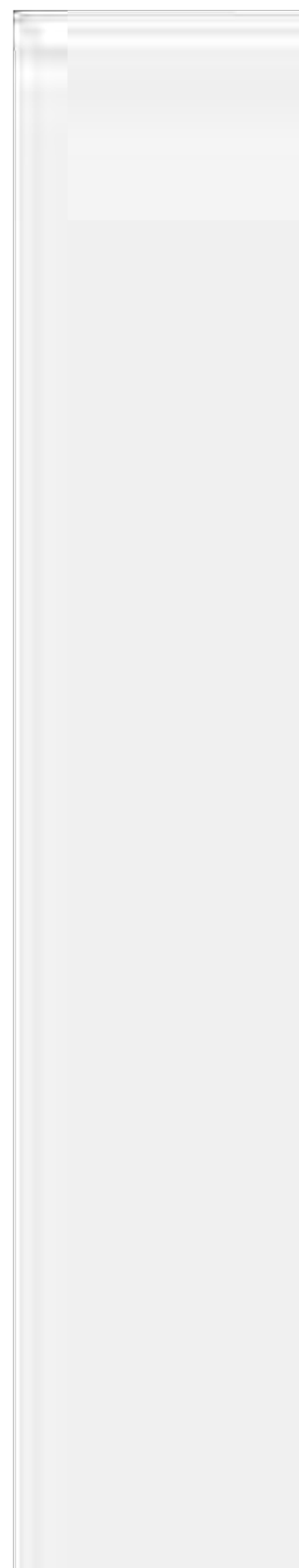
Document Control

Document ID	Local Government Act - Order Making Policy
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Prepared by	John Darzanos
Version	43.0
Document Status	Draft
Issue Date	



ATTACHMENTS



Attachment A: Guideline for the Operation of Section 254 of the Local Government Act 1999 Pertaining to the "Unsightly Condition of Land"

The Council may make orders directed to an owner or occupier of land or a person apparently occupying the land, where the condition of the land, or a structure or object on land, is unsightly and detracts significantly from the amenity of the locality in which the land is situated.

This Policy applies in situations where the condition of the land, or a structure or object is considered to be unsightly and the land, or a structure or object is visible from a street, road or public place. Land, structure and or object are defined as, but not limited to, the following:

- **Unsightly condition of Land** may include excessive vegetation and or undergrowth, which exceeds 600mm in height and is considered to detract from the amenity of the locality.
- **Unsightly condition of a structure** may include any building or structure erected on the land including fencing and or signs.
- **Unsightly condition of an Object** may include any object placed on the land which includes:
 - vehicle, vehicle parts, tyres and or accessories,
 - items of general household goods, materials and or furniture

Where Council has formed the opinion that the land, or a structure or object is considered to be unsightly and detracts from the amenity of the locality, Council may, at its discretion require residents to ameliorate the unsightly condition of the land, structure or object by either:

- Removing the cause of the unsightly condition
- Screening the cause of the unsightly condition from the view of the general public (suitable screening includes landscaping, fencing and/or lattice structures to screen the land)
- Covering the cause of the unsightly condition.
- Taking any other action as required by Council

Home Activity

If the unsightly condition is a result of an activity, the activity must be undertaken in accordance with Council's *Home Activity Guidelines*. Copies can be obtained from Council's Development Services Section.

Development Controls

Where activities are in breach of the Home Activity Guidelines they are not permitted in residential areas or may require *formal Development Approval*. Please contact Council's Development Services Section for further information or assistance.

Other Provisions

The above examples are not to be considered to be absolute. Council may take other things into consideration when investigating a matter involving an "Unsightly Condition of Land, or a Structure or Object". Council will take into consideration relevant local factors and circumstances when applying the purpose and intent of this Policy.

Further Information

If you require further information regarding the above matters please contact Council's City Development Department on 8406-8209.

Attachment B: Guideline for the Operation of Section 254 of the Local Government Act 1999***Animals that may cause a nuisance or hazard***

For the prevention of the keeping of animals birds and insects so as to be a nuisance or injurious to health, and for the prevention and suppression of nuisances

Definitions

In these Standards and Guidelines —

- “Approved material” means material approved by the Council;
- “Fowls” include hens, roosters and chickens;
- “Pigeons” include feral pigeons; and
- “Poultry” includes fowls, ducks, geese, turkeys, pigeons, peacocks, guinea fowls and other domestic birds of either sex.

No animal or bird to be nuisance

No person shall keep or allow to remain on any land of which he is the owner or occupier any animal or bird so as to be a nuisance or injurious to health by reason of:

- the numbers of animals or birds;
- the noise, dust or odour generated by the presence of the animal or bird;
- the attraction of flies, rats, mice or other vermin;
- the aggressive nature of the animal or bird;
- the nature and location of housing facilities for the animal or bird;
- the animal or bird not being adequately contained on the land; or
- the animal or bird being allowed to wander or fly from or to the land either alone or in numbers;
- droppings emanating from animal or bird; or
- for any other reason

Fowl shelters

No person shall keep or allow to remain on any land of which he is the owner or occupier any fowls unless they are contained within a structure which:

- Together with its location is either approved by the Council so that the keeping of fowls within it will not cause a nuisance or be injurious to health;
- or which — has a floor space of at least 0.4 square metres for each fowl therein; is constructed of sound timber, wire netting and sheet metal or other approved material to a minimum height of 1.5m and in such manner as to render the said accommodation rat proof, weatherproof and which allows adequate ventilation therein;
- is enclosed with a framework covered with wire netting or other approved material, and surrounded with sheet metal or other approved material extending from at least 200mm below ground level to not less than 400mm above ground level; has an internal floor surface constructed of or paved with concrete or other approved material to a smooth, hard, impervious finish;
- has at least one door opening above a solid step which shall be at least 400mm above the floor level.

- has a rainproof roof which is provided with efficient drainage so that all storm water is carried away from the structure;
 - is maintained at all times in good order and repair and in a clean and sanitary condition free from rats, vermin, offensive odours or conditions;
- and which is not located –
- less than 1m from any fence, tree or hedge;
 - less than 1.5m from any other structure
 - less than 12m from any street, road, dwelling, shop, factory, public building or other structure used by persons for living or working, or any building to which the public ordinarily has access, provided that such distance may be 7.5m if 12 fowls or less are kept; or
 - further forward on the property than the rear half thereof or the rear alignment or any house thereon.

Ducks, geese and turkeys

No person shall keep or allow to remain on land of which he is the owner or occupier, any ducks, geese or turkeys over the age of 4 weeks of either sex unless such birds are contained within a yard which –

- Together with its location is either approved by the Council so that the keeping of such birds within it will not cause a nuisance or be injurious to health; or which –
 - is properly enclosed and constructed of wire netting or other approved material to a height of at least 1.5m;
 - encloses an area of not less than 7 square metres of open space for each bird;
 - in addition to open space, provides at least 0.2 square metres of open roofed shelter for each bird;
- and which is not located –
- less than 1m from any fence, tree or hedge;
 - less than 1.5m from any other structure; or
 - less than 20m from any street, road, dwelling, shop, factory, public building or other structure used by persons for living or working, or any building to which the public ordinarily has access.

Pigeons

No person shall keep or allow to remain on land of which he is the owner or occupier, any pigeons –

Unless the pigeons are contained within a shed or loft which –

- together with its location is either approved by the Council so that the keeping of pigeons within it will not cause a nuisance or be injurious to health;
- or which –
- is constructed of approved material in such a manner as to prevent the ingress and egress of rats;
- is maintained in good repair and condition, clean and free from offensive odours at all times; and
- is not located less than 15m from any dwelling house;

Pigeons Nuisance

No person shall keep or allow to remain on land of which he is the owner or occupier, any pigeons—

- If a nuisance is being caused to any occupier of a property in the neighbourhood by virtue of any of those pigeons entering onto that property of flying overhead and depositing droppings therein.

Food Storage

No person shall keep or allow to remain on land of which he is the owner or occupier any poultry unless—

- Vermin proof receptacles are provided for storing bran, pollard, grain or other matter intended for the feeding of such poultry;
- and—
- such receptacles are at all times kept clean, sanitary and in good order and condition; and
- no food for poultry is allowed to remain outside of such receptacles unless for the purposes of immediate consumption; and
- that person keeps the land free of vermin.

Dead animals or birds

No person shall—

- neglect to bury or otherwise lawfully dispose of in a sanitary manner any dead animal or bird belonging to him or her, or in his or her charge of keeping forthwith upon the death of that animal or bird; or
- Suffer or allow any dead animal or bird to remain on any premises in his or her occupation unburied or not otherwise lawfully disposed of in a sanitary manner.

Bees

No person shall without permission keep any bees within 50 metres of or on—

- any building in the occupation of another person;
- any street road or public place;
- any area set aside for predominantly residential use in that part of the Development Plan applicable to the Council's area.

Bee keeping nuisance

- No person shall without permission keep any bees in any part or parts of the area where the keeping of bees is or may be a nuisance or danger to persons therein.

Further Information

- For further information and advice regarding the keeping of animals and birds please contact the City Development Department at the City of Salisbury on 8406 8222.

Attachment AC: Guideline for the Operation of Section 254 of the Local Government Act 1999***Pertaining to the "Inappropriate use of a Vehicle"***

The Council may make orders directed to an owner or occupier of land or a person apparently occupying a caravan or vehicle, which is used, as a place of habitation, to refrain from using the caravan or vehicle as a place of habitation if the following circumstances exist:

- Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant;
- Use of the vehicle as habitation causes a threat of damage to the environment;
- Use of the vehicle as habitation detracts significantly from the amenity of the locality.

Council has developed a list of guidelines that can be used by residents to assess their compliance with the above circumstances.

Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant

- Caravans or vehicles used for habitation must be of a suitable standard with regards to, structural soundness, cleanliness and hygiene.
- The caravan or vehicles, walls, ceiling and floors must be constructed of adequate and sound materials, and be weatherproofed.
- There has to be adequate provision for lighting and natural ventilation.
- The fixtures, fittings and furniture must be clean and sanitary.
- Connections to a mains power supply must be in accordance with the provisions of the relevant power authority.
- The number of occupants must not exceed the recommended capacity of the van
- Adequate sanitary facilities and ablution facilities (toilet and shower) must be provided for the occupant.

Please note that the sanitary facilities and ablution facilities on the caravan or vehicle must not be used unless adequately connected to sewer. (Approval may be required for this)

Use of the vehicle as habitation causes a threat of damage to the environment

- Areas of concern may include any impact on the environment including, air, water, soil or noise pollution, including;
- The improper discharge of solid or liquid wastes from the caravan or vehicle
- The emission of any offensive materials or odours from the caravan or vehicle
- The emission of excessive noise from the caravan or vehicle, or occupants

Use of the vehicle as habitation detracts significantly from the amenity of the locality.

- Areas of concern that could be considered to detract significantly from the amenity of the locality, include:
- Locating the caravan or vehicle in the front yard
- Locating the caravan or vehicle up against a neighbouring fence, (a minimum distance of 600mm should be maintained between the caravan and fence, or 900mm if there is a window in the caravan that faces the neighbouring property.
- An unsightly appearance of the caravan or vehicle

- Note: Some allotments may not be suitable to accommodate a caravan or vehicle due to the size and shape.

Development Controls

In situations where;

- Occupancy of a caravan or vehicle for a period of greater than 12 months, or
- Where the subject land does not presently contain a lawfully habitable dwelling,
- Formal Development Approval is required from the Council

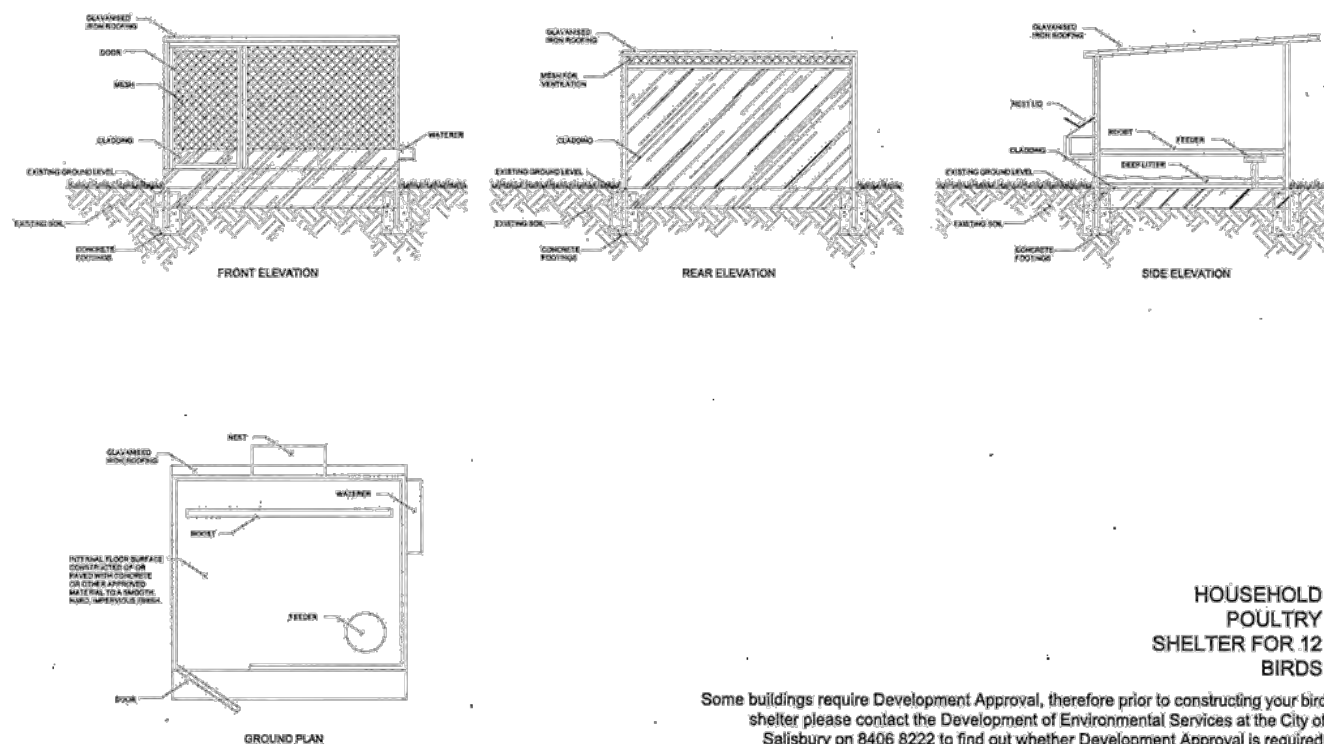
Other Provisions

The above examples are not to be considered to be absolute. Council may take other things into consideration when investigating an "Inappropriate use of a vehicle". Each assessment will take into consideration relevant local factors and circumstances.

Further Information

If you require further information regarding the above matters please contact Council's City Development Department on 84068221.

Sample Poultry Shed



HOUSEHOLD POULTRY SHELTER FOR 12 BIRDS

Some buildings require Development Approval, therefore prior to constructing your bird shelter please contact the Development of Environmental Services at the City of Salisbury on 8406 8222 to find out whether Development Approval is required.

scale 1:20 at A4

Attachment ~~BD~~: - Responsibility for Order Making ProvisionsSection 254 ~~and 299~~ Local Government Act 1999

Order Provision	Details	Primary Responsibility	Other Information
3.1 Unsightly condition of land	Unsightly condition of Land may include excessive vegetation and or undergrowth, which exceeds 600mm in height and is considered to detract from the amenity of the locality.	Development Services	Environmental Health to investigate vermin issues and/or vegetation in rear yard
-	Unsightly condition of a structure may include any building or structure erected on the land including fencing and or signs.	Development Services	-
-	Unsightly condition of an Object may include any object placed on the land which includes: - vehicle, vehicle parts, tyres and or accessories, - items of general household goods, materials and or furniture	Development Services	-
3.12 Hazard on Land Adjoining Public Place	A dangerous fence adjoining any road, community land or public place	General Inspector /Compliance Officer	Development-Services to be consulted if potential structural concerns
	Where there are overhanging branches, overgrown vegetation or structures on land adjoining a public place which obstruct streets;	General Inspector/ Compliance Officer	Development-Services to be consulted if potential structural concerns or City Infrastructure
	Where there is drainage of water across the road;	General Inspector/ Compliance Officer	Development-Services for storm water related issues, or Environmental Health
	Where a flag, banner, flagpole or sign intrudes into a public place;	General Inspector Development Services	Development Services to be consulted if potential structural concerns <u>or Development approval required</u> General Inspectorate

Order Provision	Details	Primary Responsibility	Other Information consultation for encroachment on Local government land
3.3 - Animals	Slaughtering of animals in an urban situation;	Environmental Health Section	-
-	Keeping an excessive number of insects, birds or other animals;	Inspectorial Services	Environmental Health for any insanitary conditions
	Keeping animals which generate excessive noise, dust or odour or attract pests or vermin;	Inspectorial Services	Environmental Health for odour and vermin related issues
	Keeping an aggressive animal or keeping an animal in a situation where it cannot be adequately contained or may cause danger to the public;	Inspectorial Services	-
	Failing to deal with a wasps nest;	City Infrastructure	
	Failure to bury or otherwise lawfully dispose of in a sanitary manner any dead animal or bird;	Environmental Health Section	-
	Failing to keep poultry in an appropriate structure constructed of appropriate materials so as to render the structure rat proof, weather proof and which allows adequate ventilation and is free from vermin and offensive odours so as to cause a nuisance or be injurious to health;	Inspectorial Services	-
	The keeping of bees in close proximity to other property;	Inspectorial Services	-
3.24 Inappropriate use of Vehicle	Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant;	Environmental Health and Safety Section	Development Services to be Consulted, for location issues and amenity
	Use of the vehicle as habitation causes a threat of		

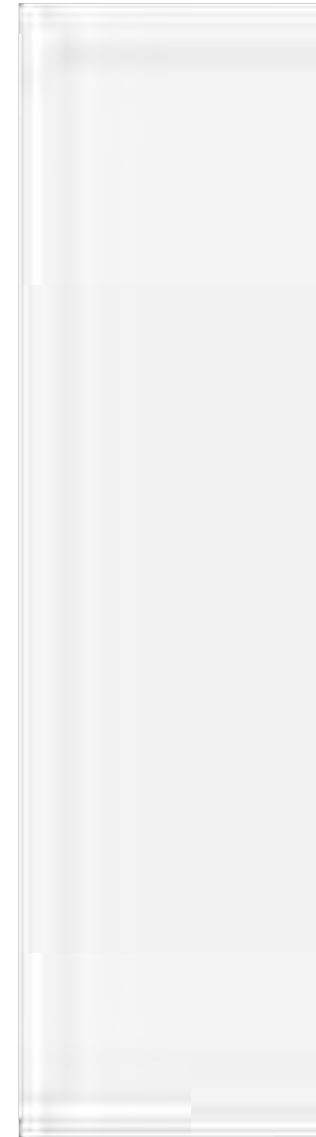
Order Provision	Details	Primary Responsibility	Other Information
	damage to the environment; Use of the vehicle as habitation detracts significantly from the amenity of the locality.		
3.5 Encroaching Vegetation. (Section 299)	To remove or cut back vegetation encroaching on to the relevant land	City Infrastructure	

Section 216 Local Government Act 1999

<u>Order Provision</u>	<u>Details</u>	<u>Primary Responsibility</u>	<u>Other Information</u>
<u>Power to order owner of private road to carry out specified roadwork</u>	<u>A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.</u>	<u>City Infrastructure</u>	<u>Development Engineering as required</u> <u>Inspectorate support as required relating to enforcement and orders</u>

Section 218 Local Government Act 1999

<u>Order Provision</u>	<u>Details</u>	<u>Primary Responsibility</u>	<u>Other Information</u>
<u>Power to require owner of adjoining land to carry out specified work</u>	<u>A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.</u>	<u>City Infrastructure</u>	<u>Development Engineering as required</u> <u>Inspectorate support as required relating to enforcement and orders</u>



ITEM	3.6.6
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Summary Report for Attendance at Training and Development Activity - Cr Woodman
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The Elected Member Training and Development Policy sets out requirements for reports to be presented by members after attendance at certain activities.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

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

1. Cr Woodman's Summary Report for Attending Australian Local Government Women's Association (ALGWA) National Conference from 11-13 April 2017

1. BACKGROUND

- 1.1 The Elected Member Training and Development Policy sets out requirements for reports to be presented by members after attendance at certain activities. Clause 22 of the policy states:

22. Following attendance at a conference Elected Members must prepare and submit to Council a written report in relation to their attendance at the conference. Written reports should be submitted to the Project Officer, Governance who will arrange for it to be presented to Council at the earliest opportunity.

2. REPORT

- 2.1 Cr Julie Woodman attended the Australian Local Government Women's Association (ALGWA) National Conference from 11-13 April 2017 in Launceston, Tasmania.
- 2.2 In accordance with the Elected Member Training and Development Policy, Cr Woodman has provided the attached summary.

3. CONCLUSION / PROPOSAL

- 3.1 Council is asked to receive Cr Woodman's summary report.

CO-ORDINATION

Officer: EXECUTIVE GROUP MG
Date: 09/06/17 01/06/17

Report to Council by Cr Julie Woodman

ALGWA NATIONAL CONFERENCE LAUNCESTON 2017

The ALGWA National Conference for 2017 was held in Launceston Tasmania between April 11 – 13. The theme of the conference was **Be The Balance**.

I arrived at the Grand Chancellor Hotel in Launceston in the early afternoon of Tuesday 11 April. I had somehow been booked into the Grand Chancellor in Hobart but after a few phone calls it was sorted and I was given a lovely room on the 6th floor.

I joined Betty Gill for lunch in a café around the corner from the hotel after which we returned to the hotel for a rest (I had been up since 3 am for the early morning flight to Melbourne).

At 6pm, having already registered earlier for the conference, we made the short walk to the Launceston Town Hall for a Civic Reception hosted by the Mayor of Launceston, Albert Van Setten.

Next morning, after a 7 am breakfast, the conference commenced with a welcome address by National President, **Coral Ross**. Her speech was cut short, however, due to the arrival of the Governor of Tasmania, **Her Excellency, Professor the Honourable Kate Warner AM**. Coral was given the opportunity to complete her speech the following day.

The Governor is a strong advocate for women and spoke about advancing women in politics and CEO positions. She spoke about the necessity for women to support women and touched on the topics of domestic violence, work-life balance, equal and respectful relationships and engaging men and boys in gender equality.

She said that there are only 30% of women elected members in Local Government in Australia and less in executive positions. Noted that when women attain those positions they are generally higher educated than men in similar positions – but frequently paid proportionately less.

Helene Chung was the Keynote Speaker.

Helene is was born in Australia to Chinese parents. She spoke about her early years as a journalist in Australia. She mentioned her early years and the challenges she faced as a woman correspondent – especially being of Chinese heritage as well. She was an intelligent, motivational speaker who is a credit to her profession.

Workshops followed after morning tea. We had a choice of **Collective Impact – A way to resolve wicked problems in the community** and **Age Friendly Cities**. I chose the latter.

The session was mainly focussed on the frail aged who are in residential care and how their interests and abilities are often not taken into consideration.

It was stated – *Creativity is not entertainment. Creativity is necessary for sense of worth.*

The example was given of a previously well-known artist who was in a dementia ward. No-one there knew he was an artist. He was medicated and spent his days staring out the window.

The therapist who conducted the session commented that in aged care centres she is aware of:

- 52% of residents suffered from depression (compared to 10.3% living in their own homes;
- 40 – 70% were malnourished and dehydrated;
- 57% of sick residents were sent to hospitals as there was no visiting GP;
- Nurses in aged care are paid less than in hospitals;
- 35% of aged care workers have no formal qualifications;
- Only 1 in 5 get proper palliative care.

After lunch the following sessions were held:

Dr Megan Alessandrini from UTas Gender and Policy Strategy Group – gave an update on the status of women and girls. Dr Alessandrini has conducted research for and wrote *Women in the Building and Construction Industry*.

Kevin Manderson spoke on Cyber Security. He now works in Melbourne as a specialised "cyber information security engineer". He spoke about some interesting cyber incidents and understanding online criminals and their motives.

Dinner was held in the Function Centre of the Grand Chancellor. Men were scarce but the ladies enjoyed dancing late into the night to the music provided by the versatile Clinton Hutton (so I'm told). During the evening we had a presentation by Rob Edwards who is fundraising for a solar project for students in Fiji. He spoke about the damage caused a year ago by Cyclone Winston and the importance of the availability of power in the remote areas of Fiji.

This was particularly interesting to me as I was heading to Fiji immediately following the conference and was going to be staying in one of the areas most severely affected by the cyclone. I believe \$1,000 was donated by conference attendees to the project.

Thursday was the final day of the conference. Some people had to leave early which was a shame as the speakers were both entertaining and informative.

Dr Joan Webb is an ALGWA life member and 90 years or age. She undertook a PhD last year and her thesis was titled "I only look forward to Mondays: Facilitating Creative Writing Groups – Ageism, action and empowerment". She's an inspirational woman who is currently aiming to impact government policy in relation to practice and programs in aged care facilities. I only look forward to Mondays was a comment made to her by an elderly member of a group she was working with.

Commissioner Darren Hine talked about family violence and new approaches in Tasmania to address more adequately this previously somewhat neglected issue.

He noted that in Australia every two minutes police attend a family violence call out. He said that 40 – 80% of offences are not even reported to police and every week two women are murdered, 85% of victims are women.

The Program is called Safe@Home and very much mirrors the same changes that are currently being launched by SAPOL in our State.

Interesting to note that they are not giving much thought at this stage to Elder Abuse which is becoming a major issue. At least I got the chance to push this point for half a minute!

After morning tea we all were encouraged to get some exercise with activities involving balls and juggling. I'm not expecting to get a call from a circus any time soon.

A panel discussion followed on – ***What does climate change mean for Councils?***

The session was moderated by Professor Jean Palutikof, National Climate Change Adaptation Research Facility, University of Tasmania. It was recommended that we view the web page – Undertake Adaptation – funded by the Federal Government. Example was given of erosion at Kingborough beach and community meetings undertaken.

Part of the discussion was around risk and legalities – cost of mitigation.

Tasman Highway is already under threat up the east coast of Tasmania.

Other risks discussed included sewerage pump stations, increased risk of bushfires and damage to critical breeding grounds for fish and birds.

Councils need to consider asset risks and planning for future.

Following this session we were cheered up by **Dr Daryl Peebles** with a session titled *Humour in the Workplace*.

Dr Peebles had a professional career in communications and human resource management and he moonlighted as a comedian. Later in life he decided to combine his two careers and did his PhD researching the positive influence humour can have in the workplace.

Positive humour (ie not sarcasm) has been identified as influencing hope, confidence, optimism and resilience.

The message "Take your job seriously and take yourself lightly".

After lunch we again met **Rob Edwards** in his session titled *It's All About ME!!!!*

created staff development programs for hundreds of organisations since working for five years in a cardiac rehabilitation facility.

He got us all thinking about our most important asset – ourselves. Touching on vaccinations, obesity, good diet and exercise. We were all given a card outlining a daily exercise routine and I have even done it a few times!

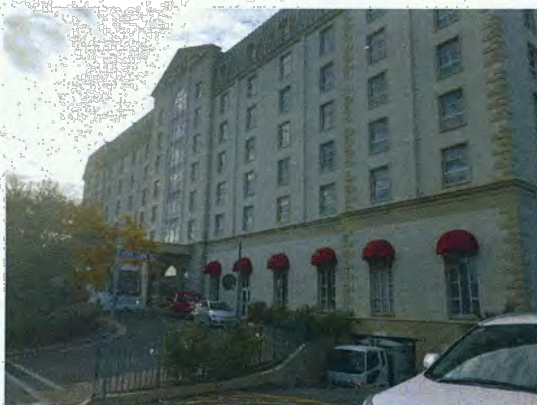
After our goodbyes, and the hope that we will meet again in two years, we all went off to various parts of Australia – and for me to Sydney then Fiji.

But that was not until Betty, Anne-Marie (from Pt Adelaide Council) and myself enjoyed a last dinner in a riverside restaurant near the boat haven.

Julie Woodman
26.5.17

3.6.6 Cr Woodman's Summary Report for Attending Australian Local Government Women's Association (ALGWA) National Conference from 11-13 April 2017

Grand Chancellor



Town Hall



Commissioner Hine

Dinner



Final night

ITEM	3.6.7
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Australia Day Council of South Australia - Election of Board Members
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	An election has been called for three board member positions from six candidates for the Australia Day Council of South Australia Inc.

RECOMMENDATION

1. The City of Salisbury vote for the following three Board Members in the election of the Australia Day Council of South Australia Inc.:
 -
 -
 -

ATTACHMENTS

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

1. Candidate Statements for Australia Day Council of South Australia Inc Election

1. BACKGROUND

- 1.1 In accordance with a Council resolution in March this year, a nomination was submitted for Cr David Balaza for a board member position on the Australia Day Council of South Australia.
- 1.2 At the close of nominations there were more candidates than positions available and therefore an election was called.
- 1.3 Before the closing date of the election, a decision was made by the Australia Day Council to declare the election null and void due to administrative errors that occurred.
- 1.4 For transparency, the election commenced again from the beginning of the process.
- 1.5 Consistent with Council's resolution from March, Cr Balaza's nomination material was re-submitted for the second call for nominations.
- 1.6 At the close of nominations for this election, six candidates are available for three board member positions. As such an election has been called.

2. REPORT

- 2.1 Further to the background provided, a nomination was submitted for Cr David Balaza for the second election for one of three board member positions on the Australia Day Council of South Australia.
- 2.2 At the close of nominations, the following six candidates are available for the three board member positions to be filled (in order as listed on the ballot paper):
- 2.2.1 Dr Simon Behenna
 - 2.2.2 Brenna Chia
 - 2.2.3 David Balaza
 - 2.2.4 Councillor Carol Martin
 - 2.2.5 Susan Lonie
 - 2.2.6 Peter Tsokas
- 2.3 As there are more candidates than positions, an election has been called.
- 2.4 It is only necessary to indicate up to three candidates to vote for.
- 2.5 There is no requirement to indicate the order in which candidates are being voted for as the ballot paper only needs to be marked with an X against up to three candidates of choice.
- 2.6 Statements for each candidate are attached to this report in the same order they appear on the ballot paper.

3. CONCLUSION / PROPOSAL

- 3.1 Council is asked to determine the three candidates in which to vote for in the election of board members of the Australia Day Council of South Australia Inc.
- 3.2 It should be noted that due to voting closing at 5:00pm on Wednesday 21 June, staff will need to action the recommendation of the Resources and Governance Committee.

CO-ORDINATION

Officer:	Exec Group	MG
Date:	09/06/17	07/06/17



**DR SIMON BEHENNA
NOMINATION TO THE BOARD OF THE
AUSTRALIA DAY COUNCIL
OF SOUTH AUSTRALIA**

Dr Simon Behenna's professional career is characterised by his devotion to community engagement and social cohesion.

Simon's broad area of expertise is in the field of communication. His specialisation in connecting established and emerging communities has been the catalyst for involvement in projects that shine a light on the needy, have the capacity to create community and societal change, and to inspire others to recognise and respect our common values.

Currently a freelance writer, Simon was previously Manager of UniSA's International Centre for Muslim and non-Muslim Understanding. He has also previously helped develop a university orientation program for rural students; project developed the More Aboriginal and Torres Strait Islander Teachers Initiative aimed at increasing the number of Indigenous teachers in schools; and has been extensively involved in developing strategies to expand the educational prospects for those from low socio-economic backgrounds.

Simon has been a selection committee member for UniSA's Award for Muslim and non-Muslim Understanding (developed in partnership with ADCSA) and a committee member for the SA Australian of the Year Awards. These experiences have highlighted the possibilities that arise from recognition and the powerful ripple effects that one person's positive examples can have on others and our community, one in which our members are regarded as leaders; whose youth are encouraged to reach a range of individual potentials; and whose elderly are respected for their contributions in the past and what they offer the future.

Simon is committed to influencing positive change in our communities, and the importance of public acknowledgment to inspire others. His professional qualities and personal attributes will contribute to the positive advancement of ADCSA Board and its activities, and his broad experience with distinctive projects can add alternative perspectives for rewarding excellence.

As a passionate Sponsorship and Fundraising professional with over 10 years' experience in South Australia I have a comprehensive understanding of local corporate and community networks. I have worked with several local and National not-for-profit organisations spanning the community, arts and political sectors. I am currently Fundraising & Events Manager, SA/NT at HeartKids Ltd.

It is this experience, along with a drive to cultivate and maximise a wider sense of National and State pride within our community that I have brought to the Australia Day Council of South Australia Board over the past 8 months.

The conversation around Australia Day and the date on which we celebrate it is coming to crucial point and the ADCSA is perfectly placed to take a leading role in that conversation. There is vast potential for the ADCSA to have a greater footprint in the South Australian Corporate and Community arenas.

I would be honoured to have the opportunity to continue to serve on the Board and to work with my colleagues to encourage all South Australians to celebrate what it is to be Australian.

CR DAVID BALAZA

AUSTRALIA DAY COUNCIL OF SOUTH AUSTRALIA

CANDIDATE STATEMENT

The Australia Day Council of SA Board is of great importance to the community as Australia Day continues to grow and show the true spirit that our citizens hold. The importance of embracing multiculturalism is a key to ensuring the success of the Australia Day Council of SA and the future success of Australia Day, with many new migrants becoming citizens on the day that celebrates our proud nation.

Since being elected in 2006 to the position of Councillor for the Central Ward in the City of Salisbury, I have ensured that my residents have had the best possible representation. With experience as an elected member and in the past holding the positions of Chairman of the Resources and Governance Committee of Council and fulfilling the role of Deputy Mayor 2015/16, I am also an active member and the current Deputy Chairman of the NAWMA (Northern Adelaide Waste Management Authority) Board.

I believe that with my experience working with, and in the community, in one of the most multi-cultural areas of South Australia, that I will be particularly effective as a member of the board of the Australia Day Council of SA. By continuing to support current effective projects, introducing new ideas and initiatives and by embracing multiculturalism, this will ensure the future effectiveness of the Australia Day Council of SA.

Now I ask that you cast your vote to ensure that new ideas, positive direction and a strong enthusiasm are brought to the table of the Australia Day Council of SA Board. I ask that you please consider voting for me, David Balaza to join the Australia Day Council of SA as a board member, and if successful I look forward to serving in this role with enthusiasm and pride.

**Australia Day Council
Nomination Biography
Councillor Carol Martin - City of Port Adelaide Enfield**

Carol Martin has been a Councillor for the City of Port Adelaide Enfield, diligently servicing the community of the Enfield Ward for the past 20 years.

To Cr Martin, being a councillor means representing everyone in your Ward, and to do that requires a level of empathy for their lived experiences. For example, aged care is a significant emerging issue in the Ward of Enfield. Ms Martin undertook and completed a Certificate III in Aged Care, not to pursue a career in that field but to better understand the challenges.

Mrs Martin has continuously volunteered her time with a personal dedication to learn more about people with integration difficulties, ageing, multicultural youth, small business, and the advancement of social cohesion through sport and community development.

Cr. Martin's community engagement activities are many and varied: She is an active patron of many not-for-profit groups such as the OC Challenge Inc and White Lion. She is a sponsor of many local achievement awards and competitions; hosts community functions; undertakes regular meet and greets on the street; worked with a Lutheran Community Care Group of African Women over 40 years of age. Cr. Martin Works on Inner Northern Food Alliance, Blair Athol, the Church of Christ supporting poverty at Kilburn and as an advisory to Former Enfield Community Food Centre and supporter of Community Foodies.

Cr. Martin held a position on Council's Aboriginal Advisory Panel for over a decade in support of the Elders in achieving what is rightfully theirs with regard to Local Government decision making. She also still works with SA Police as Council's representative on the Drug Action Team and has carried the portfolios of Supported Residential Facilities.

Last year Cr. Martin was recognised for her tireless work for her Ward, Community and residents of the City of Port Adelaide Enfield with the Joy Baluch Award for Women in Local Government.

Cr. Martin is a compassionate and passionate contributor to every organisation, person, community or cause she becomes involved with.

Susan Lonie

Elected Councillor for the City of Holdfast Bay from 2006 - current.

Currently Deputy Mayor

Clinical Risk Manager for Southern Adelaide Local Health Network based at the Flinders Medical Centre

Current Committee member of Alwyndor Management Committee

Patron for the Glenelg Women's Football team and Ambassador Glenelg Women's Cricket Team

Current Board Member Glenelg Community Hospital since 2009

Current member Jetty Road Main Street Board

Bachelor of Nursing and Bachelor of Laws (Hon)

LGA representative on the Adelaide Cemeteries Trust

Participated in the Hayama Sister Cities Student Exchange

Committee Membership:

- Proxy member State Public Health Committee
- Currently Bee Society of South Australia Management Committee

NOMINATION TO BOARD OF AUSTRALIA DAY COUNCIL OF SOUTH AUSTRALIA INC

Celebrating Australia Day and what it means to be Australian is important for all South Australians. On Australia Day, we celebrate our country's past and our country's future; recognising the traditions of Australia's first people as well as our early settlers and our immigrants.



I have had the privilege to serve on the Council for 3 years and during this time have seen the "Australia Day in the City" events grow in size and diversity to become an important part of our calendar. I am very passionate and committed in continuing to work hard to achieve the best outcomes for the Australia Day Council and to ensure that the Board (and organisation) continues to be innovative in an increasingly competitive environment.

More recently, I am a member of the governance sub-committee which has been responsible for putting in place a number of policies to ensure the Board and the organisation function effectively and efficiently. This has included reducing the size of the Board and establishing a performance review process for the Chief Executive Officer. In developing a new Strategic Plan, I am particularly keen to ensure that the Council provides value to its stakeholders and in particular how it engages with Local Government.



My skills and background are linked to Local Government and I am the current Chief Executive Officer at the City of Unley. I believe that I have experience in strategic planning, policy development, governance and stakeholder engagement to make a valuable contribution to the Australia Day Council.

Peter Tsokas

Chief Executive Officer

ITEM	3.6.8
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	19 June 2017
HEADING	Variations to Delegations
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment or to correct errors that have been identified.</p> <p>Norman Waterhouse has updated the delegations templates to reflect changes to legislation as contained within LGA Circular 23.6 dated 7 June 2017.</p> <p>This report sets out changes required to City of Salisbury delegations in response to the changes made to the delegations templates.</p>
RECOMMENDATION	<ol style="list-style-type: none"> 1. Having conducted a review of Delegations in accordance with Section 44(6) of the <i>Local Government Act 1999</i>, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 30 June 2017 of those powers and functions under the following: <ol style="list-style-type: none"> 1.1 <i>Dog and Cat Management Act 1995</i> 2. In exercise of the power contained in Section 44 of the <i>Local Government Act 1999</i> the powers and functions under the following Acts contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 2 and 3, Item No. 3.6.8, Resources and Governance Committee, 19/06/2017), are hereby delegated from 1 July 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions and / or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation as follows: <ol style="list-style-type: none"> 2.1 <i>Dog and Cat Management Act 1995</i> <ul style="list-style-type: none"> • Entire Instrument – Attachment 2 2.2 <i>Planning, Development and Infrastructure Act 2016</i> <ul style="list-style-type: none"> • Entire Instrument – Attachment 3 4. 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 in the conditions and/or limitations specified in the Delegations Register.

ATTACHMENTS

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

1. Table of Updates for Delegations Templates
2. Instrument of Delegation Under the Dog and Cat Management Act 1995
3. Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016

1. BACKGROUND

- 1.1 The LGA regularly advises Council of amendments to delegations due to changes in legislation as well as corrections to templates provided for recording the delegations.
- 1.2 This report deals with variations to the delegations as a result of the following LGA Circular:
 - 1.2.1 LGA Circular 23.6 dated 7 June 2017 which sets out new provisions under the *Dog and Cat Management Act 1995* and the *Planning, Development and Infrastructure Act 2016*.

2. REPORT

- 2.1 Section 44 of the *Local Government Act 1999* (the Act) provides Council may delegate a power or function vested or conferred upon it by this or another Act. Such powers and functions may be further delegated by the person occupying the office of Chief Executive Officer in accordance with Sections 44 and 101 of the Act as the Chief Executive Officer sees fit. A delegation made pursuant to Section 44 of the Act is revocable at will and does not prevent the Council from acting in a matter.
- 2.2 This report deals with variations to the Delegations as a consequence of:
 - 2.2.1 **Review of Delegations Templates by Norman Waterhouse in LGA Circular 23.6 dated 7 June 2017.**

Due to legislative amendments, Norman Waterhouse conducted a review of relevant legislation which necessitated amendments to the Instruments of Delegation (Attached) for the following legislation:

Dog and Cat Management Act 1995

 - The *Dog and Cat Management Act 1995* has been substantially amended and a new Instrument of Delegation for provisions commencing on 1 July 2017 has been developed (Attachment 2).

Planning, Development and Infrastructure Act 2016

 - New provisions in the *Planning, Development and Infrastructure Act 2016* will also commence on 1 July 2017. The new Instrument of Delegation (Attachment 3) includes the provisions that commence on 1 July 2017 and also includes the provisions that commenced operation on 1 April 2017.

2.3 Process to be followed

- 2.3.1 In order for the statements contained in the Instruments of Delegation to come into effect, Council must first resolve to revoke the existing delegations under the *Dog and Cat Management Act 1995* that has been substantially amended. Council then resolves to adopt the amended and new delegations contained in the relevant Instrument of Delegation attached to this report (Attachment 2).
- 2.3.2 As the *Planning, Development and Infrastructure Act 2016* is new legislation, there are no existing delegations to revoke. Council need only adopt the new delegations contained in the relevant Instrument of Delegation attached to this report (Attachment 3).
- 2.3.3 Any sub-delegations that have been made in relation to any existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their day to day activities, the resolution is worded so that the revocation of any existing delegations under the *Dog and Cat Management Act 1995* occurs on Friday 30 June 2017 with the new delegations come into force from Saturday 1 July 2017. Delegations under the newly introduced *Planning, Development and Infrastructure Act 2016* will also come into force from Saturday 1 July 2017. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.3.4 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 Council from acting in the same matters at any time should the need arise.

3. CONCLUSION / PROPOSAL

- 3.1 A review of Council Delegations has been conducted following the introduction of new provisions under the *Dog and Cat Management Act 1995* and the newly introduced *Planning, Development and Infrastructure Act 2016* and is presented to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP MG
Date: 09/06/2017

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 30 April 2017*)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Dog & Cat Management Act 1995	All	All	Delete current instrument and replace with new instrument	Legislative change	1 July 2017*	Adopt new instrument immediately after 1 July 2017 ¹
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016	All	All	New instrument	New legislation	30 April 2017*	Adopt new instrument as soon as possible

* Note: Amendments to Dog and Cat Management Act 1995 and Planning, Development and Infrastructure Act 2016 come into force on 1 July 2017

FXD\TABLE OF UPDATES FOR DELEGATIONS TEMPLATES.DOC

ATTACHMENT 2**INSTRUMENT OF DELEGATION UNDER THE
DOG AND CAT MANAGEMENT ACT 1995****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Appointment of Authorised Persons
1.1 The power pursuant to Section 25A(1) of the Dog and Cat Management Act 1995 (the Act) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act.
1.2 The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment.
1.3 The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person.
2. Identification of Authorised Persons
2.1 The power pursuant to Section 25B(1) of the Act to issue to an authorised person an identity card in a form approved by the Board.
2.2 The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions.
3. Area Limitation on Authorised Persons Appointed by Councils
3.1 The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council.

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

4. Council Responsibility for Management of Dogs and Cats	
4.1	The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to:
4.1.1	maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and
4.1.2	ensure that the Board is provided with information contained in the register as required by the Board from time to time; and
4.1.3	maintain such other registers as may be required by the Board; and
4.1.4	make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and
4.1.5	if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and
4.1.6	appoint a suitable person to be Registrar; and
4.1.7	make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and
4.1.8	appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and
4.1.9	make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and
4.1.10	make satisfactory arrangements for fulfilling other obligations under the Act.
4.2	The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained.
4.3	The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats.

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

4.4	The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.
4.5	The power pursuant to Section 26(6) of the Act to charge:
4.5.1	fees for the provision of extracts from registers kept under the Act; and
4.5.2	fees for the receipt and management of information relating to a register contemplated by Section 26(1)(ac) of the Act; and
4.5.3	fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act:
4.5.3.1	for the registration of dogs or businesses under Part 4 of the Act; and
4.5.3.2	for the late payment of registration fees; and
4.5.3.3	for meeting any other requirement imposed on the Council under the Act.
4.6	The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act.
5.	Plans of Management Relating to Dogs and Cats
5.1	The power pursuant to Section 26A(1) of the Act to in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area.
5.2	The power pursuant to Section 26A(5) of the Act to amend a plan of management at any time during the course of the 5 year period covered by the plan, with the approval of the Board.
6.	Rectification of Register
6.1	The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.
7.	Destruction and Control Orders
7.1	The power pursuant to Section 50(1) of the Act to, in accordance with Division 2 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog:

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

7.1.1	a Destruction Order;
7.1.2	a Control (Dangerous Dog) Order;
7.1.3	a Control (Menacing Dog) Order;
7.1.4	a Control (Nuisance Dog) Order;
7.1.5	a Control (Barking Dog) Order.
7.2	The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed.
8.	Grounds on Which Orders May be Made
8.1	The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that:
8.1.1	in the case of a Destruction Order:
8.1.1.1	the dog is unduly dangerous; and
8.1.1.2	the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; or
8.1.2	in the case of a Control (Dangerous Dog) Order:
8.1.2.1	the dog:
	(a) is dangerous; and
	(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or
8.1.2.2	the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or
8.1.3	in the case of a Control (Menacing Dog) Order:
8.1.3.1	the dog:
	(a) is menacing; and
	(b) has attacked, harassed or chased a person or an

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

	animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or
8.1.3.2	the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or
8.1.4	in the case of a Control (Nuisance Dog) Order:
8.1.4.1	the dog:
(a)	is a nuisance; and
(b)	has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or
8.1.4.2	the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or
8.1.5	in the case of a Control (Barking Dog) Order:
8.1.5.1	the dog is a nuisance; and
8.1.5.2	the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act.
9.	Procedure for Making and Revoking Orders
9.1	The power pursuant to Section 52(1) of the Act to:
9.1.1	make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and
9.1.2	to determine the manner and form of an application for an order under Division 3 of Part 5 of the Act.
9.2	The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:
9.2.1	to ascertain all persons who own or are responsible for the control of the dog; and
9.2.2	to give each of the persons so ascertained at least 7 days written notice:

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

9.2.2.1	identifying the dog in relation to which it is proposed that the order be made;
9.2.2.2	setting out the terms of the proposed order; and
9.2.2.3	inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate.
9.3	The power pursuant to Section 52(2) of the Act to:
9.3.1	make an order in the manner and form required by the Board; and
9.3.2	note an order in the register kept by the Council under the Act.
9.4	The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog.
9.5	The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog.
9.6	The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act.
9.7	The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an order made by the Board.
10. Directions About How to Comply with Order	
10.1	The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council.
11. Power of Court to Order Destruction or Control of Dog on Application	
11.1	The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act.
12. Prohibition Orders	
12.1	The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a

Provisions to commence 1 July 2017

- 7 -

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

	person.
12.2	The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of.
12.3	The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that, subject to Section 59A(4) of the Act:
12.3.1	while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; and
12.3.2	–
12.3.2.1	the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or
12.3.2.2	during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.
12.4	The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the <i>Criminal Law Consolidation Act 1935</i> .
12.5	The power pursuant to Section 59A(5) of the Act to:
12.5.1	make an order in the manner and form required by the Board; and
12.5.2	record the order in a manner and form approved by the Board, and keep the record readily available for public inspection.
12.6	The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made.
12.7	The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act.

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

13. Procedure Following Seizure of Dog	
13.1	The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog.
13.2	The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council.
14. Power to Seize and Detain Cats	
14.1	The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be destroyed.
15. Certain Bodies May Microchip and Desex Detained Dogs and Cats	
15.1	The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of Section 64B of the Act, do 1 or more of the following:
15.1.1	microchip the dog or cat;
15.1.2	desex the dog or cat;
15.1.3	cause the dog or cat to be microchipped or desexed or both.
15.2	The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a person who owns or is responsible for the control of the dog or cat.

Provisions to commence 1 July 2017

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert "NIL"]

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

Provisions to commence 1 July 2017

ATTACHMENT 3**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Planning Regions and Greater Adelaide	
1.1	The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.
2. Subregions	
2.1	The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.
3. Environment and Food Production Areas – Greater Adelaide	
3.1	The power pursuant to Section 7(5) of the Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:
3.1.1	to seek the concurrence of the Commission in the granting of the authorisation;
3.1.2	to concur in the granting of the development authorisation to the development;
3.1.3	to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
4. Planning Agreements	
4.1	The power pursuant to Section 35(1)(a) of the Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the

- 2 -

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

	State in accordance with Section 35 of the Act.
4.2	The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:
4.2.1	the setting of objectives, priorities and targets for the area covered by the agreement; and
4.2.2	the constitution of a joint planning board including, in relation to such a board:
4.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and
4.2.2.2	subject to Section 35(4) of the Act, the criteria for membership; and
4.2.2.3	the procedures to be followed with respect to the appointment of members; and
4.2.2.4	the terms of office of members; and
4.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and
4.2.2.6	the appointment of deputy members; and
4.2.2.7	the procedures of the board; and
4.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and
4.2.4	the staffing and other support issues associated with the operations of the joint planning board; and
4.2.5	financial and resource issues associated with the operations of the joint planning board, including:
4.2.5.1	the formulation and implementation of budgets; and
4.2.5.2	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and

- 3 -

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

4.2.6	such other matters as the Delegate thinks fit.
4.3	The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).
4.4	The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.
5.	Community Engagement Charter
5.1	The power pursuant to Section 44(6)(a) of the Act, to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 (unless the proposal has been initiated by the Council).
6.	Preparation and Amendment of Charter
6.1	The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA planning portal) on a proposal to prepare or amend the Charter.
7.	Initiation of Scheme
7.1	The power pursuant to Section 163(3)(b) of the Act to request the Minister initiate a proposal to proceed under Section 163 of the Act.
7.2	The power pursuant to Section 163(10) of the Act to consult with the Minister in relation to the draft outline.
8.	Consideration of Proposed Scheme
8.1	The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.
9.	Adoption of Scheme
9.1	The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme.
10.	Funding Arrangements
10.1	The power pursuant to Section 169(2)(b) of the Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the Act to apply for a periodic review of the levels and amounts of those contributions and as part of such review for any matter to be considered or determined by

- 4 -

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

ESCOSA.	
10.2	The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.
10.3	The power pursuant to Section 169(9) of the Act to consult with the Commission in relation to a funding arrangement that is specifically relevant to the Council.
11. Contributions by Constituent Councils	
11.1	The power pursuant to Section 177(4) of the Act to consult with the Minister in relation to the Council's share.
11.2	The power pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act.
12. Imposition of Charge by Councils	
12.1	The power pursuant to Section 180(7) of the Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9.
13. Authorised Works	
13.1	The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any infrastructure works if the Council is authorised to so do by or under the Act or any other Act.
13.2	The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:
13.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and
13.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and
13.2.3	ensure that proper consideration is given to the views of the road maintenance authority.
13.3	The power pursuant to Section 187(5)(b) of the Act to consult with the

- 5 -

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

	relevant road maintenance authority in relation to the matter.
13.4	The power pursuant to Section 187(b) of the Act, in a case of emergency, to only comply with Section 187(5) of the Act to such extent as is practicable in the circumstances.
14.	Entry onto Land
14.1	The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to:
14.1.1	enter and pass over any land; and
14.1.2	bring onto any land any vehicles, plant or equipment; and
14.1.3	temporarily occupy land; and
14.1.4	do anything else reasonably required in connection with the exercise of the power.
14.2	The power pursuant to Section 188(4) of the Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the Act.
15.	Acquisition of Land
15.1	The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .
16.	Review of Performance
16.1	The power pursuant to Clause 3(3) of Schedule 4 of the Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.
16.2	The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based.
16.3	The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the

- 6 -

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

	Minister.
16.4	The power pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act.
17.	General Schemes
17.1	The power pursuant to Clause 30(3) of Schedule 8 of the Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the Act in relation to a scheme.

- 7 -

**INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016****SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil