



## **AGENDA**

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

**15 AUGUST 2022 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES  
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY**

### **MEMBERS**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
Manager Governance, Mr R Deco  
Team Leader Council Governance, Ms J O'Keefe-Craig

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 18 July 2022.

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**REPORTS**

*Administration*

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*For Decision*

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**QUESTIONS ON NOTICE**

*There are no Questions on Notice.*

**MOTIONS ON NOTICE**

*There are no Motions on Notice.*

**OTHER BUSINESS**

*(Questions Without Notice, Motions Without Notice, CEO Update)*

**CLOSE**



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN  
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY ON**

**18 JULY 2022**

**MEMBERS PRESENT**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug (*via Teams VC*)  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

**OBSERVERS**

Nil.

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Ms M English  
Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 7:37pm.

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

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil.

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## PRESENTATION OF MINUTES

Moved Cr D Proleta  
Seconded Mayor G Aldridge

The Minutes of the Governance and Compliance Committee Meeting held on 20 June 2022, be taken as read and confirmed.

**CARRIED**

## REPORTS

### *Administration*

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

Moved Cr K Grenfell  
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED**

### *For Decision*

#### **3.1.1 Nominations Sought for Local Government Association President**

Moved Mayor G Aldridge  
Seconded Cr J Woodman

That Council:

1. Approves Mayor Erica Vickery OAM from *Naracoorte Lucindale Council-Limestone Coast Region* being nominated for the position of Local Government Association President.

**CARRIED**

*Pursuant to Sections 75 and 75A of the Local Government Act 1999, Mayor G Aldridge declared an actual conflict in relation to this matter based on being nominated for GAROC Membership. Mayor G Aldridge will deal with the conflict by vacating the meeting room for this item.*

*Mayor G Aldridge left the meeting at 7:44pm.*

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**3.1.2 Nominations Sought for the Greater Adelaide Regional Organisation of Councils (GAROC)**

Moved Cr D Proleta  
Seconded Cr G Reynolds

That Council:

1. Approves Mayor Aldridge OAM from *City of Salisbury* being nominated as a member of the Greater Adelaide Regional Organisation of Councils (GAROC), representing the North Region.

**CARRIED**

*Mayor Aldridge returned to the Committee meeting room at 7:46pm.*

**QUESTIONS ON NOTICE**

*There were no Questions On Notice.*

**MOTIONS ON NOTICE**

*There were no Motions On Notice.*

**OTHER BUSINESS**

*There were no Other Business Items.*

The meeting closed at 7:47pm.

CHAIRMAN.....

DATE.....



<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	15 August 2022
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This item details reports to be presented to the Governance and Compliance 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**

##### That Council:

1. Notes the report.

#### **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 Governance and Compliance Committee as a result of a Council resolution:

<b>Meeting Item</b>	<b>- Heading and Resolution</b>	<b>Officer</b>
27/06/2022 3.2.1	<b>Community Compliance Resources</b> 2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community. <b>Due:</b> November 2023	John Darzanos

**4. CONCLUSION / PROPOSAL**

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



<b>ITEM</b>	3.1.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	15 August 2022
<b>HEADING</b>	Council and Committee Governance Structure
<b>AUTHOR</b>	Rudi Deco, Manager Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.1 Members of our community receive an exceptional experience when interacting with Council
<b>SUMMARY</b>	This report provides the opportunity for Council to set up the process to recommend to the new incoming Council a decision-making Governance Structure for the new Council's consideration and decision.

### **RECOMMENDATION**

#### That Council:

1. Notes that the newly elected incoming Council will set its decision-making Council and Committee Governance Structure at the start of the new Council term, and consistent with historical practice, the new Council receives a recommendation from the outgoing Council on such a proposed recommended structure.
2. Approves the establishment of a CEO Working Group comprising of

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[*insert names of nominated Elected Members*], CEO and the Manager Governance, to review and give consideration to a proposed decision-making Governance Structure, for subsequent recommendation by the outgoing Council at its meeting in October 2022.

### **ATTACHMENTS**

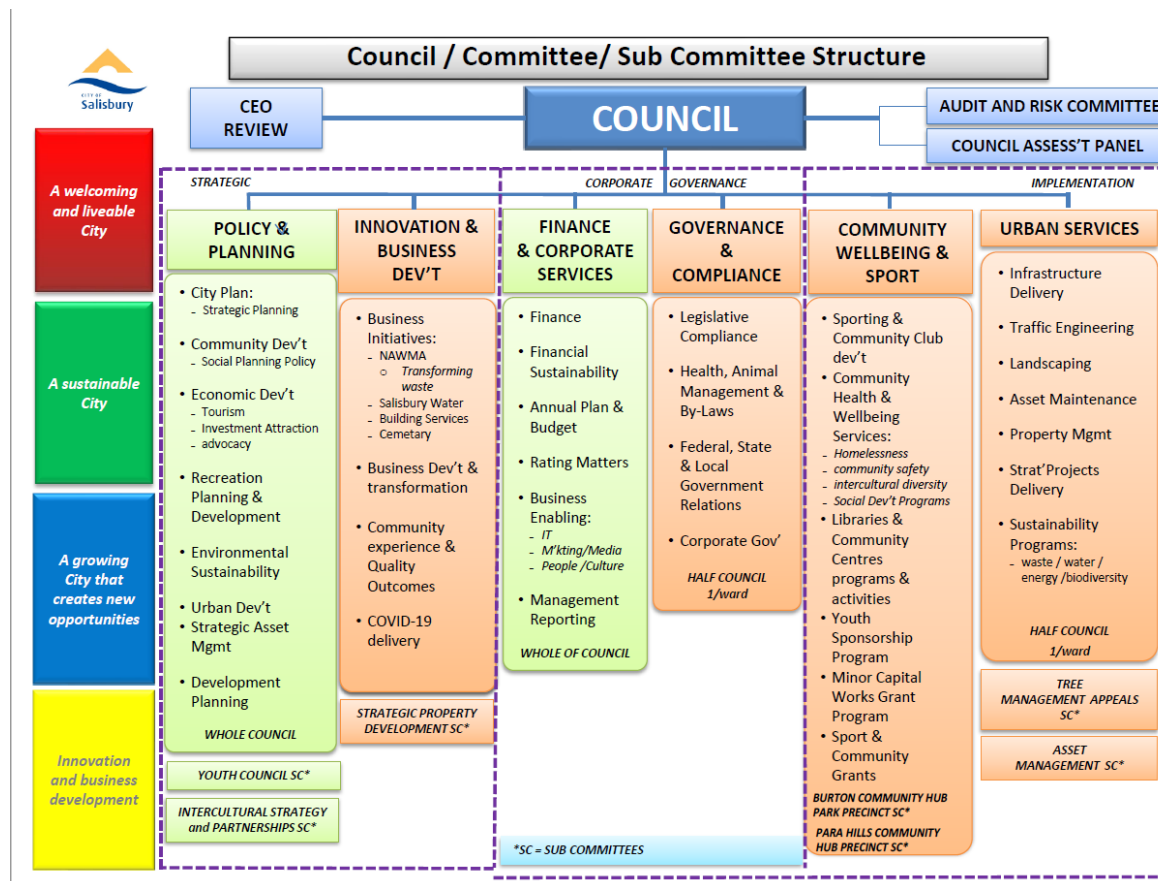
This document should be read in conjunction with the following attachments:

1. Current City of Salisbury Governance Structure

#### **1. BACKGROUND**

- 1.1 Pursuant to section 81 of the *Local Government Act 1999*, (the Act), the CEO must after the general election appoint the time and place at which the first ordinary meeting of Council will be held. From there, ordinary Council meetings will be held at times and places appointed by a resolution of Council (or in the absence of a resolution, continue to be appointed by the CEO).
- 1.2 The Act provides – as a minimum – that there must be at least one ordinary Council meeting in each month.

- 1.3 The Act also provides for the ability for Council to establish a Committee(s). There is no statutory requirement to establish a Committee(s) (except for the Audit and Risk Committee, which since Local Government Reform is a mandatory Committee, and the Council Assessment Panel which operates under the *Planning, Development and Infrastructure Act 2016*).
- 1.4 Pursuant to section 41 of the Act, a Committee may be established by Council:
  - a) To assist in the performance of Council’s functions: eg to carry out a project, oversee works, or administer property or activities on behalf of Council;
  - b) To inquire into and report to the Council on matters within the ambit of the Council’s responsibilities;
  - c) To provide advice to the Council; or
  - d) To exercise, perform or discharge delegated powers, functions or duties.
- 1.5 The Membership of a Committee is to be determined by the Council, and may consist of (or include) persons who are not Elected Members of the Council.
- 1.6 A Committee may establish a sub-committee to assist in a matter (s41 (7) of the Act).
- 1.7 When establishing a Committee, Council must determine reporting and other accountability requirements applying to the Committee, which are typically included in the Terms of Reference.
- 1.8 The establishment of a Committee does not derogate from the power of the Council to act in a matter.
- 1.9 Section 90A of the Act provides for the ability to hold CEO Briefing sessions or workshops (not being a formal meeting of Council or Committee) for the purpose of providing information or a briefing to Elected Members. At such a session, matters can’t be dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the Council or Council Committee.
- 1.10 A Governance Structure is the decision-making structure of Council (not to be confused with the organisational structure of Council’s Administration, which is a statutory CEO responsibility).
- 1.11 Local government operates under various governance structures and from time to time councils change these throughout the term to better suit their specific needs. A good working Governance Structure is what works best to meet the specific needs of Elected Members and is most effective and efficient for each individual council in supporting its informed decision making.
- 1.12 Our current Governance Structure includes Council, 8 Committees, 7 Sub-Committees, and the statutory Council Assessment Panel (refer Attachment 1).



## 2. CITY PLAN CRITICAL ACTION

### 2.1 Shape the next generation of Council Business

## 3. CONSULTATION / COMMUNICATION

Not applicable

## 4. REPORT

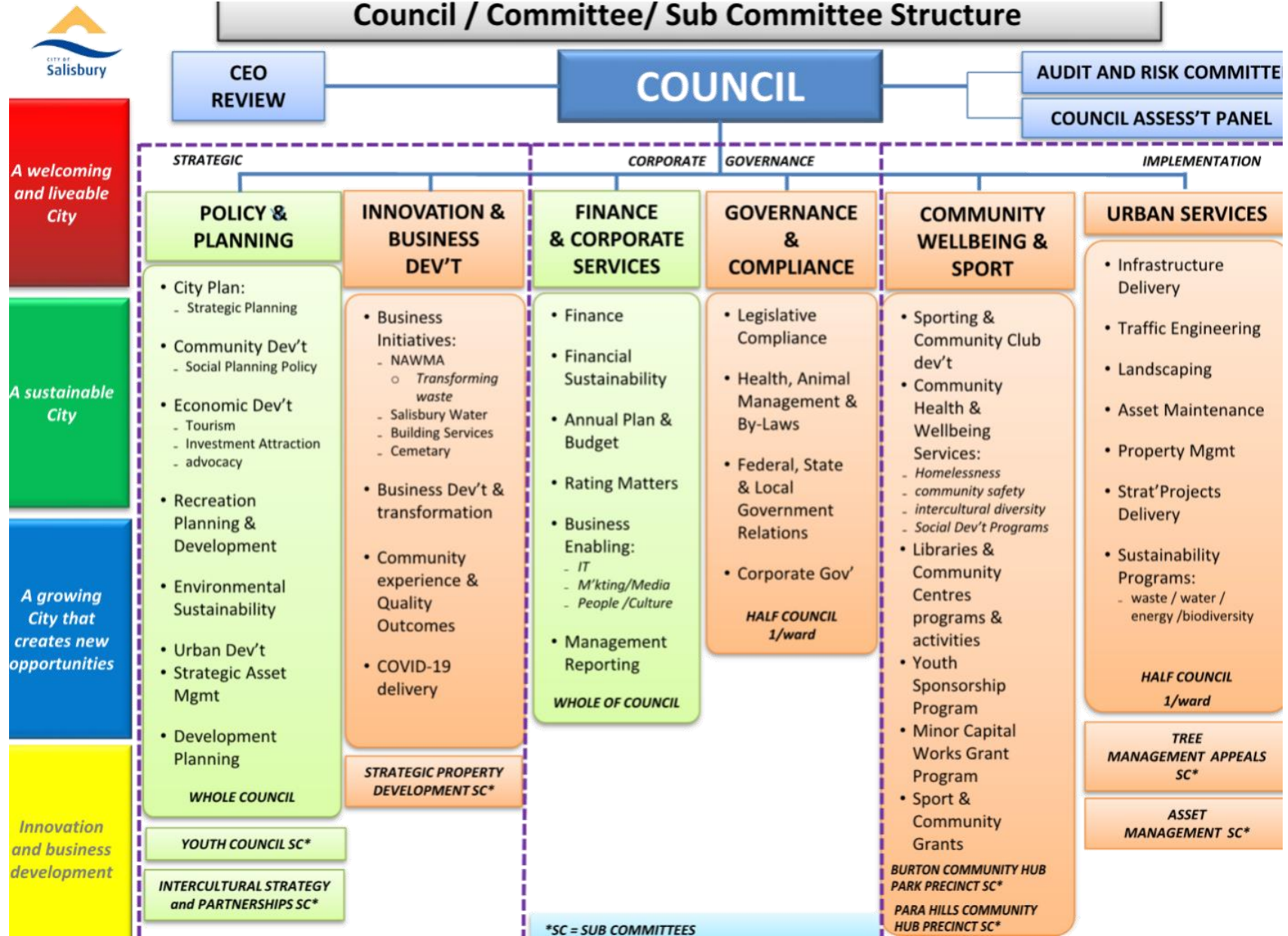
- 4.1 Whilst bench marking with other councils could inform some options, it is to be noted that each council has different needs. It is acknowledged that there is no best practice model; consideration is to be given to what's most effective and efficient for each individual Council and what meets the specific needs of Elected Members as a collective.
- 4.2 Consideration is also to be given to the findings of a previous Independent Commission Against Corruption (ICAC) review on governance matters, as well as statutory changes as part of Local Government Reform.

- 4.3 Under the current Governance Structure, a typical month would see a cycle of up to 8 weekday evening meeting commitments for Elected Members, Executive and relevant staff:
- Week 1: CEO Briefing Session/Workshop (Monday and/or Tuesday)
  - Week 2: Subcommittees with limited or no delegation, recommending to the relevant Committee (Monday and Tuesday)
  - Week 3: Committees with limited or no delegation, recommending to the Council (Monday and Tuesday)
  - Week 4: Council meeting (statutory requirement to hold once a month; held on Monday) and statutory CAP meeting
- 4.4 Consistent with past Council's practice, it is proposed that a CEO working Group is set up with membership comprising of nominated Elected Members, CEO and the Manager Governance, to review and consider a proposed decision-making Governance Structure. Consistent with the 2014 and 2018 approach, a proposed structure will then be presented to Council for decision at its October 2022 meeting, for subsequent recommendation to the new incoming Council. The new incoming Council will then receive this recommendation and consider and adopt its operating Governance structure in the new term.
- 4.5 Alternative options for the review of Council's Governance Structure include a CEO Briefing Session/Workshop with all Elected Members' participation, or alternatively the Council can consider a report directly from the Administration as part of the usual Council decision making cycle.

## **5. CONCLUSION / PROPOSAL**

- 5.1 This report provides the opportunity for Council to set up the process to recommend to the new incoming Council a decision-making Governance Structure for the new Council's consideration and decision at the start of its new term.

Consistent with past Council practice, a CEO Working Group is considered the most appropriate approach, with membership of this CEO Working Group to be determined by Council. The findings can be presented to the October 2022 Council meeting for decision and recommendation to the new Council.



Item 3.1.1 - Attachment 1 - Current City of Salisbury Governance Structure



<b>ITEM</b>	3.1.2		
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>		
<b>DATE</b>	15 August 2022		
<b>PREV REFS</b>	Governance and Compliance Committee	3.1.2	20/06/2022
<b>HEADING</b>	By-Laws 2022 Delegations and Expiation Fees		
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Community Compliance, City Development		
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities		
<b>SUMMARY</b>	At the Council meeting on the 27 June 2022 Council resolved to make new By-laws, which will commence operation on 14 November 2022. This report presents the delegations associated with the new By-laws and the setting of expiation fees for alleged offences against the new By-Laws 2022 to ensure their seamless implementation.		
<b>RECOMMENDATION</b>			
	<u>That Council:</u>		
	<ol style="list-style-type: none"> <li>1. Notes that pursuant to Section 246(3)(g) of the <i>Local Government Act 1999</i>, the maximum penalty for an alleged offence against a provision of any of Council's 2022 By-laws is \$1,250.</li> <li>2. Approves, pursuant to Section 246(5)(b) of the <i>Local Government Act 1999</i>, and Section 38(1) of the <i>Legislation Interpretation Act 2021</i>, the expiation fees for an alleged offence against a provision of Council's 2022 By-Laws (upon their commencement) to be as follows: <ol style="list-style-type: none"> <li>i. Permits and Penalties By-law 2022 - Expiation fee \$188;</li> <li>ii. Moveable Signs By-law 2022 - Expiation fee \$188;</li> <li>iii. Roads By-law 2022 - Expiation fee \$188;</li> <li>iv. Local Government Land By-law 2022 - Expiation fee \$188;</li> <li>v. Dogs By-law 2022 - Expiation fee \$188; and</li> <li>vi. Waste Management By-law 2022 - Expiation fee \$188.</li> </ol> </li> <li>3. Delegates, in exercise of the power contained in Section 44 of the <i>Local Government Act 1999</i>, the powers and functions under the following By-laws and specified in the proposed Instruments of Delegation contained in Attachments 1 to 6 to the person occupying the office of Chief Executive Officer subject to the conditions and, or limitations specified herein, or in the Schedule of Conditions in each such proposed Instrument of Delegation:</li> </ol>		

- i. Permits and Penalties By-Law 2022 – (Attachment 1);
- ii. Moveable Signs By-Law 2022 - (Attachment 2);
- iii. Roads By-Law 2022 - (Attachment 3);
- iv. Local Government Land By-Law 2022 - (Attachment 4);
- v. Dogs By-Law 2022 - (Attachment 5);
- vi. Waste Management By-Law 2022 - (Attachment 6).

## ATTACHMENTS

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

1. Instrument of delegation - Permits and Penalties By-Law 2022
2. Instrument of delegation - Moveable Signs By-Law 2022
3. Instrument of Delegation - Roads By-Law 2022
4. Instrument of delegation - Local Government Land By-Law 2022
5. Instrument of Delegation - Dogs By-Law 2022
6. Instrument of Delegation - Waste Management By-Law 2022

## 1. BACKGROUND

- 1.1 Further to previous Item 3.1.2 presented to the Governance and Compliance Committee on 20 June 2022 and to the ordinary meeting of Council on the 27 June 2022, it was resolved to make the following new By-Laws (together, *the By-Laws*):
  - 1.1.1 Permits and Penalties By-Law 2022;
  - 1.1.2 Moveable Signs By-Law 2022;
  - 1.1.3 Roads By-Law 2022;
  - 1.1.4 Local Government Land By-Law 2022;
  - 1.1.5 Dogs By-Law 2022; and
  - 1.1.6 Waste Management By-Law 2022.
- 1.2 *The By-laws* were published in the South Australian Government Gazette on 14 July 2022 and are due to commence on 14 November 2022. Council's current By-Laws (2015) will be revoked at that time.
- 1.3 It was further resolved within Item 3.1.2 presented to the Governance and Compliance Committee on 20 June 2022 and to the ordinary meeting Council on the 27 June 2022 that Council:
  - 1.3.1 *Notes that a further report will be prepared and presented to Council regarding the setting of expiation fees and the making of delegations under the By-Laws, prior to the By-Laws commencement date.*



- 1.4 Now that the By-Laws have been made by Council, several decisions need to be made to assist in the effective administration of the new By-Laws. These decisions are to be made prior to the commencement of the By-Laws in accordance with Section 38(1) of the *Legislation Interpretation Act 2021* and will take effect from the commencement of *the By-Laws*.
- 1.5 It is recommended that Council, by resolution:
- 1.5.1 determines the expiation fees for alleged offences against *the By-Laws*; and
- 1.5.2 delegates authority to the Chief Executive Officer (noting Section 44(4)(b) of the *Local Government Act 1999 (the LG Act)* provides authority for the Chief Executive Officer to sub delegate to appropriate staff members) to:
- issue permits and permission for activities requiring permission, and
  - to approve or authorise other Council powers and requirements under the By-Laws.
- 1.6 By making these decisions ahead of the commencement of *the By-Laws*, Council will ensure a seamless transition to *the By-Laws*.
- 1.7 It should also be noted that previous resolutions under any of the listed By-Laws will remain in force and continue to be effective as per Section 253 of the *LG Act* which provides:
- 1.7.1 253—Revocation of by-law does not affect certain resolutions
- (1) If—
- (a) a by-law revokes a by-law, or part of a by-law, that provides that the council may pass a resolution for a particular purpose; and
- (b) the revoking by-law contains provisions substantially corresponding to those of the revoked by-law,
- then—
- (c) the revocation does not affect the operation of a resolution in force immediately before the revocation to the extent that the resolution is not inconsistent with the revoking by-law; and
- (d) the resolution continues to have effect as if passed under the revoking by-law.

## 2. CONSULTATION / COMMUNICATION

- 2.1 Internal
- 2.1.1 Team Leader Council Governance
- 2.2 External
- 2.2.1 Council's legal advisors

### 3. REPORT

#### *Delegations*

- 3.1 *The By-Laws* provide that a number of powers and functions of an operational nature be vested in the Council. This includes matters such as the issuing of permits and the granting of approvals and authorisations.
- 3.2 In accordance with Section 44 of *the LG Act*, Council may delegate certain powers and functions to the Chief Executive Officer. Those powers and functions may also be further delegated to staff by the Chief Executive Officer.
- 3.3 Attachments 1 to 6 set out the proposed delegations as are necessary to efficiently administer *the By-Laws*.
- 3.4 Some *By-Laws* provide for the authorisation of persons to exercise specified statutory powers and functions. In such cases, the authorised officer or person exercises the power in their own right.

#### *Resolutions*

- 3.5 In accordance with section 253 of *the LG Act*, any existing resolutions made with respect to local government land (e.g. closed lands and alcohol-free areas, or declaration of a dog free area pursuant to *the Dogs By-Law 2015*) will continue to have effect.
- 3.6 The effect of such resolutions is to create regulatory control over the activities listed within the *By-Laws*. These are communicated to users of Council facilities by way of appropriate signage. These resolutions and the advisory signs provide the means for visitors to the areas to be aware of the restrictions and for Council's Authorised Officers to enforce compliance where necessary.

#### *Expiation Fees*

- 3.7 *By-Laws* carry a range of prescriptive conditions to help maintain public safety and overall amenity of the area and it may be necessary for authorised persons appointed by Council to issue expiation notices for alleged breaches of the *By-Laws*. The ability for Council to expiate offences, including those against a Council *By-Law*, is provided for in the *Expiation of Offences Act 1996 (EO Act)*. In order to expiate an alleged offence in accordance with the *EO Act*, expiation fees must be fixed.
- 3.8 The *LG Act* provides for expiation fees to be fixed for alleged offences against Council's *By-Laws* by:
  - 3.8.1 being set by a *By-Law*; or
  - 3.8.2 being set by a resolution of Council.
- 3.9 In accordance with Section 246(5) of the *LG Act*, any expiation fee set by Council cannot exceed 25% of the maximum fine for the offence to which it relates.
- 3.10 Section 246(3)(g) of the *LG Act* sets the maximum penalty for a breach of any by-law, and for continuing offences. This maximum penalty is currently prescribed at \$1,250, and \$50/day for an ongoing breach. These penalties are the maximum amounts a court can impose upon a successful conviction of a person for an offence against a *By-Law* of the Council.

- 3.11 It is recommended that Council notes the maximum penalty amount prescribed by the *LG Act*, as varied from time to time, and fix expiation fees at 15 percent (15%) of the maximum penalty for alleged offences against the By-Laws by resolution. This would make the expiation fee \$188, and increase of \$88 from the current fee set at \$100 which has remained unchanged since 2006. Council has previously set a maximum By-Law expiation fee of \$188 however this has not been allocated to any specific By-Law provision.
- 3.12 An expiation fee of \$188 is considered appropriate to have deterrent effect and also encourage compliance with By-Law provisions. The fees can be amended annually by Council in the fees and charges review, and alternative higher or lower penalties can be established for individually identified offences at any time by Council resolution. Over the last three years an average of ten By-Law offences have been expiated annually.
- 3.13 The establishment of expiation fees provide Council with an additional enforcement tool by allowing alleged offences to be expiated in accordance with the *EO Act*, rather than requiring all alleged offences to be dealt with by prosecution and in the South Australian Magistrates Court.
- 3.14 Based upon the above, the following penalties and expiation amounts would apply to all provisions of *the By-Laws*:

By-law	Maximum Penalty	Expiation Fee
Permits and Penalties By-Law 2022	\$1,250	\$188
Moveable Signs By-Law 2022	\$1,250	\$188
Roads By-Law 2022	\$1,250	\$188
Local Government Land By-Law 2022	\$1,250	\$188
Dogs By-Law 2022	\$1,250	\$188
Waste Management By-Law 2022	\$1,250	\$188

#### 4. CONCLUSION / PROPOSAL

- 4.1 The making of delegations pursuant to the By-Laws is important to fulfil Council's statutory obligations under *the LG Act* and the setting of an expiation fee for an alleged breach of the By-Laws is necessary to effectively regulate the provisions of *the By-Laws*.
- 4.2 Council has the ability under *the LG Act* to set expiation fees and delegate authority to the Chief Executive Officer (and for the Chief Executive Officer to sub delegate to appropriate staff members) to issue permits and permission for activities requiring permission; and to approve or authorise other Council powers and requirements under the By-Laws.
- 4.3 This report seeks Council's approval to establish this structure to ensure a seamless transition into *the By-Laws* which will commence on 14 November 2022.



**INSTRUMENT OF DELEGATION UNDER  
CITY OF SALISBURY  
PERMITS AND PENALTIES BY-LAW 2022**

**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>Council May Grant Permits</b>
1.1	The power pursuant to Clause 5.1 of the <i>Permits and Penalties By-law 2022 (the By-law)</i> to where a by-law of the Council indicates that a permit or permission of the Council is required to do a specified thing, grant permission of the Council, in writing.
1.2	The power pursuant to Clause 5.2.1 of the By-law to authorise a person to receive applications for permission.
1.3	The power pursuant to Clause 5.2.2 of the By-law to establish a website for the purposes of issuing a permit of a particular kind.
1.4	The power pursuant to Clause 5.2.3 of the By-law to install, maintain and designate a permit vending machine for the purposes of issuing permits of a particular kind.
1.5	The power pursuant to Clause 5.3.1 of the By-law to provide that a permit applies for a particular term.
1.6	The power pursuant to Clause 5.3.2 of the By-law to attach conditions to a permit the delegate considers appropriate.
1.7	The power pursuant to Clause 5.3.3 of the By-law to change or revoke a condition by notice in writing.
1.8	The power pursuant to Clause 5.3.4 of the By-law to add new conditions by notice in writing.
1.9	The power pursuant to Clause 5.5 of the By-law to revoke a permit by notice in writing if:
1.9.1	the holder of the permit fails to comply with a condition attached to the permit;
1.9.2	the permit is of a continuing nature and the delegate has reasonable grounds for revoking it.

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**INSTRUMENT OF DELEGATION UNDER THE PERMITS AND PENALTIES BY-LAW 2022**

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<b>2. Liability of Vehicle Owners and Expiation of Certain Offences</b>
2.1 The power and function pursuant to Clause 7.4 of the By-law to, in cases where the Council is the Informant, send the owner of a vehicle a notice in the form required by paragraph 7.4 of the By-law.

**INSTRUMENT OF DELEGATION UNDER THE PERMITS AND PENALTIES BY-LAW 2022**

**SCHEDULE OF CONDITIONS**

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

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

**Item 3.1.2 - Attachment 1 - Instrument of delegation - Permits and Penalties By-Law 2022**





**INSTRUMENT OF DELEGATION UNDER**  
**CITY OF SALISBURY**  
**MOVEABLE SIGNS BY-LAW 2022**

**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. Removal of Unauthorised Moveable Signs</b>
1.1 The power pursuant to Clause 9.2 of the <i>Moveable Signs By-law 2022</i> to require a person to pay the Council its reasonable costs of removing, storing and/or disposing or attempting to dispose of a moveable sign prior to allowing a person to recover the sign.

**INSTRUMENT OF DELEGATION UNDER THE MOVEABLE SIGNS BY-LAW 2022**

**SCHEDULE OF CONDITIONS**

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

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

**Item 3.1.2 - Attachment 2 - Instrument of delegation - Moveable Signs By-Law 2022**

**INSTRUMENT OF DELEGATION UNDER**  
**CITY OF SALISBURY**  
**ROADS BY-LAW 2022**

**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>Activities Requiring Permission</b>
	<i>Animals on Roads</i>
1.1	The power pursuant to Clause 4.3.1 of the <i>Roads By-law 2022 (the By-law)</i> to set aside a track or car park on a road for the use by, or in connection with, an animal of that kind provided the animal(s) are under effective control.
	<i>Bicycles</i>
1.2	The power pursuant to Clause 4.4 of the By-law to set aside a structure on a road for the purpose of chaining, locking or affixing a bicycle to.
	<i>Camping</i>
1.3	The power pursuant to Clause 4.6.3 of the By-law to cause a sign or signs to be erected indicating that camping on a road in a motorhome is permitted.

**INSTRUMENT OF DELEGATION UNDER THE ROADS BY-LAW 2022**

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**SCHEDULE OF CONDITIONS**

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

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

**INSTRUMENT OF DELEGATION UNDER**  
**CITY OF SALISBURY**  
**LOCAL GOVERNMENT LAND BY-LAW 2022**

**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>Activities Requiring Permission</b>
	<i>Animals on Local Government Land</i>
1.1	The power pursuant to Clause 4.5.1 of the <i>Local Government Land By-law 2022 (the By-law)</i> to set aside a track or car park on local government land for the use by, or in connection with, an animal of that kind provided the animal(s) are under effective control.
	<i>Camping</i>
1.2	The power pursuant to Clause 4.12 of the By-law to cause a sign to be erected indicating that camping on the land is permitted.
	<i>Closed lands</i>
1.3	The power pursuant to Clause 4.15.1 of the By-law to declare land closed to the public and erect a sign to that effect.
	<i>Fires</i>
1.4	The power pursuant to Clause 4.21.1 of the By-law to provide a place for the lighting of fires.
	<i>Foreshore</i>
1.5	The power pursuant to Clause 4.25.1 of the By-law to construct or set aside land comprising the foreshore for the driving or propelling of vehicles.
	<i>Motor Vehicles</i>
1.6	The power pursuant to Clause 4.31.1 and 4.31.2 of the By-law to construct or set aside land for the parking, driving, riding, propelling, racing, testing or trialling of motor vehicles.
	<i>Swimming</i>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT LAND BY-LAW 2022**

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1.7	The power pursuant to Clause 4.42.1 of the By-law to determine that waters may be used for swimming, bathing or entering.
<b>2.</b>	<b>Prohibited Activities</b>
	<i>Playing Games</i>
2.1	The power pursuant to Clause 5.6.2 of the By-law to erect a sign indicating a game or sport is prohibited on an area of local government land.

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT LAND BY-LAW 2022**

**SCHEDULE OF CONDITIONS**

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

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

**Item 3.1.2 - Attachment 4 - Instrument of delegation - Local Government Land By-Law 2022**





**INSTRUMENT OF DELEGATION UNDER**  
**CITY OF SALISBURY**  
**DOGS BY-LAW 2022**

**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. Limits On Dog Numbers</b>
1.1 The power pursuant to Clause 7.2.2 of the <i>Dogs By-law 2022</i> ( <b>the By-law</b> ) to exempt premises from compliance with the limit on dog numbers prescribed in paragraph 7 of the By-law.

**INSTRUMENT OF DELEGATION UNDER THE DOG BY-LAW 2022**

**SCHEDULE OF CONDITIONS**

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

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

**Item 3.1.2 - Attachment 5 - Instrument of Delegation - Dogs By-Law 2022**

**INSTRUMENT OF DELEGATION UNDER  
CITY OF SALISBURY  
WASTE MANAGEMENT BY-LAW 2022**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1.	<b>Definitions</b>
1.1	The power pursuant to Clause 3.1 of the <i>Waste Management By-law 2022 (the By-law)</i> to specify materials as green organics.
1.2	The power pursuant to Clause 3.6 of the By-law specify types of containers and other materials as recyclables.
2.	<b>Provide Containers</b>
2.1	The power pursuant to Clause 4 of the By-law to approve waste containers, recyclables containers and green organics containers to be kept on domestic premises.
3.	<b>Collection Services</b>
3.1	The power pursuant to Clause 5.7.2 of the By-law to appoint a time for the collection of household waste, recyclables or green organics from premises.

**INSTRUMENT OF DELEGATION UNDER THE WASTE MANAGEMENT BY-LAW 2022**

**SCHEDULE OF CONDITIONS**

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

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

Item 3.1.2 - Attachment 6 - Instrument of Delegation - Waste Management By-Law 2022

<b>ITEM</b>	3.2.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	15 August 2022
<b>HEADING</b>	Off-Leash Greyhound Event - Dog Park Suitability Evaluation
<b>AUTHOR</b>	Brad Scholefield, Team Leader Community Compliance, City Development
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
<b>SUMMARY</b>	Following the successful pilot off leash greyhound event that was conducted on the 6 November 2021, a review has been conducted of all dog parks including the proposed Fairbanks Reserve dog park to identify additional locations for holding these events. This report presents the outcome of that recent review.

## **RECOMMENDATION**

### That Council:

1. Approves that all future off leash greyhound events are held at the Jenkins Reserve Small Dog Park as recommended by GAP SA and as approved by the Dog and Cat Management Board.

## **ATTACHMENTS**

There are no attachments to this report.

## **1. BACKGROUND**

- 1.1 Further to Item 3.1.2 Pilot Off Leash Greyhound Event Review presented to Works and Services Committee on the 16 May 2022, it was resolved that:
  - 1.1.1 *Council approves that a report come back to the appropriate Committee in September 2022, evaluating all dog parks and their suitability to hold off leash greyhound events.*
- 1.2 In addition to this resolution there was a further Motion Without Notice, (MWON5 Off Leash Greyhound Event) at the Council Meeting on the 23 May 2022, where it was resolved that:
  - 1.2.1 *That the next two off leash greyhound events be held at Jenkins Reserve, and the new Fairbanks Reserve, Paralowie dog park, with the view to share events around the City if possible, subject to approval by the Dog and Cat Management Board.*
- 1.3 This report presents the outcomes of the evaluation of Council's fenced dog parks in relation to suitability for off leash greyhound events.

## **1. CONSULTATION / COMMUNICATION**

- 1.1 External
  - 1.1.1 Greyhounds as Pets SA (GAP SA)
  - 1.1.2 Dog and Cat Management Board

## **2. REPORT**

- 2.1 Further to Council's above resolution, Administration sought an additional review of all Council fenced dog parks by GAP SA to determine suitability for an off leash greyhound event at multiple sites.
- 2.2 An initial review of all dog friendly parks was undertaken in 2020 when the pilot off leash greyhound event was first requested by Council. The findings of this review identified that Jenkins Reserve small dog park provided the only suitable location in Salisbury to host an off leash greyhound event.
- 2.3 This location met all the criteria that was required by GAP SA and also met the Guidelines for Off leash Greyhound events as established by the Dog and Cat Management Board. The criteria required for holding a safe event required the park to have:
  - 2.3.1 an isolated location with minimal distractions
  - 2.3.2 available off-street parking for greyhound dog owners
  - 2.3.3 large open fenced area with minimal obstructions that dogs might run into such as park furniture, lamp posts and/or dog tunnels and other equipment (Greyhounds cannot turn quickly and can injure themselves on obstacles)
  - 2.3.4 shaded area for dogs to shelter from the sun.
- 2.4 The follow up review conducted by GAPSAs included the soon to be built tenth dog friendly park at Fairbanks Drive reserve by reviewing the plans and visiting the site. Fairbanks Reserve was not considered appropriate due to the large number of trees hindering visibility and the undulating ground that could present a fall hazard for the dogs when running.
- 2.5 GAP SA again concluded that the most suitable location for an off-leash greyhound event was the Jenkins Reserve small dog park.
- 2.6 This park provides a large open space that is compliant with the Board guidelines in that it offers:
  - 2.6.1 the largest open space to maximise attendance (12 dogs per session)
  - 2.6.2 minimal distractions
  - 2.6.3 easy accessibility with ample off-street parking and does not impact on nearby residents
  - 2.6.4 the least obstructions (2 benches) reducing the risk for the dogs
  - 2.6.5 ample shade for the dogs to rest
  - 2.6.6 access to toilets (via the Para Districts Dog Obedience Club).

- 2.7 The only other park to be considered in the GAP SA review as potentially being suitable was Canterbury Road dog park. This park however does not have sufficient off-street parking, it has numerous obstacles that must be made safe by the installation of padding and has a reduced capacity of greyhounds per event (10).
- 2.8 Further to this, and as presented in previous *Item 3.1.2 Pilot Off leash Greyhound Event Review, presented to Works and Services Committee on the 16 May 2022*, positive support and feedback was received from attendees for the Jenkins reserve location that was used in the pilot event. Attendees are willing to travel to a location that is the most suitable for an off-leash event, including to other Council areas.

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

- 3.1 Based on the GAPSA review, it is recommended that all off leash greyhound events within the City of Salisbury are held at the Jenkins Reserve Small Dog Park as this will:
  - 3.1.1 Ensure compliance with GAP SA Guidelines for Off leash Greyhound events
  - 3.1.2 Have the highest likelihood of gaining approval of the Dog and Cat Management Board to hold the events
  - 3.1.3 Maximise attendances at events
  - 3.1.4 Minimise the impact on adjoining areas from car parking.





<b>ITEM</b>	3.2.2
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	15 August 2022
<b>HEADING</b>	Summary of Elected Member Training and Development Expenditure and Outstanding Summary Reports
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 We plan effectively to address community needs and identify new opportunities

**SUMMARY** The Elected Member Training and Development Policy requires Administration to report on progress against the expenditure of the Elected Member Training and Development budget on an annual basis. This report presents information on progress against the expenditure for the 2021/2022 financial year. Information in relation to training and development summary reports is also included.

## RECOMMENDATION

### That Council:

- Notes the report.

## ATTACHMENTS

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

- 2021/22 Elected Member Training and Development Activities Summary
- Elected Member Training and Development Carry Forwards into 2022/23

## 1. BACKGROUND

- An allocation for Elected Member Training and Development activities is made each year as part of the budget process. For 2021/22 the amount allocated was \$50,500. Consistent with the categories specified in the Elected Member Training and Development Policy, the budget allocation was split as follows:

Whole of Council training and development	\$12,500
Council delegate activities	\$6,200
Individual Elected Member development	\$31,800 / 15 Elected Members = \$2,120 per member/per annum
	<b>\$50,500</b>

## **2. REPORT**

### **Training and Development Expenditure**

- 2.1 Attached to this report is a summary of training and development activities attended by Elected Members during 2021/22, including details of expenditure (Attachment 1).
- 2.2 Of the \$50,500 allocated for Elected Member Training and Development, \$6,910 was spent in 2021/22.
- 2.3 Clause 5.12(c) of the Elected Member Training and Development Policy specifies that any unspent allocations for individual Elected Member development may be carried forward for one year.
- 2.4 Attachment 2 is a summary of individual Elected Member allocations for training and development detailing 2021/22 expenditure, pro-rata allocation of new funds for 2022/23 and a final individual allocation for the 2022/23 financial year, taking into account the November Council elections and the ability to carry funds forward for one year.
- 2.5 In accordance with the Council resolution of 28 October 2019, funds for the Elected Member Training and Development budget increase by March CPI at the beginning of each financial year.

### **Attendance Summary Reports**

- 2.6 Clause 5.28 of the Elected Member Training and Development Policy requires Administration to report annually the details of any outstanding Elected Member training and development summary reports.
- 2.7 At the time of writing this report, there are no outstanding summary reports.

## **3. CONCLUSION / PROPOSAL**

- 3.1 It is recommended that Council notes the report on Elected Member Training and Development activities and expenditure.

### Elected Member Training and Development Budget 2021/22 Summary of Expenditure

Elected Member Training & Development Policy entitlements		Mayor Aldridge	Cr Blackmore	Cr Braun	Cr Brug	Cr Buchanan	Cr Duncan	Cr Grenfell	Sub Totals	
	<b>Whole of Council Training &amp; Development</b>	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 485.10	\$ 947.10
	(details & date provided)	06/06/22 - Caretaker Policy Training (not in attendance)	06/06/22 - Caretaker Policy Training	06/06/22 - Caretaker Policy Training	06/06/22 - Caretaker Policy Training (online attendance)	06/06/22 - Caretaker Policy Training	06/06/22 - Caretaker Policy Training	13/07/21 - Meeting Procedures Training (Audit Cmte Members)	\$ 66.00	
								06/06/22 - Caretaker Policy Training		
	<b>Council Delegate Activities</b>	\$ 195.45					\$ 190.00			\$ 385.45
(details & date attended)	08/04/22 - LGA Ordinary General Meeting (Acting Voting Delegate)					29/10/21 - LGA Annual General Meeting (Voting Delegate)				
<b>Individual Elected Member Development</b>	\$ 190.00				\$ -				\$ 190.00	
(includes activity, accommodation & travel) (details & date attended)	29/10/21 - LGA Annual General Meeting				08/04/22 - LGA Ordinary General Meeting (via livestream)					
	\$ 451.45	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 256.00	\$ 66.00	\$ 551.10	\$ 1,522.55	

Elected Member Training & Development Policy entitlements		Cr Henningsen	Cr Hood	Cr Jensen	Cr Ouk	Cr Proleta	Cr Reardon	Cr Reynolds	Cr Woodman		
	<b>Whole of Council Training &amp; Development</b>	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 485.10	\$ 66.00	\$ 1,013.10
	(details & date provided)	06/06/22 - Caretaker Policy Training (online attendance)	06/06/22 - Caretaker Policy Training	06/06/22 - Caretaker Policy Training (not in attendance)	06/06/22 - Caretaker Policy Training	06/06/22 - Caretaker Policy Training	06/06/22 - Caretaker Policy Training (online attendance)	13/07/21 - Meeting Procedures Training (Audit Cmte Members)	06/06/22 - Caretaker Policy Training		
								\$ 66.00			
								06/06/22 - Caretaker Policy Training			
<b>Council Delegate Activities</b>										\$ -	
(details & date attended)											
<b>Individual Elected Member Development</b>	\$ 1,895.00								\$ 570.00	\$ 2,465.00	
(includes activity, accommodation & travel) (details & date attended)	9-11/03/22 - Online Forum: Stakeholder Engagement in the Public Sector								28+29/10/21 - LGA Showcase + Annual General Meeting		
	\$ 385.00									\$ 385.00	
	30/03/22 - LGA Webinar: Understanding Caretaker Model Policy training session										
	\$ 2,346.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 66.00	\$ 551.10	\$ 636.00	\$ 6,908.20 Total exp 21/22	

### Elected Member Training and Development Budget Summary of Individual Allocations including Carry Forwards to 2022/23

	Mayor Aldridge	Cr Blackmore	Cr Braun	Cr Brug	Cr Buchanan	Cr Duncan	Cr Grenfell	Cr Henningsen
20/21 funds carried fwd to 21/22	\$ 1,870.91	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 1,390.47	\$ 2,040.00
spent in 21/22	\$ 190.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,280.00
balance from 20/21 funds carried forward is lost	\$ 1,680.91	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 1,390.47	-\$ 240.00
21/22 allocation	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00
debit balance carried fwd to 21/22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-\$ 240.00
funds to be carried fwd to 22/23	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 1,880.00
22/23 allocation (pro-rata due to election year: Jul, Aug, Sep, Oct)	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00
<b>22/23 available balance</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,620.00</b>

	Cr Hood	Cr Jensen	Cr Ouk	Cr Proleta	Cr Reardon	Cr Reynolds	Cr Woodman	
20/21 funds carried fwd to 21/22	\$ 2,040.00	\$ 2,040.00	\$ 1,594.72	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	
spent in 21/22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 570.00	
balance from 20/21 funds carried forward is lost	\$ 2,040.00	\$ 2,040.00	\$ 1,594.72	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00	\$ 1,470.00	
21/22 allocation	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	
debit balance carried fwd to 21/22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
funds to be carried fwd to 22/23	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	\$ 2,120.00	
22/23 allocation (pro-rata due to election year)	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	\$ 740.00	
<b>22/23 available balance</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	<b>\$ 2,860.00</b>	
								Total to be carried forward to the 2022/23 budget
								<b>\$ 31,560.00</b>

Item 3.2.2 - Attachment 2 - Elected Member Training and Development Carry Forwards into 2022/23