



## **AGENDA**

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

**18 MARCH 2019 AT THE CONCLUSION OF BUDGET AND FINANCE  
COMMITTEE**

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

### **MEMBERS**

Cr D Proleta (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Hood  
Cr P Jensen (Deputy Chairman)  
Cr J Woodman

### **REQUIRED STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Communication and Customer Relations, Mr M Bennington  
Manager Governance, Mr M Petrovski

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 18 February 2019.

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## OTHER BUSINESS

## CLOSE



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

**18 FEBRUARY 2019**

**MEMBERS PRESENT**

Cr D Proleta (Chairman)  
Mayor G Aldridge (ex officio) (*from 8.33 pm*)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Hood  
Cr P Jensen (Deputy Chairman)  
Cr J Woodman

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Communication and Customer Relations, Mr M Bennington  
Manager Governance, Mr M Petrovski

The meeting commenced at 8.30 pm.

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

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil.

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## PRESENTATION OF MINUTES

Moved Cr P Jensen  
Seconded Cr J Woodman

The Minutes of the Resources and Governance Committee Meeting held on 21 January 2019, be taken and read as confirmed.

**CARRIED**

## REPORTS

### *Administration*

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

Moved Cr J Woodman  
Seconded Cr K Grenfell

1. The information be received.

**CARRIED**

*Mayor G Aldridge entered the meeting at 8.33 pm.*

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

#### **3.3.1 Footpath Trading Policy Review**

Moved Cr B Brug  
Seconded Cr A Duncan

1. The information be received.
2. The Draft Footpath Trading Policy 2019 included as Attachment 1 and the Footpath Trading Permit Fees included as Attachment 3 to this report (Resources and Governance Committee 18/02/2019 Item 3.3.1.) be endorsed and adopted by Council.
3. In accordance with Section 188(1)(e) of the Local Government Act 1999 the Footpath Trading Policy Fees (included as Attachment 3 to this report (Resources and Governance Committee 18/02/2019 Item 3.3.1.) include:
  - a. An Annual “Footpath Trading Permit Fee” of \$80 (minimum fee) or \$10 per square metre (whichever is the greatest), capped at a maximum of \$200, with a 50% reduction for a Charity/Community Group.
  - b. A “Notification Fee” of \$100 for footpath trading applications that require notification of adjacent residential premises.
  - c. An “Energy Absorbing Bollard Fee” equal to the actual costs of the required Energy Absorbing Bollards (supply and installation) multiplied by a 50% rebate.

- d. A “Temporary Footpath Trading Permit Fee” of \$20 for events up to five (5) days, with a 50% reduction for a Charity/Community Group.
4. That Council allocate a non-discretionary budget bid at the third quarter budget review for \$70,000 expenditure and \$35,000 income, with a net cost to Council of \$35,000 to provide a funding allocation in 2018/19 for Energy Absorbing Bollards associated with footpath trading applications.

**CARRIED**

### **3.3.2 Review of Food Act 2001 - Inspection Fees Policy**

Moved Cr B Brug  
Seconded Cr K Grenfell

1. The Information be received.
2. That the Food Act 2001 – Inspection Fees Policy as set out in Attachment 1 to this report (Item No. 3.3.2, Resources and Governance Committee, 18/02/2019) be endorsed.

**CARRIED**

### **3.3.3 Dog Registration Fees 2019 - 2020**

Moved Cr B Brug  
Seconded Cr K Grenfell

1. The information be received.
2. That the maximum dog registration fee for a non-standard dog be set at \$65.00 for 2019-2020 with the dog registration categories and eligible rebates as per the *Dog Registration Fee Schedule Proforma 2019-2020* forming Attachment 4 to the Resources and Governance Committee agenda – 18/02/2019, Item no. 3.3.3.
3. The Other Fees relating to :
  - Replacement Disc Fee,
  - Late Registration Penalty, which is applicable 3 clear business days from last day to pay annual registration,
  - Puppies aged 6 months or less,
  - Part Year Rebate after 1 January and until end of current registration period for new dogs not previously registered in the area, and
  - Fee free registration period from 1 June to 30 June

as presented in the *Dog Registration Fee Schedule Proforma 2019-2020* forming Attachment 4 to the Resources and Governance Committee agenda – 18/02/2019, Item no. 3.3.3. be endorsed and adopted by Council.

4. The Fees Unrelated to Registrations, namely:
  - Seizure Fee (Seizing a dog for the purposes of impounding),
  - Daily Pound Fee (Fees for Keeping Dog at Pound daily (or part thereof)),
  - Veterinary Fees or other animal welfare related costs, and
  - Certified Extract from register (per page),

as presented in the *Dog Registration Fee Schedule Proforma 2019-2020* forming Attachment 4 to the Resources and Governance Committee agenda – 18/02/2019, Item no. 3.3.3. be endorsed and adopted by Council.

**CARRIED**

*External Relations*

**3.4.1 Nominations Sought for the Local Government Ministerial Advisory Committee**

Moved Mayor G Aldridge  
Seconded Cr B Brug

1. Mayor G Aldridge be nominated as a local government member on the Local Government Ministerial Advisory Committee.

**CARRIED**  
UNANIMOUSLY

**3.4.2 Nominations Sought for the Dog and Cat Management Board**

Moved Cr B Brug  
Seconded Cr P Jensen

1. Cr S Reardon be nominated as a Local Government Member on the Dog and Cat Management Board.

**CARRIED**

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*Corporate Management*

**3.5.1 Request to Attend Interstate Activity - Australian Local Government Women's Association Bi-ennial Conference, Blacktown, New South Wales**

*Cr J Woodman declared an actual conflict of interest on the basis of being the person who has applied to attend the conference.*

*Cr Woodman left the meeting at 9.13 pm.*

Moved Cr B Brug

Seconded Mayor G Aldridge

1. Attendance by Cr Julie Woodman at the Australian Local Government Women's Association National Conference at West HQ, The Rooty Hill RSL, Blacktown, New South Wales from 15-17 May 2019 be approved.

**CARRIED**

*Cr Woodman returned to the meeting at 9.17 pm.*

*Corporate Governance*

**3.6.1 Review of Enforcement Policy**

Moved Cr K Grenfell

Seconded Cr B Brug

1. The Information be received.
2. The Enforcement Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.1, 18/02/2019), be endorsed.

**CARRIED**

**3.6.2 Review of Private Parking Areas Act - Private Parking Agreements Policy**

Moved Mayor G Aldridge

Seconded Cr B Brug

1. The Information be received.
2. The Private Parking Areas Act - Private Parking Agreements Policy as set out in Attachment 1 to this report (Item No. 3.6.2, Resources and Governance Committee, 18/02/2019), be endorsed.

**CARRIED**

**3.6.3 Review of Extreme Heat Policy**

Moved Cr J Woodman  
Seconded Cr D Hood

1. The Information be received.
2. The Extreme Heat Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.3, 18/02/2019), be endorsed.

**CARRIED**

**3.6.4 Review of Naming of Roads and Public Places Policy**

Moved Cr J Woodman  
Seconded Cr B Brug

1. The Information be received.
2. The Naming of Roads and Public Places Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.4, 18/02/2019), be endorsed.

**CARRIED**

**3.6.5 Review of Building and Swimming Pool Inspection Policy**

Moved Mayor G Aldridge  
Seconded Cr B Brug

1. The Information be received.
2. The Building and Swimming Pool Inspection Policy as set out in Attachment 1 to this report (Resources and Governance, 18/02/2019), be endorsed.

**CARRIED**

**3.6.6 Review of Internal Review of Council Decisions Policy and Procedure**

Moved Cr B Brug  
Seconded Cr J Woodman

1. The information be received.
2. The Internal Review of Council Decisions Policy and Procedure as set out in Attachment 1 to this report (Resources and Governance 3.6.6, 18/02/2019), be endorsed.

**CARRIED**



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**3.6.7 Review of Representation of the City of Salisbury by Elected Members Policy**

Moved Cr B Brug  
Seconded Cr K Grenfell

1. The Information be received.
2. The Representation of the City of Salisbury by Elected Members Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.7, 18/02/2019), be endorsed.

**CARRIED**

**3.6.8 Review of Transfer of Cemetery Licences Policy**

Moved Cr K Grenfell  
Seconded Cr D Hood

1. The Information be received.
2. The Transfer of Cemetery Licences Policy as set out in Attachment 1 to this report (Resources and Governance Committee Item No. 3.6.8, 18/02/2019) be endorsed.

**CARRIED**

**OTHER BUSINESS**

Nil.

The meeting closed at 9.34 pm.

CHAIRMAN.....

DATE.....



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<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**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:

<b>Meeting Item</b>	<b>Heading and Resolution</b>	<b>Officer</b>
22/06/2015 3.3.2 <b>Due:</b>	<b>Amendments to the Dog and Cat Management Act</b> 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 2019	John Darzanos
23/04/2018 3.3.1 <b>Due:</b>	<b>Parking Technology Trials</b> 5. A further report presenting the outcomes of the trials be presented to Council at the conclusion of the trials. August 2019	John Darzanos
23/07/2018 MON2 <b>Due:</b>	<b>Parking in the Salisbury City Centre</b> 2. At the conclusion of the licence plate recognition trial, the report that will be provided to Council on the outcomes of the trial also incorporate advice on the implications of the provision of four (4) and or five (5) hour parking areas in the city centre. August 2019	John Darzanos
23/07/2018 3.6.3 <b>Due:</b>	<b>Media Policy Review</b> That consideration of the Media Policy be deferred to the next Council following the local government elections. April 2019	Michael Bennington
27/08/2018 MON7.1 <b>Due:</b> <b>Deferred to:</b> <b>Reason:</b>	<b>Council Customer Service Charter</b> 1. That Council review all customer service and related policies with a view of increasing the level of basic services and customer requests. March 2019 April 2019 Pending an Elected Members' Workshop in March 2019	Michael Bennington
27/08/2018 MON7.1 <b>Due:</b> <b>Deferred to:</b> <b>Reason:</b>	<b>Council Customer Service Charter</b> 2. That Council develop a community and resident customer service charter in consultation with the local community. March 2019 April 2019 Pending an Elected Members' Workshop in March 2019	Michael Bennington
26/11/2018 6.5 <b>Due:</b>	<b>Council and Committee Structure</b> 2. The terms of reference be reviewed after the first 12 months of the term of office seeking Elected Member feedback and a report be provided to the Resources and Governance Committee. December 2019	Mick Petrovski

29/01/2019	<b>Appointment of Independent Members on the Council Assessment Panel</b>	Chris Zafiroopoulos
3.2.1	1. For the purposes of the Expression of Interest process for the appointment of the members to the Salisbury Council Assessment Panel, Council endorse the draft <i>Council Assessment Panel Terms of Reference</i> as set out in Attachment 1 to this report (Resources and Governance 3.2.1, 21/01/2019), and the Terms of Reference be resubmitted to Council at a later date for further consideration and adoption.	
<b>Due:</b>	April 2019	
29/01/2019	<b>Appointment of Independent Members on the Council Assessment Panel</b>	Chris Zafiroopoulos
3.2.1	3. A report be provided to Council in April 2019 for the appointment of Independent Members to the Council Assessment Panel.	
<b>Due:</b>	April 2019	

#### 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:	EXEC GROUP	GMCiD	GMBE
Date:	12/03/2019	06/03/2019	06/03/2019



<b>ITEM</b>	3.4.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Nominations Sought for the Stormwater Management Authority
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	The Minister for Environment and Water has written to the LGA requesting nominations for a Presiding Member and not less than three other members for the board of the Stormwater Management Authority for a term commencing in July 2019. Nominations must be forwarded to the LGA by COB 9 April 2019.

#### **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. 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 9 April 2019.

#### **2. CONSULTATION / COMMUNICATION**

##### **2.1 Internal**

- 2.1.1 Circular 9.8 dated 26 February 2019 from the LGA was emailed to the Executive Group, Elected Members and relevant staff seeking interest. At the time of writing this report no registrations of interest have been received.

##### **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 of Directors 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 in July 2019.
- 3.7 LGA-nominated persons currently on the board are Mr Stephen Hains (Presiding Member), Former 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 2019 and Mr Hains and Dr Macdonald are eligible for reappointment. Ms Rosenberg has recently resigned due to no longer being a serving elected member.
- 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 (Attached) must be forwarded to the LGA by COB 9 April 2019. Due to State Government requirements all nominees must also provide an **up-to-date CV/Resume**.
- 3.14 The LGA Board of Directors will consider nominations received at its meeting on Wednesday 17 April 2019.

#### **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: 12/03/2019



## Nominations to Outside Bodies - Part A

<b>Stormwater Management Authority (SMA)</b>	
<b>Legal Status of Body</b>	Statutory Authority
<b>Summary Statement</b>	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.
<b>Selection criteria</b>	
<i>The following selection criteria must be addressed when completing Part B</i>	
<b>Qualifications Required</b> <i>(formal qualifications relevant to the appointment)</i>	Qualifications in disciplines relevant to public administration and stormwater management would be desirable.
<b>Industry Experience</b>	Relevant experience in public administration and stormwater management.
<b>Board / Committee Experience</b>	Relevant experience in public administration and stormwater management.
<b>Key Expertise</b> <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.
<b>Liability and indemnity cover</b>	
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)	
<b>Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body</b>	<b>Yes</b>
<b>Insurance Policies are valid &amp; current</b>	<b>Yes</b>



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<b>ITEM</b>	3.4.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Election of Members on the Greater Adelaide Regional Organisation of Councils
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	Further to the report to Council in January 2019 seeking nominations for members on the Greater Adelaide Regional Organisation of Councils (GAROC), ten nominations were received for the two available positions and an election will now be conducted.

### RECOMMENDATION

1. Council indicates its two preferences as follows:
  - 1) \_\_\_\_\_; and
  - 2) \_\_\_\_\_;
 for the two positions on the Greater Adelaide Regional Organisation of Councils and instructs its delegate to vote accordingly.

### ATTACHMENTS

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

1. GAROC Nominations - Candidate Profiles
2. Letter seeking support for Deputy Mayor Tim Pfeiffer from the City of Marion for GAROC

### 1. BACKGROUND

- 1.1 On 9 January the Chief Executive of the Local Government Association wrote to member councils calling for nominations for two (2) positions on the Greater Adelaide Regional Organisation of Councils (GAROC) which had occurred as a result of casual vacancies following the 2019 local government elections.
- 1.2 Ten nominations were received for the two available positions on GAROC and as such, an election will now be conducted by postal ballot.

### 2. REPORT

- 2.1 The LGA has advised ten nominations have been received for the two available positions on GAROC and as such, an election will now be conducted by postal ballot.

- 2.2 The candidates are listed below (in the order on the ballot paper) and profiles on each candidate are attached:

Jordan Dodd	Councillor, City of Unley
Michael Coxon	Mayor, City of West Torrens
Tim Pfeiffer	Deputy Mayor, City of Marion
Angela Evans	Mayor, City of Charles Sturt
Jill Whittaker	Mayor, Campbelltown City Council
Grant Piggott	Councillor, City of Burnside
Heather Holmes-Ross	Mayor, City of Mitcham
Don Palmer	Councillor, City of Unley
Erin Thompson	Mayor, City of Onkaparinga
Amanda Wilson	Mayor, City of Holdfast Bay

- 2.3 A letter seeking support for Deputy Mayor Tim Pfeiffer from the City of Marion has been received and is attached for information.

- 2.4 Pursuant to clause 4.4.5 of the GAROC Terms of Reference (TOR), the casting of votes by councils must be conducted as follows:

- each Member [council] shall determine by resolution the two (2) candidates it wishes to elect (Clause 4.4.5(c));
- the chair of the meeting for that Member [council] shall mark the ballot paper with an "X" next to the two (2) candidates that the member [council] wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the Delegate must indicate the member's [council] name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer (Clause 4.4.5(d));
- on receipt of the envelopes the Chief Executive must (Clause 4.4.5(e)):
  - open the outer envelope addressed to the "Returning Officer" and record the name of the member [council] which appears on the inside flap of the envelope on the roll of member's [council] eligible to vote; and
  - place the envelope marked "Ballot Paper" unopened into the ballot box.
- the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present (Clause 4.4.5(f));
- at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate (Clause 4.4.5(g));
- the two (2) candidates with the most votes shall be deemed elected and will commence their term immediately and remain in office until the conclusion of the 2020AGM; and

- in the case of candidates receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes and the lot drawn will be the candidate(s) elected (Clause 4.4.5(i)).
- 2.4 The counting of votes will take place on Friday 12 April 2019 at the Adelaide Entertainment Centre, 98 Port Road Hindmarsh. The time of the count will be confirmed and candidates will be advised should they, or their nominated scrutineer, wish to be present.
- 2.5 All votes must be received by the Returning Officer by 5:00 pm on Thursday 11 April 2019.

**1. CONCLUSION / PROPOSAL**

- 1.1 Council is asked to determine the two preferred candidates it wishes to vote for in the election for the two member positions on the Greater Adelaide Regional Organisation of Councils.

**CO-ORDINATION**

Officer:	Executive	MG
	Group	
Date:	12/03/2019	06/03/2019





**This form is to be sent to the LGA Returning Officer**

**Close of nominations 5:00pm Friday 24 August 2018**

## **Candidate Information Sheet GAROC**

(word limit is strictly 1,000 words)

Name:	Councillor Jordan Dodd
Council:	City of Unley
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <li>Although this is my first term as an Elected Member, I have extensive experience working within the local government sector as a governance officer, as well as a background in legal spheres and small business.</li> <li>As I sit on both sides of the fence as both an Elected Member and staff member, I have a unique and valuable perspective as to the workings of Council, the needs of the community, and effective management.</li> <li>I have an innate understanding of the legislative frameworks and requirements of local government, having a legal background and currently tasked with legislative interpretation and policy management as a governance officer.</li> <li>Presiding Member - City Strategy and Development Policy Committee 2019-2021</li> </ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <li>Both major parties within the State Government are determined to make extensive and broad sweeping local government reforms. It is important that members of GAROC not only understand how to interpret the implications of proposed legislation, but know how to navigate a political landscape to achieve the best outcomes for Councils and our constituents.</li> <li>GAROC and the LGA need to take a strong role as part of this reform, to ensure that the sector is heard, and our experience is valued in the negotiation process.</li> <li>This is an opportunity for the sector to work hand in hand with the other two tiers of government to achieve the best outcomes for our communities.</li> <li>Community input is important, to ensure that constituents don't feel shut out or forgotten during the reform process. At the end of the day, the local government sector exists to provide services and programs for the local community.</li> <li>Council's voices need to be heard in AGM's and OGM's without a "filtering" of items of business via the LGA.</li> </ul>
Other information	<ul style="list-style-type: none"> <li>Bachelor of Laws (University of Queensland) 2014</li> <li>Masters of Applied Finance (University of Adelaide) Current</li> <li>Student representative to Union College Board (University of Queensland)</li> </ul>



**Local Government Association**  
of South Australia

The voice of local government.

**This form is to be sent to the LGA Returning Officer**

**Close of nominations 5:00pm Friday 22 February 2019**

## **Candidate Information Sheet GAROC**

(word limit is strictly 1,000 words)

Name:	MAYOR Michael Coxon
Council:	City of West Torrens
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <li>• 2018 – Elected Mayor of the City of West Torrens</li> <li>• 8 years – Councillor of the City of West Torrens</li> <li>• 2 years – Chairperson Urban Services Committee</li> <li>• 2 years – Chairperson Corporate and Regulatory Committee</li> </ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <li>• Supports LGA as our peak representative body</li> <li>• Supports GAROC and their role in addressing PDI (Planning, Development and Infrastructure Act 2016) impacts - internal /external</li> <li>• Supports a joint local government approach to address cost-shifting from the other tiers of government</li> <li>• Supports recognition of Local Government in the Australian Constitution</li> <li>• Interested in developing initiatives to address future waste services and China Sword impact</li> <li>• Interested in a developing a joint Metropolitan Economic Development Strategy</li> <li>• Interested in Traffic Management - Planning and scheduling</li> <li>• Interested in North South Corridor (South Road) Impacts</li> <li>• Interested in Smart Cities</li> <li>• Interested in public LED lighting</li> </ul>
Other information	<ul style="list-style-type: none"> <li>• Bachelor of Arts Degree (Adelaide University)</li> <li>• Graduate Diploma of Business (University of South Australia)</li> <li>• 28 years – Executive Leadership Roles in Property and Finance Industry</li> <li>• 10 years - Board Member West Beach Trust (SA Government)</li> <li>• 7 years – Board Member Camden Community Centre (Community Group)</li> <li>• 7 years – School Council Member – Plympton International College (Education)</li> <li>• 7 years – Board Member Inner West Business Enterprise Centre (Small Business Service)</li> </ul>

**This form must accompany the Nomination Form**

LGA of SA

ECM 663280

Call for nominations GAROC Member 2018

Page 2 of 4

# RESUME

## Michael Coxon

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165 Sir Donald Bradman Drive Hilton 5033 |  
0402 212 002 | mayorcoxon@wtcc.sa.gov.au

### KEY ACHIEVEMENTS

I am a senior executive with over 28 years' experience in the property and financial services sectors with strong property management, leasing, selling, negotiation, communication, and interpersonal skills.

My responsibilities have included 'hands on' property sales, management, and leasing across commercial and residential sectors, together with determination and management of annual operational budgets together with full P&L and cost centre accountability.

My skill set also includes experience in all facets of strategic planning and execution, elevated level sales management together with developing and implementing highly successful marketing and promotional campaigns with a strong customer service focus and an ability to foster productive cross-functional relationships.

In addition, in the community, I am the Mayor of the City of West Torrens and have also served as a Local Councillor (8 years) and have served as a Board Member for the Camden Community Centre (7 years), School Board Member for Plympton International College (7 years) and, the Inner West Business Enterprise Centre (7 years) plus a Government appointed Board Member to the West Beach Trust (10 years).

## EXPERIENCE

### **CEO - Owner - Land Agent | Century 21 Urban | Dec 13 – Nov 18**

- Management of 4 Salespeople, 2 Property Managers, 2 Admin Staff.
- Grew net profit in the Business to 20%.
- Provide 'state of the market' Marketing & Business Development Tools.
- Develop and implement a Sales and Marketing Strategy.
- Provide property management and sales training to the staff.
- Marketing, Selling, Leasing of Residential Properties.

### **SA State Manager | Century 21 Australia | Jun 09 – Dec 13**

- Management of 22 Franchised Offices across South Australia.
- Provide leadership to the franchise group.
- Grew franchise network by 6 franchises in SA.
- Develop and implement a Business Development Strategy.
- Provide management and sales training to franchisees and their staff.

### **SA State Manager | PCCU | May 06 – May 09**

- Management of 3 BDMs, 30 HLAs and 8 HL Sales Support Staff.
- Grew the balance of the home loan book by 27% (after run-off).
- Dramatically improved compliance rating of lending staff to above 95%.
- Significantly increased fee income to 'above benchmark' (over 85%).
- Member of Lending Policy and Procedure Committee.

### **Sales Manager | McGrath Real Estate | Apr 03 – Apr 06**

- Management of 5 Managers, 28 Sales Consultants, 3 Lenders.
- Grew number of offices from 2 to 5.
- Improved sales by 42% in the 3 years.

### **Area Manager (Sydney) | Commonwealth Bank | Sep 00 – Apr 03**

- Management of 3 Divisional Managers and 19 Branch Managers.
- All P&L were managed within acceptable limits.
- Improved 'Mystery Shopping Program survey results from 87 to 96.

### **Manager Retail (Sydney) | Commonwealth Bank | Aug 99 – Aug 00**

- Management of 6 Mobile Lenders, 9 Lenders, 6 Admin Officers.
- Grew the balance of the home loan book to 132% from 98%.
- Grew home loan funding to 120.6% from 88%.
- Improved the internal "Gallop" survey results to 4.14 from 3.2 (out of 5).

### **Mobile Banker (Adelaide) | Commonwealth Bank | Nov 98 – Aug 99**

### **CEO / Owner - Land Agent | Coxon Real Estate | Mar 95 – Oct 98**

### **Sales Manager | Taylor Neumann Real Estate | Apr 92 – Mar 95**

### **Real Estate Salesperson | Myles Pearce Real Estate | May 90 – Apr 92**

### **EDUCATION**

**Small Business Management Training Course | Lock LSH | 1994**  
Business Planning, Insurance, Market Research and Marketing,  
Financial Planning, Pricing/Costing, Taxation, and Record Keeping

**Graduate Diploma of Business in Property | UniSA | 1994**  
Accounting, Marketing, Property Law, Commercial Property  
Management, Real Estate Investment, Building and Land Development  
Systems, Business Management, Real Estate Case Studies, Statistics,  
Financial Analysis for Real Estate, Valuation, Conveyancing.

**Certificate in Real Estate Practice | TAFE | 1990**

**Bachelor of Arts Degree | University of Adelaide | 1983 - 1989**

### **COMMUNITY EXPERIENCE**

**Mayor | City of West Torrens | 2018 - current**

**Board Member | Adelaide Shores | 2007 - 2017**

**Local Council Member | City of West Torrens | 2006 – 2014**

**Board Member | Camden Community Centre | 2006 - 2013**

**Board Member | IWBECC | 2006 – 2013**

**School Board Member | Plympton International College | 2005 - 2012**

## Candidate Information Sheet

## GAROC

<b>Name:</b>	Deputy Mayor Tim Pfeifer
<b>Council:</b>	City of Marion
<b>Local Government Experience &amp; Knowledge</b>	<p>I believe that I have the skills, knowledge, experience and passion to make a difference to the lives of the people of Greater Adelaide as a member of GAROC.</p> <p>As a Councillor of the last eight years, with two periods as Deputy Mayor and representation on numerous committees (as outlined below), I have successfully collaborated with our Council to deliver many projects for our community. I am outcome-focussed and have been closely involved in the planning and delivery of the: Edwardstown Oval Redevelopment, City Services Depot, Hallett Cove Library &amp; Community Centre, Oaklands Wetlands, Mike Turtur Bikeway (Marion sections), and many local playground upgrades. During this time, I have also worked closely with Council to significantly reduce rate rises, find business efficiencies and ensure ongoing financial strength (as evident in our balance sheet and long term financial plan).</p> <p>My approach to Council decision making is to always have an open mind and to only make decisions based on fact and what is in the best interest of our whole community. I have a deep respect for all of my fellow elected members and am proud of our collective achievements when we work together as a team. I am politically independent but have sound relationships across the whole political spectrum.</p> <p>Through my professional life I have worked in senior strategy roles across a range of industries, including: banking, utilities, local government (City of Adelaide), construction and the State public service (as outlined below). In addition to my specialist strategy skills, I also have strong and proven generalist corporate experience in planning, finance, governance, policy, communications, customer experience, stakeholder management, risk management, project delivery, change and performance management – skills which are vital to ensuring success on your behalf at the GAROC table.</p> <p>I am a passionate South Australian. If elected to GAROC, I will be a strong voice for the whole of Greater Adelaide, with a particular focus on Southern and Western Adelaide (regions that are not currently represented on GAROC).</p> <p>I was pleased to accept the unanimous nomination of the City of Marion, and would love the opportunity to collaboratively serve the interests of your community.</p> <p>If you have questions about my candidacy or would just like to get to know me a bit better, I strongly encourage you to contact me (<a href="mailto:tim.pfeiffer@marion.sa.gov.au">tim.pfeiffer@marion.sa.gov.au</a> / 0401 776 523).</p>

<p><b>Local Government Policy Views &amp; Interests</b></p>	<p>My Local Government policy views &amp; interests can be summarised through a triple bottom line approach:</p> <p>Environment:</p> <ul style="list-style-type: none"> <li>➤ Refining streetscapes and open spaces in all communities</li> <li>➤ Improving stormwater re-use &amp; energy efficiency</li> <li>➤ Delivering plans and infrastructure for climate change adaptation and resilience</li> </ul> <p>Community:</p> <ul style="list-style-type: none"> <li>➤ Planning reform and ensuring that communities maintain a strong voice</li> <li>➤ Community development that is focused on fostering openness and inclusivity</li> <li>➤ Developing high quality public facilities for the use of strong community groups</li> </ul> <p>Economy:</p> <ul style="list-style-type: none"> <li>➤ Local government reform to improve the efficiency and effectiveness of service delivery</li> <li>➤ Advocacy for large scale infrastructure upgrades to improve State competitiveness</li> <li>➤ Collaboration across Council boundaries to improve regional economic outcomes</li> </ul>																					
<p><b>Other Information</b></p>	<p>During my time on Council, I have been elected to the following positions:</p> <ul style="list-style-type: none"> <li>➤ Deputy Mayor (2014 &amp; Present)</li> <li>➤ Chair, Strategic Directions Committee (2011 &amp; 2012)</li> <li>➤ Audit Committee (sole Councillor on the committee) (2011, 2012 &amp; 2015)</li> <li>➤ Infrastructure &amp; Strategy Committee (2014 to 2018)</li> <li>➤ Chief Executive Officer Review Committee (2014)</li> <li>➤ Review &amp; Selection Committee (Present)</li> <li>➤ Council liaison to the following Boards: Suneden Special School (2010 - 2014), Edwardstown Soldiers Memorial Recreation Ground (2010 - Present), City of Marion Band (2015 - Present)</li> </ul> <p>During my professional career, I have held the following positions:</p> <table border="0"> <tr> <td>➤ Stratosphere Consulting Group</td> <td>Managing Director &amp; Principal Consultant</td> <td>2018-Present</td> </tr> <tr> <td>➤ People's Choice Credit Union</td> <td>Senior Manager Strategy &amp; Planning</td> <td>2015 - 2018</td> </tr> <tr> <td>➤ SA Water</td> <td>Manager Strategy, Planning &amp; Performance</td> <td>2010 - 2015</td> </tr> <tr> <td>➤ Clear Decisions</td> <td>Strategy Consultant</td> <td>2012 - 2015</td> </tr> <tr> <td>➤ City of Adelaide</td> <td>Senior Policy Officer</td> <td>2008 - 2010</td> </tr> <tr> <td>➤ Depart for Water, Land &amp; Biodiv Cons</td> <td>Senior Ministerial Liaison Officer</td> <td>2007 - 2008</td> </tr> <tr> <td>➤ Depart for Water, Land &amp; Biodiv Cons</td> <td>Salinity Policy Officer</td> <td>2005 - 2007</td> </tr> </table> <p>In terms of higher education, I hold a Bachelor in Environmental Management (Honours) from Flinders University.</p>	➤ Stratosphere Consulting Group	Managing Director & Principal Consultant	2018-Present	➤ People's Choice Credit Union	Senior Manager Strategy & Planning	2015 - 2018	➤ SA Water	Manager Strategy, Planning & Performance	2010 - 2015	➤ Clear Decisions	Strategy Consultant	2012 - 2015	➤ City of Adelaide	Senior Policy Officer	2008 - 2010	➤ Depart for Water, Land & Biodiv Cons	Senior Ministerial Liaison Officer	2007 - 2008	➤ Depart for Water, Land & Biodiv Cons	Salinity Policy Officer	2005 - 2007
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## Candidate Information Sheet

### GAROC – Casual Vacancy

(word limit is strictly 1,000 words)

Name:	Mayor Angela Evans
Council:	City of Charles Sturt
Local Government Experience & Knowledge	<p>Mayor of the City of Charles Sturt (from 2014 Elections)                  Deputy Mayor of the City of Charles Sturt (2010/11, 2013/14)                  8 years as Councillor for West Woodville Ward City of Charles Sturt (2006-2014)                  Committees:</p> <ul style="list-style-type: none"> <li>• City Services Committee (2006-2014) - Chair (2011-2013)</li> <li>• Audit Committee</li> <li>• Strategic Development Committee (2006-2014) - Deputy Chair (2010-2014)</li> <li>• Policy &amp; Delegation Committee - Deputy Chair (2010-2014)</li> </ul>
Local Government Policy Views & Interests	<p>I believe the following represents my keys areas of interest commitment and achievement in local Government. In my term as Mayor I have:</p> <ul style="list-style-type: none"> <li>• Built strong relationships between Councillor's</li> <li>• Developed an effective Governance framework for Council</li> <li>• Implemented long term Financial sustainability for Council</li> <li>• Actively contributed to policy discourse across our sector and advocated for both Charles Sturt and the Sectors view on key issues.</li> <li>• Facilitated Local Economic Development</li> <li>• Ensured that Council focused more directly on Infrastructure Planning and Asset Management</li> <li>• Contributed to Planning Reform so that Council still plays a primary role in developing planning policy and decision making.</li> <li>• Given greater recognition to Community Engagement as an effective tool for assist good decision making</li> <li>• Created partnerships with other levels of Government, the community and the private sector to better serve the local area.</li> </ul> <p>In the current economic and political climate Councils need to work together and where possible provide a common voice on things that affect our sector. After 12 years on Council and 4 years as an LGA Board Member I believe I have the experience to contribute to broadly advance the Local Government agenda. The chance to represent my peers on the Greater Adelaide Regional Organisation of Councils will allow me to provide new ideas, policy rigour and a collaborative approach all designed to ultimately improve the quality of life of communities we represent as Councillors.</p>





### Candidate Information Sheet

Other information	<ul style="list-style-type: none"><li>• In addition to my Local Government interests I have experience as a small business operator and have extensive experience working within the Community Service sector.</li><li>• I am well connected within the community including patron of various sporting clubs and community organisations.</li></ul>
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**This form must accompany the Nomination Form**  
**This information will be supplied to GAROC member councils in the event that an election is required**

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## Candidate Information Sheet

### GAROC

(word limit is strictly 1,000 words)

Name:	Mayor Jill Whittaker
Council:	Campbelltown Council
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <li>• Mayor of Campbelltown City Council from November 2018.</li> <li>• Councillor May 2003 - November 2018 for Campbelltown City Council Newton Ward.</li> <li>• Deputy Mayor 2006 - 2014.</li> <li>• Member of Campbelltown Youth Advisory Committee 2016 -</li> <li>• Member of Campbelltown Service Clubs Advisory Committee 2019 -</li> <li>• Member of Campbelltown Access and Inclusion Advisory Committee 2006 -</li> <li>• Member of Campbelltown Reconciliation Advisory Committee 2005-</li> <li>• Campbelltown Child Friendly City Representative 2015 -</li> <li><b>Previously</b></li> <li>• Chairperson Access and Inclusion Advisory Committee Campbelltown 2014-2018</li> <li>• Campbelltown Active Ageing Advisory Committee Member 2016-2018</li> <li>• Sesquicentennial Advisory Committee Member 2014-2018</li> <li>• Development Assessment Panel Member 2006-2008, 2010-2012</li> <li>• Chairperson Outlook Publication Committee 2006 – 2014</li> <li>• Campbelltown Library Redevelopment Advisory Committee 2006 -2010</li> <li>• Campbelltown Leisure Centre Redevelopment Advisory Committee 2006 – 2016</li> <li>• SA Australian Local Government Women's Association Metro member 2006 -</li> <li>• LGA Board Member 2009 – 2016</li> <li>• State Executive of the LGA Vice President 2013-2016</li> <li>• Local Government Research and Development Scheme Committee Past Chairperson 2014-2016 Member 2009-2016</li> <li>• Proxy LGA Audit Committee 2016</li> </ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <li>• There are many challenges facing local government as there is such a range of activities involved.</li> <li>• The biggest challenges are around the development of places with the need to balance the needs of the population for a quality lifestyle with limited resources. Whether that is in relation to land, water, ecology or infrastructure there are constant choices to be made in response to the other governmental sectors. Other sectors of government can see local government as a good diversion by trying to limit funds available via rate capping or that the structures are not able to provide the services people need due to size of the population or the size of the area.</li> </ul>



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	<ul style="list-style-type: none"> <li>Local government has just been through an election process which showed that citizens are wanting us to deal with those matters that are important to them – housing standards, traffic, mobility, modern facilities, events, creating a community and managing the environment and energy for the future.</li> <li>I am interested in all aspects of local government whether it is service delivery, environment, waste collection, affordable and long lasting roads and footpaths, libraries, sports centres, public art and all of those things that make life in Adelaide attractive to future generations and a safe place for them to grow up.</li> <li>It is important to ensure that local government remains free to develop in conjunction with local needs and for new ideas to be trialled in one area so that others may gain from the experience. I have the energy, ideas and enthusiasm for local government to ensure that change keeps happening but within a responsible framework.</li> <li>My experience is broad and I have attended many forums, training sessions and conferences since joining local government in 2003 and I know that the need to continue to learn is constant because of changing landscape in every field. I have strength at the micro level but have strong capability in dealing with strategic challenges too.</li> </ul>
Other information	<p>Employment history</p> <ul style="list-style-type: none"> <li>Teaching at primary, secondary and adult level including English as a Second Language</li> <li>Operative, Policy Advisor, Contract Manager for Commonwealth Public Service in fields of employment, social security, childcare, and education.</li> <li>SA Libraries Board Member 2016-2019</li> <li>SA Local Government Disability Champion 2011-2016</li> <li>Consumer Advisory Committee ESCOSA Past Member 2013-2016</li> <li>Migrant Resource Centre Past Committee Member 2010-2016</li> <li>President Lions Against Violence 2017 –</li> <li>Social Media Officer Australian Local Government Women’s Association 2017 - current</li> </ul>

**This form must accompany the Nomination Form**



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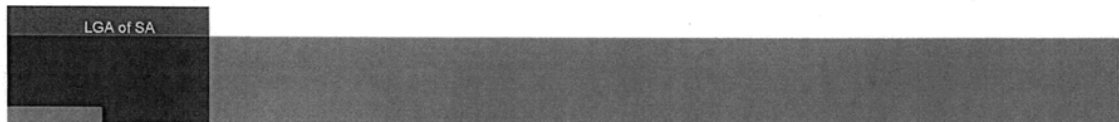
## Candidate Information Sheet

### GAROC – Casual Vacancy

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <li><i>(insert)</i> <i>Refer attached</i></li> </ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <li><i>(insert)</i></li> </ul>
Other information	<ul style="list-style-type: none"> <li><i>(insert details of leadership, board, corporate governance experience etc)</i></li> </ul>

**This form must accompany the Nomination Form**  
**This information will be supplied to GAROC member councils in the event that an election is required**



<b>Council</b>	City of Burnside
<b>Name</b>	Grant Edward Piggott
<b>LG Experience</b>	<p>Elected member, 2010- present</p> <p>Board member, Eastern Waste Authority, 2010- present</p> <p>Member, Development Assessment Panel, 2011-2015</p> <p>Deputy Chair, 2012-2015</p> <p>Member Audit Committee, 2013</p> <p>Extensive knowledge of workings of local Government</p>
<b>LG policy Views</b>	<p>Particular interest in financial stability of Council - the need to balance the needs of the community with the need for financial sustainability.</p> <p>Active interest in the Annual Business Plan process, achieving sound investment in infrastructure and management of debt</p> <p>Passionate around delivery of the day-to day expectations of Council – infrastructure, waste, parks, aged care</p> <p>Major interest in Planning, borne out of my DAP experience and addressing with the issues of residents</p> <p>I work toward stability within the Council Chamber - it should be a robust but collegiate environment.</p>
<b>Other Information</b>	<p>Qualified Chartered Accountant</p> <p>30 years in financial &amp; commercial roles</p> <p>General Manager, Royal Agricultural &amp; Horticultural Society of SA Inc. – responsible for the delivery of the commercial areas of the Society business.</p> <p>Performed a number of voluntary Committee roles for Not-For-profit organisations.</p> <p>Active observer of the Local government sector.</p>

12/12/2019 Adjourned meeting

1. That the Report be received.
2. That Council submits a nomination for Cr Piggott to the Local Government Association for the position of Member on the Greater Adelaide Regional Organisation of Councils.
3. That the Chief Executive Officer be authorised to advise the Local Government Association of this decision through the nomination form provided.
4. That Council note that an election process across LGA Members will follow if the number of nominations received is greater than the number of vacant positions and that there is no automatic entitlement or quota for Eastern Region Alliance Councils.

Moved Councillor Davis, Seconded Councillor Davey

CARRIED UNANIMOUSLY



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## Candidate Information Sheet GAROC – Casual Vacancy

(word limit is strictly 1,000 words)

Name:	<i>Dr Heather Holmes-Ross</i>
Council:	<i>City of Mitcham</i>
Local Government Experience & Knowledge	<p>As a new Mayor, and having not previously served as a councillor, I bring fresh eyes to local government. I believe that it is important to have the view of a newcomer, particularly in this, the formative GAROC era.</p> <p>I come from a background of excellence in business and academia. I have a PhD in chemistry from Flinders University which means I am trained to investigate, problem solve and collaborate. These are particularly handy skills when applied to the machinations of local government.</p> <p>The hospitality business which my chef husband and I own and manage has been continually recognised for excellence by our industry body, Restaurant &amp; Catering Association of Australia, culminating in being awarded Australian Restaurant of the Year 2017. I believe this shows that I have the ability to encourage a team to work towards excellence, along with a high degree of business acumen, the ability to assess business situations, risks and opportunities and act on them.</p> <p>Our Council believes that GAROC should be representative of the entire region and is currently missing representation from the southern area. The City of Mitcham is well placed to do this and the long term stability of our council means I have time to dedicate to the GAROC role.</p>
Local Government Policy Views & Interests	<p>I am interested in providing the core services of Council while maintaining reasonable rates and believe that collaboration via GAROC along with the bulk buying ability and economies of scales afforded through LGA membership can have a significant effect on provision.</p> <p>My passion lies in building sustainable communities, both environmentally and socially. I believe that small business has a pivotal role to play in both, and that stimulating our local economies brings better outcomes for all. I previously founded a shop local and social inclusion movement in our local area and found the benefits of building pride in community and place were astounding, in terms of economic and social reward.</p> <p>I have a strong interest in the circular economy and believe there is great potential across the region for growth in this space. The Centre for Innovation at Flinders Uni has a department dedicated to growing this sector, I believe, which should be embraced by the local government sector as it provides for immense business growth via sustainability.</p> <p>Since joining council I have become a member of the East Waste board, and our Council has become the Chair of Region 7 of the Murray Darling Association. Waste and water are two of the most significant challenges of our time and I believe councils are best placed of the tiers of government to force change in these sectors. As a body, local government can act to protect our communities by both mitigating and preparing for the effects of climate change.</p>
Other information	<p>Australian Institute of Company Directors                  Restaurant &amp; Catering Association of Australia                  East Waste Board                  MDA Council representative of Chairing Council</p>

**This form must accompany the Nomination Form**  
**This information will be supplied to GAROC member councils**  
**in the event that an election is required**

**GAROC Nomination****Cr Don Palmer****City of Unley****Local Government Experience & Knowledge**

I have been a member of the City of Unley since the 2010 periodic elections.

During this time I have participated in and held the following positions.

Deputy Mayor 2017

As Deputy Mayor (acting for our Mayor) I participated in the Metropolitan Local Government Group and the Eastern Regional Alliance.

Presiding Member

Development, Planning & Strategy Committee 2015-16. This committee managed the biggest development plan changes in the history of Unley.

Strategic Property Committee 2018.

Member

Development, Planning & Strategy Committee 2013-14.

Development Assessment Panel 2011-2014.

City Strategy Committee 2017-18.

Unley Business and Economic Development Committee 2012-2018.

CEO Performance Review Committee 2017-18.

I note also my extensive leadership experience outside of Local Government.

I have managed and/or owned several building industry businesses. As a member of the MBA & HIA I have served on various committees. I have been an Area Co-Ordinator for Neighbourhood Watch, Secretary for a Caravan Club, President for a brief stint of the Association of Caravan Clubs SA.

I have also served on the Parish Councils of two Anglican Parishes and as a Warden for some eleven years at St Augustine's Anglican Church at Unley. Likewise I have served on the Diocesan Administration & Resources Executive at the Adelaide Anglican Diocese.

In all cases I was responsible for Presiding over meetings, for Strategic Planning, OHSW, Financial Budgeting, human resourcing, promotions and marketing.

**Local Government Policy Views and Interests**Leadership



As I did in my business career I have always taken an interest in the industry in which I am participating, at this time the local government industry. I am a firm believer that the strength of an association is in the participation of its members.

I am also a firm believer in aiming to be part of the solution rather than the problem. To be someone who is seeking answers to issues rather than sitting back and criticising those taking the responsibility to seek the answers.

The LGA needs people willing to take on this responsibility. I stand ready to take on this role of leadership on your behalf.

As new blood I will also bring a fresh perspective to a fresh executive structure. This at a time when new blood will be positively received by our ratepayers.

#### Reform

As Unley's representative on the MLGG and ERA I have participated in the debate on the LGA's new structure. I back the new structure and look forward to advancing the reforms that the LGA executive have identified.

The local government industry needs to seek change and reform. We need to be the driver of change. This will require us to recognise where change is needed, and work with the Government to effect purposeful change. We need to be proactive to drive the reform and not be reactive to third parties.

#### Image

The local government industry needs also to work on changing the image of the industry to our ratepayers. It will not be enough to speak of the need for change. It is another to push the change and be the driver of change. We need mostly to be seen to be driving the change.

To achieve this we need to be seen as a sector responsive to our ratepayers needs. Once again this requires us being proactive, to undertake to understand what our ratepayers are seeking, and demonstrate that we do understand and that we are responsive.

#### Membership Participation

If the LGA is to be strong we need the LGA membership to be engaged.

GAROC will certainly need to provide the leadership to achieve the above aims. The general industry membership however needs to step up to the plate as well. As an association is only as strong as its membership we all need to participate in making.

We all need to work toward bridging the gap that exists between some of us and the LGA.

I look forward to having the opportunity to provide a positive contribution to the local government industry to the betterment of the South Australian local government community.

The South Australian local government industry is in need of continuing to re-invent itself and to present as relevant to today's communities. We need to leave a legacy for the future. I stand ready to contribute.


## Candidate Information Sheet

### GAROC – Casual Vacancy

(word limit is strictly 1,000 words)

Name:	MAYOR ERIN THOMPSON
Council:	CITY OF ONKAPARINGA
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <li>• 10 + years experience working as a communications professional in local government (City of Playford and City of Unley)</li> <li>• Current Mayor of the City of Onkaparinga. Elected 2018</li> <li>• As a metropolitan Mayor (City of Onkaparinga) I represent the largest council in SA by population</li> <li>• My experience in local government, firstly within the administration of a small council and now the Mayor of a large council, has helped me to build an understanding of the special challenges faced by different sized councils with very different community demographics and needs.</li> </ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <li>• LGA must be proactive on matters that make a difference to Local Government</li> <li>• Local Government should continue to make its views heard at both State and Federal levels</li> <li>• There needs to be more transparency in councils to help rebuild the trust of rate payers</li> <li>• The LGA could help to change the communities negative perception of local government state-wide</li> <li>• We must build solid relationships with government to ensure political interference does not further infiltrate local government. We need to ensure they are very clear about our message. This must occur all year and not just at election time.</li> <li>• Federally it is important that SA has a strong voice at the ALGA table and is not left behind and ignored in favour of the more populist states.</li> <li>• Local government should be a leader in community engagement – we need to step up in this area</li> <li>• Local Government needs to become better communicators – the community are interested in what we are doing and we should involve them more in the conversation as well as celebrate our wins more often.</li> </ul>
Other information	

# Erin Thompson

 0420 507 599

 erinfeneley@gmail.com

 Erin Thompson

## Experience

December 2018 - current  
**Mayor - City of Onkaparinga**

- Preside at meetings of the council;
- If requested, to provide advice to the Chief Executive Officer between council meetings on the implementation of a decision of the council;
- Act as the principal spokesperson of the council;
- Exercise other functions of the council as the council determines;
- Carry out the civic and ceremonial duties of the office of principal member

May 2009 – December 2018  
**Senior Marketing and Communications Officer - City of Unley**

- Manage the strategic delivery of Council's marketing, communications and public relations activity
- Deliver high-level public relations and media support for the organisation including the Mayor, Elected Members, and executive team
- Draft and implement communications policies and guidelines
- Manage the delivery of a new \$150k Website for Council
- Ensure the protection and enhancement of the City of Unley brand
- Developed and implemented a Corporate visual and writing style guide for Council
- Developed a Marketing Strategy for the annual Unley Gourmet Gala which in 2015 attracted 30,000 people, a 50% increase on the previous year
- Monitor the marketing and communications budget and resources allocation
- Utilise a number of digital marketing techniques to deliver campaigns for Council
- Negotiate cost-effective purchasing of services and products to support the communications function
- Manage an external team of providers in areas such as web design, graphic design, copy writing, print, public relations, media monitoring, photography
- Develop and nurture positive relationships with external sponsors, advertisers and other key stakeholders
- Oversee and edit the production of high quality published materials such as Unley Life magazine
- Introduced a new income stream for Council by introducing advertising in the Unley Life magazine
- Prepare speeches, presentations and written documentation for the CEO and Mayor

August 2013 – August 2015

**Publisher / Editor - Kids Around Town (SA publication for families)**

- Managed all business operations such as budgeting, administration, stakeholder relationships, marketing, website, social media, events, and sponsorship
- Led a small team of sales and administration staff
- Managed contracts for the design, print and distribution of the publication
- Marketed and sold the publication to a new owner in August 2015

November 2008 – May 2009

**Event Manager - City of Playford**

- Ensured events were coordinated in line with legislation and Council policy, requirements and regulations
- Coordinated administration and logistical management of events including written correspondence, event evaluations, project and events plans, running sheets, site plans, emergency response, contingency and risk plans, etc
- Sought and administered external funding and sponsorship support
- Prepared and monitored budgets
- Obtained quotations and prepared tender documentation
- Actively promoted events to increase community attendance
- Maintained up-to-date and informative website and social media information
- Prepared and presented reports and updates on the development, progress and evaluation of events
- Managed event staff and volunteers

Jun 2007 – Oct 2008

**General Manager – Beachouse, North Wollongong**

- Managed overall operations of the establishment
- Recruited, trained and led a team of 45
- Administered accounts payable and payroll
- Managed budgets and financial reporting

**Marketing and Events Manager**

- Generated new clientele in line with set marketing strategies
- Created and coordinated all marketing and promotional material
- Identified and executed proactive media opportunities
- Coordinated sponsorship opportunities
- Planned and executed all corporate events and weddings
- Coordinated event talent/entertainment, suppliers, designers, photographers, transportation companies, hotels and wedding suppliers
- Oversaw events in operation

Jul 2006 – Jun 2007  
**Manager - Arajilla Resort, Lord Howe Island**

### Education

- |             |   |
|-------------|---|
| <b>2013</b> | <b>Diploma of Management</b><br>Management and Resource Centre, Adelaide                |
| <b>2003</b> | <b>Diploma of Marketing &amp; Tourism Management</b><br>Australian Business Academy ACT |
|             | <b>Certificate III Travel Tourism</b><br>Australian Business Academy ACT                |

### Skills

- Leadership
- Strategic Marketing
- Brand management
- Resource Management
- Community engagement
- Communication
- Publishing, writing, editing
- Media management
- Web development
- Creative direction
- Project Management
- Event Management

### Referees

Annabel Shinkfield  
Manager Marketing Communications and Customer Service  
City of Unley  
Contact details available on request

Matt Grant  
Director Business and Economic Development  
City of Adelaide  
0423 783 463

Inga Lidums  
Director  
identify. brand. package. publish.  
0417 022 870

**Mayor Amanda Wilson – GAROC****Local Government Experience and Knowledge**

- Mayor of Holdfast Bay - November 2018
- Acting Mayor of Holdfast Bay 2018
- Deputy Mayor Holdfast Bay 2017
- Councillor 2014

I practiced as a Commercial Lawyer at partner level in a City law firm, was an inaugural member of the Education and Early Childhood Standards and Registrations Board, I chaired its audit committee. I have sat on the Jetty Road Mainstreet Board. I also have a degree in Business majoring in Tourism.

I am independent and not a member of any political party.

**Policy Views and Interests**

Being responsible with rates, caring for our environment, protecting our coastline from climate change. I want to focus on using recyclable products for council infrastructure including roads. I am interested in ways we can reduce waste and reduce our carbon footprint and improve water sensitive design.

8 March 2019



Mayor Gillian Aldridge  
City of Salisbury  
12 James Street  
SALISBURY SA 5108  
Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

PO Box 21, Oaklands Park  
South Australia 5046  
245 Sturt Road, Sturt  
South Australia 5047  
T (08) 8375 6600  
F (08) 8375 6699  
E [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

Dear Mayor Aldridge & Councillors,

**RE: GAROC Nomination of Tim Pfeiffer**

I am writing to you in support of my nomination to the Greater Adelaide Regional Organisation of Councils (GAROC), as I believe that I have the skills, knowledge, experience and passion to make a positive difference to the lives and communities of greater Adelaide.

As a Councillor of the last eight years, with two periods as Deputy Mayor, I have successfully collaborated with our Council to deliver many major and iconic projects for our community. During this time, I have also worked closely with Council to significantly reduce rate rises, find business efficiencies and ensure our ongoing financial strength (as evident in our balance sheet and long term financial plan).

From a professional perspective, I have held senior strategy roles across a range of industries, including: banking, utilities, local government (City of Adelaide), construction and the State public service. I am currently the Managing Director of my own boutique strategy consulting business.

If elected to GAROC, I will bring the same discipline to decision making that I bring to both Council and my professional life. I will always seek to understand the facts, listen to all perspectives, ask the tough questions and make apolitical decisions that are in the benefit of the broad communities that we represent.

My candidacy for GAROC was unanimously supported by the City of Marion. If you would like a character reference in relation to my candidacy, I encourage you to contact any of my fellow City of Marion elected members – all of whom I trust to give a fair appraisal of my capabilities. If you have questions about my candidacy, please do not hesitate to contact me personally ([tim.pfeiffer@marion.sa.gov.au](mailto:tim.pfeiffer@marion.sa.gov.au) / 0401 776 523).

I am excited and enthusiastic about the opportunity to represent the voice of your fantastic communities at the GAROC table.

Yours faithfully,

A blue ink handwritten signature of Tim Pfeiffer.

**Tim Pfeiffer**  
Deputy Mayor & Councillor

The City of Marion acknowledges it is part of Kaurna land and recognises the Kaurna people as the traditional and continuing custodians of the land.



City of Marion



@CityofMarion



City of Marion



@CityofMarion

[marion.sa.gov.au](http://marion.sa.gov.au)





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<b>ITEM</b>	3.4.3
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	Council 6.1 25 Feb 2019 6:30 pm
<b>HEADING</b>	2019 National General Assembly of Local Government - Clarification on Call for Motions and Attendance at Assembly
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.1 Strengthen partnerships that enable us to better address our community's priorities.
<b>SUMMARY</b>	This report clarifies the process for submitting a motion to the National General Assembly (NGA) of Local Government being held in Canberra from 16 to 19 June 2019, and calls for motions to be submitted.

In addition, the report addresses attendance at the NGA.

## RECOMMENDATION

That:

1. Council determine if there are any issues that warrant a motion being submitted to the National General Assembly of Local Government being held in Canberra from 16 to 19 June 2019.
2. The following Elected Member be registered to attend the National General Assembly of Local Government being held in Canberra from 16 to 19 June 2019:
  - Cr Beau Brug
3. Cr Beau Brug be appointed as the City of Salisbury voting delegate for the National General Assembly of Local Government being held in Canberra from 16 to 19 June 2019.

## ATTACHMENTS

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

1. 2019 National General Assembly - Call for Motions Discussion Paper
2. National General Assembly Provisional Program

## 1. BACKGROUND

- 1.1 The National General Assembly (NGA) of Local Government will be held 16 to 19 June 2019 at the National Convention Centre, Canberra. The theme for the 2019 NGA is 'Future Focused'.

1.2 The Australian Local Government Association Board has called for motions from Councils. They must be relevant to the work of local government nationally and must complement or build on the policy objectives of state and territory associations.

1.3 The deadline for submitting motions to the NGA is Friday 29 March 2019.

## 2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Nil.

2.2 External

2.2.1 Australian Local Government Association (ALGA).

## 3. REPORT

3.1 A report was presented to Council last month seeking submission of proposed motions to the NGA of Local Government being held in Canberra in June.

3.2 For reference, the resolution from that report was:

1. *Council recommend a motion to the LGA reinforcing our position for weekly putrescible rubbish collection and the LGA establish a sector wide policy that is consistent with that.*

**CARRIED**

**0106/2019**

3.3 As a result of the report last month, clarification was sought about whether there was a requirement for Councils to first consult with their individual local government association on motions prior to submission with ALGA.

3.4 Advice has been received from ALGA that Councils are able to submit motions directly to them.

3.5 When ALGA collates the proposed motions, they will then provide them to state associations seeking additional background material if required.

### **Submission of motions for debate**

3.6 Councils can submit motions for the ALGA NGA until Friday 29 March 2019.

3.7 The 2019 NGA of Local Government, to be held in Canberra from 16 to 19 June is an opportunity for individual councils to identify matters of national relevance to the sector and for these matters to be considered by ALGA as national policy, for its advocacy role or for more immediate action by ALGA on behalf of the sector.

3.8 This will be the 25<sup>th</sup> National General Assembly and will focus on the future of local government and local communities. It will consider what Councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

- 3.9 To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
- 3.9.1 be relevant to the work of local government nationally;
  - 3.9.2 be consistent with the themes of the NGA;
  - 3.9.3 complement or build on the policy objectives of our state local government association;
  - 3.9.4 be from a council which is a financial member of our state local government association;
  - 3.9.5 propose a clear action and outcome; and
  - 3.9.6 not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
- 3.10 Once all motions have been received, they are reviewed by the ALGA Board's NGA Sub-Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers.
- 3.11 When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government. It should be noted that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.
- 3.12 A discussion paper prepared by the ALGA Board is attached for information.
- 3.13 Motions that are accepted and placed on the Agenda for the NGA will be debated throughout the assembly.

#### Attendance at Assembly

- 3.14 A provisional program has been released and is attached to this report.
- 3.15 Elected Members were advised by email on 07/03/2019 of indicative costs for attendance, as follows, and seeking registrations of interest in attending:

2019 NGA of LG, Canberra - Sunday 16 June - Wednesday 19 June 2019			
<b>Anticipated costs</b>	Registration (early bird rego req by Fri 10 May)	\$ 989.00	
	Welcome Reception (5-7pm; Sun 16 June)	\$ -	if NGA Delegate
	Regional Forum (all day Sun 16 June)	\$ 245.00	if NGA Delegate
	Networking Dinner (Mon 17 June)	\$ 110.00	
	NGA Dinner (Tues 18 June)	\$ 140.00	
	Return flights	\$ 700.00	approx
	Accommodation x 3 (Waldorf?)	\$ 630.00	approx
	Meals + incidentals	\$ 150.00	approx
	CabCharge vouchers		?
		<b>\$ 2,964.00</b>	approx

3.4.2 Letter seeking support for Deputy Mayor Tim Pfeiffer from the City of Marion for GAROC

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- 3.16 At the time of writing this report the following Members have indicated their interest in attending:
- 3.16.1 Cr Beau Brug
- 3.17 Cr Brug currently has \$3,127 available in his individual training and development budget.
- 3.18 Should Council resolve to send representation from the City of Salisbury, a voting delegate will need to be appointed to vote on motions. Funds for this person will be taken from the Council Delegate budget line rather than Individual training and development budgets.
- 3.19 Unless other Members indicate their interest in attending at the meeting, it is proposed Cr Brug be appointed the voting delegate.

**4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to determine if there are any issues that warrant a motion being submitted to the 2019 NGA of Local Government.
- 4.2 In addition, Council is asked to determine if Cr Brug or any other Elected Member/s should be registered to attend the NGA, and if so, who will be the City of Salisbury voting delegate.

**CO-ORDINATION**

Officer: MG  
Date: 14/03/2019



# Future Focused

Call for Motions  
Discussion Paper 2019

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National General Assembly  
of Local Government **2019**

16—19 June 2019

Item 3.4.3 - Attachment 1 - 2019 National General Assembly - Call for Motions Discussion Paper



## SUBMITTING MOTIONS

### KEY DATES

**End of November 2018**  
Opening of Call for Motions

**29 March 2019**  
Acceptance of motions close

**16 - 19 June 2019**  
National General Assembly

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

To assist you to identify motions that address the theme of the NGA, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the paper, but are not expected to respond to every question. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the NGA
3. complement or build on the policy objectives of your state and territory local government association
4. be submitted by a council which is a financial member of their state or territory local government association
5. propose a clear action and outcome
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: That this National General Assembly call on the Federal Government to restore funding for local government financial assistance grants to a level equal to at least 1% of Commonwealth taxation revenue.

Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au). All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received no later than 11:59pm on Friday 29 March 2019.

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the NGA Business Papers.

## INTRODUCTION

The purpose of this discussion paper is to provide guidance to councils developing Motions for Debate at the 2019 National General Assembly. This will be the 25th National General Assembly and will focus on the future of local government and local communities. It will consider what Councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

Local governments across Australia already face a host of challenges including financial constraints, adapting to rapidly evolving technologies and community expectations of access to 24/7 services via websites, mobiles and call centres, changes in demographics and population size and preferred means of community engagement. It is unlikely that these challenges will disappear. In some cases, they will be compounded by climate change, the ageing population and further advances in disruptive technologies including artificial intelligences.

The challenges may also be exacerbated by increasing community expectations about the level and types of services and infrastructure provided by councils and the community's willingness to pay. The community, as council's customers, are increasingly growing accustomed to steadily falling prices for better products and services such as cars, computers, overseas travels. Exceptions to this are housing and in many cases government services such as health care and tertiary education. Another exception is council rates. While a number of states have capped rates, rates across the nation typically continue to rise.

In the case of rates, local communities can perceive that they are being asked to pay more money for the same product. The community may feel that they are paying enough and are therefore unlikely to be supportive of rate rises or swing behind the call for increased federal funding for local government ( $\geq 1\%$  FAGs).

### KEY QUESTIONS

This therefore raises the questions of:

1. What can local governments do differently now, and in the future, to deliver more for less?
  - o Are there new business models and new partnerships, new technologies and the willingness to reduce, phase out or change existing practices, opportunities for more sophisticated service planning and more efficient procurement?
2. How can local governments collaborate, be entrepreneurial and embrace disruption and innovation?
3. How can the Commonwealth Government help local governments prepare for the future and why should they care?
  - o What are the opportunities for leveraging regional, state and national partnerships?

## THE PRESENT

### Demographics

In 2018 the Australian population reached the 25 million mark.

73% of the population lives in stand-alone houses, while 27% of the population live in homes such as flats, apartments, semi-detached, row houses and town houses. 38% of occupied apartments are in high rise blocks with four or more storeys. That's up from 18% in 2006.

67% of Austalians live in capital cities, 23% in other urban areas and 10% live in rural Australia. In total more than 90% of our population lives within 100km of the coast making us one of the world's most urbanised coastal dwelling populations. 86% of all Aussie households have internet access at home.

Australia has an aging population and we're also living longer with almost 4,000 people over the age of 100. In 2017, 308,000 babies were born. As a population, we're made up of more than six million families and they come in all shapes and sizes<sup>1</sup>.

### Diversity and culture

Australia has one of the most multicultural populations in the world with more than 300 different ancestries and 28% of our resident population born overseas – nearly 7 million people. Across the country more than 300 languages are spoken.

At the 2016 Census 50.7% of the population was female. However, gender equality advances have stalled across the local government sector. The rates of women in senior positions are far lower than any other tier of government. At the last round of local government elections, women accounted for just 32 per cent of all candidates and were elected to 30 per cent of positions. Even fewer (24 per cent) mayoral candidates were women but almost all were elected. Women account for 46 per cent of staff positions but this falls as the management level rises. Only 11 per cent of council chief executives are women<sup>2</sup>.

At the 2016 Census Aboriginal and Torres Strait Islander people made up 2.8 per cent of the Australian population (approximately 649,000 out of 23.4 million people). Only eight politicians who identify as Indigenous have served in the Federal Parliament with six of those having been elected since 2010<sup>3</sup>. With the exception of a small number of local governments it is expected that there are very few Aboriginal and Torres Strait Islanders holding elected or senior executive positions in local government (data is not available for this issue).

According to the 2016 Census, almost 50 per cent of Australians were born overseas or had a parent born overseas. Census data also indicates that almost one quarter of Australians speak languages other than English in their homes. State and federal parliaments and local governments should reflect contemporary Australia but fail to do so.



A 2016 report by the Australian Human Rights Commission revealed that 1.61 per cent of federal and state public service heads of department, and 0 per cent of federal Ministers and Assistant Ministers come from a non-European background. In the federal parliament 79 per cent of the 226 elected members in the Australian Parliament have an Anglo-Celtic background, 16 per cent have a European background and those from a non-European background make up less than four per cent of the total<sup>4</sup>. There are no statistics available about cultural diversity in local government.

Fair Work Australia statistics indicate that workers compensation claims involving alleged bullying in local government were among the second highest of all sectors in 2017, with 42.2 claims per 100 million hours worked in 2017, up from being the third highest in 2016<sup>5</sup>.

### Roles and funding

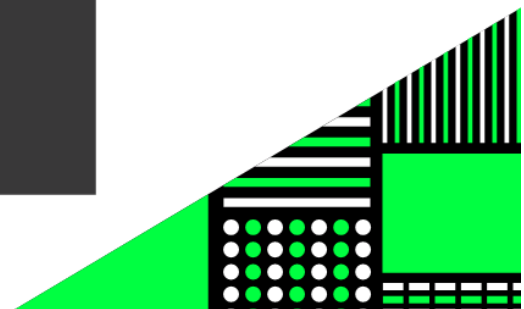
The scale and functional scope of local government spending has been subject to significant change over the last two decades. According to a report by the McKell Institute there has been a fourfold increase in spending by local governments in nominal terms (7.3% p.a. compound growth rate) from total outlays of A\$8.2 billion in 1994-95 to A\$33.6 billion in 2014-15 and \$35.9 billion in 2016-17 despite the fact that in some jurisdictions significant public service responsibilities (such as water and sewerage) have been stripped out from local government.

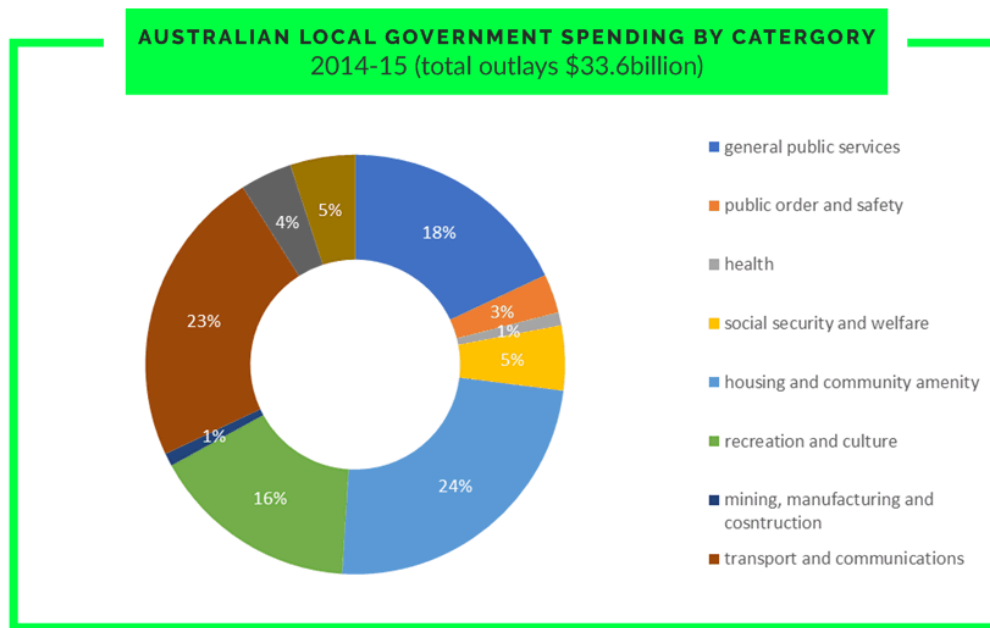
Causes for the increase in functions undertaken by local government<sup>6</sup> include cost shifting, the need to address market failure (particularly in rural areas where it is commonly not financially viable for the private sector to provide essential goods and services such as aged care or childcare) and increasing community demand which has been rising steeply over the past two decades.

A gap has emerged between the community's propensity to pay for various amenities and the cost to council in providing those services. This has resulted in local governments under-charging and failing to effectively demonstrate the cost to consumers.

### KEY QUESTION

*What can local governments do differently?*

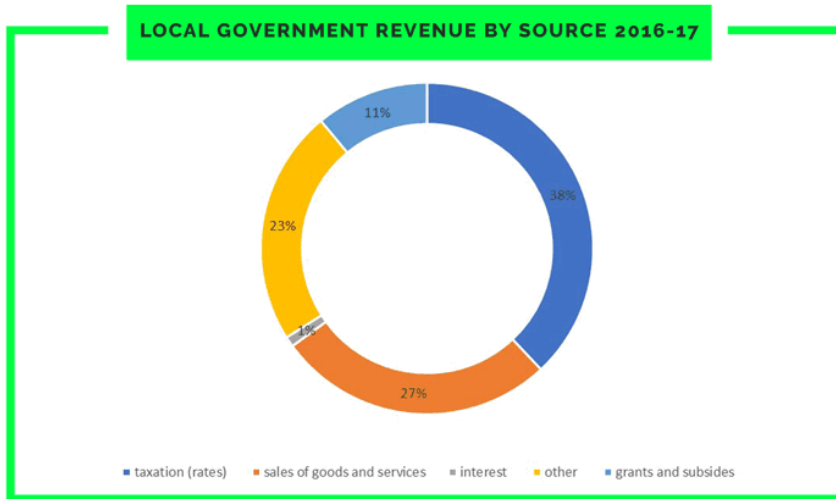




The following table demonstrates some of the key changes in local government expenditure between 2011-12 to 2016-17

Expense by purpose	Proportion of total expenditure	
	2011-12	2016-17
Transport and communications	23.7%	21.5%
Housing and community services	22.3%	24.2%
General public service	18.3%	17.6%
Recreation and culture	15%	16.6%
Social security and welfare	5.3%	4.8%
Other purpose	3.9%	4.2%
Other economic affairs	3.6%	3.6%
Public order and safety	2.6%	2.5%
Public debt transaction	2.1%	1.8%
Health	1.3%	1.2%
Mining, manufacturing and construction	1.2%	1.0%
Education	0.5%	0.6%
Fuel and energy	0.1%	0%
Agriculture, forestry and fishing	0.1%	0.1%
Total in \$\$	\$30.6b	\$35.9b

Between 2011-12 and 2016-17 local government revenue increased from \$36 billion to \$45.5 billion. Of this 88% (in 2011-12) and 89% (in 2016-17) was own source revenue<sup>7</sup>. Funding from the Commonwealth Government in the form of Financial Assistance Grants (FAGs) was \$2.14 billion in 2011-12 and \$2.29 billion (following the end on the freeze to indexation).



**KEY QUESTIONS**

*How can the Commonwealth Government help local governments?  
Why should they care?*

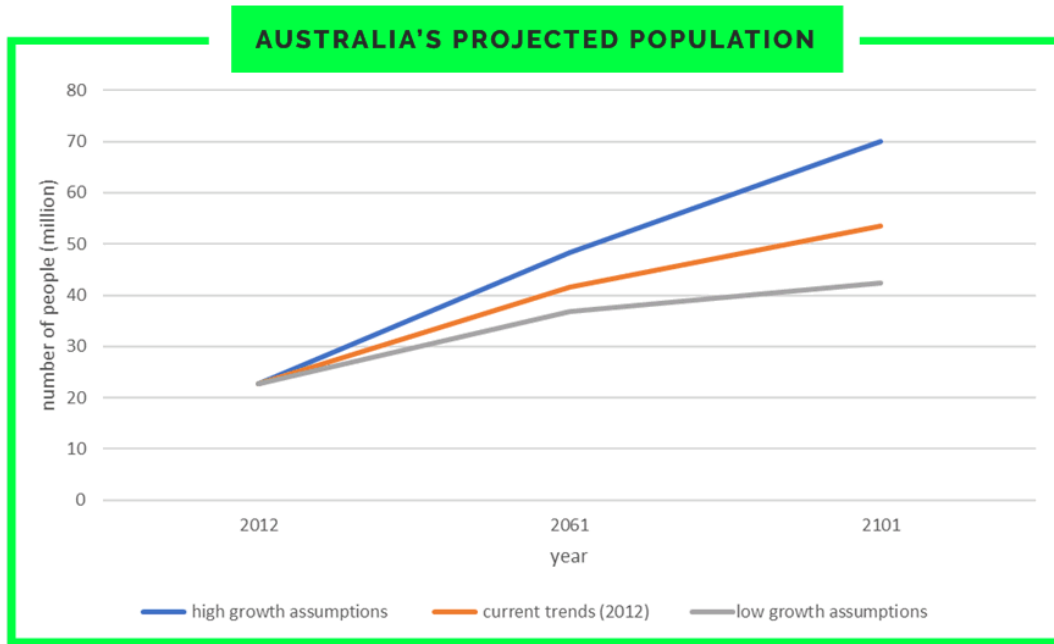
Total assets increased from \$350 billion in 2011-12 to \$467 billion in 2017-18. It has been estimated that the gross replacement value of local government infrastructure for all Australian councils was \$438 billion in 2014. 11% or \$47 billion of assets are in poor or very poor condition and require renewal or upgrade. Seven per cent or \$31 billion of the asset stock has poor function requiring upgrading to meet current or emerging local and regional service level targets for safety, compliance, social, environmental and economic performance. A further seven per cent or \$31 billion of assets have poor capacity and require augmenting to support growth and meet service needs<sup>8</sup>.

**THE FUTURE**

**Demographics**

Population projections by the Australian Bureau of Statistics illustrate the growth and change in population which would occur if certain assumptions about the future level of fertility, mortality, internal and overseas migration were to prevail over a projection period. Based on an estimated resident population of 22.7 million people at 30 June 2012 the population has been projected to increase to between 36.8 and 48.3 million people by 2061 and to between 42.4 and 70.1 million by 2101.

The median age of Australia's population (37.3 years at 30 June 2012) is projected to increase to between 38.6 years and 40.5 years in 2031 (high growth and low growth respectively) and to between 41.0 years and 44.5 years in 2061.



Source: ABS Population projections, Australia 2012 3222.0

Assuming the current (2012) trends continuing, the population will grow in all states and territories except Tasmania. All capital cities except Darwin are projected to experience higher percentage growth than their respective state or territory balances, resulting in a further concentration of Australia's population within the capital cities. In 2012, 66% of Australians lived in a capital city. By 2061 this proportion is projected to increase to 74%.

**KEY QUESTIONS**

*What partnerships, business models can help local Government deliver more with less?*

State	2012	2061		
		Low growth scenarios (C)	Current trend (B)	High growth scenario
<b>NSW total</b>	7.3 million	10.8 million	11.5 million	12.6 million
Sydney	4.7 million	8.0 million	8.5 million	8.9 million
Balance	2.6 million	2.9 million	3 million	3.7 million
<b>Victoria Total</b>	5.6 million	9.0 million	10.3 million	12.1 million
Melbourne	4.2 million	7.6 million	8.6 million	9.8 million
Balance	1.4 Million	1.4 million	1.7 million	2.3 million
<b>Queensland total</b>	4.6 million	7.9 million	9.3 million	11.1 million
Brisbane	2.2 million	3.8 million	4.8 million	5.6 million
Balance	2.4 million	4.1 million	4.5 million	5.5 million
<b>Western Australia total</b>	2.4 million	5.4 million	6.4 million	7.7 million
Perth	1.9 million	4.4 million	5.4 million	6.6 million
Balance	500,000	975,000	950,800	1.1 million
<b>South Australia total</b>	1.7 million	2.1 million	2.3 million	2.6 million
Adelaide	1.3 million	1.7 million	1.9 million	2.2 million
Balance	377,900	373,700 *	387,400	451,200
<b>Tasmania Total</b>	512,200	460,900 #	565,700 #	714,000
Hobart	217,000	228,700	270,600	339,300
Balance	295,400	232,200	295,100	374,700
<b>Northern Territory total</b>	235,200	455,700	453,000	457,800
Darwin	131,900	254,800	225,900	182,000
Balance	103,200	203,000	227,100	273,700
<b>ACT Total</b>	375,100	612,400	740,900	904,100

\* In the low growth scenario, the population for the balance of South Australia is projected to increase marginally over the next twenty years, peaking at 398,100 in 2033, before declining to 373,700 in 2061.

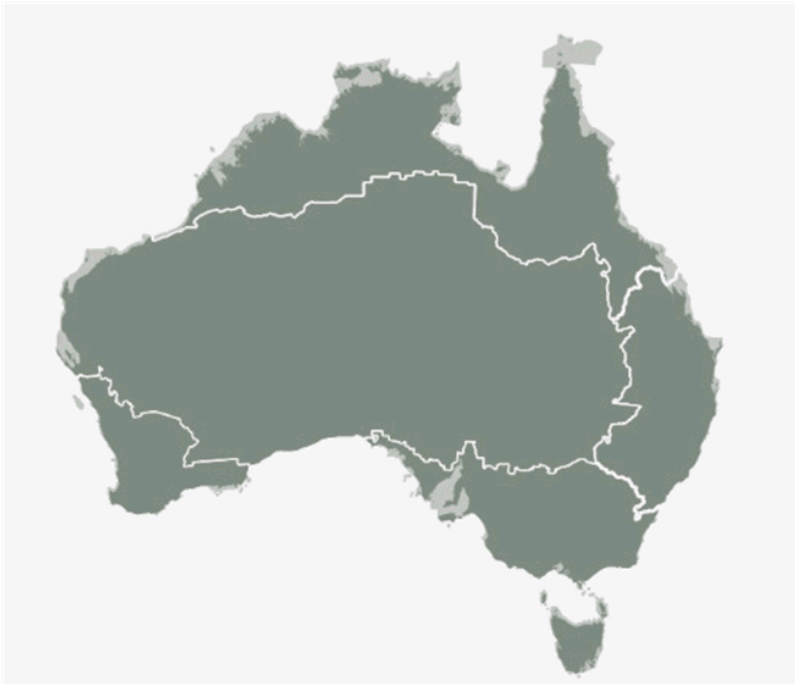
# In the current trend scenario (2012) Tasmania's population increases slowly before levelling out by around 2046 and then decreasing marginally from 2047 onwards. In the low growth scenario Tasmania's population increases only slightly over the first 15 years and begins to decline from 2028 onwards\*.

In the high growth scenario, Australia's growth rate initially increases to 1.9% per year and remains above the 20-year average (1.3%) until the middle of the century. Over the second half of the century, growth rates gradually decline, reaching 1.0% in 2071 and 0.8% in 2101. In the current (2012) trend scenario Australia's annual growth rate decreases from 1.7% in 2012 to 1.0% in 2045, and to 0.5% in 2101. In the low growth scenario Australia's annual growth rate decreases at a faster rate, reaching 1.0% in 2031 and 0.2% in 2101.

## Climate Change

The CSIRO and Bureau of Meteorology have compiled different models for predicting the outcome of climate change in Australia. According to this work, droughts are predicted to increase in a large portion of southern Australia, ("medium" level of confidence). It is predicted that in the main the southern half of Australia will experience less rainfall in winter, spring or both (high or medium confidence). Every part of Australia will continue to experience increases in average temperature, and will have a higher frequency of hot days. This will also result in higher evaporation across Australia, which will continue to make drought conditions worse in the future.

People living in large cities can be more susceptible than non-urban dwellers to the effects of heatwaves as a result of the urban heat island effect. This is caused by the prevalence in cities of heat absorbing materials such as dark coloured pavements and roofs, concrete, urban canyons trapping hot air, and a lack of shade and green space in dense urban environments. It can result in substantially higher temperatures (particularly overnight) than surrounding non-urban areas.



<https://www.climatechangeinaustralia.gov.au/en/climate-projections/future-climate/regional-climate-change-explorer/super-clusters/>

### Northern Australia

- Average temperatures will continue to increase in all seasons (very high confidence).
- More hot days and warm spells are projected with very high confidence.
- Changes to rainfall are possible but unclear.
- Increased intensity of extreme rainfall events is projected, with high confidence.
- Mean sea level will continue to rise and height of extreme sea-level events will also increase (very high confidence).
- With medium confidence, fewer but more intense tropical cyclones are projected.

### The Rangelands

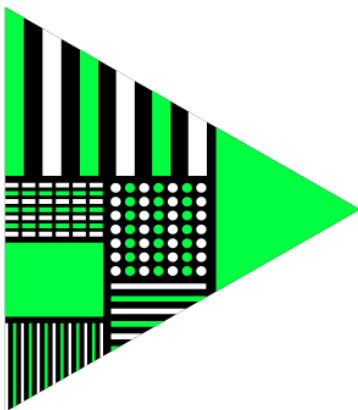
- Average temperatures will continue to increase in all seasons (very high confidence).
- More hot days and warm spells are projected with very high confidence. Fewer frosts are projected with high confidence.
- Changes to summer rainfall are possible but unclear. Winter rainfall is projected to decrease in the south with high confidence.
- Increased intensity of extreme rainfall events is projected, with high confidence.
- Mean sea levels will continue to rise and height of extreme sea-level events will also increase (very high confidence).

### Eastern Australia

- Average temperatures will continue to increase in all seasons (very high confidence).
- More hot days and warm spells are projected with very high confidence. Fewer frosts are projected with high confidence.
- Average winter and spring rainfall is projected to decrease with medium confidence. Changes in summer and autumn are possible but unclear.
- Increased intensity of extreme rainfall events is projected, with high confidence.
- Mean sea level will continue to rise and height of extreme sea-level events will also increase (very high confidence).
- A harsher fire-weather climate in the future (high confidence).

### Southern Australia

- Average temperatures will continue to increase in all seasons (very high confidence).
- More hot days and warm spells are projected with very high confidence. Fewer frosts are projected with high confidence.
- A continuation of the trend of decreasing winter rainfall is projected with high confidence. Spring rainfall decreases are also projected with high confidence. Changes to summer and autumn rainfall are possible but less clear.
- Increased intensity of extreme rainfall events is projected, with high confidence.
- Mean sea level will continue to rise and height of extreme sea-level events will also increase (very high confidence).
- A harsher fire-weather climate in the future (high confidence).



### KEY QUESTIONS

*How can local governments collaborate, build partnerships to address climate change?*

Table 1 Climate Change Projections for selected Australian Cities

Variable	2030 (intermediate emission scenario)	2090 (intermediate emission scenario)	2090 (high emission scenario)
<b>Adelaide</b>			
Temperate	0.7	1.5	2.9
Rainfall (%)	-4	-7	-9
Days over 35°C (currently 20)	26	32	47
<b>Alice Springs</b>			
Temperate	1	2.1	4.4
Rainfall (%)	-2	-5	-4
Days over 35°C (currently 94)	113	133	168
<b>Brisbane</b>			
Temperate	0.9	1.8	3.7
Rainfall (%)	-4	-9	-16
Days over 35°C (currently 12)	18	27	55
<b>Cairns</b>			
Temperate	0.7	1.4	2.9
Rainfall (%)	0	-2	-2
Days over 35°C (currently 3)	5.5	11	48
<b>Canberra</b>			
Temperate	0.8	1.8	3.8
Rainfall (%)	-2	-6	-5
Days over 35°C (currently 20)	7.1	12	29
<b>Darwin</b>			
Temperate	0.9	1.8	3.7
Rainfall (%)	0	-1	+4
Days over 35°C (currently 11)	43	111	265
<b>Dubbo</b>			
Temperate	1	2.1	4.2
Rainfall (%)	-2	-4	-6
Days over 35°C (currently 22)	31	44	65
<b>Hobart</b>			
Temperate	0.6	1.4	2.9
Rainfall (%)	1	-1	-2
Days over 35°C (currently 1.6)	2	2.6	4.2
<b>Melbourne</b>			
Temperate	0.6	1.5	3
Rainfall (%)	-2	-7	-9
Days over 35°C (currently 11)	13	16	24
<b>Perth</b>			
Temperate	0.8	1.7	3.5
Rainfall (%)	-6	-12	-18
Days over 35°C (currently 28)	36	43	63
<b>Sydney</b>			
Temperate	0.9	1.8	3.7
Rainfall (%)	-3	-2	-3
Days over 35°C (currently 3.1)	4.3	6	11

Source: Webb, L.B. and Hennessy, K. 2015, *Projections for selected Australian cities*, CSIRO and Bureau of Meteorology, Australia.



## Employment

Into the future, some of the most significant factors influencing employment will include change in industry structure, technological advances and globalisation. The trend towards employment requiring skills and training is also set to continue. The CSIRO estimates that while 44 per cent of Australian jobs are potentially at high risk of automation, this technology will also be responsible for the creation of new jobs. A projected growth area for regional economies is in the human services-related industries, particularly health care and social assistance for an ageing population. This will have significant implications for regional populations as service industries are more likely to cluster in regional centres than in smaller towns and rural areas. Tourism and related industries such as accommodation, food services and retail trade are also expected to continue to deliver economic growth in regional areas with help from the low Australian dollar. The knowledge economy, science, technology and finance will drive employment growth in urban areas.

## Technology

The pace of technological change at present is increasing and almost daily we hear of new technologies that will disrupt existing markets and change the way our communities live, work, play and travel. It is difficult to predict which of these new technologies will come to fruition, let alone the full impact that they will have. It is also difficult to predict what is likely to occur in the future in terms of the type of technological changes and the speed of change. Forward planning is therefore problematic but it is reasonably safe to assume that drones and electric vehicles and semi-or fully autonomous vehicles (self-driving cars) will be part of our future. These will have dramatic impact on the look and feel of our communities and the services and infrastructure needed to support them.

Local government services that utilise Artificial Intelligence (AI) are already emerging. AI has the ability to tap into social media to learn about problems in real time. When people post or tweet about issues in the local area AI powered systems can improve council response times and reduce costs. Predictive elements in AI help councils analyse infrastructure issues and fix small problems before they grow larger. Modern systems can track water pressure and alert workers to fix pipes before they burst. The application of blockchain should allow local councils to reduce a great amount of transaction costs in the delivery of local services, while also providing greater transparency and participation for citizens.

Contact centre chat bots ( virtual customer service assistants) can help the public to pay parking fines and rates, or apply for a permit at any time Customer service AI can help community members find the information they need. Website AI can help individuals navigate online services. Some AI can even help residents with applications, guiding them through the process and suggesting additional services.

## KEY QUESTIONS

*How can local government embrace disruption and innovation?*



AI technology is an opportunity to reimagine how future services can be delivered as well as gain value in:

- Reducing demand on services
- Improving efficiencies
- Enhancing the customer experience
- Driving better decision making from data insights

AI technology will not displace a team or service but complement it to truly be user-centric. It can reduce the burden of administrative tasks enabling staff to put their skills to more strategic and creative tasks and gain faster access to valuable insights. In doing so, the council is empowered to make better decisions for citizens.

AI has benefits for the workplace and citizens alike helping solve a problem and improving the lives of citizens. AI can have an enabling role in achieving this for local government today and for the 'council of the future.'

#### REFERENCES

PAGE FIVE - THE PRESENT:

<sup>1</sup> Interesting Facts about Australia's 25,000,000 population <http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Interesting+Facts+about+Australia%E2%80%99s+population>

<sup>2</sup> Evans, M and Haussegger, V (2017) why are women so poorly represented in local government administrative leadership and what can be done about it? <http://www.5050foundation.edu.au/assets/reports/documents/online-gender-diversity-co-design-workshop-1-.pdf>

<sup>3</sup> Joint select committee on constitutional recognition relating to the Aboriginal and Torres Strait Islander Peoples (2018) Interim report. The Parliament of the Commonwealth of Australia.

<sup>4</sup> Australian Human Rights Commission (2016) The 'Leading for Change' blueprint

<sup>5</sup> Clark, G (2018) Bullying endemic in councils, Fair Work turns staff away. Government News [https://www.governmentnews.com.au/bullying-endemic-in-councils-fair-work-turns-staff-away/?utm\\_medium=email&utm\\_campaign=Newsletter%20-%2011th%20September%202018&utm\\_content=Newsletter%20-%2011th%20September%202018+Version+B+CID\\_250d36654e64011424c76af2e32234e8&utm\\_source=Campaign%20Monitor&utm\\_term=Bullying%20endemic%20in%20councils%20Fair%20Work%20turns%20staff%20away](https://www.governmentnews.com.au/bullying-endemic-in-councils-fair-work-turns-staff-away/?utm_medium=email&utm_campaign=Newsletter%20-%2011th%20September%202018&utm_content=Newsletter%20-%2011th%20September%202018+Version+B+CID_250d36654e64011424c76af2e32234e8&utm_source=Campaign%20Monitor&utm_term=Bullying%20endemic%20in%20councils%20Fair%20Work%20turns%20staff%20away)

PAGE SEVEN - THE FUTURE:

<sup>6</sup> The McKell Institute (2016) Giving local governments the reboot: improving the financial sustainability of local governments.

<sup>7</sup> Australian Bureau of Statistics (2018) Government Finance Statistics, Australia, 2016-17 Catalogue No: 55120 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/5512.0>

<sup>8</sup> Australian Local Government Association (2015) National State of the Assets Report

PAGE SEVEN - POPULATION

<sup>9</sup> Source: ABS Catalogue 3222.0 - Population Projections, Australia, 2012 (base) to 2101 (LATEST ISSUE Released at 11:30 AM (CANBERRA TIME) 26/11/2013 ) [http://www.abs.gov.au/ausstats/abs@.nsf/Products/3222.0Main%20Features52012%20\(base\)%20to%202101?opendocument&tabname=Summary&prodno=3222.0&issue=2012%20\(base\)%20to%202101&num=&view="](http://www.abs.gov.au/ausstats/abs@.nsf/Products/3222.0Main%20Features52012%20(base)%20to%202101?opendocument&tabname=Summary&prodno=3222.0&issue=2012%20(base)%20to%202101&num=&view=) (downloaded 4 September 2018)

# PROVISIONAL Program

2019 National General Assembly  
16 — 19 June

National Convention Centre  
Canberra

Future Focused  
25 Years of NGA

## SUNDAY 16 JUNE

08:00am	Registration Opens
05:00pm - 07:00pm	Welcome Reception

## MONDAY 17 JUNE

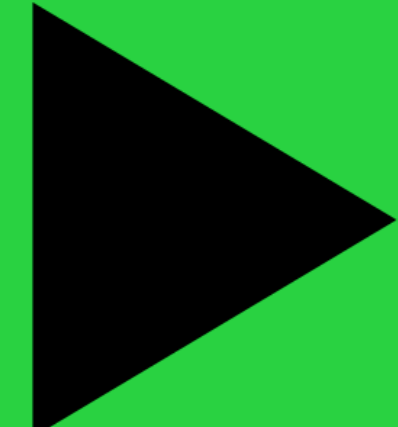
09:00am	Opening Ceremony Wally Bell — Welcome to Country
09:20am	ALGA President Opens the Assembly
09:30am	Prime Minister Address
10:00am	ALGA President Address
10:30am	MORNING TEA
11:00am	Keynote Address Karen Middleton — How did Local Government Fair Post Election
11:45am	Panel of Mayors Opportunities for Local Government Post Election
12:30pm	LUNCH
01:30pm	Keynote Address Steve Sammartino — Crowd Powered Communities <i>Exploring a future where the way forward is about handing over the technology tools of design and production to those who populate our communities.</i>
02:30pm	Councils Using Technology to Excel
03:00pm	AFTERNOON TEA
03:30pm	Debate on Motions
04:30pm	Federal Minister for Local Government
04:55pm	ALGA President Close
07:00pm	Networking Dinner Australian War Memorial

## TUESDAY 18 JUNE

09:00am	Keynote Address Andrew Beer: Dean of Research and Innovation UniSA — The Role of Local Government in Housing Australians in the 21st Century
10:30am	Keynote Address Kylie Cochrane: Global Leader in Community Engagement — Engaging with your Community into the Future
11:00am	MORNING TEA
11:30am	Debate on Motions
12:30pm	LUNCH
01:30pm	Concurrent Sessions <b>Housing your Community</b> TBC <b>Reducing Community Harm</b> Dr Jón Sigfússon — Working with local government in alcohol and drug misuse in youth – a preventative approach from Iceland Dr Erin Lalor — Local Drug Action Teams – an Australian community led approach to alcohol and drug misuse <b>Built Environment in Your Community</b> TBC <b>Your Community, Your Environment</b> TBC
03:00pm	AFTERNOON TEA
03:30pm	Leader of the Opposition Address
04:00pm	Debate on Motions
07:00pm - 11:00pm	National General Assembly Dinner To be announced

## WENESDAY 19 JUNE

09:00am	The Great Debate Revenue, Cost Shifting, Rate Capping
10:00am	David Pich; CEO, Institute of Managers and Leaders — Leadership Matters
10:30am	MORNING TEA
11:00am	Keynote Address Kurt Fearnley — Overcoming the Odds
12:00pm	ALGA President's Close — ALGA National Lobbying Priorities
12:30pm	LUNCH





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<b>ITEM</b>	3.4.4
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Metropolitan Strategic Roads Committee - Call for Nominations
<b>AUTHOR</b>	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.1 Strengthen partnerships that enable us to better address our community's priorities.

**SUMMARY** There is a requirement for one Elected Member representative from metropolitan Councils north of the River Torrens to fill a vacancy on the Metropolitan Strategic Roads Committee (MSRC) for the 2019 Special Local Roads Program (SLRP) application round.

#### **RECOMMENDATION**

1. Mr Dameon Roy, Manager Infrastructure Management, be nominated to be a member on the Metropolitan Strategic Roads Committee for the 2019 Special Local Roads Program application round.

#### **ATTACHMENTS**

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

1. Metropolitan Strategic Roads Committee - Terms of Reference

#### **1. BACKGROUND**

- 1.1 The LGA Secretariat is calling for nominations to fill three vacancies on the Metropolitan Strategic Roads Committee (MSRC) for the 2019 Special Local Roads Program (SLRP) application round. This call is for the following Committee members:
  - one Elected Member representative from metropolitan Councils north of the River Torrens
  - one officer representative from metropolitan Councils north of the River Torrens
  - one Elected Member representative from metropolitan Councils south of the River Torrens.
- 1.3 The Metropolitan Strategic Roads Committee (MSRC) was established by the former Metropolitan Local Government Group (MLGG) to determine and recommend priorities for Special Local Roads Program funding on behalf of all metropolitan councils. Metropolitan council submit funding proposals to the MSRC for assessment, and the MSRC then makes recommendations to the Local Government Transport Advisory Panel (LGTAP). Further information about the Special Local Roads Program and the role of the LGTAP is available here - <https://www.lga.sa.gov.au/page.aspx?u=6728>

## 2. CONSULTATION / COMMUNICATION

### 2.1 Internal

2.1.1 Chief Executive Officer.

### 2.2 External

2.2.1 Nil.

## 3. REPORT

3.1 As outlined in the attached Terms of Reference, the Metropolitan Strategic Roads Committee membership is comprised of five persons, consisting of:

- one Elected Member representative from metropolitan Councils north of the River Torrens (Vacant);
- one officer representative from metropolitan Councils north of the River Torrens (Vacant);
- one Elected Member representative from metropolitan Councils south of the River Torrens (Vacant);
- one officer representative from metropolitan Councils south of the River Torrens (Currently Mr Russell King, City of Mitcham); and
- one officer representative from the Adelaide City Council (Currently Mr Klinton Devenish, City of Adelaide).

3.2 It is necessary that the three vacancies be filled in order for the MSRC to perform its role in the 2019 SLRP application round.

3.3 Metropolitan councils north of the river are Campbelltown City Council, City of Charles Sturt, Town of Gawler, City of Norwood Payneham & St Peters, City of Playford, City of Prospect, City of Port Adelaide Enfield, City of Salisbury, City of Tea Tree Gully and City of Walkerville.

3.4 This report concerns itself with only one of the vacancies being filled. The City of Salisbury is not eligible for the vacancy from metropolitan Councils south of the River Torrens, and it is intended that, at an operational level, Dameon Roy, Manager Infrastructure Management, will be nominated for the “officer representative” vacancy.

3.5 The time commitment for members of the MSRC is low, with generally one two-hour meeting per year plus time to read and review SLRP applications.

3.6 Nominations need to be submitted in writing by 5pm, Friday 22 March 2019.

3.7 Given that the deadline for nominations is prior to the Council meeting on Monday, 25 March 2019, it is proposed to submit the nomination (if any) as recommended to Council by this Committee, and for Council to ratify the nomination.

3.8 Should Council choose to change the nomination or not to nominate an elected member at all, appropriate advice will be provided to the LGA on Tuesday, 26 March 2019.

- 3.9 It is anticipated that Members of the MSRC will need to be available during the week commencing 29 April to attend its annual meeting to review 2019 Special Local Roads Program applications.
- 3.10 If one nomination is received for each position, those persons will be appointed to the MSRC. If more than one nomination is received for each position, GAROC will review the nominations received and appoint members to the MSRC.

**4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to determine if a nomination be made for the Metropolitan Strategic Roads Committee.
- 4.2 It should be noted that Council is not obligated to submit a nomination.

**CO-ORDINATION**

Officer: Executive Group  
Date: 12/03/2019





## METROPOLITAN STRATEGIC ROADS COMMITTEE

### TERMS OF REFERENCE

#### Introduction

The Metropolitan Local Government Strategic Roads Committee (MSRC) is established to effect a formal regional assessment process for deliberation of strategic metropolitan road funding priorities. All metropolitan Council applications for funding submissions to Special Local Roads are to be submitted through the MSRC assessment format.

#### Metropolitan Council Membership

Reference to metropolitan Councils shall include those Councils which collectively constitute the Metropolitan Local Government Group as identified in the LGA Constitution and as amended from time to time.

#### Funding Process

Funding for strategic local roads in South Australia is made available under the South Australian Special Local Roads Program.

Funding for the Special Local Roads Program is provided from:

- 15% of Identified Local Road Grants; and
- 15% of Roads to Recovery 2.

Funding is also available under the Strategic Pool of Roads to Recovery 2.

#### The Local Government Transport Advisory Panel (LGTAP)

The Local Government Transport Advisory Panel (LGTAP) has previously been established to consider submissions for strategic road funding under the Special Local Roads Program (SLRP) and the strategic pool of Roads to Recovery 2 (R2R2).

The Local Government Transport Advisory Panel (LGTAP) annually calls for submissions from Regional Local Government Associations for projects to be funded under the Special Local Roads Program.

Regional strategic projects submitted are assessed under the “fit for purpose” categories of freight, tourism and social.

#### The Metropolitan Local Government Strategic Roads Committee (MSRC)

The Metropolitan Local Government Strategic Roads Committee (MSRC) is now established to provide advice to the Local Government Transport Advisory Panel (LGTAP) for the recommendation of strategic metropolitan road funding projects under SA Special Local Roads Program.

#### Process

Following written request from the LGTAP to the Metropolitan Local Government Group a call will be made to metropolitan Councils for strategic road funding applications.

The MSRC will consider applications from metropolitan Councils or consortiums of metropolitan Councils and propose a program of works across Adelaide for allocation of funding.

MSRC in making its recommendations will give due weight to

- The prioritisation scores awarded to individual applications through a computer based scoring system, originally developed by the SA Grants Commission. The scoring system provides a numerical score based on inputs including traffic volume and equivalent standard axle figures.
- The Strategic Roads Hierarchy for metropolitan Adelaide, developed in 2009/2010
- State Government planning documents.

#### **Membership**

The MSRC members will be appointed by the Metropolitan Local Government Group and/or the Metropolitan Local Government Group Executive Committee. The MSRC will have membership of five persons, consisting of,

- one Elected Member representative from metropolitan Councils north of the River Torrens;
- one officer representative from metropolitan Councils north of the River Torrens;
- one Elected Member representative from metropolitan Councils south of the River Torrens;
- one officer representative from metropolitan Councils south of the River Torrens; and
- one officer representative from the Adelaide City Council.

The MSRC may appoint its own Chairperson and determine its own meeting procedures.

#### **Executive Support**

Executive support for the Committee will be provided by the LGA. Executive support shall be non voting.

#### **Reporting**

The outcomes of MSRC deliberations will be provided to the Metropolitan Local Government Group.

#### **Review**

The membership and terms of reference of the MSRC will be reviewed from time to time as determined by the MLGG.

Reviewed and endorsed: MLGG 27 January 2011

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<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Club Fee Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Club Fee Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and no changes of substance are required.

### **RECOMMENDATION**

1. The Information be received.
2. The Club Fee Policy as set out in Attachment 1 to this report (Item No. 3.6.1, Resources and Governance, 18/03/2019), be endorsed.

### **ATTACHMENTS**

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

1. Club Fee Policy

### **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 2017 and is now due again for review.

### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Consultation with the Manager Property and Buildings 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 Club Fee 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 Club Fee Policy as contained in Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer:	Executive Group	GMCI
Date:	12/03/2019	07/03/2019



## Club Fee Policy

<b>Policy Type:</b>	<b>Policy</b>		
<b>Approved By:</b>	Council	<b>Decision No:</b>	1900/2013, 2015/0240, 2017/1720
<b>Approval Date:</b>	24 October 2005	<b>Most Recent Approval:</b>	24 April 2017 25 March 2019
<b>Review Date:</b>	April 2019 March 2021	<b>Internal Reference No.:</b>	1482
<b>Department:</b>	City Infrastructure	<b>Division:</b>	Property and Buildings
<b>Function:</b>	7 - Financial Management	<b>Responsible Officer:</b>	Manager, Property and Buildings

### A - PREAMBLE

1. The City of Salisbury provides buildings and amenities to clubs and associations in order to facilitate the provision of sport within the community. It is important to ensure that the costs associated with the provision of these facilities are clear and transparent.

### B - SCOPE

2. This policy applies to all clubs and associations that use Council owned land and facilities and where a lease and licence refers to the Club Fee Policy.

### C – POLICY PURPOSE/OBJECTIVES

3. This policy sets out the basis for the charging of fees associated with the use of Council owned land and facilities. It aims to ensure that fees are applied consistently and transparently.

### D – DEFINITIONS

4. **Exclusive Use** – refers to facilities where the general public is excluded from access outside of normal operations of the occupant (e.g. by way of fence and locked gates);
5. **Facility** – refers to the collective building, playing fields, hard courts and any other infrastructure associated with the occupant and its uses;
6. **Hard courts** – refers to outdoor tennis and netball courts;
7. **Junior clubs** – refers to clubs whose membership comprises exclusively of teams registered as under 18 players and younger;
8. **Playing fields** – refers to open space that has been modified for the purpose of playing turf sports; and
9. **Premium surfaces** – refers to sports surfaces maintained at a higher level for elite sport.

### E - POLICY STATEMENT

10. Fees for the occupation of Council buildings and playing fields shall be payable as monthly rent in advance, calculated from the following components:
  - a. **Building fee** – a fee calculated on 0.3% of the replacement value of the primary building at the commencement of the lease;

- b. **Playing Field Maintenance** - a fee calculated on 5% of an averaged reserve maintenance cost at the commencement of the lease;
  - c. **Hard Courts** – a fee calculated on 5% of the averaged whole of life cost per court;
  - d. **Junior Teams** - Facilities used exclusively for junior teams shall have the fees in 1 a, b and c above reduced by 50%. Council will need to be furnished with proof for this reduction to take effect; and
  - e. **Loans** - Loans taken out by Council on behalf of the club shall be repaid in full (including interest) by the club.
  - f. **Indexation** – lease and license fees will increase annually by the Local Government Price Index for South Australia over the 12 month period to the June quarter as published by the South Australian Centre for Economic Studies.
11. Special circumstances may attract additional costs:
- a. **Premium surfaces** – in the case of clubs with a premium surface the ground maintenance component for that surface shall be calculated at 10% of the averaged reserve maintenance costs;
  - b. **Gaming Machines** – in the case of clubs with electronic gaming machines within Council owned buildings shall have the fees in 1 a, b and c increased by 25%;
  - c. **Turf Wickets** – 20% of the cost to prepare turf wickets may be charged where Council maintains turf cricket wickets on behalf of a Club; and
  - d. **Other Fees** – when special conditions apply.

12. Fees may be waived or varied in cases of special circumstances (eg financial hardship) at the discretion of Council.

The playing field maintenance, hard court costs and building value will be reviewed every five years, in line with the negotiations of the new lease agreement.

#### Document Control

Document ID	Club Fee Policy
Prepared by	Karen Pepe
Release	45,0
Document Status	Draft
Issue Date	13/03/2019 13/03/2019 13/03/2019 01/03/2019 29/01/2019

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<b>ITEM</b>	3.6.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Review of Salisbury Water Flow Restrictions Policy for Residential Customers
<b>AUTHORS</b>	Roseanne Irvine, Salisbury Water Administration Coordinator, Business Excellence Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	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 (Resources and Governance, 18/03/2019) be endorsed.

#### **ATTACHMENTS**

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

1. Salisbury Water Flow Restrictions for Residential Customers Policy

#### **1. BACKGROUND**

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and two years thereafter.
- 1.2 This Policy was last reviewed and endorsed by Council in June 2017 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, the Policy Owner. No changes 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: 12/03/2019





## Salisbury Water Flow Restriction Policy for Residential Customers

Policy Type:	Policy		
Approved By:	Council	Decision No:	2014/2541, 2015/0371, 2017/1860, <del>xxxx/2018</del>
Approval Date:	28 July 2014	Last Reapproval Date:	<del>29 June 2017</del> April 2019
Review Date:	<del>25 May 2019</del> April 2021	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 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/02)
3. Water Industry Act 2012 (SA);
4. Essential Services Commission Act 2002 (SA);
5. Local Government Act, 1999.

#### **Document Control**

<b>Document ID</b>	Salisbury Water Flow Restriction Policy for Residential Customers
<b>Prepared by</b>	Roseanne Irvine
<b>Release</b>	<u>34,00</u>
<b>Document Status</b>	<u>EndorsedDraft</u>
<b>Date Printed</b>	



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<b>ITEM</b>	3.6.3
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Community Recreation Facilities Sponsorship Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Community Recreation Facilities Sponsorship 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 Community Recreation Facilities Sponsorship Policy as set out in Attachment 1 to this report (Item No. 3.6.3, Resources and Governance Committee, 18/03/2019), be endorsed.

#### **ATTACHMENTS**

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

1. Community Recreation Facilities Sponsorship 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 2017 and is now due again for review.

#### **2. CONSULTATION / COMMUNICATION**

##### **2.1 Internal**

- 2.1.1 Consultation with the Manager, Property and Buildings 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 Community Recreation Facilities Sponsorship 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 Community Recreation Facilities Sponsorship Policy as contained within Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP

Date: 12/03/2019





## Community Recreation Facilities Sponsorship Policy

<b>Policy Type:</b>	Policy		
<b>Approved By:</b>	Council	<b>Decision No:</b>	1901/2013, 2015/0301, 2017/1722
<b>Approval Date:</b>	23 September 2013	<b>Last Reapproval Date:</b>	<del>24 April 2017</del> 25 March 2019
<b>Review Date:</b>	<del>April 2019</del> March 2021	<b>Internal Reference No.:</b>	1901
<b>Department:</b>	City Infrastructure	<b>Division:</b>	Property and Building Services
<b>Function:</b>	16 - Property Management	<b>Responsible Officer:</b>	Manager, Property and Buildings

### A - PREAMBLE

1. The City of Salisbury owns and maintains a large number of community recreation facilities. These facilities are public assets that are accessed by a broad cross section of the community.
2. Sponsorship provides sporting clubs with an important source of income that can support the delivery of recreation and sport that benefit the local community.
3. It is important that any messages associated with sponsorship are considerate of all people who access those facilities, are age and culturally appropriate and are consistent with the values and integrity of the City of Salisbury.
4. It is important for clubs to document the terms of sponsorship to define limitations and expectations of all parties, particularly in relation to sponsor signage.
5. This Policy provides guidance to clubs that have leasing arrangements in place with the City of Salisbury for community recreation facilities that wish to enter into sponsorship agreements that may involve requests to display signage in or on buildings, on reserves or reserve infrastructure.

### B - SCOPE

1. This purpose of this Policy is to define the principles for accepting and granting of sponsorship proposals and relates to signage on community recreation facilities that are leased by Council to external parties such as sporting clubs.
2. This policy does not apply where acknowledgement is limited to uniforms and newsletters and any other means by which Council has no interest or influence.

### C – POLICY PURPOSE/OBJECTIVES

1. The Community Recreation Facilities Sponsorship Policy provides a framework to clubs that wish to seek sponsorship.
2. Any form of sponsorship that involves sponsor acknowledgement signage will be subject to assessment under the Community Recreation Facilities Signage Policy.

3. Sponsor acknowledgement signage within the building will be covered by this Policy.

#### **D - DEFINITIONS**

1. Community recreation facility - means any buildings and / or reserve and associated infrastructure owned by City of Salisbury that are used primarily for structured sport and recreation activities by a club that may have a lease, license or any other executed use agreement with Council.
2. Consumption of fast food/alcohol – means any display of messages or imagery that depicts people consuming these products. This does not mean display of a business, brand, or product name or logo.
3. Naming rights - means the exclusive right for an organisation to name/brand a facility, event or program (usually subject to approval by the other party) and for the name/brand to be reflected on formal signage and communications.
4. Political messages – means the display of any message that endorses a political party, ideal, position or opinion on any topic.
5. Regional facility – is defined as those sporting facilities that have the capacity to attract or benefit people from across and beyond the council boundaries. These facilities are often large in size, high quality, unique, in high profile locations with good public transport links, and cater for high level activities.
6. Sponsorship - means any agreement where a business provides funds, resources or services to a club in return for some rights that may help the business. Sponsorship is not philanthropic as a sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement.

#### **E - POLICY STATEMENT**

1. Council supports sporting clubs seeking sponsorship which includes the development of sponsorship packages and advertising arrangements. The full costs of obtaining and managing sponsors is to be borne by the club.
2. Council owned facilities should not be used to promote the following:
  - a. direct product advertisements of tobacco products or gambling;
  - b. any form of adult entertainment;
  - c. consumption of alcohol products or fast food; and
  - d. political messages.
3. Any sponsors messages displayed at Council owned facilities must be to the satisfaction of Council. A reasonable person should not find the message offensive or discriminatory.
4. Council reserves the right to disallow any requests to display messages it deems inappropriate.
5. The club must ensure that all signage is covered by its own insurance policy, to the level prescribed in the club's licence / lease agreement.

#### **Sponsor Acknowledgement**

1. Applications for the installation and display of sponsor acknowledgment signage must be addressed to the Manager, Property and Buildings and include the following information:
  - a. documented sponsorship agreement; and
  - b. graphics, design and materials specifications.

2. Sponsors signage affixed to a sponsor's board or mounted in a non-permanent fashion (eg a rail) is allowed to be displayed inside buildings providing that the signage complies with the criteria above. Permission to display such signage is not required.
3. Consistent with the terms and conditions of Council's standard leases, any structural alterations to buildings and reserve infrastructure requires the written approval of Council.
4. All other requests for signage must comply with the Community Recreation Facilities Signage Policy.

#### **Existing Sponsorship**

1. Clubs are expected to meet the conditions outlined in this Policy for all displayed sponsorship installed after the date of adoption. Following the date of adoption, Council will conduct an audit of all sport and recreation facilities and advise clubs where examples of non-conforming sponsorship exist.
2. Clubs will be provided with a period of one year from receiving this advice, to ensure that all existing displayed sponsorship complies with the conditions outlined in this Policy.
3. After one year, Council may commence removing any displayed sponsorship signage that does not meet the conditions outlined in this Policy.

#### **Naming Rights**

1. Applications for naming rights will be considered under the following conditions:
  - the facility is classified as 'Regional';
  - the naming rights are limited to sports grounds only (i.e. ovals, pitches, fields, playing area or surface) and not the entire reserve, building or any associated reserve infrastructure;
  - the term of the sponsorship (i.e. naming) agreement is limited to the term of the club's licence / lease agreement over the sports ground;
  - the proposed name of the sports ground is not in any way offensive or discriminatory; and
  - the sports ground is only referred to the 'sponsored name' in club, association, competition or league promotions and marketing.
2. Sporting reserve naming rights remain vested with the City of Salisbury as facility owner and manager.
3. Council names for the reserve, buildings and other reserve infrastructure will prevail in public documents e.g. Council reports, engineering / road plans, directories, websites etc.
4. A copy of the proposed naming rights sponsorship agreement is to be submitted as part of the approval process.
5. Not all applications for naming rights will be approved.
6. Upon approval, the club will be permitted to install a single information sign that complies with the Community Recreation Facilities Signage Policy.

#### **G - REFERENCES**

1. Advertising Standards Bureau
2. Australian Association of National Advertisers Code for Advertising & Marketing Communications to Children

**H - ASSOCIATED PROCEDURES**

1. Community Recreation Facilities Signage Policy
2. City of Salisbury Corporate Image Style

**Document Control**

<b>Document ID</b>	Sport and Recreation Facilities Sponsorship Policy
<b>Prepared by</b>	Karen Pepe
<b>Release</b>	<del>34</del> .00
<b>Document Status</b>	<del>Draft</del>
<b>Date Printed</b>	

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<b>ITEM</b>	3.6.4
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Community Recreation Facilities Signage Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Community Recreation Facilities Signage 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 Community Recreation Facilities Signage Policy as set out in Attachment 1 to this report (Item No. 3.6.4, Resources and Governance Committee, 18/03/2019), be endorsed.

#### **ATTACHMENTS**

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

1. Community Recreation Facilities Signage 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 2017 and is now due again for review.

#### **2. CONSULTATION / COMMUNICATION**

##### **2.1 Internal**

- 2.1.1 Consultation with the Manager, Property and Buildings 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 Community Recreation Facilities Signage 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 Community Recreation Facilities Signage Policy as contained within Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP

Date: 12/03/2019



## Community Recreation Facilities Signage Policy

<b>Policy Type:</b>	Policy		
<b>Approved By:</b>	Council	<b>Decision No:</b>	1901/2013, 0300/2015, 1723/2017
<b>Approval Date:</b>	23 September 2013	<b>Last Reapproval Date:</b>	<del>24 April 2017</del> <a href="#">25 March 2019</a>
<b>Review Date:</b>	<del>April 2019</del> <a href="#">March 2021</a>	<b>Internal Reference No.:</b>	
<b>Department:</b>	City Infrastructure	<b>Division:</b>	Property and Buildings
<b>Function:</b>	16 - Property Management	<b>Responsible Officer:</b>	Manager, Property and Buildings

### A - PREAMBLE

1. The City of Salisbury provides significant recreation infrastructure including community buildings and sports surfaces which are made available to clubs and associations via various use arrangements to enable the provision of sport to the Salisbury community.
2. Council receives requests from occupants of these facilities for the installation of signage pertaining to club information and/or sponsorship acknowledgement. It is important that any signs installed are of a professional standard and complement the City of Salisbury's branding.
3. While appropriate signage can provide a valuable community information service, the City's community recreation facilities and their surrounding areas are extremely important to the community and the amount and type of signage installed needs to be carefully considered to ensure that it does not negatively impact on the safety and amenity of these facilities.
4. Clubs may use signs to raise the profile of that club, promote club activities and to acknowledge sponsors.
5. It is recognised that a particular location may reach a saturation point and it would then be appropriate to consider limitations or a moratorium of future signage installations at a facility.

### B - SCOPE

1. This Policy is applicable to the installation of temporary and permanent signage that provides club information and/or acknowledgement of club sponsors on Council owned community recreation facilities within the City of Salisbury. All such signage will be required to conform to this Policy.

2. This Policy relates to all Council owned and managed community recreation facilities on reserves which includes clubrooms, other buildings and reserve infrastructure.
3. This Policy replaces any previous approval or process in regard to the installation of signage on these facilities.
4. Any alterations to or replacement of an existing sign must comply with this Policy.
5. This Policy does not extend to regulatory signs, reserve name signs or any other signs installed and maintained by the City of Salisbury.

#### **C – POLICY PURPOSE/OBJECTIVES**

1. This Policy will provide the guidance for the approval of requests for community recreation facilities signage to ensure a consistent decision making approach and specifies the standards for construction, maintenance and when required the removal of this signage.
2. This Policy will be implemented in conjunction with the City’s Development Plan, Club Fee Policy, and all relevant clauses of the occupant’s leasing agreement with Council.
3. It is further noted that the installation of some signage may need planning and/or building approval.

#### **D - DEFINITIONS**

1. Community recreation facility means any building and/or reserve and associated infrastructure owned by City of Salisbury used by a sporting/community club or association for the provision of recreation or sport for the community of Salisbury.
2. Occupant – means any group or association that has a leasing agreement in place with the City of Salisbury over this infrastructure either via a lease or licence agreement.
3. Shared Occupancy – means that where occupancy of the community recreation facility is shared of if there are any approved sub leases.
4. Head lease – means the sporting club/association that has a leasing agreement in place for the facility with the City of Salisbury.
5. Leasing agreement – means any lease or licence agreement enacted by the City of Salisbury to enable the occupation of a community recreation facility.
6. Reserve perimeter fencing - fencing that delineates the reserve boundary from an adjoining property or road.
7. Signage means any permanent or temporary board, notice, structure, banner or similar device.
  - a. Club information signage means any signs erected by a club used to convey information about that club to the public.
  - b. Sponsor acknowledgment signage means advertising and promotional signs where a business provides funds, resources or services to a club in return for advertising or promotional signage.

#### **E - POLICY STATEMENT**

1. Club information and/or sponsor acknowledgement signage will be permitted on Council’s community recreation facilities when it conforms to the criteria set out in this Policy.
2. Signage cannot be installed on the following:
  - roofs of any building;



- City of Salisbury reserve name signs and reserve perimeter fencing;
  - safety rails;
  - public toilets;
  - retaining walls and fences that are sited alongside or above retaining walls;
  - cricket practice nets;
  - reserve seating; and
  - bollards.
3. Signage may be installed with permission on the following:
    - clubrooms and grandstands;
    - playing field fencing;
    - coaches' boxes and player shelters;
    - sheds or other storage areas;
    - score boards; and
    - court fencing.
  4. Occupants must seek approval prior to installing any form of signage on/at a Council owned community recreation facility to ensure that the proposed signage meets the conditions outlined in this Policy.
  5. Council reserves the right to arrange the removal of any signage at any time should it not meet the conditions outlined in this Policy and reserves the right to recover costs.
  6. Sponsors acknowledgement signage must comply with the Community Recreation Facilities Sponsorship Policy.

#### **Approval process**

1. Applications for signage must be submitted to the Manager, Property and Buildings and contain the following information:
  - the location of the proposed sign;
  - manufacturing materials of the sign;
  - dimensions and height above ground level of the proposed sign; and
  - graphic design of the sign including logos, colour, wording and lettering style of the proposed sign.
2. Approval to install signage will be granted providing:
  - the request is made by the current occupant of the community recreation facility for which the application is being made;
  - the request complies with all relevant Council policies;
  - the proposed signage does not have adverse impacts in relation to amenity and public safety;
  - all relevant planning permits are obtained;
  - the proposed signage meets the criteria outlined; and
  - signage is consistent with Council's direction.
3. Where there is shared occupancy an agreement to install the signage must be reached between all occupants and confirmation of this agreement must be provided in writing by the head lease holder as part of the application.
4. Approval will be granted for the club's playing season only (i.e. a six or twelve month period commencing from the first day of the sporting club's season) and will be limited to the term of the occupant's leasing agreement for the facility.

5. Approval to display the signage outside of the club's playing season may be granted:
  - if an agreement is reached between all the occupants of the facility; and
  - the occupant ensures that all signage remains covered by its own insurance policy outside of the club's playing season.
6. Planning approval is a separate process and if required, and granted does not mean full approval has been given for the signage installation.
7. Approval will be given in writing by staff from the Property and Buildings Division where applications are submitted for consideration.
8. Council will respond in writing to all signage requests within 30 days of receipt. Additional time may be required to process applications that require planning or building approval.
9. The full cost of processing applications that require planning or building approval will be borne by the applicant.

#### Conditions

1. The full cost of installation, preparation, maintenance and removal of all signage is to be borne by the applicant.
2. Should damage to a Council asset occur as a result of the installation, maintenance or removal of any signage, the occupant will be charged the full cost of any rectification works required.
3. Signage must not contain direct product advertisements for tobacco products and gambling, promote any form of adult entertainment or the consumption of alcohol and fast food.
4. Signage should comply with the Principles of Development Control specified in the Salisbury Development Plan.
5. Sponsors acknowledgement signage should comply with the relevant codes and standards of the Advertising Standards Bureau including the National Advertisers Code for the Advertising and Marketing Communications to Children.
6. Information on the signage must be to the satisfaction of Council in regard to the message being presented. A reasonable person should not find the message offensive or discriminatory.
7. Council reserves the right to remove or disallow any signage it deems inappropriate.
8. The occupant must ensure that all signage is covered by its own insurance policy, to the level prescribed by the City of Salisbury leasing agreements.

#### Temporary signs

1. Temporary signs outside of a building must meet the following criteria:
  - a. be securely anchored using weights or using non-permanent means to a permanent structure in a manner that does not result in damage to that structure;
  - b. be removed and stored at the end of the scheduled days activities; and
  - c. be located so as not to impede pedestrian movements along designated paths.
2. Council will not be held liable for the theft of temporary materials, or for any damage to those materials, injury to persons or damage to property caused due to improper fastening of those materials.

**Building name signs**

1. A single sign identifying the tenant(s) and their logos will be permitted to be affixed to the exterior of the main club building and located near the main entrance of the clubroom.

**Signs on Buildings**

1. Signage must not be painted directly onto the walls or the roof of any facility, building or structure on the reserve.
2. Sponsor acknowledgement signage will be permitted to be installed on buildings provided they comply with the guidelines outlined in the Salisbury Development Plan in relation to the size and location of the sign(s).

**Signs on reserves and reserve infrastructure**

1. Signage placed on field fencing must:
  - a. not cover more than 75% of the perimeter of the fence;
  - b. not cover any gates or access points and must be oriented towards the playing field;
  - c. not extend above or below the fence;
  - d. be consistent with all other existing signage; and
  - e. have the reverse side same colour as all other signage (e.g. a galvanised metal or painted mid to dark grey).
2. Signage placed on coaches' boxes and player shelters will be permitted provided it:
  - a. does not protrude from the width or depth of the surface on which it is fixed.
3. Signage placed on scoreboards will be permitted provided it:
  - a. does not distract from the main purpose of the structure;
  - b. does not protrude from the width or depth of the surface on which it is fixed.
4. Signage placed on court fencing is limited to two signs per court being no greater than 3m<sup>2</sup> per sign.
5. An engineering assessment may be requested for signage attached to court fencing. Where required, the full cost of any assessment is to be borne by the applicant.

**Installation requirements**

1. All signage must:
  - a. be securely fixed or displayed such that the possibility of injury to any person or damage to any Council asset is avoided;
  - b. not have sharp or exposed edges;
  - c. have all fixing (i.e. nails and screws) are to be recessed or countersunk; and
  - d. be professionally produced to a high standard.
2. Free standing signs may only be considered where:
  - a. there is no field fencing
  - b. it is less than 3m<sup>2</sup>; and
  - c. relevant building permits have been obtained (if required).

3. An engineering assessment may be required for freestanding signage and signage attached to court fencing and practice nets. The full cost of any assessment is to be borne by the applicant.

#### **Maintenance**

1. Occupants under the current leasing agreements with the City of Salisbury are expected to maintain all signage in an acceptable and safe condition at all times and at their cost. This includes the immediate removal of graffiti, damaged and broken signs.

#### **Removal of Signage**

1. Occupants are required to remove all their signage within seven days of the end of the sporting club's season or licensing agreement.
2. Signage deemed by Council to be dangerous to users or members of the public may be removed immediately by Council without prior notice and at the cost of the occupant.
3. The relevant Council officer(s) will enter into discussions with the occupant to be satisfied of safety issues prior to authorising the reinstallation of the signs. Council officer(s) will, where practicable, provide photographic evidence of the sign's condition prior to it being removed.
4. Council reserves the right to arrange the removal of any signage at any time should the occupant not meet the conditions outlined in this Policy. Signage that does not comply with the relevant planning provisions may be subject to enforcement.
5. Unless a safety concern exists or the occupant has a track record of regularly breaching this Policy, the occupant will be provided with a period of no more than 14 days to remedy any non-compliance.
6. Any costs associated with the removal or reinstallation of signage will be charged to the occupant.
7. Council cannot and will not be held liable for any claim made by an aggrieved sponsor where signage considered by Council to be in breach of this Policy has been removed.

#### **Existing Signage**

1. Occupants are expected to meet the conditions outlined in this Policy for all signage installed after the date of adoption.
2. Following the date of adoption, Council will conduct a signage audit of all community recreation facilities and advise occupants where examples of non-conforming signage exist. Clubs will be provided with a period of one year from receiving this advice, to ensure that all existing club signage complies with the conditions outlined in this Policy.
3. After one year, Council will commence removing any existing signage that does not meet the conditions outlined in this Policy.
4. Existing signage may be removed immediately by Council where the signage is deemed by Council to be dangerous or a planning permit is required and has not been obtained. Any costs associated with the removal or re-installation of existing advertising signage will be borne by the occupant.

#### **F - LEGISLATION**

1. Development Act 1993 / Planning, Development and Infrastructure Act 2016
2. Salisbury Development Plan

**G - REFERENCES**

1. Advertising Standards Bureau
2. Australian Association of National Advertisers Code for Advertising & Marketing Communications to Children

**H - ASSOCIATED PROCEDURES**

1. Community Recreation Facilities Sponsorship Policy
2. City of Salisbury Corporate Image Style

**Document Control**

<b>Document ID</b>	Community Recreation Facilities Signage Policy
<b>Prepared by</b>	Karen Pepe
<b>Release</b>	34.00
<b>Document Status</b>	Endorsed
<b>Date Printed</b>	



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<b>ITEM</b>	3.6.5
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Community Club Financial Guarantee Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Community Club Financial Guarantee 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 Community Club Financial Guarantee Policy as set out in Attachment 1 to this report (Item No. 3.6.5, Resources and Governance Committee, 18/03/2019), be endorsed.

#### **ATTACHMENTS**

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

1. Community Club Financial Guarantee 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 2017 and is now due again for review.

#### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Consultation with the Manager, Property and Buildings 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 Community Club Financial Guarantee 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 Community Club Financial Guarantee Policy as contained within Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP

Date: 12/03/2019





## Community Club Financial Guarantee Policy

<b>Policy Type:</b>	<b>Policy</b>		
<b>Approved By:</b>	Council	<b>Decision No:</b>	Min 1811, 2009/1577, 2011/469, 2013/1926, 0294/2015, 1727/2017
<b>Approval Date:</b>	24 October 2005	<b>Most Recent Approval:</b>	24 April 2017 25 March 2019
<b>Review Date:</b>	April 2019 March 2019	<b>Internal Reference No.:</b>	
<b>Department:</b>	City Infrastructure	<b>Division:</b>	Property & Buildings
<b>Function:</b>	7 - Financial Management	<b>Responsible Officer:</b>	Manager, Property & Buildings

### A - PREAMBLE

- Where a community club undertakes a project or other approved purpose which is shown to be an improvement to the facility and/or benefit to the community and requires finance, the club must seek finance from a financial institution and if required, Council may act as a guarantor under certain conditions.

### B - SCOPE

- This policy applies to Community Clubs that have a current lease/licence agreement to use Council owned facilities.

### C – POLICY PURPOSE/OBJECTIVES

- The purpose of this policy is to assist community clubs in obtaining finance for a project or other approved purpose which is acceptable to Council.

### E - POLICY STATEMENT

- In determining whether Council will act as guarantor for a Community Club seeking finance from a financial institution, consideration will be given to the following matters:
  - The community benefit attributable to the project or other purpose.
  - Assessment of security available.
  - An assessment of the club's capacity to repay the loan demonstrated by its statement of financial position and projected budgets.
  - Actions taken by the club to ensure its future viability.
  - Tenure of the committee and office bearers.
  - ~~That the club be an active member of the Salisbury Sport and Recreation Network.~~
  - That clubs be required to demonstrate their capacity in financial management processes and if appropriate the Council may require the club treasurer to attend a financial management program organised or recommended by Salisbury Sport and Recreation Network, as a condition of Council's financial support.

- h.g. Council may also require that some club committee members attend other Salisbury Sport and Recreation Network courses that may assist in the overall management of the club (e.g., marketing, sponsorship & fundraising etc).
- i.h. Past performance of the club.
- j.i. A requirement by the Community Club to the provision of annual audited financial statements to Council.
- k.j. Staff provide annual information to Council on the Council's contingent liability on Financial Guarantee agreements.

**Document Control**

<b>Document ID</b>	Community Club Financial Guarantee Policy
<b>Prepared by</b>	Karen Pepe
<b>Release</b>	45.0
<b>Document Status</b>	Draft
<b>Issue Date</b>	

<b>ITEM</b>	3.6.6
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Liquor Licences Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Liquor Licences Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner, with the only change of substance being to extend the hours of trading for liquor to 1am on both Saturday and Sunday nights.

## **RECOMMENDATION**

1. The Information be received.
2. The Liquor Licences Policy as set out in Attachment 1 to this report (Item No. 3.6.6, Resources and Governance Committee, 18/03/2019), be endorsed, including the extension of liquor trading hours to 1am on both Friday and Saturday nights.

## **ATTACHMENTS**

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

1. Liquor Licences Policy edited

### **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 2017 and is now due again for review.

### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Consultation with the Manager, Property and Buildings 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 Liquor Licences Policy has been reviewed by the Policy Owner.
- 3.2 Section D1 currently states that liquor trading hours can be extended to 1am on a Saturday morning. It is considered that this closure time should include both the Friday night and Saturday night. Other than this amendment no other changes of substance are required in the content of the Policy to ensure its continuing relevance.

**4. CONCLUSION / PROPOSAL**

- 4.1 The Liquor Licences Policy as contained within Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 12/03/2019



## Liquor Licences Policy

<b>Policy Type:</b>	<b>Policy</b>		
<b>Approved By:</b>	Council	<b>Decision No:</b>	Min 1811, 2009/1482, 2011/469, 2013/1926, 2015/295, 2017/1733
<b>Approval Date:</b>	24 October 2005	<b>Most Recent Approval:</b>	<del>24 April 2017</del> 25 March 2019
<b>Review Date:</b>	<del>April 2019</del> March 2021	<b>Internal Reference No.:</b>	
<b>Department:</b>	City Infrastructure	<b>Division:</b>	Property & Buildings
<b>Function:</b>	7 - Financial Management	<b>Responsible Officer:</b>	Manager, Property & Buildings

### A - PREAMBLE

- Community Clubs which have a current lease or licence with Council and have appropriate bar facilities are able to apply for a liquor licence which enables them to sell and consume alcohol on the premises.
- Council's administration will review all licence applications proposed by a lessee or licensee of Council owned or controlled land, including limited liquor licences for one-off or short term functions.

### B - SCOPE

- This policy applies to Community Clubs that have a current lease or licence agreement to use Council owned facilities.

### C - POLICY PURPOSE/OBJECTIVES

- This policy sets out the conditions that apply to Community Clubs to enable them to apply for a liquor licence under the *Liquor Licensing Act 1997*.

### D - POLICY STATEMENT

- The hours of trading for any form of liquor licence under the *Liquor Licensing Act 1997* relating to the sale and/or consumption of intoxicating liquor upon any Council owned property or reserve shall be:
  - up to 12.00 midnight on any day; and to 1 :00
  - am on Saturdays **and Sundays**.
- Upon receipt of a written request, Council may approve alternative hours of trading for any form of liquor licence to apply for a specific purpose/event.

### F - LEGISLATION

- Liquor Licensing Act 1997*

#### Document Control

<b>Document ID</b>	Liquor Licences Policy
<b>Prepared by</b>	Karen Pepe
<b>Release</b>	<del>56.0</del>
<b>Document Status</b>	<b>Draft</b>
<b>Issue Date</b>	



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<b>ITEM</b>	3.6.7
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Sub-Licence Approval Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Sub-Licence Approval 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 Sub-Licence Approval Policy as set out in Attachment 1 to this report (Item No. 3.6.7, Resources and Governance Committee, 18/03/2019), be endorsed.

#### **ATTACHMENTS**

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

1. Sub-Licence Approval 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 2017 and is now due again for review.

#### **2. CONSULTATION / COMMUNICATION**

##### **2.1 Internal**

- 2.1.1 Consultation with the Manager, Property and Buildings 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 Sub-Licence Approval 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 Sub-Licence Approval Policy as contained within Attachment 1 is recommended to Council for endorsement.

### **CO-ORDINATION**

Officer: EXECUTIVE GROUP

Date: 12/03/2019





## Sub-Licence Approval Policy

<b>Policy Type:</b>	<b>Policy</b>		
<b>Approved By:</b>	Council	<b>Decision No:</b>	Min 1811, 2009/1482, 2011/469, 2013/1926, 2015/297, 2017/1727
<b>Approval Date:</b>	24 October 2005	<b>Most Recent Approval:</b>	24 April 2017 25 March 2019
<b>Review Date:</b>	April 2019 March 2019	<b>Internal Reference No.:</b>	
<b>Department:</b>	City Infrastructure	<b>Division:</b>	Property & Buildings
<b>Function:</b>	7 - Financial Management	<b>Responsible Officer:</b>	Manager, Property & Buildings

### A - PREAMBLE

This policy allows a Lessee or Licensee of a Council facility to offer a sub-licence to another community club for use of Council owned facilities.

### B - SCOPE

This policy applies to Community Clubs that lease or license Council owned facilities.

### C – POLICY PURPOSE/OBJECTIVES

The principal objectives are to ensure that:

1. The premises are used effectively and efficiently for both active and passive sporting and other recreational activities.
2. Use of the premises is diverse, with provision for a broad range of sporting and other recreational activities to take place, such that the community has access to a greater range of recreational opportunities.
3. The financial risk of undertaking the sporting or recreational activity and cost to the community is minimised.
4. Activities on the premises cause minimal impact on the surrounding community and amenity of the area.
5. Council's maintenance costs are not excessive and the asset does not deteriorate from over use.
6. Sub- licensee fees for use of the premises are proportionate to that of the Lessee or Licensee.

### E - POLICY STATEMENT

All sub-licensing of Council premises must comply with the following:

1. All sub-licences must be approved by Council for a term not exceeding that of the Lease or License.
2. Where an ongoing sub-licence arrangement is desired for use of the premises, the Lessee or Licensee must forward full details of the proposal to Council for approval.
3. The Lessee or Licensee is responsible for insuring against loss, damage or public liability associated with sub-licensing the premises.

4. All responsibilities of the Lessee or Licensee shall become responsibilities of the sub-licensee during the period of the sub-licence.
5. Sub-licences must be contracted and executed in the form specified by Council.
6. Approval of sub-licences is at the discretion of Council and will take into account the following factors:
  - Any detrimental effect upon the community or the premises including, but not limited to, deterioration of playing surfaces, damage to buildings or structures, adverse impact or impairment to the amenity of the area or excessive maintenance costs.
  - Sub-licence fees shall not exceed the fees set by Council for the licensee of the premises, on a pro-rata basis.
  - Desirable diversity of sporting and other recreational activities on the premises.
  - Preference for sub-licences will be given to organisations whose principal membership originates within the City of Salisbury.
7. Where any breach of the sub-licence occurs, which is either not capable of being put right, or is not put right within fourteen (14) days from the date of Council's notice to the sub-licensee, identifying the breach and requiring it to be put right, Council may take action against the Lessee or Licensee in accordance with lease or licence conditions relating to a breach of conditions.

#### F - LEGISLATION

*Local Government Act, 1999*

##### Document Control

Document ID	Sub-Licence Approval Policy
Prepared by	Karen Pepe
Release	56,0
Document Status	Draft
Issue Date	

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<b>ITEM</b>	3.6.8
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Walkway Closures Policy
<b>AUTHORS</b>	Tim Starr, Coordinator Property, City Infrastructure Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Walkway Closures Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and no changes of substance are required, however improved clarity on the purchase value of the land has been added.

#### **RECOMMENDATION**

1. The Information be received.
2. The Walkway Closures Policy, with amendments, as set out in Attachment 1 to this report (Item No. 3.6.8, Resources and Governance Committee, 18/03/2019), be endorsed.

#### **ATTACHMENTS**

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

1. Walkway Closures Policy edited

#### **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 2017 and is now due again for review.

#### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Consultation with the Manager, Property and Buildings 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 Walkway Closures 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.
- 3.2 Minor changes have been included to improve clarity on the purchase of the land.

### **4. CONCLUSION / PROPOSAL**

- 4.1 The Walkway Closures Policy as contained within Attachment 1 is recommended to Council for endorsement.

### **CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 12/03/2019



## Walkway Closures Policy

Policy Type:	Policy	Decision No:	1813, 2009/1577, 2011/469, 2013/1926, 2015/0298, 2017/1724
Approved By:	Council	Most Recent Approval:	<a href="#">24 April 2017</a> <a href="#">25 March 2019</a>
Approval Date:	24 October 2005	Internal Reference No.:	
Review Date:	<a href="#">April 2019</a> <a href="#">March 2021</a>	Division:	Property & Buildings
Department:	City Infrastructure	Responsible Officer:	Manager, Property & Buildings
Function:	14 - Infrastructure		

### A - PREAMBLE

- Property & Buildings staff receive requests from residents to consider walkway closures and the consequent purchase of the land which adjoins their property. Should it be identified that the walkway is surplus to public requirements, provides no public benefit or is an inefficient use of public assets, a road closure process may be undertaken to facilitate the requested disposal.

### B - SCOPE

- The policy applies to walkways adjacent to residential properties which are the subject of a request for closure from a resident of the City of Salisbury.

### C – POLICY PURPOSE/OBJECTIVES

- This policy clarifies the:
  - conditions that must be considered to close a walkway;
  - public consultation that needs to be undertaken by Council staff; and
  - responsibility for meeting the costs associated with closing a walkway **and the purchase of the land.**

### D - POLICY STATEMENT

- The closure of walkways will be supported unless strong reasons can be shown for keeping the walkway open and must be the subject of a road closure process in accordance with the *Roads Opening and Closing Act 1991*.
- Adjoining owners **who are interested in purchasing the land** will be asked to pay for all costs associated with the disposal, **market value for the land** and the removal of services required to close the walkway. Payment **for costs are** to be made in advance if required.
- Where a problem walkway is unable to be closed, gates may be erected at each end at the adjoining owner's expense, if agreement is reached after the usual consultative process.
- As a matter of public consultation, Council will:
  - advertise the intention to close a walkway in the local newspaper;
  - erect signs at the walkway entrance informing users of the intention to close;

3. send letters to property owners within the area of the walkway, inviting interested persons to make submissions for Council's consideration. These letters are to explain the reasons and purpose for the walkway closure.
4. provide information to relevant Ward Councillors, of affected property owners prior to commencement of public consultation.

#### **E - LEGISLATION**

1. Roads (Opening and Closing) Act, 1991

#### **F – ASSOCIATED POLICIES**

1. Public Consultation Policy

##### **Document Control**

<b>Document ID</b>	<b>Walkway Closures Policy</b>
<b>Prepared by</b>	<b>Karen Pepe</b>
<b>Release</b>	<b>45.0</b>
<b>Document Status</b>	<b>Draft</b>
<b>Issue Date</b>	

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<b>ITEM</b>	3.6.9
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Elected Members Training and Development Policy
<b>AUTHORS</b>	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Elected Members Training and Development Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and only minor changes are required.

#### **RECOMMENDATION**

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 3.6.9, 18/03/2019), be endorsed.

#### **ATTACHMENTS**

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

1. Elected Members Training and Development 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 2017 and is now due again for review.

#### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Consultation with the Governance Project Officer 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 Elected Members Training and Development 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 with the exception of the addition of additional training programs offered by the Local Government Association, changes to the provision of mandatory training and minor editing changes.
- 3.2 In addition, the revised Policy provides for a Training and Development Plan to be developed to ensure that activities available to Elected Members comply with the Regulations (satisfying the mandated training requirements) and contribute to the personal development of the individual and the achievement of the strategic and good governance objectives of Council.
- 3.3 With regard to the four mandated (by regulation) training modules, EMs have been provided with the first three modules listed below, and the fourth is scheduled for Wednesday, 3 April 2019:
- Introduction to Local Government
  - Legal Responsibilities
  - Council and Committee meetings
  - Financial Management and Reporting.
- 3.4 Other training opportunities that will be scheduled for the remainder of the 2019 calendar year include workshops on; Skills for Chairing meetings, Public Speaking, Media and Social Media, Leadership and Team Building, and Risk Management.
- 3.5 In addition, and consistent with Council's digital agenda, we are identifying appropriate applications that can assist Elected Members with the use of technology that has been provided so that we can move away from the provision of hard copies of documentation, such as agendas and minutes. Training will be provided for proper and full use of the applications.
- 3.6 A Training and Development Plan for the term of the current Council has been drafted and is also attached to this report as part of the Draft Policy.

### 4. CONCLUSION / PROPOSAL

- 4.1 The Elected Members Training and Development Policy as contained within Attachment 1 is recommended to Council for endorsement.

#### CO-ORDINATION

Officer:	Executive Group	MG
Date:	12/03/2019	07/03/2019





## Elected Members Training and Development Policy

Policy Type: Policy

Approved By:	Council	Decision No:	2009/1481, 2011/413, 2012/1286, 2012/1365, 2015/370, 2017/1788
Approval Date:	23 March 2009	Last Reapproval Date:	<del>22-May-2017</del> February 2019
Review Date:	<del>May-2019</del> February 2021	Internal Reference No.:	
Department:	CEO and Governance	Division:	Governance
Function:	9 - Governance	Responsible Officer:	Manager, Governance

### A - PREAMBLE

1. The City of Salisbury is committed to training and development activities for its Elected Members, including the mandatory training requirements under the *LGA Training Standards*, and recognises its responsibility to develop and adopt a policy for this purpose under section 80A of the *Local Government Act 1999*.
2. Following the amendment to the *Local Government Act 1999* and the *Local Government (General) Regulations 2013* in November 2014, this policy incorporates the new requirements for Council Members to undertake mandatory training within the first year of election to office, which complies with the *LGA Training Standards* as defined in regulation 8AA of the *Local Government (General) Regulations 2013*.

### B - SCOPE

1. This policy applies to Elected Members of the City of Salisbury.

### C – POLICY PURPOSE/OBJECTIVES

1. This policy states the City of Salisbury’s commitment to developing Elected Members’ professional skills. It provides for a consistent and equitable approach to access to development opportunities by Elected Members, including opportunities to undertake the required training in accordance with the *LGA Training Standards* and any other appropriate training and development activities relevant to their roles and functions.

### D - DEFINITIONS

1. **Conferences and seminars** (directly related to the role of an Elected Member) – includes workshops and forums, local or interstate, specific to, and directly related to, Local Government.
2. **Council Delegate** – an Elected Member who has been nominated by Council to vote, or otherwise conduct business, on behalf of the City of Salisbury at specific forums and functions.

3. **Elected Members** – shall mean the duly elected representatives of the community, including the Mayor and all Councillors.
4. **Training and Development Activity** – shall mean any activity with the objective of increasing a Council Members knowledge, skills and competencies in relation to the performance of their roles and responsibilities as Elected Members at the City of Salisbury.

## E - POLICY STATEMENT

### Training and Development Plan

1. Council will develop and adopt a Training and Development Plan so as to ensure that activities available to all Council Members comply with the Regulations and contribute to the personal development of the individual and the achievement of the strategic and good governance objectives of Council.
2. Particular emphasis will be given in the Training and Development Plan to the participation of all Council Members in the development of a new team following a general election as well as the orientation of first time Council Members.
3. In preparing its Training and Development Plan, a range of strategies will be utilised to identify the needs of Council and match these needs against its strategic and good governance objectives.
4. Training needs will be identified by assessment of committee performance, questionnaires and/or workshops.
5. Council recognises that in order to carry out their roles and responsibilities to the community Council members will need specific training and refresher courses about their legislative and governance roles and functions. The *LGA Training Standards* consist of the following modules:
  - Module 1 – Introduction to Local Government – Role and function of Council members
  - Module 2 – Legal Responsibilities
  - Module 3 – Council and Committee meetings
  - Module 4 – Financial Management and Reporting
6. Elected Members who are new to Council will be required to undertake all four modules.
7. Returning Elected Members will undertake the appropriate modules identified through a gap analysis/self-assessment of their skills and training needs.
8. Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the community.
9. It is recognised that a range of delivery methods will be required to support the training needs of Elected Members, including:
  - Informal (briefing) sessions conducted by Council with appropriate guest speakers and presenters;
  - Attendance at workshops, seminars and conferences offered by training providers such as the Local Government Association of SA, Australian Local Government Association, and other private providers that provide an opportunity for Elected Members to gain new skills and network with other Elected Members.
  - Printed material, including training booklets and discussion papers, that may be distributed for information;

- On-line self-paced learning; and
  - CD Rom/DVD information
10. Council's Training and Development Plan will include the agreed delivery method to respond to the needs of Elected Members identified during the development of the training plan.

#### Annual Budget Allocation

11. Council will approve an allocation in the budget each financial year for Elected Members to attend training and development activities, Council delegate activities and conferences and seminars. The budget allocation will provide for associated travel and accommodation. Progress against expenditure of the budget allocation will be reported on a six-month and annual basis.
12. The budget allocation will comprise:
- a) **Elected Members Training and Development:** An amount to be utilised for the purpose of Training and Development activities for the whole of Council and will include training in accordance with the *LGA Training Standards*. Funds from this allocation that are not spent do not accumulate and will return to the City of Salisbury budget at the end of each financial year.
  - b) **Council Delegate Activities:** An amount to be utilised for the purpose of costs associated with Council Delegate activities, where Elected Members are required to vote, or otherwise conduct business, on behalf of the City of Salisbury. Funds from this allocation that are not spent do not accumulate and will return to the City of Salisbury budget at the end of each financial year.
  - c) **Individual Elected Member Development:** An amount for each Elected Member for the purpose of attending Training and Development activities and Conferences and Seminars (including associated travel and accommodation costs), including any additional training in accordance with the LGA Training Standards undertaken separate to that already provided inhouse by Council. Unspent allocations (up to the amount provided by this clause) may be carried forward for one year.
13. Any additional funding required for Training and Development activities, Council Delegate activities or attendance at Conferences and Seminars must be approved by Council.
14. The budget allocation will become available on 1 July of each year. In the event that it is an election year a pro-rata allocation (equivalent to four months) will be made to each Elected Member on 1 July. The balance of the allocation will be made to Elected Members after the conclusion of the election.
15. In the event of a mid term by-election, a new Elected Member will receive a pro-rata allocation for the period commencing on the date of their appointment and concluding on 30 June.

#### Approval of expenditure

The following approvals for expenditure will be required:

16. **Elected Members Training and Development:**
  - approval required by the Chief Executive Officer prior to incurring the expense.
17. **Council Delegate Activities:**

- for activities where costs do not exceed \$1,000, approval required by the Chief Executive Officer prior to incurring the expense.
  - for activities where costs exceed \$1,000, approval required by Council prior to incurring the expense.
18. **Individual Elected Member Development:**
- for activities where costs are less than or equal to the individual allocation (as provided for in E12.c) approval required by the Chief Executive Officer prior to incurring the expense;
  - for activities where costs exceed the individual allocation (as provided for in E12.c) approval required by Council.
19. The Training and Development Plan will determine the nature of training to be made available, however access to training programs not directly conducted by the Council will require approval upon application and must link to the training plan unless otherwise agreed by the Council.
20. For all interstate activities, regardless of total costs, approval is required by Council, having regard to:
- Alignment with the Strategic Plan;
  - Anticipated benefits to the Elected Member attending; and
  - Anticipated benefits to the City of Salisbury.
21. Where approval has been granted for an Elected Member to attend a training and development activity, the Elected Member may seek the reimbursement of approved expenses in accordance with the relevant provisions of the *Local Government Act 1999* and *Regulations* and Council's Elected Members Allowances and Benefits Policy.
22. Costs for attendance and travel by family members will not be met by Council.

#### **Attendance at Training Programs and Record Keeping**

23. Elected Members are encouraged to attend at least one professional development activity each year.
24. The CEO will keep a record of all training attended, but particularly the mandatory training requirements. Failure to complete the mandatory training requirements in the relevant time frame amounts to a breach of the Council Members Code of Conduct.
25. 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.
26. Following attendance at a training and development activity Elected Members may give a verbal report in relation to their attendance at the training and development activity at the next Council meeting following attendance where appropriate.
27. All written reports as required in clause 22 above are to be provided within 3 months of attending the relevant activity. Should a written report not be provided within 3 months, funds for attendance at activities covered by this policy will be withheld until such time as overdue reports are presented.
28. Staff will prepare on an annual basis, a report that sets out any outstanding Elected Member Development Activity Report.

29. In accordance with Section 79 of the *Local Government Act 1999*, details of attendance at professional development activities by Elected Members will be recorded in the Elected Members' Allowances and Benefits Register.
30. Council's annual report will include a segment regarding the operation of this Policy, the nature of matters raised in the Training and Development Plan, attendances by Elected Members and expenditure allocated and used for training of Elected Members.

#### F - LEGISLATION

1. Local Government Act 1999 – section 78: Provision of facilities and support – section 79: Register of Allowances and Benefits – section 80A: Training and Development
2. Local Government (Members Allowances and Benefits) Regulations 1999 – Regulation 6: Expenses requiring council approval – Regulation 8AA: Training and Development
3. Local Government Act 1999 – Schedule 4: Material to be included in the annual report of a council.

#### G - REFERENCES

1. Local Government Association of SA: Training and Development Policy and Plan for Council Members – Model Policy – December 2014
2. LGA Training Standards - accessed on the LGA website at <http://www.training.lga.sa.gov.au/index.cfm/council-member-training/lga-training-standard>

#### Document Control

Document ID	Elected Members Training and Development Policy
Prepared by	Joy Rowett
Release	<del>67.0</del>
Document Status	Endorsed
Date Printed	

## CITY OF SALISBURY

## DRAFT COUNCIL MEMBERS TRAINING AND DEVELOPMENT PLAN

The following table provides mandatory training in accordance with the LGA Training.

Details	Available to	Provider
LGA Training Standards		
<b>Module 1</b> - Introduction to Local Government – <del>Role and function of Council Members</del>	All new Elected Members	<del>Combination of In-house and External</del> <u>In house</u>
<b>Module 2</b> - Legal Responsibilities	All Elected Members	<del>Combination of In-house and External</del> <u>In house</u>
<b>Module 3</b> - Council and committee meetings	All new Elected Members	<del>Combination of In-house and External</del> <u>In house</u>
<b>Module 4</b> - Financial Management and Reporting	All Elected Members	<del>Combination of In-house and External</del> <u>In house / External</u>

The following table provides [Council/](#) Committee specific training

Details	Available to	Provider
Council and Committee Procedures and Chairing Skills	All Elected Members	In house / Lawyers
Media <a href="#">and social media</a> Skills for Elected members	All Elected Members	In house / Lawyers
<a href="#">Public Speaking</a>	<a href="#">All Elected Members</a>	<a href="#">In house / consultant</a>
<a href="#">Risk Management</a>	<a href="#">All Elected Members</a>	<a href="#">In house / consultant</a>
Council <del>Development</del> Assessment Panel Member Training	CDAP Members	Consultant / Lawyers
Council <del>Development</del> Assessment Panel Workshops for relevant P&D issues eg Code of Conduct	CDAP Members	In house / Lawyers
Other Committee specific training sessions	As appropriate	

The following table outlines additional courses, seminars and conferences [that may be](#) available to Elected Members. Details on dates are available on the LGA website.

Details	Available to	Provider
<b>LGA Education and Training Services</b>		
Public Speaking Skills for Council members	All Council Members	LGA*
<a href="#">Chairing and Chamber Etiquette</a>	<a href="#">All Council Members</a>	<a href="#">LGA*</a>
Media Skills for <a href="#">Council Members for Mayors and Chairpersons</a>	Mayor <a href="#">and</a> Deputy Mayor <a href="#">and</a> <a href="#">Chairpersons</a>	LGA*
<a href="#">Information Management for Elected Members</a> <a href="#">Part 1 - Securing the Digital Highway</a> <a href="#">Part 2 - Social Media Etiquette and Branding</a>	<a href="#">All Council Members</a>	<a href="#">LGA*</a>
CEO Performance <a href="#">Management</a>	All Council Members	LGA*
Conflict of Interest, Governance Roles and Responsibilities	All Council Members	LGA*
<a href="#">Fraud and Corruption</a>	<a href="#">All Council Members</a>	<a href="#">LGA*</a>
CDAP Fundamentals	CDAP Members	LGA*
Strategic Financial Sustainability for Good Governance Decision Making	All Council Members	LGA*
<b>Other relevant training programs provided by LGA</b>		
Local Conferences and Seminars		
<a href="#">Council Members Governance Residential Program Residential Programs as scheduled from time to time by the LGA</a>	All Council Members	LGA
<a href="#">Council Members Strategic Issues Residential Program</a>	<a href="#">All Council Members</a>	<a href="#">LGA</a>
Mayors & Chairpersons Residential Seminar	Mayor/Chairperson	LGA
LGA Annual Conference and/or Showcase	All Council Members	LGA
LGMA (SA) Annual Conference	All Council Members	LGMA

Other relevant local conferences that may be identified throughout the year	All Council Members	
Other relevant short seminars and special interest sessions throughout the year		
<b>Interstate Conferences and Seminars<sup>#</sup></b>		
Local Government Managers Australia (LGMA) National Congress [location]	All Council Members	LGMA
ALGA National General Assembly of Local Government [location]	All Council Members	ALGA
Other interstate conferences that may be identified throughout the year	As appropriate	

<sup>#</sup> **Note:** All interstate conferences or seminars require an individual Council approval by resolution



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<b>ITEM</b>	3.6.10
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Customer Service Improvement Project Update
<b>AUTHORS</b>	Hannah Walters, Team Leader Customer Relations, Business Excellence Michael Bennington, Manager Communications & Customer Relations, Business Excellence
<b>CITY PLAN LINKS</b>	3.4 Be a proud, accessible and welcoming community. 4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	To provide Council with an update on the Customer Service Improvement Project and the next steps, in particular to engage with Elected Members through the Strategic Planning Workshop and various briefings and training sessions.

#### **RECOMMENDATION**

1. That the information be received and Council note the Elected Members Workshop to be held on 20 March 2019 to consider the Customer Service Framework and Charter

#### **ATTACHMENTS**

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

1. Customer Service Framework
2. Customer Service Charter

#### **1. BACKGROUND**

##### **1.1 Customer Service Improvement Project**

- 1.1.1 As part of the continuous improvement approach to Customer Service, Executive have previously endorsed an implementation plan for the Customer Service Improvement Project.
- 1.1.2 The Customer Service Framework and Charter have also been endorsed by Council in September 2017. This allowed for the implementation of the other projects that fall under the Customer Service Improvement Project.

## 1.2 Council Resolution

1.2.1 At its August 2018 meeting, Council resolved that:

- *That Council review all customer service and related policies with a view of increasing the level of basic services and customer requests.*
- *That Council develop a community and resident customer service charter in consultation with the local community.*

1.2.2 The completion of these two resolutions were planned for March 2019 but will need to be reconsidered given the proposed process noted in this report.

## 2. CITY PLAN CRITICAL ACTION

2.1 Improve communications within the organisation and with our community to ensure integrated programs, projects and processes that meet community expectations, and delivers good customer service.

## 3. CONSULTATION / COMMUNICATION

3.1 Internal

3.1.1 Divisional Managers were engaged in the development of the service standards, as they will be accountable to the timeframes listed.

3.1.2 Divisions have also previously been consulted on the development of the Customer Service Framework and Charter.

## 4. REPORT

### 4.1 Current Customer Service Framework and Charter

4.1.1 The Customer Service Framework has been designed with improved customer service outcomes in mind. It has implications for the day to day experience of customers as well as aiming to improve the service culture of the organisation in a broader sense. There are three critical components of the Customer Service Framework, service principles, service standards and service code.

4.1.2 The Customer Service Framework and Charter was the initial project that set the guiding principles for the delivery of all other projects within the Customer Service Improvement Project.

4.1.3 The critical component of the framework were the establishment of service principles, service standards and service code.

4.1.4 The service level values underpin our approach to customer service. These values have been developed based on the organisational “Community and Customer Service” value and picking up themes from the divisional charters that had been developed in consultation with staff.

4.1.5 Our service code describes how we act and the things people say and do. They set a clear expectation for how employees should interact with customers and each other.

- 4.1.6 Our service standards have been developed so that the organisation can commit to specific timeframes and communicate what customers can expect. By measuring performance against standards, the organisation can demonstrate a commitment to customer service.
- 4.1.7 The framework outlines service standards that the organisation will be held accountable against, Divisional Managers responsible for each area were engaged in the development of the standards and deciding the appropriate timeframes.
- 4.1.8 Standards for the most frequently accessed services have been identified and will be regularly measured.
- 4.1.9 The Customer Service Framework and Charter will be monitored and reviewed annually specifically the service standards as outlined in the Framework.
- 4.1.10 The Customer Service Framework and revised charter replaced the existing customer service framework which dealt primarily with the management of feedback (compliments, comments and complaints). As well as providing a broad commitment to customer service.

## **4.2 Review of Customer Service Framework and Charter**

- 4.2.1 A workshop with Elected Members has been scheduled on 20<sup>th</sup> March. The purpose of the workshop will be to give Elected Members an overview of the current Customer Service Framework and Charter, an opportunity for Elected Members to identify opportunities to improve the framework and charter and discuss an approach to deliver a more consistent service standard.
- 4.2.2 The feedback and discussion from the workshop will allow the administration to revise the framework and charter for consideration by Council.
- 4.2.3 It is also proposed that once Council endorses the draft documents, a community engagement process will commence to obtain further feedback prior to Council endorsing a final framework and charter.
- 4.2.4 This engagement will include using our social media platforms and website to promote the revised documents and seek feedback via the appropriate mechanisms.

## **2018 Community Perceptions Survey**

- 4.2.1 The City of Salisbury has been conducting periodic surveys amongst its residential population since 2001
- 4.2.2 Previously these surveys have been conducted by Harrison Research. The 2018 survey was conducted by McGregor Tan based on the template from the previous surveys conducted by Harrison Research.
- 4.2.3 The 2018 survey was in the field between 5 October and 23 October, using a random sample extracted from an electronic residential telephone listing, via Computer Aided Telephone Interviewing (CATI).

- 4.2.4 The target sample of n=600 was achieved, with the sample randomly selected across the eight Wards.
- 4.2.5 Upon completion of the fieldwork, the raw data was weighted by gender and age to ensure that the sample is in line with population distribution across the City of Salisbury area (using ABS 2011 Census population data for the Salisbury Local Government Area).
- 4.2.6 The survey identified and in many instances reinforced the understanding that the community placed a high importance on services like waste management, verge maintenance, road maintenance and the general appearance of Council infrastructure.
- 4.2.7 It also highlighted that in these areas Council has an opportunity to enhance its services to meet the community expectations and needs.
- 4.2.8 Council's consideration of the 2019/20 budget has already considered a number of initiatives and projects to support improvements in these areas, particularly aligned with improving City Pride.
- 4.2.9 Further the information summarised in this report acknowledges the effort being placed in improving our systems and processes to deliver an enhanced customer experience.
- 4.2.10 Some of the key findings from the Community Perception Survey Report for 2018, include:
- 4.2.11 **Quality of Life** – The research revealed a moderate level of satisfaction (mean rating of 6.9, down from 7.5 in 2016) with the quality of life in the Salisbury Council area, with respondents most satisfied with access to parks and reserves, access to good shopping opportunities, and access to streets and walkways, however they are least satisfied with development of job opportunities in the Salisbury area, childcare and having a sense of community. Five key attribute drivers determined the overall satisfaction with the quality of life in the Salisbury Council area –
- Access to parks and reserves
  - Development of job opportunities in the Salisbury area
  - Having a diverse community
  - Having a sense of community
  - Managing local environmental sustainability
- 4.2.12 **Council Services** – Satisfaction with the services delivered by Salisbury Council has decreased, with two thirds (65%) of residents indicating they were satisfied with the services delivered, recording a moderate rating of 6.8 (down from 7.4 in 2016). The top 3 services respondents are most satisfied with include general rubbish collection and services, recycling collection and services and green waste and services, while the 3 services respondents are least satisfied with include services for the disabled, the youth and the aged. The main reason respondents felt dissatisfied was due to the delay in responding to requests for maintenance on council land.

- 4.2.13 **Strengths** – Parks and Reserves (37% up from 8% in 2016) and cost of housing (33%, up from 13% in 2016) were identified as key strengths of the City of Salisbury. Those who would likely to promote living in the City of Salisbury mentioned location (40%), shopping centres (39%) and availability of services (38%) as strengths of the City of Salisbury. The top 3 services that are most important to respondents include general rubbish collection and services, parks and reserves maintenance, and road maintenance.
- 4.2.14 **Core Council Services** – Each Council service was identified as a core service by City of Salisbury residents with:
- Parks and Reserves maintenance (95%, down from 98% in 2016),
  - Footpath maintenance (94%, down from 96% in 2016),
  - Green Waste collection and services (94%, down from 96% in 2016)
  - and General rubbish collection services (94%, down from 96% in 2016)
- being the top 4 responses as core services. Other council services mentioned by respondents include animal and pest control, better communication, community bus, community gardens, green waste collection, home care services, more activities for the youth and elderly, and more services for the elderly and disabled.
- 4.2.15 **Safety** – More than half (55%) indicated they felt safe in the Salisbury Council area, recording a moderate rating of 6.2 (down from 7.1 in 2016). The main reason respondents felt unsafe was due to people in the area (38%). Of those who scored a 0-5 for safety, the top locations respondents felt unsafe in are the train station (18%, unchanged from 2016), everywhere, all areas (15%, up from 14% in 2016) and Parabanks (15%). When asked their particular reason for feeling unsafe, respondents cited drug and alcohol problems (58%, up from 27% in 2016), hoons, gangs and youth loitering (50% up from 27% in 2016) and home invasions (47% up from 25% in 2016) as the main reasons mentioned by residents.
- 4.2.16 **Communications** – Responses showed a significant increase in all type of current communication for the City of Salisbury residents, who are currently informed about Council events, services and Council's key directions by mail/letterbox drop (56%, up from 53% in 2016), brochures / flyers / other publications (55% up from 17% in 2016) and Salisbury Aware Magazine (43% up from 28% in 2016). Residents indicated they would prefer to find out about Council events, services and Council's key directions via mail / letter box drop (53%), Facebook (33%) and brochures / flyers /other publications (32%). While Facebook is not in the top three current methods of communications for keeping informed, it is a preferred way to find out about events, services and Council's key directions, especially for the younger residents as they are more likely to use social media. Those older preferred the phone or in person communications.

- 4.2.17 **Contact with Elected Members and Council Staff** – Research indicated moderate to high levels of satisfactions when residents were asked to rate their satisfactions with the contact they had with Council staff, and with elected members.
- 4.2.18 **Attractions** – Cost of housing and location were listed as top responses to why residents were attracted to living in the area. Respondents agreed with the fact that they liked living in their local community and could get help from family, friends and neighbours. The majority of respondents however, stated they do not participate in any of the community activities listed.
- 4.2.19 **Demographics** – The highest level of satisfaction with the quality of life was within the North Ward (74%) and the lowest in the Levels Ward (59%). A higher percentage of male respondents (67%) were satisfied compared to females (64%). Respondents who have lived in the council area for less than 1 year seem to be more satisfied (84%) than others, while levels were lowest (45%) for those who have lived between 5 and 10 years. Respondents aged between 18 and 24 are least satisfied with the quality of life in the City (48%), while those aged 65 plus are most satisfied (87%).

### 4.3 Customer Service Improvement Project Updated

4.4 The Customer Service Improvement Project consists of 6 projects:

- Customer Service Framework and Charter
- Customer Experience Training
- eServices upgrade
- External Customer Survey
- Internal Customer Survey
- Who's the Customer

4.5 Customer Service Framework and Charter

4.5.1 The Customer Service Framework and Charter were endorsed by Council in September 2017.

4.5.2 Council have requested a review of all customer service and related policies with a view of increasing the level of basic services and customer requests and that Council develop a community and resident customer service charter in consultation with the local community.

4.6 Customer Experience Training

4.6.1 Training to all staff is being delivered on how we can deliver a better customer experience.

4.6.2 16 sessions have been completed to date and over 400 staff have undertaken the training with extremely positive feedback on the training content and presenter.

4.6.3 A further couple of sessions will be scheduled in the near future for staff that have missed the initial sessions.

- 4.6.4 A similar session is proposed for Elected Members in April. This session will be useful for Elected Members to align our approach to Customer Service and also increase awareness of the steps we are taking to improve our service delivery to Customers.
- 4.7 e-Services upgrade
- 4.7.1 The e-Services upgrade is progressing with agreement of the top 15 categories for selection on the e-Services (City Watch) portal.
- 4.7.2 Upgrading to City Watch will give customers the ability to use the online services from any device at any time.
- 4.7.3 A web developer will be engaged to make the City Watch module have the same look and feel as the City of Salisbury website branding.
- 4.7.4 An upgrade to our systems is in progress so that the system is able to send an automatic notification to customers on lodgment of a service request if we have the customer email or mobile number. This will also allow us to send the customer a notification when the service request has been completed.
- 4.8 External Customer Survey
- 4.8.1 An external survey company have been engaged to undertake 100 surveys per month. The 4 high level questions that are asked are from the Customer Service Benchmarking Australia Survey. This will help us build a meaningful database of responses to be able to report and analyse performance against on a more regular basis.
- 4.8.2 The first month of surveys have been provided. We will now analyse the results and compare them to the results from the CSBA benchmarking survey undertaken in 2018.
- 4.8.3 Ongoing monitoring of Customer Service interactions will be tracked through the establishment of focus groups to consult on the key issues that arise.
- 4.9 Internal Customer Survey
- 4.9.1 The Internal Customer Survey is proposed to be run on alternate years, with the next scheduled for early 2020.
- 4.10 Who's the Customer
- 4.10.1 New Staff Induction is a joint project with People and Culture. The Communications and Customer Relations Division will work with People and Culture to implement this project. The scoping for this work is to be scheduled pending the review of the Customer Service Framework and Charter.
- 4.11 10 day Service Standard
- 4.11.1 It is proposed that we implement a new consistent 10 day Service Standard for all Customer Service Requests. The service standard would be applied against all Customer Service Requests lodged by (Phone, Email, Web, Letter, or In Person).

- 4.11.2 As per current service standards acknowledgement of their service request with the Customer Request Number is provided within 1 business day of lodgment.
- 4.11.3 Additional to maintaining the initial acknowledgement, the proposed new service standard will then be a commitment to contacting the customer within 10 business days to inform them that we have assessed the service request and advise them of what action (if required) will then be taken for their request and within what time frames.
- 4.11.4 This process will help provide clarity and confidence for customers when they are logging their requests and in turn will help build confidence and increase the perceptions on service delivery for the City of Salisbury.
- 4.11.5 The new proposed 10 day Service Standard will then be reported against monthly along with our current 10 day service request for correspondence.
- 4.11.6 Before the proposed 10 day Service Standard can be implemented we will need to undertake some system changes to our current processes to be able to report on the proposed standard, as our system setup currently does not allow for this type of reporting.
- 4.11.7 There are also some other process changes that will need to be undertaken to achieve the proposed standard ie system configuration and integration, change management to assist with changes to current business processes and reporting configuration.
- 4.11.8 These changes are scheduled be in place so that we can start reporting efficiently and accurately from 1 July 2019.

## 5. CONCLUSION / PROPOSAL

- 5.1 As noted in this report, various initiatives are in progress or completed that will enhance the customer experience both internally and externally.
- 5.2 A workshop is scheduled to brief Council further on the current framework and seek feedback on changes required to align with Councils and community expectations.
- 5.3 Further activities will occur to finalise the framework and changes to systems and processes to ensure our approach to customer service is more customer centric.

## CO-ORDINATION

Officer: Executive Group  
Date: 12/03/2019



CITY OF Salisbury  
12 JAMES STREET

# Customer Service Framework

City of Salisbury  
2017

## A few words from our Mayor.

I am passionate about Salisbury. It's strong and diverse community. The underlying civic pride. I admire the enterprise of our community and business leaders and I'm proud of the achievements of our Council. I believe that together we can make Salisbury even better.

This Customer Service Framework is a reflection of our pride for this City and the high standards we aspire to. We will build on our strengths and use our resilience to create a more prosperous, energetic and outstanding City. After all, our vision is: 'Salisbury – A flourishing City with opportunity for all'.

Gillian Aldridge JP  
Mayor of Salisbury



## The Framework

The City of Salisbury is committed to the provision of high quality customer service and forging closer relations with customers. The City recognises there are opportunities to continuously improve the way customers are engaged and the way compliments, comments and complaints are received, recorded and managed. In response to this, the City of Salisbury has produced this Customer Service Framework.

The Customer Service Framework is intended to articulate processes for the management of feedback, compliments and complaints to ensure they are drawn to the attention of the relevant staff within the organisation and managed appropriately.

Additionally a Customer Charter has been created to compliment the Customer Service Framework and provide clarity as to what customers can expect from Council in regards to our customer experience.

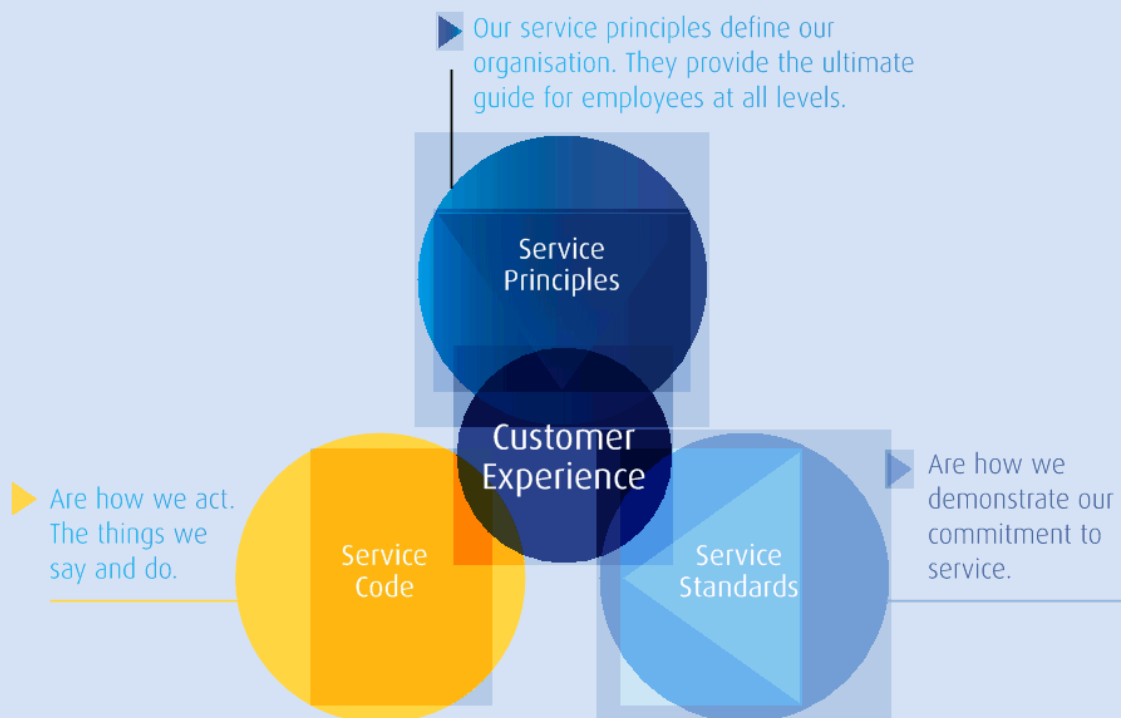
## City of Salisbury Customer Service Value

### Community and Customer Service:

We will seek to understand our community and customer expectations. We will listen to their needs and respond to their changing requirements.

We will demonstrate our commitment to this value by:

- Being responsive, dynamic and enabling effective management of community resources.
- Being empathetic, listening to and understanding our customers and employees.
- Leveraging our leadership position to broker the attraction of resources to deliver on key community initiatives.
- Strengthening relationships with our community.
- Establishing partnerships and working collaboratively with our customers, community and stakeholders.



## Service Principles

These principles underpin our approach to customer service. They guide our behaviours and service standards and form the basis of our commitment to the community.

### Responsive

- We are responsive to the needs and requests of our colleagues and customers.
- We keep them informed at all times so they know what to expect from us.

### Empathetic

- We listen to the needs of our customers and colleagues and appreciate each other's point of view.

### Available

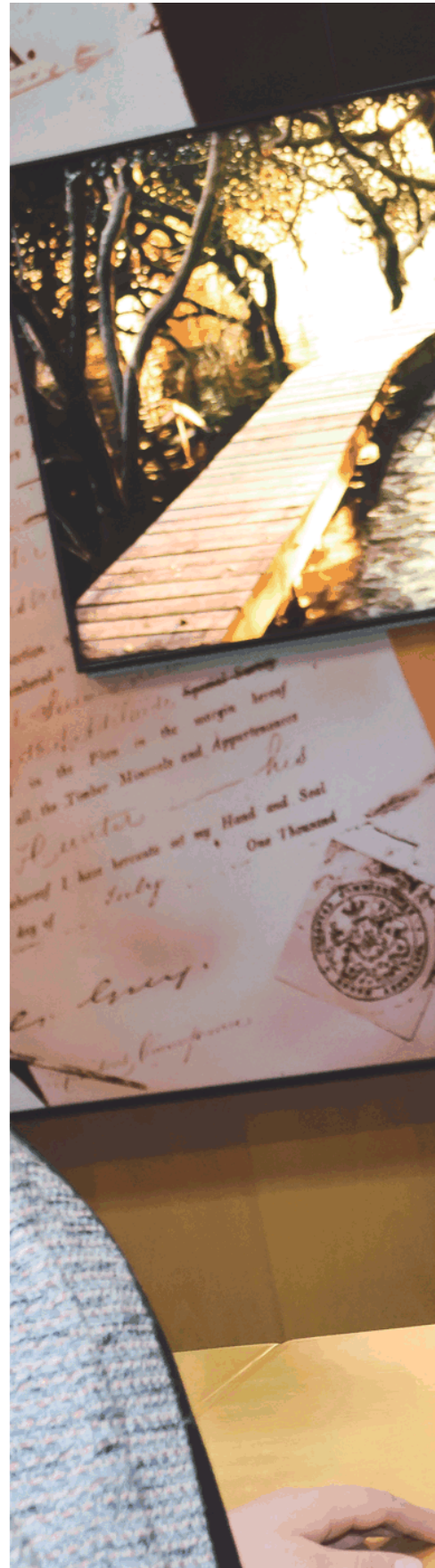
- We make it easy for our customers and colleagues to reach us.

### Helpful

- We are approachable and always willing to assist our customers and each other.
- We share our knowledge and commit to dealing with our customers queries responsibly.

### Reliable

- We are honest, accurate and consistent in all that we do.







## Service Code

These behaviours describe the things we say and do. They set a clear expectation for how we should interact with our customers and each other.

### Responsive

- Provide consistent, realistic and achievable timeframes.
- Do what you say you will do.
- Be punctual.
- Focus on the customer.
- Give people your time and attention.
- Clarify the enquiry.
- Capture and record information.
- Keep customers up-to-date until their enquiry is resolved.

### Empathetic

- Actively listen and hear their concerns - every time.
- Understand "where people are coming from".
- Treat all customers as you would like to be treated.
- Explain what can and cannot be done - and why.
- Offer options where possible.

### Available

- Meet customers at a mutually convenient time and appropriate location.
- Be available during business hours.
- Answer your phone.
- Respond promptly to voicemail messages.
- Provide contact details and alternatives when you're unavailable.
- Communicate your movements.
- Be where you say you're going to be.
- Make time for meetings.

### Helpful

- Greet with a smile.
- Acknowledge the customer's presence.
- Use positive body language and tone of voice.
- Communicate clearly and limit jargon.
- Direct people to the right information.
- Explain the process.
- Be accountable for customer enquiries.
- Be proactive about finding and solving problems.

### Reliable

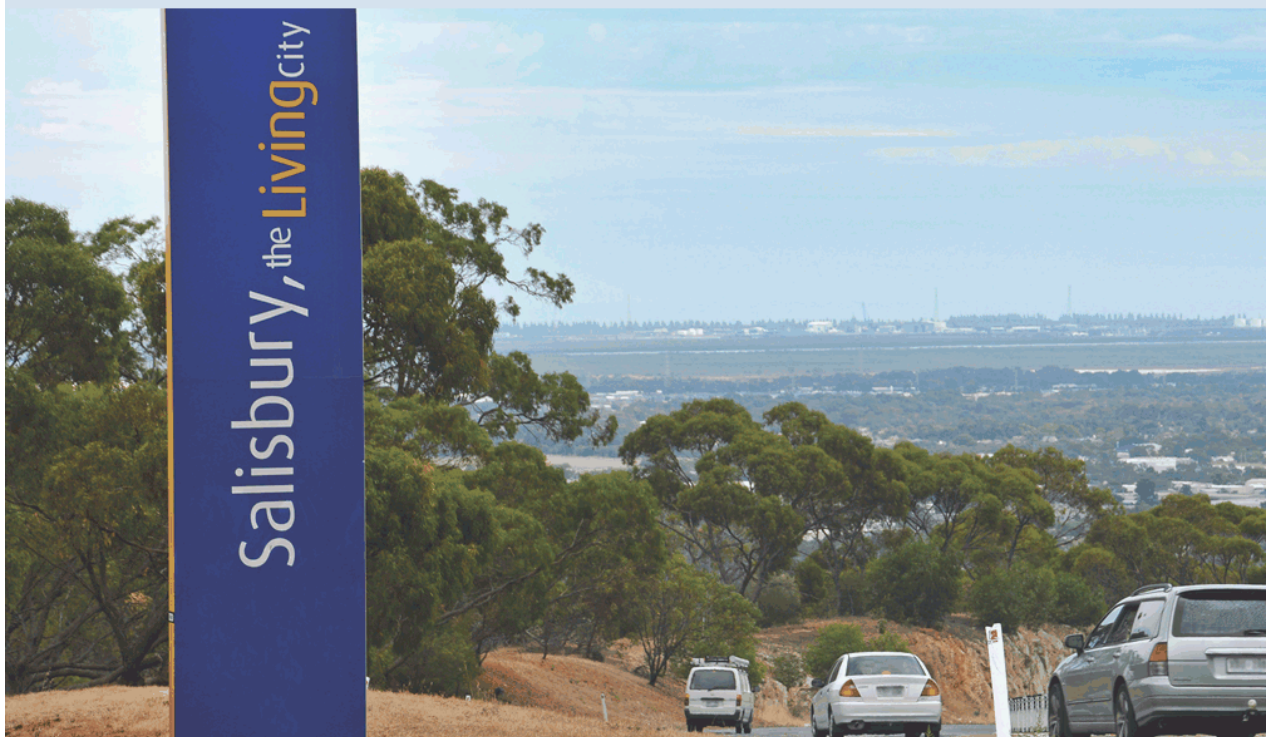
- Acknowledge and rectify errors without judgment.
- Always remain diplomatic and professional.
- Provide clear standards and guidelines.
- Provide up-to-date and correct information.
- Treat all customers according to our service values.

## Service Standards

We demonstrate a commitment to customer service by measuring our performance against these service standards.

### Organisation Wide

- We will acknowledge your written correspondence within three business days.
- We will provide call centre customer service and advice between 8.30am and 5pm each business day.
- Staff will respond to phone messages within one business day.
- We will provide up-to-date and relevant content on our website.
- We provide access to our services at a variety of locations.
- We will provide an after hours service for emergencies.





### Statutory Service Standards

- **Finance:** We will consult on our Draft Annual Business Plan for at least 21 business days prior to adoption.
- **Finance:** We will make Council's Audited Financial Statements available by 30 November each year.
- **Governance:** We will make Council and Committee agendas available on the website three business days prior to a meeting, except in the case of a Special Meeting where documents will be made available as soon as practicable after the meeting time is confirmed.
- **Governance:** We will make Council and Committee minutes available on the website within five business days after a meeting.
- **Planning and Building:** We will communicate to the applicant the outcome of Development Applications within five business days of a decision being made.

### Operational Service Standards

- **Trees, Roads and Footpaths:** We will acknowledge service requests with a reference number within one business day. We will allocate requests to business units for investigation and response.
- **Pets and Animals:** We will respond to reports of dog attack incidents on the same day, and we will investigate reports of dog attacks that have previously taken place within one business day.
- **Planning and Building:** We will provide 24/7 status advice for all development applications on our website.
- **Property:** We will resolve emergency maintenance requests in our facilities within 24 hours.
- **Property:** We will assess and respond to standard maintenance requests in our facilities within five business days.
- **Illegal Dumping:** We will remove illegally dumped rubbish from council land within two business days.
- **Food and Health:** We will respond to reported food complaints on the same day.
- **Graffiti:** We will remove racist, sexist or obscene graffiti within one business day.



## Our Charter

The Customer Charter sets out what customers can expect when they make contact with the City of Salisbury. It includes contact details for the City and response timeframes. The Customer Charter has been prepared as a brochure to enable wide distribution to City of Salisbury customers and is available from the City of Salisbury website ([www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)) or in printed form at Council offices and service points.

### Feedback Opportunities

A number of feedback opportunities are available to customers who interact with the City of Salisbury. Feedback enables the review and improvement of policies, procedures and services. Customers may contact the City with feedback of varying types, for example:

#### Request for Service

This is a request from a customer who has identified the need for the City to perform one of its services in a specific case, for example, a request to remove graffiti, fix a pot-hole or prune a Council tree.

#### Comment/Compliment

This is feedback from a customer in relation to a positive customer service experience they have had, for example, a thank you to a member of the City's staff or praise for the standard of a service that has been provided.

#### Concern/Complaint

This is feedback from a customer who is unhappy or dissatisfied with operations or services provided by Council.

#### Review of Decision

This is a formal request for a revision of a decision by Council in accordance with the requirements of s.270 of the Local Government Act 1999.

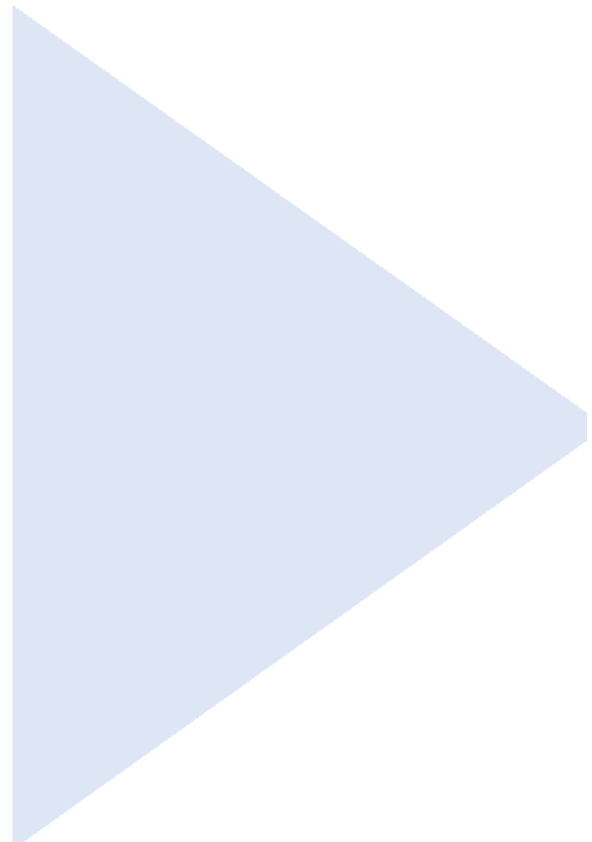
## Policies and Procedures

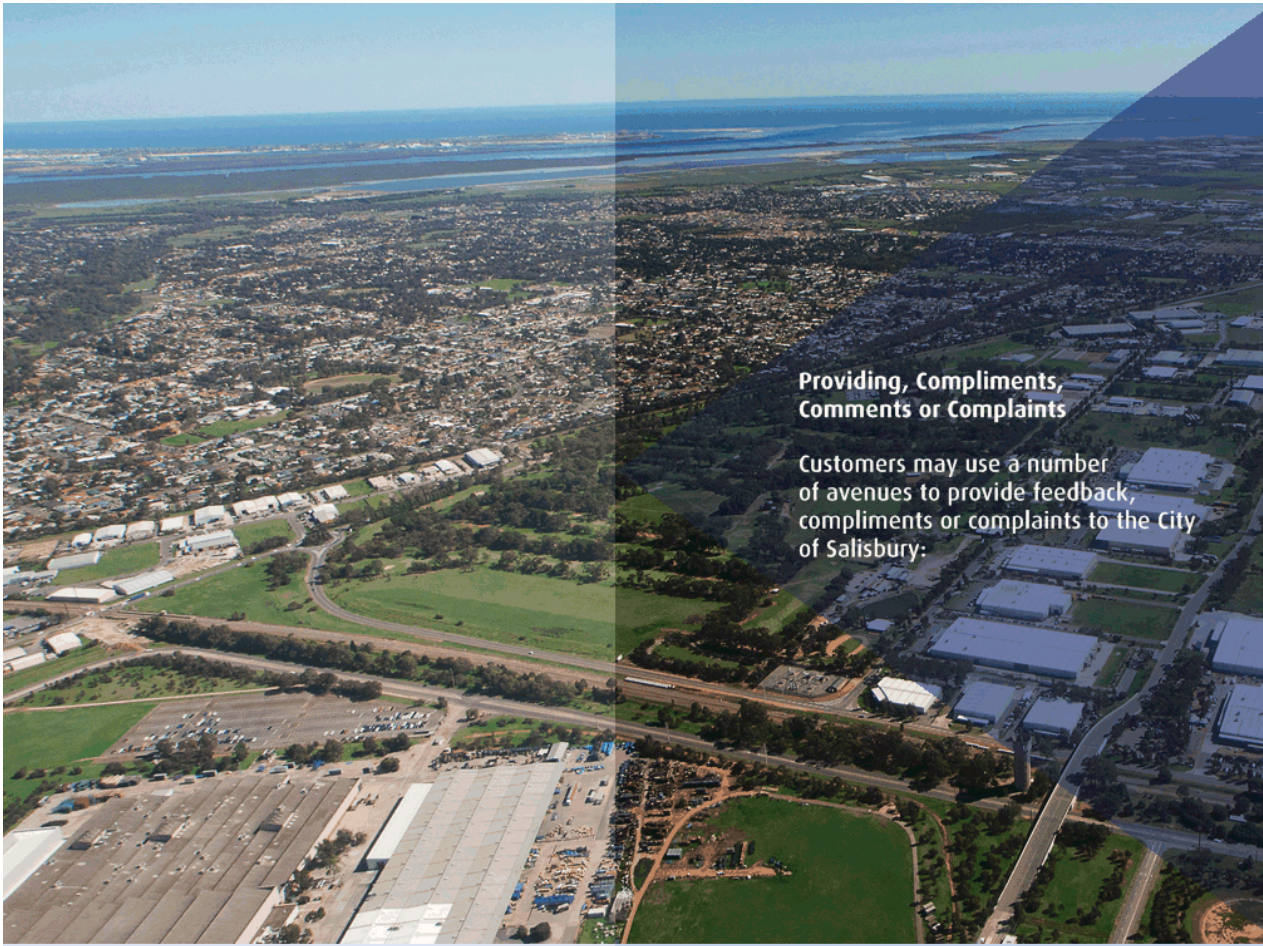
To assist customers with the provision of feedback, compliments or complaints to the City of Salisbury a Customer Compliments, Comments and Complaints Policy (with supporting procedures) has been developed.

The Compliments, Comments and Complaints Procedure provides a three tiered approach to the receipt and management of the various types of feedback provided to the City of Salisbury.

The City of Salisbury has in place a code of conduct for dealing with complaints in relation to Elected Members.

The Internal Review of Council Decisions Procedure has been developed in accordance with the requirements of section 270 of the Local Government Act 1999 and sets out the process for lodgement and management of a formal request for a review of decisions of Council, its employees, and other people acting on behalf of Council.





**Access our website:**

[www.salisbury.sa.gov.au/cc](http://www.salisbury.sa.gov.au/cc)  
Compliments, comments or complaints can be sent using an online form or by downloading, printing and completing a form available from the website.



**Visit our Customer Centre:**

12 James Street, Salisbury  
Customer Centre staff can assist you to complete a compliments, comments and complaints form, available from the reception counter.



**Send us an email:**

[ccc@salisbury.sa.gov.au](mailto:ccc@salisbury.sa.gov.au) and provide details of the feedback, compliment or complaint.



**Telephone us: 8406 8222**

**TTY:** 8406 8596 (for people with a hearing impairment)  
Customer Centre staff can record details of your compliment, comment or complaint and ensure it is forwarded to the appropriate officer for action.



**Write to us:** City of Salisbury, PO Box 8, Salisbury SA 5108 and provide details of the compliment, comment or complaint.

**Use Social Media:**

Council will accept feedback via:



[facebook.com/cityofsalisbury](https://facebook.com/cityofsalisbury)



[twitter.com/cityofsalisbury](https://twitter.com/cityofsalisbury)

Social media should not be used to lodge requests for services or formal complaints.

Residents may also contact Elected Members to discuss issues or feedback they may have. Elected Member contact details are available from the City of Salisbury website ([www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)) or by contacting the Customer Centre on 8406 8222.

We speak your language if you need assistance please contact us.



## Accessing Information

Customers may access information about services and Council activities in a range of ways, including:

- ▶ The City of Salisbury website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- ▶ Publications, brochures, fact sheets and other printed material.
- ▶ Aware magazine – published three times a year (March, July and November) the community magazine contains local stories and information for and about the local community, and is delivered free of charge to every resident's letterbox.
- ▶ Visiting libraries, recreation centres and community centres.



## ▶ Contact information

To speak to the City of Salisbury about our Customer Service Framework, please contact:

**Website:** [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)

**Email:** [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

**Postal:** 12 James Street, Salisbury SA 5108

**Phone:** (08) 8406 8222

**TTY:** (08) 8406 8596 (for people with a hearing impairment)

We speak your language if you need assistance please contact us.

# CUSTOMER CHARTER



## CUSTOMER SERVICE MISSION

We will seek to understand our customer's expectations. We will listen to their needs and respond to their changing requirements.

We will demonstrate our commitment to this mission by being:

### Responsive

- We are responsive to the needs and requests of our customers and colleagues.
- We keep them informed at all times so they know what to expect from us.

### Empathetic

- We listen to the needs of our customers and colleagues and appreciate each other's point of view.

### Available

- We make it easy for our customers and colleagues to reach us.

### Helpful

- We are approachable and always willing to assist our customers and each other.
- We share our knowledge and commit to dealing with our customer and colleagues queries responsibly.

### Reliable

- We are honest, accurate and consistent in all that we do.

## OUR CUSTOMER'S NEEDS AND EXPECTATIONS

Our customers want to be listened to, understood and treated with respect. They expect us to provide friendly, consistent service that is correct, accessible and equitable. Their expectation is that requests should be actioned or resolved in a timely manner.

## OUR COMMITMENT TO OUR CUSTOMERS

We will actively listen to our customers; provide friendly service, give correct information and be proactive about finding and solving problems.

*“Customer service is everyone's responsibility”*

## HOW OUR CUSTOMERS CAN HELP US DELIVER A BETTER SERVICE

Customers need to openly communicate with us respectfully and collaboratively.

### Our responsiveness to you will be enhanced if you:

- Treat our officers with courtesy and respect.
- Provide accurate and complete information.
- Provide a daytime telephone number or email address.
- Provide reference numbers (if available) when contacting us about an existing application, complaint or query.
- Work with us to try to resolve problems.
- Give us feedback to help us better understand your needs.

## HOLD US ACCOUNTABLE

We believe individually and as a group that customer service is everyone's responsibility. The commitment we make to this charter will be measured by performance against our service standards as set out in the City of Salisbury: Customer Service Framework.

Customers should be encouraged to provide appropriate positive or negative feedback and advise us if we are not meeting our obligations.

## CUSTOMER FEEDBACK

We value your feedback and welcome suggestions, compliments, comments and complaints.

Your feedback helps us to review and improve our policies, procedures and services.

Your compliments give us encouragement that the service we are providing is a service that you value.

Customers may contact Council with feedback of varying types.

Such feedback may include:

- **Request for Service:** This is a request from a customer who has identified the need for Council to perform one of its services in a specific case, e.g. "I would like you to fix a pot-hole in the road"
- **Comment/Compliment:** This is feedback by a customer who wishes to comment on the conduct of a member of staff, e.g. "I found this staff member to be extremely helpful and knowledgeable," or on the standard of service that has been provided, e.g. "Thank you for mowing our verges they look much neater"
- **Concern/Complaint:** This is feedback by a customer who is unhappy or dissatisfied with operations or services provided by Council, or has not received a response to an earlier request for service

The City of Salisbury has a formal Compliments, Comment and Complaints Policy and supporting procedure which outlines standards and processes for actioning matters raised by customers quickly and effectively. This is available on our website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au) or by calling our Customer Centre on 8406 8222 during business hours.

## HOW TO MAKE A COMPLIMENT, COMMENT OR COMPLAINT

To provide compliments, comments or complaints to the City of Salisbury you can:



**Access our website: [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)**

Compliments, comments or complaints can be lodged online. Go to [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au) to complete the online form or download a hard copy.



**Visit our Customer Centre:  
12 James Street, Salisbury**

Customer Centre staff can assist you to complete a compliments, comment and complaints form, available from the reception counter.



**Send us an email:**

[ccc@salisbury.sa.gov.au](mailto:ccc@salisbury.sa.gov.au) and provide details of the compliment, comment or complaint.



**Telephone us: 8406 8222**

**TTY: 8406 8596** (for people with a hearing impairment)

Customer Centre staff can record details of your compliment, comments or complaint and ensure it is directed to the appropriate officer for action.



**Write to us: City of Salisbury, PO Box 8,  
Salisbury SA 5108** and provide details of the compliment, comment or complaint.

**Social Media:\***

Council will accept comments via:



[facebook.com/cityofsalisbury](https://facebook.com/cityofsalisbury)

[twitter.com/cityofsalisbury](https://twitter.com/cityofsalisbury)

\*Social media should not be used to lodge requests for service, formal complaints or submissions.

We speak your language if you need assistance please contact us.

## Ombudsman SA

The Ombudsman SA is an independent office that has comprehensive power to investigate complaints made in relation to Local Government.

Customers have the right to contact the Ombudsman SA at any time if they are dissatisfied with an action or inaction of the City of Salisbury.

The Ombudsman SA may be contacted at:  
Postal: PO Box 3651, Rundle Mall SA 5001  
Office: Level 5, East Wing 50 Grenfell Street,  
Adelaide SA 5000  
T: (08) 8226 8699  
F: (08) 8226 8602  
Toll free: 1800 182 150  
E: [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)

## The Office of Public Integrity (OPI)

The Office of Public Integrity (OPI) is an independent office that has comprehensive power to investigate complaints, misconduct and maladministration in public administration.

The Office of Public Integrity (OPI) may be contacted at:  
Postal: GPO Box 11066, Adelaide SA 5001

Office: Level 1, 55 Currie Street,  
Adelaide SA 5000  
T: (08) 8207 1777  
W: [www.icac.sa.gov.au](http://www.icac.sa.gov.au)

<b>ITEM</b>	3.6.11
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 March 2019
<b>HEADING</b>	Variations to Delegations
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	<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 9.9 dated 26 February 2019.</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

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 1 April 2019 of those powers and functions under the following:
  - 1.1 *Heavy Vehicle National Law (South Australia) Act 2013*
    - Section 156A(1), (2), (3), (4) – Attachment 2
  - 1.2 *Local Government Act 1999*
    - Section 256 (1) and (2) – Attachment 3
  - 1.3 *Supported Residential Facilities Act 1992*
    - Sections 24(10), 27(4), 32(3) and 32(4) – Attachment 4
  - 1.4 *Water Industry Act 2012*
    - Sections 156A(1), (2), (3), (4) – Attachment 5
2. In exercise of the powers contained in Section 44 of the Local Government Act 1999, the powers and functions under the following Acts and contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 2, 3, 4 and 5, Item No. 3.6.11, Resources and Governance Committee, 18/03/2019) are hereby delegated from 2 April 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012* as follows:

*Heavy Vehicle National Law (South Australia) Act 2013*

- Section 156A(1), (2), (3), (4) – Attachment 2

*Local Government Act 1999*

- Section 256 (1) and (2) – Attachment 3

*Supported Residential Facilities Act 1992*

- Sections 24(10), 27(4), 32(3) and 32(4) – Attachment 4

*Water Industry Act 2012*

- Sections 156A(1), (2), (3), (4) – Attachment 5

- Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012*.

## ATTACHMENTS

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

- Updates of Delegation Templates as at December 2018
- Heavy Vehicle National Law (SA) Act 2013
- Local Government Act 1999
- Supported Residential Facilities Act 1992
- Water Industry Act and Regulations 2012

### 1. BACKGROUND

- 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.
- This report deals with variations to the delegations as a result of the following LGA Circular:
  - LGA Circular 9.9 dated 26 February 2019 which sets out new and amended provisions under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012*.

### 2. REPORT

- 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 9.9 dated 26 February 2019.**

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.

*Heavy Vehicle National Law (South Australia) Act 2013*

- Section 156A(1), (2), (3), (4) – Attachment 2

*Local Government Act 1999*

- Section 256 (1) and (2) – Attachment 3

*Supported Residential Facilities Act 1992*

- Sections 24(10), 27(4), 32(3) and 32(4) – Attachment 4

*Water Industry Act 2012*

- Sections 156A(1), (2), (3), (4) – Attachment 5

**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 relevant delegations under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012* that have been amended. Council then resolves to adopt the amended and new delegations contained in the relevant Instruments of Delegation attached to this report (Attachments 2-5).

2.3.2 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 *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012* occurs on Monday 1 April 2019 with the new delegations come into force from Tuesday 2 April 2019. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.

2.3.3 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 and amended provisions under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012* and is presented to Council for endorsement.

#### **CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 12/03/2019

**LOCAL GOVERNMENT ASSOCIATION**  
**UPDATES OF DELEGATION TEMPLATES ON WEBSITE**

**(Note: Paragraph references below refer to updated version – As at 31 December 2018)**

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 Heavy Vehicle National Law Act	1.4	156A(1)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	1.4A	156A(2)	Addition	Legislative amendment	31 December 2018	
	1.5	156A(3)	Amendment	Legislative amendment	31 December 2018	
	1.6	156A(4)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Local Government Act 1999	131.1	256(1) and (2)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
Instrument of Delegation under the Supported Residential Facilities Act	2.4	24(10)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	3.2	27(4)	Amendment	Legislative amendment	31 December 2018	
	7.1	32(3)	Amendment	Legislative amendment	31 December 2018	
	7.2	32(4)	Amendment	Legislative amendment	31 December 2018	

FXD\UPDATES OF DELEGATION TEMPLATES AS AT DECEMBER 2018

**Item 3.6.11 - Attachment 1 - Updates of Delegation Templates as at December 2018**

- 2 -

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 Water Industry Act 2012 and Water Industry Regulations 2012	34	80(2)(h)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	38.1	85(1)	Amendment	Legislative amendment	31 December 2018	

FXDI/UPDATES OF DELEGATION TEMPLATES AS AT DECEMBER 2018

## ATTACHMENT 2

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA)  
ACT 2013**

**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**

<b>1.</b>	<b>Deciding Request for Consent Generally</b>
1.1	The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i> , to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:
1.1.1	within:
1.1.1.1	28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or
1.1.1.2	if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or
1.1.2	within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.
1.2	The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:
1.2.1	consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or

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Last amended: 31 December 2018

INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or
1.2.3	the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.
1.3	The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.
1.4	The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:
1.4.1	the mass or dimension authority will, or is likely to:
1.4.1.1	cause damage to road infrastructure; or
1.4.1.2	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
1.4.1.3	pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and
1.4.2	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:
1.4.2.1	the damage or likely damage; or
1.4.2.2	the adverse effects or likely adverse effects; or

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Last amended: 31 December 2018

INSTRUMENT OF DELEGATION UNDER THE  
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1.4.2.3	the significant risks or likely significant risks.
1.4A	The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.
1.5	The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:
1.5.1	for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or
1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.
1.6	The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.
<b>2. Action Pending Consultation with Third Party</b>	
2.1	The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).
2.2	The power pursuant to Section 158(4) of the Act, if:
2.2.1	the consultation with the other entity is completed and the other entity's approval is required; and
2.2.2	the delegate has not yet decided to give or not to give the consent,
	To -
2.2.3	decide not to give the consent, on the ground that the consent would be inoperative; or

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2.2.4	decide to give the consent.
<b>3. Deciding Request for Consent if Route Assessment Required</b>	
3.1	The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:
3.1.1	that a route assessment is required for deciding whether to give or not to give the consent;
3.1.2	the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.
3.2	The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.
<b>4. Imposition of Road Conditions</b>	
4.1	The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:
4.1.1	except in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition is imposed on the authority; or
4.1.2	in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.
4.2	The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.
<b>5. Imposition of Travel Conditions</b>	
5.1	The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is

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	imposed on the authority.
5.2	The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.
<b>6.</b>	<b>Imposition of Vehicle Conditions</b>
6.1	The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.
<b>7.</b>	<b>Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority</b>
7.1	The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:
7.1.1	14 days after the request for consent is made; or
7.1.2	28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.
<b>8.</b>	<b>Granting Limited Consent for Trial Purposes</b>
8.1	The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.
<b>9.</b>	<b>Renewal of Limited Consent for Trial Purposes</b>
9.1	The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.
<b>10.</b>	<b>Amendment or Cancellation on Regulator's Initiative</b>
10.1	The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.

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<b>11. Amendment or Cancellation on Request by Relevant Road Manager</b>	
11.1	The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:
11.1.1	has caused, or is likely to cause, damage to road infrastructure; or
11.1.2	has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
11.1.3	has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.
11.2	The power pursuant to Section 174(2) of the Act to ask the Regulator to:
11.2.1	amend the mass or dimension authority by:
11.2.1.1	amending the category of vehicle to which the authority applies; or
11.2.1.2	amending the type of load that may be carried by vehicles to which the authority applies; or
11.2.1.3	amending the areas or routes to which the authority applies; or
11.2.1.4	amending the days or hours to which the authority applies; or
11.2.1.5	imposing or amending road conditions or travel conditions; or
11.2.2	cancel the authority.
<b>12. Amendment or Cancellation on Application by Permit Holder</b>	
12.1	The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.

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<b>13. Amendment or Cancellation on Request by Relevant Road Manager</b>
13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:
13.1.1 has caused, or is likely to cause, damage to road infrastructure; or
13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.
13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:
13.2.1 amend the mass or dimension authority, including, for example, by:
13.2.1.1 amending the areas or routes to which the authority applies; or
13.2.1.2 amending the days or hours to which the authority applies; or
13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or
13.2.2 cancel the authority.

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**SCHEDULE OF CONDITIONS**

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

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

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### ATTACHMENT 3

#### INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

#### 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

<b>1. Composition and Wards</b>	
1.1	The power pursuant to Section 12(1) of the Local Government Act 1999 ( <b>'the Act'</b> ) to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,
1.1.1	alter the composition of the Council;
1.1.2	divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.
1.2	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to
1.2.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
1.2.2	alter the name of:
1.2.2.1	the Council;
1.2.2.2	the area of the Council;
1.2.3	give a name to, or alter the name of, a ward,  (without the need to comply with Section 13 of the Act).
1.3	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would

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	benefit from an alteration to the Council's composition or ward structure.
1.4	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.
1.5	Deliberately left blank.
1.6	Deliberately left blank.
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.
1.8	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.
1.9	The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).
1.10	At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:
1.10.1	provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and
1.10.2	sets out:
1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and
1.10.2.2	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section

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	26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and
1.10.3	sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.
1.11	The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.
1.12	The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.
1.13	The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.
1.14	With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:
1.14.1	insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and
1.14.2	to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.
1.15	Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:
1.15.1	prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and
1.15.2	obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and

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1.15.3	after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.
1.16	The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.
1.17	The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.
1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.
1.19	The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.
1.20	Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.
1.21	The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.
<b>2. Status of a Council or Change of Various Names</b>	
2.1	The power pursuant to Section 13(1) of the Act, to, by notice in the <i>Gazette</i> , after complying with the requirements of Section 13 of the Act:
2.1.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
2.1.2	alter the name of:

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2.1.2.1	the Council;
2.1.2.2	the area of the Council;
2.1.3	alter the name of a ward.
2.2	The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:
2.2.1	to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;
2.2.2	publish the notice in a newspaper circulating within the area; and
2.2.3	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.
<b>3.</b>	<b>Deliberately left blank</b>
	Deliberately left blank
<b>4.</b>	<b>Deliberately left blank</b>
	Deliberately left blank
<b>5.</b>	<b>Council Initiated Proposal</b>
5.1	Deliberately left blank
5.2	Deliberately left blank
5.2.1	Deliberately left blank
5.2.2	Deliberately left blank
5.2.3	Deliberately left blank
5.2.4	Deliberately left blank
5.3	Deliberately left blank
5.3.1	Deliberately left blank
5.3.2	Deliberately left blank
<b>6.</b>	<b>Public Initiated Submissions</b>

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6.1	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or
6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.
6.2	Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Minister are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Minister, pursuant to Section 28(23)(f) and (g).
<b>7.</b>	<b>General Powers and Capacities</b>
7.1	The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.
7.2	The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.
7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:
7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or
7.3.2	in order to provide services to an unincorporated area of the State.
7.4	The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.
<b>8.</b>	<b>Provision Relating to Contract and Transactions</b>
8.1	The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.
<b>9.</b>	<b>Committees</b>

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9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.
9.3	The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.
9.4	The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.
9.5	The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.
<b>10. Delegations</b>	
10.1	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.
10.2	The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.
<b>11. Principal Office</b>	
11.1	The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.
11.2	The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.
11.3	The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.
<b>12. Commercial Activities</b>	
12.1	Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').

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12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:
12.2.1	establish a business;
12.2.2	participate in a joint venture, trust, partnership or other similar body.
<b>13. Interests in Companies</b>	
13.1	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.
<b>14. Prudential Requirements for Certain Activities</b>	
14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
14.00.1	acts with due care, diligence and foresight; and
14.00.2	identifies and manages risks associated with a project; and
14.00.3	makes informed decisions; and
14.00.4	is accountable for the use of Council and other public resources.
14.0	The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.
14.1	Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:
14.1.1	Deliberately left blank.
14.1.2	engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -

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14.1.2.1	where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
14.1.2.2	where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or
14.1.2.3	where the Council or Delegate considers that it is necessary or appropriate.
14.2	Deliberately left blank.
14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).
<b>15. Contracts and Tenders Policies</b>	
15.0	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:
15.0.1	obtaining value in the expenditure of public money; and
15.0.2	providing for ethical and fair treatment of participants; and
15.0.3	ensuring probity, accountability and transparency in procurement operations.
15.1	Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:
15.1.1	the contracting out of services; and
15.1.2	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and
15.1.3	the use of local goods and services; and
15.1.4	the sale or disposal of land or other assets.

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15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:
15.2.1	identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and
15.2.2	provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and
15.2.3	provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and
15.2.4	are consistent with any requirement prescribed by the regulations.
15.3	The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).
15.4	The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.
<b>16. Public Consultation Policies</b>	
16.1	The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:
16.1.1	in cases where the Act requires the Council to follow its public consultation policy; and
16.1.2	in other cases involving Council decision making, if relevant.
16.2	The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.
16.3	The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:
16.3.1	the publication of a notice:
16.3.1.1	in a newspaper circulating within the area of the

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	Council; and
16.3.1.2	on a website determined by the Chief Executive Officer,
	describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
16.3.2	the consideration of any submissions made in response to that invitation.
16.4	The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.
16.5	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:
16.5.1	prepare a document that sets out its proposal in relation to the matter; and
16.5.2	publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;
16.5.3	consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.
16.6	The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.
16.7	The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.
<b>17.</b>	<b>Deliberately left blank</b>
17.1	Deliberately left blank
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<b>18. Inspection of Register</b>
18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.
<b>19. Reimbursement of Expenses</b>
19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.
19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.
<b>20. Register of Allowances and Benefits</b>
20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.
<b>21. Insurance of members</b>
21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.
<b>22. Training and Development</b>
22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.
22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.
22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.

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22.4	The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).
<b>23. Committee Meetings</b>	
23.1	The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.
23.2	The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:
23.2.1	the availability and convenience of members of the committee; and
23.2.2	the nature and purpose of the committee.
<b>24. Meetings To Be Held in Public Except in Special Circumstances</b>	
24.1	The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.
24.2	The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.
24.3	The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.
<b>25. Minutes and Release of Documents</b>	
25.1	The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.
25.2	Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.
25.3	Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:
25.3.1	minutes of the Council and Council committee meetings; and

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25.3.2	reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and
25.3.3	recommendations presented to the Council in writing and adopted by resolution of the Council; and
25.3.4	budgetary or other financial statements adopted by the Council.
<b>26. Access to Meetings and Documents – Code of Practice</b>	
26.1	The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.
26.2	The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.
26.3	The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.
26.4	The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:
26.4.1	copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and
26.4.2	the relevant steps set out in the Council's Public Consultation Policy are followed.
26.5	The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.
<b>27. Meetings of Electors</b>	
27.1	The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.
27.2	The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.

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27.3	The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).
<b>28. Obstructing of Meetings</b>	
28.1	The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.
<b>29. Register of Remuneration Salaries and Benefits</b>	
29.1	The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.
<b>30. Certain Periods Of Service To Be Regarded As Continuous</b>	
30.1	The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.
30.2	The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.
30.3	The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.
<b>31. Deliberately left blank</b>	
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31.3	Deliberately left blank
31.4	Deliberately left blank
31.5	Deliberately left blank
31.6	Deliberately left blank
<b>32. Application of Division</b>	
32.1	The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of

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Chapter 7, Part 4, Division 1 of the Act.	
<b>33. Certain Aspects of Strategic Management Plans</b>	
33.1	The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.
33.2	The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
<b>34. Annual Business Plans and Budgets</b>	
34.1	Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -
34.1.1	prepare a draft annual business plan; and
34.1.2	follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.
34.2	The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.
34.3	The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:
34.3.1	a facility for asking and answering questions; and
34.3.2	the receipt of submissions,
	on the Council's website during the public consultation period.
34.4	After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:
34.4.1	ensure:
34.4.1.1	that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of

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	the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and
34.4.1.2	that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and
34.4.2	ensure:
34.4.2.1	that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
34.4.2.2	that copies of the summary of the annual business plan are available for inspection and to take (without charge),  at the principal office of the Council; and
34.4.3	ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.
<b>35. Accounting Records to be Kept</b>	
35.1	The duty pursuant to Section 124(1) of the Act to:
35.1.1	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;
35.1.2	keep the Councils accounting records in such manner as will enable:
35.1.2.1	the preparation and provision of statements that fairly present financial and other information; and
35.1.2.2	the financial statements of the Council to be conveniently and properly audited.
35.2	The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.
<b>36. Internal Control Policies</b>	

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36.1	The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.
<b>37. Audit Committee</b>	
37.1	The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.
37.2	If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.
<b>38. Financial Statements</b>	
38.1	The duty pursuant to Section 127(1) of the Act to prepare for each financial year:
38.1.1	financial statements and notes in accordance with standards prescribed by the regulations; and
38.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.
38.2	The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:
38.2.1	are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and
38.2.2	comply with standards and principles prescribed by the Regulations; and
38.2.3	include the information required by the Regulations.
38.3	The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.
38.4	The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.
38.5	The duty pursuant to Section 127(5) of the Act to ensure that copies of

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	the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
<b>39. The Auditor</b>	
39.1	The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.
39.2	The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.
39.3	The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:
39.3.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:
39.3.1.1	remuneration payable for the annual audit of the Council's financial statements; and
39.3.1.2	other remuneration;
39.3.2	if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.
<b>40. Conduct of Audit</b>	
40.1	The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.
<b>41. Other Investigations</b>	
41.1	The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an

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	examination under this Section.
41.2	Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:
41.2.1	unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;
41.2.2	if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.
<b>42. Annual Report to be Prepared and Adopted</b>	
42.1	The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.
42.2	The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.
42.3	The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.
42.4	The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:
42.4.1	the Presiding Member of both Houses of Parliament; and
42.4.2	to the persons or body prescribed by the Regulations,
	on or before the date determined under the Regulations.
42.5	The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.
42.6	The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public

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at the principal office of the Council.	
<b>43. Access to Documents</b>	
43.1	The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:
43.1.1	to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and
43.1.2	to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.
43.2	The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).
43.3	The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:
43.3.1	agendas for meetings of the Council or Council committees;
43.3.2	minutes of meetings of the Council or Council committees;
43.3.3	codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;
43.3.4	the Council's contract and tenders policies, public consultation policy and order-making policies;
43.3.5	the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;
43.3.6	the Council's budget (as adopted by the Council for a particular year);
43.3.7	a list of fees and charges imposed by the Council under this Act;
43.3.8	by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;
43.3.9	procedures for the review of decisions established by the Council under Part 2 of Chapter 13;

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43.3.10	the audited financial statements of the Council;
43.3.11	the annual report of the Council;
43.3.12	the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.
<b>44. Related Administrative Standards</b>	
44.1	The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:
44.1.2	to ensure compliance with any statutory requirements; and
44.1.2	to achieve and maintain standards of good public administration.
<b>45. Sources of Funds</b>	
45.1	Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.
<b>46. Ability of a Council to Give Security</b>	
46.1	The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:
46.1.1	guarantees (including guarantees relating to the liability of a subsidiary of the Council);
46.1.2	debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);
46.1.3	bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.
46.2	The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:
46.2.1	assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and

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46.2.2	if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.
<b>47. Expenditure of Funds</b>	
47.1	Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.
<b>48. Investment Powers</b>	
48.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.
48.2	The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:
48.2.1	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
48.2.2	avoid investments that are speculative or hazardous in nature.
48.3	The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:
48.3.1	the purposes of the investment;
48.3.2	the desirability of diversifying Council investments;
48.3.3	the nature of and risk associated with existing Council investments;
48.3.4	the desirability of maintaining the real value of the capital and income of the investment;
48.3.5	the risk of capital or income loss or depreciation;
48.3.6	the potential for capital appreciation;
48.3.7	the likely income return and the timing of income return;
48.3.8	the length of the term of a proposed investment;
48.3.9	the period for which the investment is likely to be required;
48.3.10	the liquidity and marketability of a proposed investment during,

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	and on determination of, the term of the investment;
48.3.11	the aggregate value of the assets of the Council;
48.3.12	the likelihood of inflation affecting the value of a proposed investment;
48.3.13	the costs of making a proposed investment;
48.3.14	the results of any review of existing Council investments.
48.4	Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:
48.4.1	the anticipated community benefit from an investment; and
48.4.2	the desirability of attracting additional resources into the local community.
48.5	The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.
<b>49. Review of Investment</b>	
49.1	The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.
<b>50. Gifts to a Council</b>	
50.1	Within the confines of Section 44(3) of the Act:
50.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;
50.1.2	the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;
50.1.3	the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;
50.1.4	where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and

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50.1.5	the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the <i>Gazette</i> , within 28 days after that order is made.
<b>51. Duty to Insure Against Liability</b>	
51.1	The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.
<b>52. Writing off Bad Debts</b>	
52.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:
52.1.1	if the Council has no reasonable prospect of recovering the debts; or
52.1.2	if the costs of recovery are likely to equal or exceed the amount to be recovered,
	up to and including an amount of \$5,000.00 in respect of any one debt.
52.2	The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:
52.2.1	reasonable attempts have been made to recover the debt; or
52.2.2	the costs of recovery are likely to equal or exceed the amount to be recovered.
<b>53. Recovery of Amounts due to Council</b>	
53.1	The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.
53.2	The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.
<b>54. Land Against Which Rates May be Assessed</b>	
54.1	The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with

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	principles and practices that apply on a uniform basis across the area of the Council.
<b>55. Basis of Rating</b>	
55.1	Before the Council:
55.1.1	changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or
55.1.2	changes the basis on which land is valued for the purposes of rating; or
55.1.3	changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;
	the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:
55.1.4	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and
55.1.5	follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.
55.2	The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
<b>56. General Rates</b>	
56.1	The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.
<b>57. Service Rates and Service Charges</b>	
57.1	The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.
57.2	The power pursuant to Section 155(7) of the Act, if a prescribed service

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	under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.
<b>58. Basis of Differential Rates</b>	
58.1	The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.
58.2	The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -
58.2.1	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and
58.2.2	follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.
58.3	The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
<b>59. Notice of Differentiating Factors</b>	
59.1	If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.
<b>60. Preliminary</b>	
60.1	The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.
60.2	The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the

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	Delegate's own initiative).
60.3	The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.
60.4	The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.
<b>61. Rebate of Rates - Community Services</b>	
61.1	The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:
61.1.1	is incorporated on a not-for-profit basis for the benefit of the public; and
61.1.27	provides community services without charge or for charge that is below the cost to the body of providing their services; and
61.1.3	does not restrict its services to persons who are members of the body.
<b>62. Rebate of Rates - Educational Purposes</b>	
62.1	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:
62.1.1	occupied by a Government school under a lease or license and being used for educational purposes; or
62.1.2	occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or
62.1.3	land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.
<b>63. Discretionary Rebates of Rates</b>	
63.1	The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):
63.1.1	the nature and extent of the Council's services provided in

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	respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
63.1.2	the community need that is being met by activities being carried out on the land for which the rebate is sought; and
63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;
63.1.4	any other matter considered relevant by the Council or the Delegate.
63.2	The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:
63.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;
63.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;
63.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;
63.2.4	where the land is being used for educational purposes;
63.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;
63.2.6	where the land is being used for a hospital or health centre;
63.2.7	where the land is being used to provide facilities or services for children or young persons;
63.2.8	where the land is being used to provide accommodation for the aged or disabled;
63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;
63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;

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63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;
63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:
63.2.12.1	redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or
63.2.12.2	change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.
63.2.13	where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:
63.2.13.1	liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or
63.2.13.2	liability that is unfair or unreasonable;
63.2.14	where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or
63.2.15	where the rebate is contemplated under another provision of the Act.
63.3	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:
63.3.1	where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or
63.3.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area; or
63.3.3	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.

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63.4	The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.
<b>64. Valuation of Land for the Purposes of Rating</b>	
64.1	The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.
64.2	For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:
64.2.1	valuations made, or caused to be made, by the Valuer-General; or
64.2.2	valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;
	or a combination of both.
64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.
<b>65. Valuation of Land</b>	
65.1	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).
65.2	The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.
65.3	The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.
<b>66. Objections to Valuations Made by Council</b>	
66.1	The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:
66.1.1	the objection does not involve a question of law; and

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66.1.2	the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and
66.1.3	is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).
66.2	The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.
66.3	The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.
66.4	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:
66.4.1	in the prescribed manner and form;
66.4.2	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and
66.4.3	accompanied by the prescribed fee.
66.5	The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.
<b>67. Notice of Declaration of Rates</b>	
67.1	The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.
<b>68. Alterations to Assessment Record</b>	
68.1	The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
68.2	The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.
<b>69. Inspection of Assessment Record</b>	

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69.1	The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.
<b>70. Liability for Rates</b>	
70.1	The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:
70.1.1	the principal ratepayer; or
70.1.2	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or
70.1.3	any other person who was at the time of the declaration of the rates an owner or occupier of the land.
70.2	The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.
70.3	Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.
70.4	The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.
<b>71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year</b>	
71.1	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.
71.2	The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.
<b>72. Service of Rate Notice</b>	
72.1	The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the

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	case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:
72.1.1	the declaration of a rate; or
72.1.2	the imposition of a service charge; or
72.1.3	a change in the rates liability of land.
<b>73. Payment of Rates – General Principles</b>	
73.1	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.
73.2	If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).
73.3	The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.
73.4	The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:
73.4.1	the amount of the instalment; and
73.4.2	the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.
73.5	The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.
73.6	The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.
73.7	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:

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73.7.1	the payment of instalments of rates in advance; or
73.7.2	prompt payment of rates.
73.8	The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.
73.9	The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.
73.10	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:
73.10.1	the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and
73.10.2	the Delegate must give at least 30 days notice before an instalment falls due.
<b>74. Remission and Postponement of Payment</b>	
74.1	The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:
74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or
74.1.2	remit the rates in whole or in part.
74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:
74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);

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74.2.2	to grant the postponement on other conditions determined by the Delegate; and
74.2.3	to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).
74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:
74.3.1	to assist or support a business in the Council's area; or
74.3.2	to alleviate the affects of anomalies that have occurred in valuations under the Act.
74.4	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).
74.5	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.
74.6	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).
<b>75. Postponement of Rates - Seniors</b>	
75.1	The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.
75.2	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:
75.2.1	reject an application for the postponement of rates; or
75.2.2	impose conditions on the postponement of rates but only in accordance with the Regulations.
<b>76. Application of money in respect of rates</b>	

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76.1	The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.
<b>77. Sale of Land for Non-Payment of Rates</b>	
77.1	The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
77.2	The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:
77.2.1	stating the period for which the rates have been in arrears; and
77.2.2	stating the amount of the total liability for rates presently outstanding in relation to the land; and
77.2.3	stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.
77.3	The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:
77.3.1	to any owner of the land who is not the principal ratepayer; and
77.3.2	to any registered mortgagee of the land; and
77.3.3	if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.
77.4	If:
77.4.1	the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or
77.4.2	the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,
	the power pursuant to Section 184(4) of the Act to effect service of the notice by:
77.4.3	placing a copy of the notice in a newspaper circulating

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	throughout the State; and
	77.4.4 leaving a copy of the notice in a conspicuous place on the land.
77.5	The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.
77.6	The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.
77.7	The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.
77.8	The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.
77.9	The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.
77.10	The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.
77.11	The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.
<b>78. Objection, Review or Appeal</b>	
78.1	If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:
78.1.1	to refund or credit the overpaid amount against future

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	liabilities for rates on the land subject to the rates; or
78.1.2	to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.
<b>79. Certificate of Liabilities</b>	
79.1	The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:
79.1.1	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and
79.1.2	any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.
<b>80. Investigation by Ombudsman</b>	
80.1	The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:
80.1.1	the Ombudsman; and
80.1.2	if relevant, the person who made the complaint.
80.2	The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.
<b>81. Fees and Charges</b>	
81.1	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:
81.1.1	for the use of any property or facility owned, controlled,

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	managed or maintained by the Council;
81.1.2	for services supplied to a person at his or her request;
81.1.3	for carrying out work at a person's request;
81.2	The power pursuant to Section 188(3) of the Act to provide for:
81.2.1	specific fees and charges;
81.2.2	maximum fees and charges and minimum fees and charges;
81.2.3	annual fees and charges;
81.2.4	the imposition of fees or charges according to specified factors;
81.2.5	the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and
81.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.
81.3	The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
81.4	The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
81.5	The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.
<b>82. Acquisition of Land by Agreement</b>	
82.1	The power pursuant to Section 190 of the Act to acquire land by agreement.
<b>83. Compulsory Acquisition of Land</b>	
83.1	The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.
83.2	The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an

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approved purpose.	
<b>84. Assumption of Care, Control and Management of Land</b>	
84.1	The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
84.2	The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .
<b>85. Classification</b>	
85.1	The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution:
85.1.1	to exclude land from classification as community land under Section 193(4) of the Act; or
85.1.2	to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.
<b>86. Revocation of Classification of Land as Community Land</b>	
86.1	The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:
86.1.1	prepare and make publicly available a report on the proposal containing:
86.1.1.1	a summary of reasons for the proposal; and
86.1.1.2	a statement of any dedication, reservation or trust to which the land is subject; and
86.1.1.3	a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and
86.1.1.4	an assessment of how implementation of the proposal would affect the area and the local community; and
86.1.1.5	if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as

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	a condition of approving the proposed revocation of the classification; and
86.1.2	follow the relevant steps set out in the Council's public consultation policy.
86.2	After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.
86.3	The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.
<b>87. Effect of Revocation of Classification</b>	
87.1	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.
<b>88. Management Plans</b>	
88.1	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:
88.1.1	identifies the land to which it applies; and
88.1.2	states the purpose for which the land is held by the Council; and
88.1.3	states the Council's objectives, policies (if any) and proposals for the management of the land; and
88.1.4	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.
88.2	If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:
88.2.1	identify the owner of the land; and

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88.2.2	state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and
88.2.3	contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.
88.3	The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.
<b>89. Public Consultation on Proposed Management Plan</b>	
89.1	Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:
89.1.1	make copies of the proposed plan available for inspection or purchase at the Council's principal office; and
89.1.2	follow the relevant steps set out in Council's public consultation policy.
89.2	The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
<b>90. Amendment or Revocation of Management Plan</b>	
90.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.
90.2	The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.
90.3	The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.
<b>91. Effect of Management Plan</b>	
91.1	The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.

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<b>92. Use of Community Land for Business Purposes</b>	
92.1	The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.
<b>93. Sale or Disposal of Local Government Land</b>	
93.1	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:
93.1.1	vested in the Council in fee simple; or
93.1.2	vested in the Council as lessee.
93.2	The power pursuant to Section 201(2) of the Act to:
93.2.1	grant an easement (including a right of way) over community land; and
93.2.2	grant an easement (excluding a right of way) over a road or part of a road.
<b>94. Alienation of Community Land by Lease or Licence</b>	
94.1	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:
94.1.1	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
94.1.2	the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);
94.1.3	any other matter relevant to the use or maintenance of the land.
94.2	The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:
94.2.1	the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the

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	proposed lease or licence is 5 years or less; or
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
94.3	The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.
94.4	The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.
<b>95. Register</b>	
95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.
95.2	The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:
95.2.1	contains the information required by the Regulations; and
95.2.2	contains copies of current management plans.
95.3	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.
95.4	The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
<b>96. Ownership of Public Roads</b>	
96.1	The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the <i>Gazette</i> .
<b>97. Ownership of Fixtures and Equipment Installed on Public Roads</b>	
97.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the

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Council.	
<b>98. Conversion of Private Road to Public Road</b>	
98.1	The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.
98.2	The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:
98.2.1	if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and
98.2.2	if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and
98.2.3	give public notice of the proposed declaration.
98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.
98.4	The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.
<b>99. Highways</b>	
99.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.
<b>100. Power to Carry Out Roadwork</b>	
100.1	The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.
100.2	The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:
100.2.1	the roadwork is carried out in compliance with any relevant

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requirement under the Road Traffic Act 1961; and
100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and
100.2.3 the roadwork in relation to a private road is only carried out if:
100.2.3.1 the owner agrees; or
100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or
100.2.3.3 the identity or whereabouts of the owner is unknown; and
100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).
<b>101. Recovery of Cost of Roadwork</b>
101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.
101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:
101.2.1 the person who caused the damage; or
101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.
101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.
<b>102. Contribution Between Councils where Road is on Boundary Between Council Areas</b>
102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act

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to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is bought.
<b>103. Special Provisions for Certain Kinds of Roadwork</b>
103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:
103.1.1 ensure that adjoining properties have adequate access to the road; and
103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.
103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:
103.2.1 there is no significant risk of damage to the adjoining property; or
103.2.2 the road work does not significantly increase the risk of damage to adjoining property.
103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.
<b>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</b>
104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.
104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
104.2.1 any proposal to make an order; and
104.2.2 if an order is made, any order, under Section 216(1) of the Act.
<b>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</b>

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105.1	The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:
105.1.1	to carry out specified work by way of maintenance or repair; or
105.1.2	to move the structure or equipment in order to allow the Council to carry out roadwork.
105.2	Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.
<b>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</b>	
106.1	The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
106.2	The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
106.2.1	any proposal to make an order; and
106.2.2	if an order is made, any order
	under Section 218(1) of the Act.
<b>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</b>	
107.1	The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.
107.2	The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.
107.3	Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:
107.3.1	give the adjoining council at least 2 months notice of the proposed change; and
107.3.2	consider any representations made by the adjoining council in

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response to that notice.
107.4 The duty pursuant to Section 219(3) of the Act to:
107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and
107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.
107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.
107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.
107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.
107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:
107.8.1 in the Gazette; and
107.8.2 in a newspaper circulating in the area of the council; and
107.8.3 on a website determined by the Chief Executive Officer.
<b>108. Numbering of Premises and Allotments</b>
108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.
108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.
108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.
108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.

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108.5	The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.
108.6	The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.
108.7	The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.
<b>109. Alteration of Road</b>	
109.1	The power pursuant to Section 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:
109.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
109.1.2	erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
109.1.3	changing or interfering with the construction, arrangement or materials of the road; or
109.1.4	changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or
109.1.5	planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.
109.2	Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:
109.2.1	unduly obstruct the use of the road; or
109.2.2	unduly interfere with the construction of the road; or
109.2.3	have an adverse effect on road safety.
109.3	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:
109.3.1	for a particular act or occasion; or

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109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.

**110. Permits for Business Purposes**

110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.

110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.

110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.

**111. Public Consultation**

111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:

111.1.1 that confers a right of exclusive occupation; or

111.1.2 that would have the effect of restricting access to a road; or

111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.

111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.

**112. Conditions of Authorisation or Permit**

112.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.

**113. Cancellation of Authorisation or Permit**

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113.1	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:
113.1.1	in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or
113.1.2	in the any other case - cancel the authorisation or permit for breach of a condition.
113.2	The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:
113.2.1	give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and
113.2.2	consider any representations made in response to the notice.
113.3	The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.
113.4	The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.
<b>113A Location Rules – General</b>	
113A.1	The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.
113A.2	The power pursuant to Section 225A(4) of the Act to:
113A.2.1	from time to time amend the Council's location rules;
113A.2.2	amend its location rules in order that the rules comply with:

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113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or
113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.
<b>114. Register</b>
114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:
114.1.1 includes the information required by regulation; and
114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.
114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
<b>115. Trees</b>
The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):
115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -
115.1.1 environmental and aesthetic issues; and
115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and
115.1.3 road safety matters; and
115.1.4 other matters (if any) considered relevant by the Delegate; and
115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.
<b>116. Damage</b>
116.1 The power pursuant to Section 233(1) and (2) of the Act to recover

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damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.
<b>117. Council's Power to Remove Objects etc from Roads</b>
117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:
117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or
117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.
117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.
117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.
<b>118. Deliberately left blank</b>
<b>119. Abandonment of Vehicles and Farm Implements</b>
119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.
<b>120. Removal of Vehicles</b>
120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:
120.1.1 by written notice in the prescribed form:
120.1.1.1 served on the owner personally; or
120.1.1.2 served on the owner by the use of person-to-person registered post,

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as soon as practicable after the removal of the vehicle; or
120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.
120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:
120.3.1 the vehicle is offered for sale but not sold; or
120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.
120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:
120.4.1 firstly, in payment of the costs of and incidental to the sale;
120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;
120.4.3 thirdly, in payment of the balance to the owner of the vehicle.
120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.
120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.
<b>121. Time Limits for Dealing with Certain Applications</b>

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121.1	Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.
121.2	The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.
<b>122. Registrar-General to Issue Certificate of Title</b>	
122.1	The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.
122.2	The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:
122.2.1	in a manner and form approved by the Registrar-General; and
122.2.2	accompanied by:
122.2.2.1	Deliberately left blank
122.2.2.2	any surveys of the land and other materials that the Registrar-General may reasonably require; and
122.2.2.3	a fee fixed by the Registrar-General.
<b>123. Liability for Injury, Damage or Loss Caused by Certain Trees</b>	
123.1	The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).
<b>124. Council May Require Bond or Other Security in Certain Circumstances</b>	
124.1	Subject to Section 245A of the Act, if,
124.1.1	a person has approval to carry out development under the Development Act 1993; and
124.1.2	the delegate has reason to believe that the performance of

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work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
<b>125. Power to Make By-Laws</b>
125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.
<b>126. Passing By-Laws</b>
126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:
126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and
126.1.2 by notice in a newspaper circulating in the area of the Council:
126.1.2.1 inform the public of the availability of the proposed by-law; and
126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.
126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:

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126.2.1	the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and
126.2.2	the by-law is not in conflict with the Act.
126.3	The duty pursuant to Section 249(5) of the Act to publish a by-law in the <i>Gazette</i> .
126.4	The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.
<b>127. Model By-Laws</b>	
127.1	The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the <i>Gazette</i> .
127.2	The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.
<b>128. Register of By-Laws and Certified Copies</b>	
128.1	The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.
128.2	The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
128.4	The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.
<b>129. Power to Make Orders</b>	
129.1	The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.
<b>130. Procedures to be Followed</b>	
130.1	The duty pursuant to Section 255(1) of the Act before taking action to

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	make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:
	130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and
	130.1.2 stating the reasons for the proposed action; and
	130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).
130.2	If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.
130.3	The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:
	130.3.1 to make an order in accordance with the terms of the original proposal; or
	130.3.2 to make an order with modifications from the terms of the original proposal; or
	130.3.3 to determine not to proceed with an order.
130.4	The power pursuant to Section 255(5) of the Act to:
	130.4.1 include two or more orders in the same instrument;
	130.4.2 direct two or more persons to do something specified in the order jointly.
130.5	The duty pursuant to Section 255(6) of the Act to ensure that the order:
	130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and
	130.5.2 states the reasons for the order.
130.6	The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.
130.7	If an order is directed to a person who is not the owner of the relevant

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land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.
130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.
130.9 If the Delegate, in the circumstances of a particular case, considers:
130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or
130.9.2 that an emergency situation otherwise exists,
the Delegate has the power pursuant to Section 255(12) of the Act to:
130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and
130.9.4 require immediate compliance with an order despite Section 255(6)(a).
<b>131. Rights of Review</b>
131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek a review of the order under the Act, and to include the information specified by the Regulations to the Act.
<b>132. Action on Non-Compliance</b>
132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.
132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.
132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.
132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being

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not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:
132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and
132.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.
<b>133. Councils to Develop Policies</b>
133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.
133.2 The power and duty pursuant to Section 259(2) of the Act to:
132.2.1 prepare a draft of a Policy; and
133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).
133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.
133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.
133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.
133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any

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relevant policy under Division 3 of Part 2, Chapter 12 of the Act.
<b>134. Appointment of Authorised Persons</b>
134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.
134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.
134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:
134.3.1 containing a photograph of the authorised person; and
134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.
134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.
<b>135. Procedures for Review of Decisions and Requests for Services</b>
135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.
135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:
135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and
135.0.2 using information gained from the Council's community to improve its services and operations.
135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and

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	duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:
135.1.1	the Council;
135.1.2	employees of the Council;
135.1.3	other persons acting on behalf of the Council,
135.2	The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):
135.2.1	the manner in which an application for review may be made;
135.2.2	the assignment of a suitable person to reconsider a decision under review;
135.2.3	the matters that must be referred to the Council itself for consideration or further consideration;
135.2.3A	in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;
135.2.4	the notification of the progress and outcome of an application for review;
135.2.5	the timeframes within which notifications will be made and procedures on a review will be completed.
135.3	The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:
135.3.1	the application was made by an employee of the Council and relates to an issue concerning his or her employment; or
135.3.2	it appears that the application is frivolous or vexatious; or
135.3.3	the applicant does not have a sufficient interest in the matter.
135.4	The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by

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the Council) by the public at the principal office of the Council.
135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.
135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:
135.6.1 the number of applications for review made under Section 270; and
135.6.2 the kinds of matters to which the applications relate; and
135.6.3 the outcome of applications under this Section; and
135.6.4 such other matters as may be prescribed by the Regulations.
135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.
<b>136. Mediation, Conciliation and Neutral Evaluation</b>
136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.
136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.
<b>136A. Provision of Information to Minister</b>
136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:
136AA.2.1 the information was given to the Council in confidence;

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or
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
<b>136B. Minister May Refer Investigation of Council to Ombudsman</b>
136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.
<b>136C. Action on a Report</b>
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.
<b>136D. Deliberately left blank</b>
<b>136E. Action on a Report</b>
136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.
<b>137. Special Jurisdiction</b>
137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:
137.1.1 proceedings to try the title of a member to an office;
137.1.2 proceedings to try the right of a person to be admitted or restored to an office;
137.1.3 proceedings to compel restoration or admission;
137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;
137.1.5 proceedings to try the validity of a rate or service charge;
137.1.6 proceedings to try the validity of a by-law;
137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.

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<b>138. Service of Documents by Councils etc</b>
138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.
<b>139. Service of Documents on Councils</b>
139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.
<b>140. Recovery of Amounts from Lessees or Licensees</b>
140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.
<b>141. Ability of Occupiers to Carry out Works</b>
141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.
<b>142. Power to Enter and Occupy Land in Connection with an Activity</b>
142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.
142.2 The duty pursuant to Section 294(3) of the Act:
142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and
142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and
142.2.3 within 6 months of ceasing to occupy the land:
142.2.3.1 remedy damage to land caused by the Council

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	while in occupation of the land (to such extent as this may be reasonably practicable); and
142.2.3.2	to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;
142.3	The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.
<b>143. Reclamation of Land</b>	
143.1	Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.
143.2	The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.
143.3	The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.
143.4	The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.
<b>144. Property in Rubbish</b>	
144.1	The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.
<b>145. Power of Council to Act in Emergency</b>	
145.1	Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.



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<b>146. Deliberately left blank</b>
146.1 Deliberately left blank.
146.2 Deliberately left blank.
<b>147. Costs of Advertisements</b>
147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.
<b>148. Whistleblowing</b>
148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.
<b>148A Use of Facilities</b>
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.
<b>149. Deliberately left blank</b>
<b>150. Deliberately left blank</b>
<b>151. Deliberately left blank</b>
<b>151A Preparation of Stormwater Management Plans by Councils</b>
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: <ul style="list-style-type: none"> <li>(a) complies with the guidelines issued by the Authority; and</li> <li>(b) is prepared in consultation with the relevant regional NRM board or boards; and</li> <li>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.</li> </ul>
<b>151B Authority May Issue Order</b>
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of

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the Act, to make submissions to the Authority in relation to the matter.
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).
<b>152. Deliberately left blank</b>
<b>153. Deliberately left blank</b>
<b>154. Special Powers in Relation to Land</b>
<p>154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:</p> <ul style="list-style-type: none"> <li>(a) enter and occupy any land; and</li> <li>(b) construct, maintain or remove any infrastructure; and</li> <li>(c) excavate any land; and</li> <li>(d) inspect, examine or survey any land and for that purpose: <ul style="list-style-type: none"> <li>(i) fix posts, stakes or other markers on the land; and</li> <li>(ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</li> <li>(iii) remove samples for analysis.</li> </ul> </li> <li>(e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and</li> <li>(f) hold any water in a watercourse or lake or by any other means; and</li> <li>(g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and</li> <li>(h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow</li> </ul>

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<p>of water; and</p> <p>(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>(j) undertake any testing, monitoring or evaluation; and</p> <p>(k) undertake any other activity of a prescribed kind.</p>
<p>154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.</p>
<p><b>155. Entry and Occupation of Land Other Than Council Land</b></p>
<p>155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.</p>
<p>155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.</p>
<p><b>156. Vesting of Infrastructure, etc</b></p>
<p>156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.</p>
<p><b>157. Building Upgrade Agreement</b> (<i>May only be delegated to CEO</i>)</p>
<p>157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a <i>building upgrade agreement</i>) under which:</p>
<p>157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and</p>
<p>157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and</p>
<p>157.1.3 the Council agrees:</p>
<p>157.1.3.1 to levy a charge on the relevant land (a <i>building upgrade charge</i>), to be paid by the building owner,</p>

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	for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and
157.1.3.2	to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).
157.2	The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.
157.3	The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.
<b>158. Variation or Termination of Agreement</b> <i>(May only be delegated to CEO)</i>	
158.1	The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.
<b>159. Contents of Agreement</b> <i>(May only be delegated to CEO)</i>	
159.1	The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:
159.1.1	the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and
159.1.2	the amount of money to be advanced by the finance provider under the agreement; and
159.1.3	the amount of the building upgrade charge to be levied by the Council under the agreement; and
159.1.4	the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and
159.1.5	the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct

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and retain; and
159.1.6 any prescribed matters.
159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:
159.2.1 provide for the early repayment of any amount payable under the agreement; and
159.2.2 include and agree to other provisions.
<b>160. Declaration of Building Upgrade Charge</b> <i>(May only be delegated to CEO)</i>
160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).
160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:
160.2.1 the name and address of the building owner; and
160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and
160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and
160.2.4 the amount for which the building owner is liable; and
160.2.5 the manner of payment of the amount; and
160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and
160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and
160.2.8 any prescribed matters.

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160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.

**161. Payment of Building Upgrade Charge**

161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.

161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,

161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and

161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.

**162. Sale of Land for Non-payment of Building Upgrade Charge**

162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.

162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:

162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;

162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);

162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;

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162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;
162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;
162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;
162.2.7 seventhly – in payment to the owner of the land.
162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.
<b>163. Repayment of Advances to Finance Provider</b>
163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:
163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and
163.1.2 give the building owner written notice of the adjustment.
163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:
163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and
163.2.2 the excess amount has been paid by the Council to the finance provider,
to refund the building owner the excess amount paid.
<b>164. Register of Building Upgrade Agreements</b>
164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.
164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**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
157	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
158	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
159	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
160	The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.

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**ATTACHMENT 4****INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992****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**

<b>1. Appointment of Authorised Officers</b>
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
<b>2. Application for a Licence</b>
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and

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2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
<b>3.</b>	<b>Renewal of Licence</b>
3.1	The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the rights of review that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
<b>4.</b>	<b>Licence Conditions</b>
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:

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4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	<i>Deliberately left blank</i>
<b>5.</b>	<b>Transfer of Licence</b>
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
<b>6.</b>	<b>Cancellation of Licence</b>
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
<b>7.</b>	<b>Review of Decision or Order</b>
7.1	The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review.
7.2	The power pursuant to Section 32(4) of the Act to:
7.2.1	make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the

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	order; and
	7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order.
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
<b>8.</b>	<b>Appointment of Manager</b>
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
<b>9.</b>	<b>Death of Licensee</b>
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.
<b>10.</b>	<b>Rescision of Resident Contract by Proprietor</b>
10.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
<b>11.</b>	<b>Disputes</b>
11.1	The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;
11.2	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	The power, pursuant to Section 43(12) of the Act -
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;
11.6.2	to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
<b>12. Attendance by Health Service Providers etc.</b>	
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
<b>13. Complaints</b>	
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
13.3	The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.

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13.4	The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.
<b>14. Regulations</b>	
14.1	Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -
14.1.1	that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and
14.1.2	that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,
	the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.
14.2	The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:
14.2.1	revoke an exemption under Section 57(5);
14.2.2	vary or revoke a condition under Section 57(6).

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

15.	The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16.	The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17.	The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus

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pursuant to Regulation 5(2)(b) of the Regulations.
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.



## ATTACHMENT 5

**INSTRUMENT OF DELEGATION UNDER THE  
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY  
REGULATIONS 2012**

**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**

<b>1.</b>	<b>Water Planning</b>
1.1	The power pursuant to Section 6(6) of the <i>Water Industry Act 2012 (the Act)</i> , in relation to a proposal:
1.1.1	to create the <i>State Water Demand and Supply Statement</i> ; or
1.1.2	to undertake a comprehensive review of the <i>State Water Demand and Supply Statement</i> ,
	to make written representations on the proposal to the Minister.
<b>2.</b>	<b>Application for Licence</b>
	The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.
<b>3.</b>	<b>Licence fees and returns</b>
3.1	The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:
3.1.1	in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the

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**INSTRUMENT OF DELEGATION UNDER THE  
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012**

	licence or by written notice; and
3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.
<b>4.</b>	<b>Variation of Licence</b>
4.1	The power pursuant to Section 28(2) of the Act to:
4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;
4.1.2	agree to the variation of the terms or conditions of the Council's licence;
4.1.3	make representations to the Commission about the proposed variation.
<b>5.</b>	<b>Transfer of Licence</b>
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.
<b>6.</b>	<b>Surrender of Licence</b>
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.
<b>7.</b>	<b>Suspension or cancellation of Licences</b>
	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33

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of the Act.
<b>8. Standard terms and conditions for retail services</b>
8.1 The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.
8.2 The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.
8.3 The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.
8.4 The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.
<b>9. Customer hardship policies</b>
9.1 The power pursuant to Section 37(3) of the Act to:
9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or
9.1.2 with the written approval of the Commission, adopt such a policy with modifications.
<b>10. Power to take over operations</b>
10.1 The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.
<b>11. Appointment of operator</b>
The power pursuant to Section 39(3) of the Act to facilitate the takeover of the

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relevant operations by the operator.
<b>12. Appointment of water industry officer</b>
12.1 The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.
12.2 The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.
<b>13. Conditions of appointment</b>
13.1 The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
13.2 The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.
<b>14. Identity cards</b>
The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.
<b>15. Power to enter land to conduct investigations</b>
15.1 The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.
15.2 The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:
15.2.1 give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and
15.2.2 minimise the impact of work carried out by the Council on activities of others on the land; and

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15.2.3	comply with the conditions of the authorisation.
<b>16.</b>	<b>Power to carry out work on land</b>
16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:
16.1.1	to construct, install, improve or add to any water/sewerage infrastructure; or
16.1.2	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or
16.1.3	to lay pipes and install, operate or inspect pumps and other equipment; or
16.1.4	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or
16.1.5	to obtain or enlarge a supply of water; or
16.1.6	to protect, improve or restore the quality of water; or
16.1.7	to protect any infrastructure or equipment connected with any water service or sewerage service; or
16.1.8	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:
16.2.1	give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and
16.2.2	secure the authority's agreement to the carrying out of the work;
16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the

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	carrying out of the work.
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.
16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.
16.11	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
16.12	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without

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prior notice or agreement.
<b>17. Acquisition of land</b>
The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the <i>Land Acquisition Act 1969</i> .
<b>18. Requirement to connect to infrastructure</b>
<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>
18.1 The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.
18.2 The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.
18.3 The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.
18.4 The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.
18.5 The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.
18.6 The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.
<b>19. Encroachments</b>

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19.1	The power pursuant to Section 49(1) of the Act to consent to a person:
19.1.1	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or
19.1.2	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or
19.1.3	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or
19.1.4	excavating or altering any land or structure supporting any water/sewerage infrastructure.
19.2	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:
19.2.1	at any reasonable time, enter land and carry out an inspection of any place; and
19.2.2	as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.
19.3	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
19.4	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.
19.5	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.

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19.6	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.
<b>20. Protection of infrastructure and equipment</b>	
20.1	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:
20.1.1	at any reasonable time, enter any land and carry out an inspection of any place; and
20.1.2	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.
20.2	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
20.3	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.
20.4	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:
20.4.1	on application to a court convicting the person of an offence against Section 50 of the Act; or
20.4.2	by action in a court of competent jurisdiction.
<b>21. Notice of work that may affect water/sewerage infrastructure</b>	
21.1	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:
21.1.1	on application to a court convicting the person of an offence against Section 51 of the Act; or

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21.1.2	by action in a court of competent jurisdiction.
<b>22.</b>	<b>Duty to give notice before paving a road etc</b>
22.1	The power pursuant to Section 52(1) of the Act, before the Council begins:
22.1.1	to first lay the pavement or hard surface in any road; or
22.1.2	to relay the pavement or hard surface in any road; or
22.1.3	to widen or extend the pavement or hard surface in any road; or
22.1.4	to alter the level of any road; or
22.1.5	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or
22.1.6	to construct or alter any drainage work in any road,
	in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).
22.2	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.
22.3	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:
22.3.1	unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;
22.3.2	in prescribed circumstances – an amount determined under the regulations.

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22.4	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.
<b>23. Unlawful abstraction, removal or diversion of water or sewage</b>	
23.1	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.
23.2	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:
23.2.1	on application to a court convicting the person of an offence against this Section; or
23.2.2	by action in a court of competent jurisdiction.
<b>24. Water meters</b>	
24.1	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to
24.1.1	allow a person authorised by the Council to enter land and fix a meter supplied by the Council;
24.1.2	ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.
24.2	The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.
24.3	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.
24.4	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the

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	person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.
24.5	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.
24.6	The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.
24.7	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:
24.7.1	on application to a court convicting the person of an offence against this section; or
24.7.2	by action in a court of competent jurisdiction.
24.8	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.
<b>25.</b>	<b>Discharge of unauthorised material into water infrastructure</b>
25.1	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:
25.1.1	on application to a court convicting the person of an offence against this Section; or
25.1.2	by action in a court of competent jurisdiction.
<b>26.</b>	<b>Discharge of unauthorised material into sewerage infrastructure</b>
26.1	The power pursuant to Section 56(3) of the Act, to, in relation to any

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	sewerage infrastructure operated by the Council:
26.1.1	on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or
26.1.2	as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.
26.2	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.
26.3	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.
26.4	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.
26.5	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.
<b>27.</b>	<b>Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</b>
27.1	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:
27.1.1	to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or
27.1.2	to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any

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sewerage infrastructure,
by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.
27.2 The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:
27.2.1 install or construct in such locations as are specified in the notice;
27.2.2 connect to the infrastructure;
27.2.3 alter or replace;
27.2.4 maintain, repair or cleanse;
27.2.5 remove, block or disconnect,
such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.
27.3 The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.
27.4 The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.
27.5 The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.
27.6 The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.
<b>28. Power to disconnect drains to restrict services</b>
28.1 The power pursuant to Section 58(1) of the Act, if the Council has

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grounds to believe that material:
28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or
28.1.2 has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,
to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.
28.2 The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.
<b>29. Power to restrict or discontinue water supply</b>
29.1 The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:
29.1.1
29.1.1.1 that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or
29.1.1.2 that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or
29.1.1.3 that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and
29.1.2 that action under Section 59(1) of the Act is justified in the

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circumstances,
to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.
29.2 The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:
29.2.1 lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);
29.2.2 prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
29.2.3 prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
29.2.4 prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;
29.2.5 for such time or times as the delegate thinks proper, discontinue the supply of water.
29.3 The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.
29.4 The power pursuant to Section 59(4) of the Act, to:
29.4.1 impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and
29.4.2 vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.
<b>30. Power to require the use of devices to reduce flow</b>
30.1 The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds

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	that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.
30.2	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:
30.2.1	to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and
30.2.2	to use the device to reduce flow in those pipes during the periods specified in the notice.
30.3	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.
30.4	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.
<b>31.</b>	<b>Disconnection in an emergency</b>
	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.
<b>32.</b>	<b>Responsibilities of water industry entity</b>
32.1	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:
32.1.1	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and

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32.1.2	obtain the approval of the Technical Regulator to the plan and any revision; and
32.1.3	comply with the plan as approved from time to time; and
32.1.4	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.
<b>33. Responsibilities of Customers</b>	
The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	
<b>34. Enforcement notices</b>	
The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.	
<b>35. Warning notices and assurances</b>	
35.1	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
35.2	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
<b>36. Injunctions</b>	
36.1	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.
36.2	The power pursuant to Section 83(8) of the Act, to consent to a final

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injunction being granted without proof that proper grounds for the injunction exist.
<b>37. Review of decisions by Commission or Technical Regulator</b>
37.1 The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:
37.1.1 the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or
37.1.2 the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or
37.1.3 the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
37.1.4 the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.
<b>38. Appeals</b>
38.1 The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:
38.1.1 in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;
38.1.2 in relation to an enforcement notice issued under Part 8 Division 4 of the Act.
<b>Third Party Access Regime</b>
<i>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared</i>

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<i>by proclamation to apply.</i>
<b>38A. Information brochure</b>
38A.1 The power pursuant to Section 86F(1) of the Act to determine:
38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and
38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and
38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and
38A.1.4 the standard access arrangement used by the Council.
<b>38B. Specific information to assist proponent to formulate proposal</b>
38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.
38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.
<b>38C. Access proposal</b>
38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.
38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,

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38C.2.1	whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and
38C.2.2	if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.
38C.3	The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:
38C.3.1	the name of the proponent and an address at which the proponent may be contacted; and
38C.3.2	the name of the operator and an address at which the regulated operator may be contacted; and
38C.3.3	the general nature of the access proposal.
38C.4	The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.
<b>38D. Duty to negotiate in good faith</b>	
38D.1	The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.
<b>38E. Existence of Dispute</b>	
38E.1	The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.
<b>38F. Power to refer dispute to arbitration</b>	
38F.1	The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.

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<b>38G. Confidentiality of information</b>
38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.
<b>38H. Formal requirements related to awards</b>
38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.
<b>38I. Consent awards</b>
38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.
<b>38J. Termination of variation of award</b>
38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.
38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.
<b>38K. Appeal on question of law</b>
38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.
<b>38L. Injunctive remedies</b>
38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.
38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.
38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.

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<b>38M. Compensation</b>
38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.
<b>38N. Confidential information</b>
38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.
<b>38O. Access by agreement</b>
38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.
<b>38P. Review of Part</b>
38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.
<b>39. Water conservation measures</b>
The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.

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<b>40. Information as to amounts already paid for retail services etc</b>
40.1 The power pursuant to Regulation 11(1) of the <i>Water Industry Regulations 2012 (the Regulations)</i> to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial

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year.
40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.
<b>41. Certificate as to encumbrance</b>
41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> and the regulations under that Act and that are in favour of the Council.
<b>42. Protection of infrastructure – planting of trees etc on public land</b>
42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.
42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.
<b>43. Protection of infrastructure – action in relation to trees and shrubs</b>
43.1 The power pursuant to Regulation 14(1) of the Regulations, if:
43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or
43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,
to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or

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	shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.
43.2	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.
43.3	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.
<b>44.</b>	<b>Protection of infrastructure – damage caused by trees or shrubs</b>
44.1	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:
44.1.1	the owner for the time being of the land on which the tree or shrub is, or was, situated; or
44.1.2	in the case of land under the care, control or management of a Council – that Council.
<b>45.</b>	<b>Access to sewerage infrastructure</b>
	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.
<b>46.</b>	<b>Power to restrict or discontinue water supply</b>
46.1	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:
46.1.1	obtain the approval of the prescribed authority before acting; and
46.1.2	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of

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the power to be exercised):
46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and
46.1.2.2 in all cases:
(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and
(b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.
<b>47. Notices under Section 59 – Permits</b>
The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.
<b>48. Fittings etc to be flush with road surface</b>
48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.
48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.
48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.

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<b>49. Pipes must not lie across allotment boundaries</b>
49.1 The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.
49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i> ), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.
49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.
<b>50. Water meters – estimates</b>
50.1 The power pursuant to Regulation 36 of the Regulations if:
50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and
50.1.2 a code or rules made under the <i>Essential Services Commission Act 2002</i> relating to the provision of retail services to customers does not apply to that supply of water,
to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.
<b>51. Charge where land not connected or service to land reduced or discontinued</b>
51.1 The power pursuant to Regulation 38 of the Regulations to, for the

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purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:
51.1.1 the land is not connected to infrastructure by which a retail service is provided by the Council; or
51.1.2 the provision of a retail service to the land by the Council has been reduced or discontinued.

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**SCHEDULE OF CONDITIONS**

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

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

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