Notice is hereby given pursuant to Section 83 of the Local Government Act 1999, the next Ordinary Meeting of Council will be held in the Council Chambers, 19 Wilson Street Berri SA, on 26th March 2019 commencing at 6:00 p.m.

KARYN BURTON
ACTING CHIEF EXECUTIVE OFFICER

21/3/2019
Opening: Council Prayer / Acknowledgement of Country

1: PRESENT:

2: APOLOGIES:

3: ADJOURNED ITEMS: Nil

4: MEMBERS DECLARATION OF INTEREST:

5: CONFIDENTIAL ITEMS CONSIDERATION:

6: CONFIRMATION OF MINUTES:

7: PETITIONS:

8: QUESTIONS FROM THE GALLERY:

9: DEPUTATIONS / ADDRESS:
   9.1 Ms Caroline Phillips; General Manager, Destination Riverland
   9.2 Mr Scott Haynes; Land Services Manager, ElectraNet, Mr Andrew Hickman
       Associate, State Lead (SA) Environmental Assessments, JBS&G; Ms
       Stephanie Glue, Managing Principal, Consentium; Ms Tilly Oborn, Advisor,
       ConsentiumSA-NSW Interconnector - Project EnergyConnect

10: MOTIONS WITH NOTICE:
    10.1 Riverfront Development – Cr Sindos

11: QUESTIONS ON NOTICE: Nil

12: ELECTED MEMBERS REPORTS:
    12.1 Mayor’s Report
    12.2 Councillors / Delegates / Representatives Reports
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13.3 Cemetery Advisory Sub-Committee - Terms of Reference amendment 160-164
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16.1 Environmental Services and Major Projects – February Activity Report 286-297
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16.3 Renewal of Dog Registration and Associated Fees 299-300

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18: MOTIONS WITHOUT NOTICE:

19: CONFIDENTIAL ITEMS:
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19.2 Land Development Reserve 305-307

20: CLOSURE: 308
Opening: Council Prayer / Acknowledgement of Country

1: PRESENT:

2: APOLOGIES:

3: ADJOURNED ITEMS: Nil

4: MEMBERS DECLARATION OF INTEREST:
Elected members are required to:

1. Consider Section 73 and 75 of the Local Government Act 1999 and determine whether they have a material, actual or perceived conflict of interest in any matter to be considered in this Agenda.
2. Disclose those interests in accordance with the requirements of Section 74 and 75A of the Local Government Act 1999 on the approved form.

5: CONFIDENTIAL ITEMS CONSIDERATION:
Elected Members request for additional information required for the ‘public interest test’ for proposed confidential items in the Agenda.

6: CONFIRMATION OF MINUTES: Special Meeting of Council held on 22nd January 2019, Ordinary Meeting of Council held on 26th February 2019, Special Meeting of Council held on 5th March 2019 and Special Meeting of Council held on 19th March 2019.

RECOMMENDATION:
That the Minutes of the Special Meeting of Council held on 22nd January 2019, Ordinary Meeting of Council held on 26th February 2019, Special Meeting of Council held on 5th March 2019 and Special Meeting of Council held on 19th March 2019, be taken as read and confirmed.

7: PETITIONS: Nil

8: QUESTIONS FROM THE GALLERY:

9: DEPUTATIONS / ADDRESS:

9.1 Ms Caroline Phillips; General Manager, Destination Riverland
9.2 Mr Scott Haynes; Land Services Manager, ElectraNet, Mr Andrew Hickman Associate, State Lead (SA) Environmental Assessments, JBS&G; Ms Stephanie Glue, Managing Principal, Consentium; Ms Tilly Oborn, Advisor, ConsentiumSA-NSW Interconnector - Project
10: MOTIONS WITH NOTICE:

10.1 Riverfront Development – Cr Sindos

Preamble:
Having attended both Riverfront consultation days it appears from my perspective there was a lack of awareness or interest in the initial public consultation stage. We need to review the whole process from inception to completion and the way we deliver Major Projects for Public Consultation.

MOTION:
That the Berri Barmera Council:
1. review the delivery methods and time frame of the public consultation stage of the River Front Development.
2. identify from submissions received the main concerns raised by stakeholders at the time
3. amend Council’s Public Consultation and Community Engagement Policy to incorporate an extended public consultation period of 31 days for major public infrastructure developments.

11: QUESTIONS ON NOTICE: Nil

12: ELECTED MEMBERS REPORTS:

12.1 MAYOR’S REPORT:

RECOMMENDATION:
That the Mayor's Report be received.

12.1.1 SUBJECT: Passing of Former Residents

Since the last meeting of Council held on 26th February 2019 the following Deaths have been noted:-
John Percival BARNETT, Paula Jane FINNEY, Bernadette (Bernie) OSBORNE, Georgina SPILIOS, Lynn Jeanette BAHNISCH, Robert William (Bob) ADAMS, Larry Roy CROWHURST, Kevin Allan GALLOWAY; Paula Jane FINNEY; Gyula “George VAJDA; Natasha Agnes LEHANE; and Michel Patricia BLAND.

12.1.2 CITIZENSHIP CEREMONIES HELD SINCE LAST MEETING:
No Citizenship ceremonies have been held since the last meeting of Council.

12.1.3 SUBJECT: Functions / Meetings attended since last meeting:
25 February  
Attended a Meeting of the Riverland Respite and Recreation Services Inc  
26 February  
Attended the Strategy, Assets and Major Projects Special Meeting  
26 February  
Attended the Ordinary Meeting of Council  
28 February  
Attended and officially welcomed the 2019 Flinders University Medicine, Nursing and Allied Health Placements to the Riverland at a
Commencement function held at the Barmera Golf Club

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>5 March</td>
<td>Attended the Special Council Meeting</td>
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<td>6 March</td>
<td>Attended the SAROC Committee Meeting at the LGASA Office in Adelaide</td>
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<tr>
<td>6 March</td>
<td>Attended the opening of the new OTR Roadhouse in Berri. The Deputy Mayor and Cr’s Evans OAM, Fuller, Scott, Sindos and Winnall also in attendance</td>
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<tr>
<td>7 March</td>
<td>With the Deputy Mayor attended a photo shoot for the presentation of a STARCLUB banner to the Barmera Golf Club. They are the 2nd club to be awarded StarClub accreditation from the Berri Barmera region.</td>
</tr>
<tr>
<td>7 March</td>
<td>With Andrew Haigh, MCD attended a Photo Shoot with the Member for Barker Tony Pasin at the Renmark Paringa Community Centre for the announcement that the Social Indicators Project had been granted $77k from the Building Better Regions Fund.</td>
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<tr>
<td>7 March</td>
<td>Attended the Barmera Improvement Committee Meeting</td>
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<td>8 March</td>
<td>With Cr. Fuller attended and officially opened the Association of Caravan Clubs of SA State Rally at the Riverland Field Days Site. There will be a National Rally at the Site in 2022.</td>
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<td>12 March</td>
<td>Attended the Environment and Sustainability Committee Meeting</td>
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<td>14 March</td>
<td>Attended the 1st Riverfront Public Consultation Day</td>
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<td>15 March</td>
<td>Attended the 2nd Riverfront Public Consultation Day</td>
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<td>16 March</td>
<td>Attended the Harmony Day event at the Barmera Playspace. Deputy Mayor Centofanti and Cr Evans OAM also in attendance</td>
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<td>18 March</td>
<td>With the A/CEO attended the MRLGA CEO Meeting in the Chamber</td>
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<td>19 March</td>
<td>Met with Mr Collis Marrett on the Riverfront to discuss his ideas and concerns</td>
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<td>19 March</td>
<td>Attended the Special Meeting of Council - 2nd Budget deliberations</td>
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**12.2 COUNCILLORS / DELEGATES / REPRESENTATIVES REPORTS:**

**Cr Scott:**
- 26 March: Attended Ordinary Council Meeting
- 5 March: Official Council photos and Special Council Meeting (Budget)
- 6 March: Attended Opening of OTR Berri
- 12 March: Attended Environment and Sustainability Committee Meeting
- 14/15 March: Attended the Riverfront Public Meeting
- 18 March: Attended Libraries Board of SA Meeting in Berri.
- 19 March: Attended Special Meeting (Budget)
- 20 March: Attended Glossop High School Meeting.

**Cr Fuller:**

**Cr Winnall:**
- 28 February: Attended ICAC Forum in Adelaide with Crs Centofanti, Sindos, Little and Fuller
- 1 March: Attended Riverland Sportsperson of the Year Awards
- 5 March: Participated in ABC Radio off-air panel discussion
- 5 March: Attended Special Council meeting
- 6 March: Attended OTR Berri Launch
- 8 March: International Womens Day Interview - Magic 93.1
- 8 March: Met with Community Futures Network to discuss entrepreneurialism and business growth in the Riverland
- 12 March: Attended Environmental and Sustainability Committee meeting
- 12 March: Met with Kelsey Wade to discuss next stages for Livvis Place playground
14 March  Attended riverfront retrofitting on-site consultation
15 March  Attended riverfront retrofitting on-site consultation
15 March  Attended Riverland Basketball Grand Final at Riverland Regional Innovation and Sports Precinct. Berri (congratulations to Berri Womens Team and Barmera Mens Team)
16 March  Walked through Riverfront with community member who was unable to make scheduled consultation days
19 March  Attended Special council meeting
20 March  Attended Riverland Community Suicide Prevention Network meeting as proxy for Cr Centofanti

**Cr Kassebaum:**

23 February  Attended the Berri Barmera Hospital Advisory Council meeting held in the Barmera Hospital complex.
26 February  On-site meeting with Ron Millington to discuss additional signage to alleviate traffic concerns and poor driver behaviour at the Berri Stadium complex.
26 February  Attended the Special Meeting of Strategy Assets and Major Projects Committee meeting. Attended the Ordinary meeting of Council.
5 March  Attended the Special Meeting of Council. Budget meeting No# 1.
8 March  Attended the River Murray Advisory Council meeting held in the Karoonda Sporting Complex, Karoonda. South Australia’s River Murray Water Allocation Plan was signed by Minister Spiers on the 28th Feb 2019.
12 March  On-site meeting with Manager of Environmental Services and Major Projects, Myles Somers, Devillees representatives and Brian Gates, Electrician to discuss power capacity and the scope of the Stadium Air Conditioning re-configuration project.
          Attended a meeting with council staff to discuss the progress of defect rectification of the Berri Stadium.
15 March  Attended the Berri Riverfront Public consultation meeting to discuss the proposed changes to the project to meet the public expectations.
          Attended the Riverland Basketball A1 Grand finals held at the Berri Stadium. All 2019 Riverland Basketball division Grand finals were held at the Berri Stadium.
19 March  Attended the Special Meeting of Council. Budget meeting No# 2.
25 March  Attended Region 5 Murray Darling Association’s Annual General meeting held at BBC.
26 March  Attended the Ordinary meeting of Council.

**Cr Little:**

26 February  Attended SAMP Committee meeting in chambers; Followed by the Ordinary Council Meeting.
27 February  Attended Berri Barmera Landcare meeting as Council Liaison at Wilabalangaloo;
          - Like to have the walking trail pass through Wilabalangaloo, as there are toilets, water and shelter available.
          - Reinforced their interest in assisting with Lake Bonney; revegetation, signs, posts. Would need to know ASAP for revegetation planning.
          - Business Manager of BBL, Sharon Schrapel, has requested a copy of Appendix D of the Implementation Action Plan.
28 February  Attended ICAC Elected Members Forum at the Adelaide Festival Centre. Councillors Fuller, Centofanti, Sindos and Winnall attended also.
5 March  Attended Special Council Meeting (Budget) in chambers.
7 March  Attended Barmera Improvement Committee meeting at Barmera Library, with Councillors Fuller, Centofanti and Sindos and Mayor Hunt.

Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019  4
12 March Attended Environment and Sustainability Committee meeting with Mayor Hunt and Councillors Centofanti, Fuller and Winnall.
19 March Attended Special Council Meeting (Budget) in chambers.

Cr Evans:
4 March Attended Barmerara Meru Committee Meeting, held in the Soldiers’ Memorial Hall, Barmera.
5 March Attended Special Meeting of Council - 1st budget meeting.
6 March Attended Official Opening of OTR - Berri.
13 March Attended the funeral service for a former dedicated and highly respected councillor and Deputy Mayor of The District Council of Berri, Mr. Bob Adams, who was also a committed community worker over many years. Bob was 89 years. His uncle, Mr. Robert, [Bob] Curren, was chairman of The DC Berri for a number of years.
14 March Attended Public consultation - Riverview Drive.
15 March Attended Public consultation - Riverview Drive.
16 March Attended Harmony Day, held at Sedunary Park, Barmera.
18 March Met with members of the Libraries Board at Barmera and Berri Libraries.
19 March Attended Special Meeting of Council - 2nd Budget Meeting.

Cr Sindos:
26 February Special meeting - SAMP Committee
26 February Ordinary Council Meeting
28 February Attended ICAC seminar in Adelaide with Councillors Little, Centofanti, Fuller and Winnall. Like to thank Cr Fuller for driving us down in his car at the last minute. It was a very informative seminar.

Key Points
Auditor General
- The Auditor General’s Department provides independent assurances with regards to public sector accountability having limited resources one way they do this is by simply monitoring media reports and if deemed necessary investigate any matters but they do not provide advice to Councils

Ombudsman-Wayne Lines
- The Ombudsman has the power to investigate complaints about State and local Government, on average the office receives 997 complaints a year which results in 10 findings.
- The findings can vary from Conflict of Interests to Disclosure of Confidential Information which may result in the Ombudsman investigating these matters and reviewing the process and making recommendations if needed.

ICAC-OPI Bruce Lander QC
- Very entertaining presentation by Bruce Lander QC
- The Office of ICAC-OPI receives and assess complaints which may be made by the Public or Departments.
- Of all the complaints received 80% amount to nothing and 20% are investigated.
- 47% of reports made by elected members are made about other elected members and mostly about behavioural matters.
- Bruce made a point in resolving these matters by using a mediator and to avoid wasting money on Lawyers.
- Any corruption allegations would be investigated by ICAC and SA Police

5 March Special Council meeting
6 March
Attended opening of Berri OTR along with Mayor Hunt, Deputy Mayor Centofanti, Councillors Scott, Fuller, Evans and Winnall

7 March
Attended Barmera Improvement Committee, along with Mayor Hunt, Deputy Mayor Centofanti, Councillors Little and Fuller

7 March
Attended meeting of Part of Things at Hawdon Chambers and had the pleasure of meeting world renown Contemporary Artist Vic McEwan and Tristan Louth-Robins both fascinating artists who also had some great stories involving their art and using sound to help sick and mentally ill people in hospitals in the UK and Australia, ground breaking work.

14 March
Attended Riverfront Public consultation with Mayor Hunt, Deputy Mayor Centofanti, Councillors Scott, Fuller, Evans and Winnall along with Council staff. Have to congratulate Acting Manager Infrastructure Services Dave on the way he handled himself in front of a some what hostile crowd.

15 March
Attended 2nd Riverfront consultation day

16 March
Attended Special Council Meeting

**Cr Centofanti:**

23 February
Together with Cr Evans OAM, met with Chris Howell regarding Disability concerns in Berri township

26 February
Met on site with A/CEO, A/Manager of Infrastructure Services and Aboriginal artist Ena Turner regarding the completion of the Serpent Rocks painting

26 February
Attended the Strategy, Assets and Major Projects committee meeting

28 February
Together with Crs Fuller, Sindos, Little and Winnall attended the ICAC Elected Members Forum in the Festival Theatre Function Room

4 March
Attended a Barmerara Meru committee meeting held in the Barmera Soldiers Memorial Hall

5 March
Attended a Special meeting of Council - 1st budget meeting

6 March
Attended the pre opening invitation of ‘On the Run’ Berri

7 March
With Mayor Hunt attended the ‘Star Club’ presentation to the Barmera Golf Club

7 March
Attended the Barmera Improvement Committee meeting in the Barmera Library

10 March
Attended the Barmera Markets

12 March
Attended the Environmental and Sustainability committee meeting

14 March
With Cr Evans OAM visited the Barmera Men’s Shed

14 March
With Councillors, staff and concerned community members attended the Berri Riverfront walk through - first session

15 March
With Councillors, staff and concerned community members attended the Berri Riverfront walk through - second session

16 March
Attended the Harmony Day event at the Barmera Lakefront

18 March
With Cr Evans OAM met with the SA Libraries Board at the Berri Library

19 March
Attended a Special Meeting of Council - 2nd budget meeting

20 March
With Crs Scott and Evans OAM attended the Glossop High School AGM
13: EXECUTIVE / CORPORATE SERVICES:

13.1 Executive and Corporate Services Activities Update

REPORT AUTHOR: ACEO, EA
RESPONSIBLE MANAGER: ACEO
RECORDS REF: N/A
STRATEGIC LINKS: Yes; Multiple
FINANCIAL IMPLICATIONS: Impact Nil
Budget Description Various
Allocation Various
Expenditure to Date N/A

SUMMARY:
This report provides an overview of relevant information, correspondence, activities and programs in progress within the Executive and Corporate Services Department.

REPORT:
Discussion:

Interim Audit –
- External Auditors Dean Newberry and Associates were on site 4th March 2019 to conduct the Interim Audit, concentrating on Internal Financial controls.
- A report of the audit outcomes has been received and will be presented to the Audit Committee meeting scheduled 27th March 2019.

Budget Preparation –
- The preparation of the 2019/2020 budget is in full swing and is requiring considerable attention. Meetings have been held with Elected Members to work through potential projects and rating models.

Berri Riverfront Retrofit Consultation –
- The proposed Berri Riverfront Precinct retrofitting public consultation/walk throughs were carried out on 14th and 15th March, 2019.
- Council have received many submissions from community members and will continue to do so until close of the consultation period, Thursday 28 March 2019.
- Administration and Infrastructure staff will initially work through each and every submission for consideration and response, thanking all community members for their input.
- A full report to Council (perhaps via Special Meeting) will be provided once all submissions have been considered and reviewed by external traffic experts providing Council with options, costings and assurance of compliance.

Meetings attended –
- Mr Alan Thurmer
- Barmerara Meru Committee
- Farmers Market
- Destination Riverland
- Subnet Managed Service Agreement Meeting
- Risk Workshop presentation LGARS
RECOMMENDATION:
That Council, having considered Report 13.1 titled “Executive and Corporate Services Activities Update” as presented to the Ordinary meeting of Council, receive and note the report.

ATTACHMENTS: No
SUMMARY:
This report provides the information for new, revised and updated delegation templates to be adopted by Council as per advice via the Local Government Association SA Circulars 9.9 and 11.2.

REPORT:
Background:
N/A

Discussion:
As advised via Local Government Association Circular 9.9, the quarterly delegations review (quarter 4, 2018) has identified updates to the delegation templates for the Supported Residential Facilities Act, Heavy Vehicle National Law (SA) Act, Local Government Act and Water Industry Act and Water Industry Regulations.

The updated instruments of delegation templates are provided at Appendix along with a table of updates outlining the changes is available here. It was recommended by the Local Government Association that the changes be adopted as soon as possible.

In addition, notification via Circular 11.2, the LGA has created new delegation templates for delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010 and the Gas Act 1997. A small correction has also been made to the template under the Local Government Act 1999.

The new instrument of delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010 provides delegations for council powers to agree for an electricity entity to carry out work on public land that the council is responsible for, and for council powers relating to vegetation clearance arrangements with an electricity entity.

The new instrument of delegation under the Gas Act 1997 provides delegations for council power to agree to a gas entity to carry out work on public land that the council is responsible for.

A similar delegation power already exists in the instrument of delegation under the Water Industry Act 2012.

Council can choose if the above instruments are relevant to them and adopt accordingly.

Also, the instrument of delegation for the Local Government Act 1999 has been amended to correct a small error in relation to item 94.1 (sections 202(2) and 202(5) of the Act).

The new and revised instruments of delegation templates are provided at Appendix along with a
table of updates outlining the changes. It was recommended by the Local Government Association that the changes be incorporated at council’s next review.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered Report 13.2 titled “New and revision of Delegation Templates – Local Government Association Circulars and 9.9 and 11.2” as presented to the ordinary council meeting, receive and note the report.
2. Revocations
   2.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:
      2.1.1 Local Government Act 1999
      2.1.2 Supported Residential Facilities Act 1992
      2.1.3 Water Industry Act 2012 and Water Industry Regulations 2012
      2.1.4 Heavy Vehicle National Law (South Australia) Act 2013
3. Delegations made under Local Government Act 1999
   3.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3-6 (each of which is individually identified as indicated below) are hereby delegated this 26 of March 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 in each such proposed Instrument of Delegation.
      3.1.1 Local Government Act 1999 (Appendix 3)
      3.1.2 Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 4)
      3.1.3 Electricity Act 1996 (Appendix 5)
      3.1.4 Gas Act 1997 (Appendix 6)
   3.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
4. Delegations under Supported Residential Facilities Act 1999
   4.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 26 March 2019 and entitled New and revision of Delegation Templates – Local Government Association Circulars and 9.9 and 11.2 and marked Appendix 7) are hereby delegated this 26 of March 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
   4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the
5. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

5.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 and Section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act 2013 contained in the proposed Instrument of Delegation (annexed to the Report dated 26 March 2019 and entitled New and revision of Delegation Templates – Local Government Association Circulars and 9.9 and 11.2 and marked Appendix 8 are hereby delegated this 26 of March 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

ATTACHMENTS:

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<tr>
<th>List</th>
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<tbody>
<tr>
<td>Attachment 1 – Local Government Association – Table of updates Circular 9.9</td>
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<tr>
<td>Attachment 2 - Local Government Association – Table of updates Circular 11.2</td>
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<tr>
<td>Attachment 3 – Local Government Act 1999 Instrument of Delegation</td>
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<tr>
<td>Attachment 5 – Electricity Act 1996 Instrument of Delegation</td>
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<td>Attachment 6 – Gas Act 1997 Instrument of Delegation</td>
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<td>Attachment 7 – Supported Residential Facilities Act 1999</td>
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<td>Attachment 8 - Heavy Vehicle National Law (South Australia) Act 2013 Instrument of Delegation</td>
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## LOCAL GOVERNMENT ASSOCIATION
### UPDATES OF DELEGATION TEMPLATES ON WEBSITE

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

<table>
<thead>
<tr>
<th>Act Document/ Page on Website</th>
<th>Para number in instrument which contain changes</th>
<th>Section number of Act/ Regulation</th>
<th>Whether change is Addition/ Amendment/ Deletion</th>
<th>Reason for change</th>
<th>Date of latest version</th>
<th>Recommendation</th>
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<td>Webpage entitled – ‘Delegations – Introduction’</td>
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<td>Instrument of Delegation under the Dog &amp; Cat Management Act</td>
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<td>Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013</td>
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<td>Instrument of Delegation under the Environment Protection Act</td>
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## LOCAL GOVERNMENT ASSOCIATION
### UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 7 March 2019)

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## Local Government Act 1999

### CHANGED Provisions

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<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
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| 170673 | Local Government Act 1999 | s202(1) | 94. Alienation of Community Land by Lease or Licence  
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), and to make provision in a lease or licence 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. | |
| 170769 | Local Government Act 1999 | s256(1) and (2) | 131. Rights of Review  
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 appeal against a review of the order under the Act, and to include the information specified by the Regulations to the Act. | |
APPENDIX 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

1. Composition and Wards

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<td>alter the composition of the Council;</td>
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<td>1.1.2</td>
<td>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.</td>
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<td>The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to</td>
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<td>change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</td>
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<td>1.2.2</td>
<td>alter the name of:</td>
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<tr>
<td>1.2.2.1</td>
<td>the Council;</td>
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<tr>
<td>1.2.2.2</td>
<td>the area of the Council;</td>
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<tr>
<td>1.2.3</td>
<td>give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).</td>
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<tr>
<td>1.3</td>
<td>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 benefit from an alteration to the Council’s composition or ward structure.</td>
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<tr>
<td>1.4</td>
<td>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.</td>
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<td>1.6</td>
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<td>1.7</td>
<td>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.</td>
</tr>
<tr>
<td>1.8</td>
<td>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.</td>
</tr>
<tr>
<td>1.9</td>
<td>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).</td>
</tr>
<tr>
<td>1.10</td>
<td>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:</td>
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<tr>
<td>1.10.1</td>
<td>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</td>
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<tr>
<td>1.10.2</td>
<td>sets out:</td>
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<tr>
<td>1.10.2.1</td>
<td>any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and</td>
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<tr>
<td>1.10.2.2</td>
<td>in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 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</td>
</tr>
<tr>
<td>1.10.3</td>
<td>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.</td>
</tr>
<tr>
<td>1.11</td>
<td>The duty pursuant to Section 12(9) of the Act to make copies of the report available for</td>
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</table>
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

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 Gazette, 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%.

2. **Status of a Council or Change of Various Names**

2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, 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:

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.

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4. **Deliberately left blank**
5. **Council Initiated Proposal**

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6. **Public Initiated Submissions**

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).

7. **General Powers and Capacities**

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. |

### 8. Provision Relating to Contract and Transactions

| 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. |

### 9. Committees

| 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. |

### 10. Delegations

| 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. |

### 11. Principal Office

| 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.

12. **Commercial Activities**

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’).

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.

13. **Interests in Companies**

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.

14. **Prudential Requirements for Certain Activities**

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
14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing 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).

15. **Contracts and Tenders Policies**

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.

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

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<td>15.2.2</td>
<td>provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</td>
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<tr>
<td>15.2.3</td>
<td>provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and</td>
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<tr>
<td>15.2.4</td>
<td>are consistent with any requirement prescribed by the regulations.</td>
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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.

### 16. Public Consultation Policies

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<tr>
<td>16.1</td>
<td>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:</td>
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<tr>
<td>16.1.1</td>
<td>in cases where the Act requires the Council to follow its public consultation policy; and</td>
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<tr>
<td>16.1.2</td>
<td>in other cases involving Council decision making, if relevant.</td>
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<td>16.2</td>
<td>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.</td>
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<td>16.3</td>
<td>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:</td>
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<tr>
<td>16.3.1</td>
<td>the publication of a notice:</td>
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<td>16.3.1.1</td>
<td>in a newspaper circulating within the area of the Council; and</td>
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<td>16.3.1.2</td>
<td>on a website determined by the Chief Executive Officer,</td>
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<td>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</td>
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<tr>
<td>16.3.2</td>
<td>the consideration of any submissions made in response to that invitation.</td>
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<tr>
<td>16.4</td>
<td>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.</td>
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</tbody>
</table>
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.

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18. **Inspection of Register**

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.

19. **Reimbursement of Expenses**

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.

20. **Register of Allowances and Benefits**
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.

### 21. Insurance of members

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.

### 22. Training and Development

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.

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).

### 23. Committee Meetings

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.

### 24. Meetings To Be Held in Public Except in Special Circumstances

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.
### 25. Minutes and Release of Documents

**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
- **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.

### 26. Access to Meetings and Documents – Code of Practice

**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.

### 27. Meetings of Electors

- **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.

- **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).

### 28. Obstructing of Meetings

- **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.

### 29. Register of Remuneration Salaries and Benefits

- **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.

### 30. Certain Periods Of Service To Be Regarded As Continuous

- **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.

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### 32. Application of Division

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 Chapter 7, Part 4, Division 1 of the Act.

### 33. Certain Aspects of Strategic Management Plans

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.

### 34. Annual Business Plans and Budgets

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 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

34.4.2 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.

### 35. Accounting Records to be Kept

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 Council’s 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.

### 36. Internal Control Policies

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.
37. **Audit Committee**

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.

38. **Financial Statements**

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 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.

39. **The Auditor**

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:

<table>
<thead>
<tr>
<th>39.3.1</th>
<th>Information on the remuneration payable to the Council’s auditor for work performed during the relevant financial year, distinguishing between:</th>
</tr>
</thead>
<tbody>
<tr>
<td>39.3.1.1</td>
<td>Remuneration payable for the annual audit of the Council’s financial statements; and</td>
</tr>
<tr>
<td>39.3.1.2</td>
<td>Other remuneration;</td>
</tr>
</tbody>
</table>

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.

40. Conduct of Audit

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.

41. Other Investigations

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 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. |
### 42. Annual Report to be Prepared and Adopted

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>42.1</td>
<td>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.</td>
</tr>
<tr>
<td>42.2</td>
<td>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.</td>
</tr>
<tr>
<td>42.3</td>
<td>The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.</td>
</tr>
<tr>
<td>42.4</td>
<td>The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:</td>
</tr>
<tr>
<td>42.4.1</td>
<td>the Presiding Member of both Houses of Parliament; and</td>
</tr>
<tr>
<td>42.4.2</td>
<td>to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.</td>
</tr>
<tr>
<td>42.5</td>
<td>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.</td>
</tr>
<tr>
<td>42.6</td>
<td>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 at the principal office of the Council.</td>
</tr>
</tbody>
</table>

### 43. Access to Documents

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>43.1</td>
<td>The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:</td>
</tr>
<tr>
<td>43.1.1</td>
<td>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</td>
</tr>
<tr>
<td>43.1.2</td>
<td>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.</td>
</tr>
<tr>
<td>43.2</td>
<td>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).</td>
</tr>
<tr>
<td>43.3</td>
<td>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:</td>
</tr>
<tr>
<td>43.3.1</td>
<td>agendas for meetings of the Council or Council committees;</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>43.3.2</td>
<td>minutes of meetings of the Council or Council committees;</td>
</tr>
<tr>
<td>43.3.3</td>
<td>codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;</td>
</tr>
<tr>
<td>43.3.4</td>
<td>the Council's contract and tenders policies, public consultation policy and order-making policies;</td>
</tr>
<tr>
<td>43.3.5</td>
<td>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;</td>
</tr>
<tr>
<td>43.3.6</td>
<td>the Council's budget (as adopted by the Council for a particular year);</td>
</tr>
<tr>
<td>43.3.7</td>
<td>a list of fees and charges imposed by the Council under this Act;</td>
</tr>
<tr>
<td>43.3.8</td>
<td>by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;</td>
</tr>
<tr>
<td>43.3.9</td>
<td>procedures for the review of decisions established by the Council under Part 2 of Chapter 13;</td>
</tr>
<tr>
<td>43.3.10</td>
<td>the audited financial statements of the Council;</td>
</tr>
<tr>
<td>43.3.11</td>
<td>the annual report of the Council;</td>
</tr>
<tr>
<td>43.3.12</td>
<td>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.</td>
</tr>
</tbody>
</table>

### 44. Related Administrative Standards

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.

### 45. Sources of Funds

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.

### 46. Ability of a Council to Give Security

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
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

46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.

47. Expenditure of Funds

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.

48. Investment Powers

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, 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. |

49. **Review of Investment**

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.

50. **Gifts to a Council**

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

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 Gazette, within 28 days after that order is made.

### 51. Duty to Insure Against Liability

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.

### 52. Writing off Bad Debts

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.

### 53. Recovery of Amounts due to Council

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.

### 54. Land Against Which Rates May be Assessed

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 principles and practices that apply on a uniform basis across the area of the Council.
### 55. Basis of Rating

<table>
<thead>
<tr>
<th>55.1 Before the Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>55.1.1</strong> 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</td>
</tr>
<tr>
<td><strong>55.1.2</strong> changes the basis on which land is valued for the purposes of rating; or</td>
</tr>
<tr>
<td><strong>55.1.3</strong> changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</td>
</tr>
<tr>
<td>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</td>
</tr>
<tr>
<td><strong>55.1.4</strong> prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</td>
</tr>
<tr>
<td><strong>55.1.5</strong> follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</td>
</tr>
<tr>
<td><strong>55.2</strong> 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.</td>
</tr>
</tbody>
</table>

### 56. General Rates

| 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. |

### 57. Service Rates and Service Charges

| 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 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. |

### 58. Basis of Differential Rates

| 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. |

| 59. Notice of Differentiating Factors |
| 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. |

| 60. Preliminary |
| 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 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. |

| 61. Rebate of Rates - Community Services |
| 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. |

### 62. Rebate of Rates - Educational Purposes

**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.

### 63. Discretionary Rebates of Rates

**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 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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>63.2.4</td>
<td>where the land is being used for educational purposes;</td>
</tr>
<tr>
<td>63.2.5</td>
<td>where the land is being used for agricultural, horticultural or floricultural exhibitions;</td>
</tr>
<tr>
<td>63.2.6</td>
<td>where the land is being used for a hospital or health centre;</td>
</tr>
<tr>
<td>63.2.7</td>
<td>where the land is being used to provide facilities or services for children or young persons;</td>
</tr>
<tr>
<td>63.2.8</td>
<td>where the land is being used to provide accommodation for the aged or disabled;</td>
</tr>
<tr>
<td>63.2.9</td>
<td>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;</td>
</tr>
<tr>
<td>63.2.10</td>
<td>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;</td>
</tr>
<tr>
<td>63.2.11</td>
<td>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;</td>
</tr>
<tr>
<td>63.2.12</td>
<td>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:</td>
</tr>
<tr>
<td>63.2.12.1</td>
<td>redistribution of the rates burden within the community arising from a change to the basis or structure of the Council’s rates; or</td>
</tr>
<tr>
<td>63.2.12.2</td>
<td>change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.</td>
</tr>
<tr>
<td>63.2.13</td>
<td>where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:</td>
</tr>
<tr>
<td>63.2.13.1</td>
<td>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</td>
</tr>
<tr>
<td>63.2.13.2</td>
<td>liability that is unfair or unreasonable;</td>
</tr>
<tr>
<td>63.2.14</td>
<td>where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or</td>
</tr>
<tr>
<td>63.2.15</td>
<td>where the rebate is contemplated under another provision of the Act.</td>
</tr>
<tr>
<td>63.3</td>
<td>The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges</td>
</tr>
</tbody>
</table>
for a period exceeding 1 year but not exceeding 10 years in the following cases:

<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>63.3.1</td>
<td>where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or</td>
</tr>
<tr>
<td>63.3.2</td>
<td>where the rebate is desirable for the purpose of assisting or supporting a business in the area; or</td>
</tr>
<tr>
<td>63.3.3</td>
<td>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.</td>
</tr>
</tbody>
</table>

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.

### 64. Valuation of Land for the Purposes of Rating

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:

<table>
<thead>
<tr>
<th>Sub-case</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>64.2.1</td>
<td>valuations made, or caused to be made, by the Valuer-General; or</td>
</tr>
<tr>
<td>64.2.2</td>
<td>valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;</td>
</tr>
</tbody>
</table>

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 Gazette, within 21 days after the date of the adoption.

### 65. Valuation of Land

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.

### 66. Objections to Valuations Made by Council
| 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 |
| 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. |

### 67. Notice of Declaration of Rates

| 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 Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration. |

### 68. Alterations to Assessment Record

| 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. |
### 69. Inspection of Assessment Record

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.

### 70. Liability for Rates

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.

### 71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year

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.

### 72. Service of Rate Notice

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 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. |

### 73. Payment of Rates – General Principles

| 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 ratepayer 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: |
| 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.

74. **Remission and Postponement of Payment**

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);

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).

75. Postponement of Rates - Seniors

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.

76. Application of money in respect of rates

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.

77. Sale of Land for Non-Payment of Rates

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 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
The duty pursuant to Section 184(11) 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.

### 78. Objection, Review or Appeal

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:

- to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or
- 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.

### 79. Certificate of Liabilities

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:

- 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
- 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.

### 80. Investigation by Ombudsman

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:

- the Ombudsman; and
- if relevant, the person who made the complaint.

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.

### 81. Fees and Charges

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, 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.

### 82. Acquisition of Land by Agreement

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

### 83. Compulsory Acquisition of Land

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 approved purpose.

84. Assumption of Care, Control and Management of Land

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 Gazette.

85. Classification

85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette 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.

86. Revocation of Classification of Land as Community Land

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 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. 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.

### 87. Effect of Revocation of Classification

#### 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.

### 88. Management Plans

#### 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
- **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.

### 89. Public Consultation on Proposed Management Plan

#### 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. |

90. Amendment or Revocation of Management Plan

| 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. |

91. Effect of Management Plan

| 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. |

92. Use of Community Land for Business Purposes

| 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. |

93. Sale or Disposal of Local Government Land

<p>| 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. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>94.1</td>
<td>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), and to make provision in a lease or licence for:</td>
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<tr>
<td>94.1.1</td>
<td>the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</td>
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<tr>
<td>94.1.2</td>
<td>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);</td>
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<tr>
<td>94.1.3</td>
<td>any other matter relevant to the use or maintenance of the land.</td>
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<tr>
<td>94.2</td>
<td>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:</td>
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<tr>
<td>94.2.1</td>
<td>the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</td>
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<tr>
<td>94.2.2</td>
<td>the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</td>
</tr>
<tr>
<td>94.3</td>
<td>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.</td>
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<tr>
<td>94.4</td>
<td>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.</td>
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<tr>
<td>95.</td>
<td>Register</td>
</tr>
<tr>
<td>95.1</td>
<td>The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council’s area.</td>
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<tr>
<td>95.2</td>
<td>The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:</td>
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<tr>
<td>95.2.1</td>
<td>contains the information required by the Regulations; and</td>
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<tr>
<td>95.2.2</td>
<td>contains copies of current management plans.</td>
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<tr>
<td>95.3</td>
<td>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.</td>
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<tr>
<td>95.4</td>
<td>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.</td>
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<tr>
<td>96. <strong>Ownership of Public Roads</strong></td>
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<tr>
<td>96.1</td>
<td>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 <em>Gazette</em>.</td>
</tr>
<tr>
<td>97. <strong>Ownership of Fixtures and Equipment Installed on Public Roads</strong></td>
<td></td>
</tr>
<tr>
<td>97.1</td>
<td>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 Council.</td>
</tr>
<tr>
<td>98. <strong>Conversion of Private Road to Public Road</strong></td>
<td></td>
</tr>
<tr>
<td>98.1</td>
<td>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.</td>
</tr>
<tr>
<td>98.2</td>
<td>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:</td>
</tr>
<tr>
<td>98.2.1</td>
<td>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</td>
</tr>
<tr>
<td>98.2.2</td>
<td>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</td>
</tr>
<tr>
<td>98.2.3</td>
<td>Give public notice of the proposed declaration.</td>
</tr>
<tr>
<td>98.3</td>
<td>The duty pursuant to Section 210(5) to publish in the <em>Gazette</em> a declaration of the Council made in accordance with Section 210(1) of the Act.</td>
</tr>
<tr>
<td>98.4</td>
<td>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.</td>
</tr>
<tr>
<td>99. <strong>Highways</strong></td>
<td></td>
</tr>
<tr>
<td>99.1</td>
<td>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.</td>
</tr>
<tr>
<td>100. <strong>Power to Carry Out Roadwork</strong></td>
<td></td>
</tr>
<tr>
<td>100.1</td>
<td>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.</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>100.2</td>
<td>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:</td>
</tr>
<tr>
<td>100.2.1</td>
<td>the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and</td>
</tr>
<tr>
<td>100.2.2</td>
<td>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</td>
</tr>
<tr>
<td>100.2.3</td>
<td>the roadwork in relation to a private road is only carried out if:</td>
</tr>
<tr>
<td>100.2.3.1</td>
<td>the owner agrees; or</td>
</tr>
<tr>
<td>100.2.3.2</td>
<td>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</td>
</tr>
<tr>
<td>100.2.3.3</td>
<td>the identity or whereabouts of the owner is unknown; and</td>
</tr>
<tr>
<td>100.2.4</td>
<td>the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).</td>
</tr>
</tbody>
</table>

### 101. Recovery of Cost of Roadwork

| 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. |

### 102. Contribution Between Councils where Road is on Boundary Between Council Areas

| 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 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.

### 103. Special Provisions for Certain Kinds of Roadwork

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.

### 104. Power to Order Owner of Private Road to Carry out Specific Roadwork

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.

### 105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.

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.

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.

106. Power to Require Owner of Adjoining Land to Carry Out Specific Work

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.

107. Power to Assign a Name, or Change the Name, of a Road or Public Place

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 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.

108. Numbering of Premises and Allotments

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.

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.

109. Alteration of Road

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
### Section 109

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.

#### Section 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.

#### Section 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

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.

### Section 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.

### Section 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

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 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.
### 113A Location Rules – General

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>113A.1</td>
<td>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.</td>
</tr>
<tr>
<td>113A.2</td>
<td>The power pursuant to Section 225A(4) of the Act to:</td>
</tr>
<tr>
<td>113A.2.1</td>
<td>from time to time amend the Council’s location rules;</td>
</tr>
<tr>
<td>113A.2.2</td>
<td>amend its location rules in order that the rules comply with:</td>
</tr>
<tr>
<td>113A.2.2.1</td>
<td>any requirement specified by the Minister under Section 225A(2)(b) of the Act; or</td>
</tr>
<tr>
<td>113A.2.2.2</td>
<td>any direction given by the Small Business Commissioner under Section 225A(7) of the Act.</td>
</tr>
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</table>

### 114. Register

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>114.1</td>
<td>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:</td>
</tr>
<tr>
<td>114.1.1</td>
<td>includes the information required by regulation; and</td>
</tr>
<tr>
<td>114.1.2</td>
<td>may consist (if the Delegate so decides) of a computer record of the relevant information.</td>
</tr>
<tr>
<td>114.2</td>
<td>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.</td>
</tr>
</tbody>
</table>

### 115. Trees

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):

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>115.1</td>
<td>giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</td>
</tr>
<tr>
<td>115.1.1</td>
<td>environmental and aesthetic issues; and</td>
</tr>
<tr>
<td>115.1.2</td>
<td>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</td>
</tr>
<tr>
<td>115.1.3</td>
<td>road safety matters; and</td>
</tr>
<tr>
<td>115.1.4</td>
<td>other matters (if any) considered relevant by the Delegate; and</td>
</tr>
</tbody>
</table>
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.

116. Damage

116.1 The power pursuant to Section 233(1) and (2) of the Act to recover 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.

117. Council’s Power to Remove Objects etc from Roads

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.

118. Deliberately left blank

119. Abandonment of Vehicles and Farm Implements

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.

120. Removal of Vehicles

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
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.

121. Time Limits for Dealing with Certain Applications

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.

### 122. Registrar-General to Issue Certificate of Title

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.

### 123. Liability for Injury, Damage or Loss Caused by Certain Trees

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).

### 124. Council May Require Bond or Other Security in Certain Circumstances

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 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.

<table>
<thead>
<tr>
<th>125. Power to Make By-Laws</th>
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<tbody>
<tr>
<td><strong>125.1</strong> 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.</td>
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</tbody>
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<thead>
<tr>
<th>126. Passing By-Laws</th>
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</thead>
<tbody>
<tr>
<td><strong>126.1</strong> 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:</td>
</tr>
<tr>
<td><strong>126.1.1</strong> 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</td>
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<tr>
<td><strong>126.1.2</strong> by notice in a newspaper circulating in the area of the Council:</td>
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<tr>
<td><strong>126.1.2.1</strong> inform the public of the availability of the proposed by-law; and</td>
</tr>
<tr>
<td><strong>126.1.2.2</strong> set out the terms of the by-law, or describe in general terms the by-law’s nature and effect.</td>
</tr>
<tr>
<td><strong>126.2</strong> 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:</td>
</tr>
<tr>
<td><strong>126.2.1</strong> the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and</td>
</tr>
<tr>
<td><strong>126.2.2</strong> the by-law is not in conflict with the Act.</td>
</tr>
<tr>
<td><strong>126.3</strong> The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.</td>
</tr>
<tr>
<td><strong>126.4</strong> 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.</td>
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<tr>
<th>127. Model By-Laws</th>
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<tbody>
<tr>
<td><strong>127.1</strong> 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 Gazette.</td>
</tr>
<tr>
<td><strong>127.2</strong> 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.</td>
</tr>
</tbody>
</table>
### 128. Register of By-Laws and Certified Copies

**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.

### 129. Power to Make Orders

**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.

### 130. Procedures to be Followed

**130.1** The duty pursuant to Section 255(1) of the Act before taking action to 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:

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
2. stating the reasons for the proposed action; and
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:

1. to make an order in accordance with the terms of the original proposal; or
2. to make an order with modifications from the terms of the original proposal; or
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 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).

131. Rights of Review

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.

132. Action on Non-Compliance

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.

<table>
<thead>
<tr>
<th>132.3</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>132.4</td>
<td>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 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:</td>
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<tr>
<td></td>
<td>132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

### 133. Councils to Develop Policies

<table>
<thead>
<tr>
<th>133.1</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>133.2</td>
<td>The power and duty pursuant to Section 259(2) of the Act to:</td>
</tr>
<tr>
<td></td>
<td>133.2.1 prepare a draft of a Policy; and</td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
<tr>
<td>133.3</td>
<td>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.</td>
</tr>
<tr>
<td>133.4</td>
<td>The power pursuant to Section 259(4) of the Act to amend a policy at any time.</td>
</tr>
<tr>
<td>133.5</td>
<td>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.</td>
</tr>
<tr>
<td>133.6</td>
<td>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.</td>
</tr>
<tr>
<td>133.7</td>
<td>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</td>
</tr>
</tbody>
</table>
the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.

### 134. Appointment of Authorised Persons

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.

### 135. Procedures for Review of Decisions and Requests for Services

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 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 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.

136. Mediation, Conciliation and Neutral Evaluation

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.

136A. Provision of Information to Minister

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; or

136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.

136B. Minister May Refer Investigation of Council to Ombudsman

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.

136C. Action on a Report

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.

136D. Deliberately left blank

136E. Action on a Report
| 136E.1 | The power pursuant to Section 275(2) of the Act to make submissions to the Minister. |
| 137. **Special Jurisdiction** |
| 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. |
| 138. **Service of Documents by Councils etc** |
| 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. |
| 139. **Service of Documents on Councils** |
| 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. |
| 140. **Recovery of Amounts from Lessees or Licensees** |
| 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. |
| 141. **Ability of Occupiers to Carry out Works** |
| 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. |
### 142. Power to Enter and Occupy Land in Connection with an Activity

<table>
<thead>
<tr>
<th>142.1</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>142.2</td>
<td>The duty pursuant to Section 294(3) of the Act:</td>
</tr>
<tr>
<td>142.2.1</td>
<td>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</td>
</tr>
<tr>
<td>142.2.2</td>
<td>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</td>
</tr>
<tr>
<td>142.2.3</td>
<td>within 6 months of ceasing to occupy the land:</td>
</tr>
<tr>
<td>142.2.3.1</td>
<td>remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</td>
</tr>
<tr>
<td>142.2.3.2</td>
<td>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;</td>
</tr>
<tr>
<td>142.3</td>
<td>The duty pursuant to Section 294(5) of the Act, at the request of an owner of 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.</td>
</tr>
</tbody>
</table>

### 143. Reclamation of Land

<table>
<thead>
<tr>
<th>143.1</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>143.2</td>
<td>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.</td>
</tr>
<tr>
<td>143.3</td>
<td>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.</td>
</tr>
<tr>
<td>143.4</td>
<td>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.</td>
</tr>
<tr>
<td>144. Property in Rubbish</td>
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<tr>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td>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.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>145. Power of Council to Act in Emergency</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
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</tbody>
</table>

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<tr>
<th>146. Deliberately left blank</th>
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<tbody>
<tr>
<td>146.1 Deliberately left blank.</td>
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<td>146.2 Deliberately left blank.</td>
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<tr>
<th>147. Costs of Advertisements</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>148. Whistleblowing</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>148A Use of Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
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</tbody>
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| 151. Deliberately left blank |

<table>
<thead>
<tr>
<th>151A Preparation of Stormwater Management Plans by Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:</td>
</tr>
<tr>
<td>(a) complies with the guidelines issued by the Authority; and</td>
</tr>
<tr>
<td>(b) is prepared in consultation with the relevant regional NRM board or boards;</td>
</tr>
</tbody>
</table>
and

(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.

### 151B Authority May Issue Order

**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 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).

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### 153. Deliberately left blank

### 154. Special Powers in Relation to Land

**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:

(a) enter and occupy any land; and

(b) construct, maintain or remove any infrastructure; and

(c) excavate any land; and

(d) inspect, examine or survey any land and for that purpose:

(i) fix posts, stakes or other markers on the land; and

(ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and

(iii) remove samples for analysis.

(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

(f) hold any water in a watercourse or lake or by any other means; and

(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
(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 of water; and

(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and

(j) undertake any testing, monitoring or evaluation; and

(k) undertake any other activity of a prescribed kind.

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.

155. Entry and Occupation of Land Other Than Council Land

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.

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.

156. Vesting of Infrastructure, etc

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.

157. Building Upgrade Agreement (May only be delegated to CEO)

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 building upgrade agreement) under which:

157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and

157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and

157.1.3 the Council agrees:

157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, 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.

### 158. Variation or Termination of Agreement *(May only be delegated to CEO)*

#### 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.

### 159. Contents of Agreement *(May only be delegated to CEO)*

#### 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 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.

### 160. Declaration of Building Upgrade Charge *(May only be delegated to CEO)*
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.

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
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;

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.

### 163. Repayment of Advances to Finance Provider

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,


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<thead>
<tr>
<th>164</th>
<th>Register of Building Upgrade Agreements</th>
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<tbody>
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<td>164.1</td>
<td>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.</td>
</tr>
<tr>
<td>164.2</td>
<td>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 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).</td>
</tr>
<tr>
<td>Paragraph(s) in instrument to which conditions/limitations apply</td>
<td>Conditions / Limitations</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>157</td>
<td>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.</td>
</tr>
<tr>
<td>158</td>
<td>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.</td>
</tr>
<tr>
<td>159</td>
<td>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.</td>
</tr>
<tr>
<td>160</td>
<td>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.</td>
</tr>
</tbody>
</table>
## NEW Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
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<td>215667</td>
<td>Water Industry Act 2012</td>
<td>s36(2)</td>
<td>8. Standard terms and conditions for retail services</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>215668</td>
<td>Water Industry Act 2012</td>
<td>s36(3)</td>
<td>8. Standard terms and conditions for retail services</td>
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<td>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.</td>
<td></td>
</tr>
<tr>
<td>215669</td>
<td>Water Industry Act 2012</td>
<td>s36(5)</td>
<td>8. Standard terms and conditions for retail services</td>
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<td></td>
<td>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.</td>
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</tr>
<tr>
<td>216206</td>
<td>Water Industry Act 2012</td>
<td>s49(2)</td>
<td>19. Encroachments</td>
<td></td>
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<td>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:</td>
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<tr>
<td></td>
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<td>19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and</td>
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<td>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</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Act/Regulation</td>
<td>Section/Subsection</td>
<td>Description</td>
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<tr>
<td>216207</td>
<td>Water Industry Act 2012</td>
<td>s49(3)</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>216208</td>
<td>Water Industry Act 2012</td>
<td>s49(4)</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>216209</td>
<td>Water Industry Act 2012</td>
<td>s49(6)</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>216210</td>
<td>Water Industry Regulations 2012</td>
<td>r14(2)</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>216211</td>
<td>Water Industry Regulations 2012</td>
<td>r14(3)</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>216212</td>
<td>Water Industry Regulations 2012</td>
<td>r34(4)</td>
<td>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 Strata Titles Act</td>
<td></td>
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</tbody>
</table>

Notice to remedy any contravention of Section 49(1) of the Act.
<table>
<thead>
<tr>
<th>Code</th>
<th>Act/Regulation</th>
<th>Section/Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>Water Industry Regulations 2012</td>
<td>r34(7)</td>
<td>49. Pipes must not lie across allotment boundaries. 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.</td>
</tr>
<tr>
<td>232523</td>
<td>Water Industry Act 2012</td>
<td>s49(7)</td>
<td>19. Encroachments. 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.</td>
</tr>
<tr>
<td>232524</td>
<td>Water Industry Act 2012</td>
<td>s45(3)</td>
<td>16. Power to carry out work on land. 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;</td>
</tr>
<tr>
<td>232525</td>
<td>Water Industry Act 2012</td>
<td>s45(3)(b)</td>
<td>16. Power to carry out work on land. 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 carrying out of the work.</td>
</tr>
<tr>
<td>232526</td>
<td>Water Industry Act 2012</td>
<td>s45(5)</td>
<td>16. Power to carry out work on land</td>
</tr>
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<td>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.</td>
</tr>
<tr>
<td>232527</td>
<td>Water Industry Act 2012</td>
<td>s45(7)</td>
<td>16. Power to carry out work on land</td>
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<td></td>
<td>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.</td>
</tr>
<tr>
<td>232528</td>
<td>Water Industry Act 2012</td>
<td>s45(9)</td>
<td>16. Power to carry out work on land</td>
</tr>
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<td></td>
<td>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.</td>
</tr>
<tr>
<td>232529</td>
<td>Water Industry Act 2012</td>
<td>s45(11)</td>
<td>16. Power to carry out work on land</td>
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<td>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</td>
</tr>
<tr>
<td>Code</td>
<td>Act</td>
<td>Section</td>
<td>Description</td>
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</tbody>
</table>
| 232530 | Water Industry Act 2012    | s45(12) | 16. Power to carry out work on land
|        |                            |         | 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. |
| 232531 | Water Industry Act 2012    | s45(14) | 16. Power to carry out work on land
|        |                            |         | 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.                                                                                 |
| 232532 | Water Industry Act 2012    | s45(16) | 16. Power to carry out work on land
|        |                            |         | 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. |
| 232533 | Water Industry Act 2012    | s45(17) | 16. Power to carry out work on land
<p>|        |                            |         | 16.11 The power pursuant to Section 45(17) of the Act to make good any damage                                                                                                                            |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Act</th>
<th>Section</th>
<th>Requirement to connect to infrastructure</th>
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</thead>
</table>
| 232534 | Water Industry Act 2012                  | s48(6)  | 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).

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.

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<thead>
<tr>
<th>Code</th>
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</table>
| 232535 | Water Industry Act 2012                  | s48(9)  | 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).

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.

<table>
<thead>
<tr>
<th>Code</th>
<th>Act</th>
<th>Section</th>
<th>Requirement to connect to infrastructure</th>
</tr>
</thead>
</table>
| 232536 | Water Industry Act                       | s48(10) | Section 48 applies to a water industry entity involved (or proposing to be involved) in...
<p>| | | |</p>
<table>
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<tbody>
<tr>
<td><strong>2012</strong></td>
<td>18.4</td>
<td>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.</td>
</tr>
<tr>
<td><strong>232537</strong></td>
<td><strong>Water Industry Act 2012</strong></td>
<td>s48(12)</td>
</tr>
<tr>
<td></td>
<td><strong>18. Requirement to connect to infrastructure</strong></td>
<td>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).</td>
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<tr>
<td></td>
<td><strong>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.</strong></td>
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<tr>
<td><strong>232538</strong></td>
<td><strong>Water Industry Act 2012</strong></td>
<td>s48(13)</td>
</tr>
<tr>
<td></td>
<td><strong>18. Requirement to connect to infrastructure</strong></td>
<td>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).</td>
</tr>
<tr>
<td></td>
<td><strong>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.</strong></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Act</td>
<td>Paragraph</td>
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<tr>
<td>20.2</td>
<td>Water Industry Act 2012</td>
<td>s50(3)</td>
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<td>20.3</td>
<td>Water Industry Act 2012</td>
<td>s50(4)</td>
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<tr>
<td>20.4</td>
<td>Water Industry Act 2012</td>
<td>s50(7)</td>
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<tr>
<td>22.2</td>
<td>Water Industry Act 2012</td>
<td>s52(2)</td>
</tr>
</tbody>
</table>
|         |         |          | 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
| 232543 | Water Industry Act 2012 | s52(3), 52(3)(b) | 22. Duty to give notice before paving a road etc  
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. |
| 232544 | Water Industry Act 2012 | s52(6) | 22. Duty to give notice before paving a road etc  
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. |
| 232545 | Water Industry Act 2012 | s56(4) | 26. Discharge of unauthorised material into sewerage 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. |
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<tr>
<th>Code</th>
<th>Act</th>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>232546</td>
<td>Water Industry Act 2012</td>
<td>s56(5)</td>
<td>26. Discharge of unauthorised material into sewerage infrastructure&lt;br&gt;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.</td>
</tr>
<tr>
<td>232547</td>
<td>Water Industry Act 2012</td>
<td>s56(7)</td>
<td>26. Discharge of unauthorised material into sewerage infrastructure&lt;br&gt;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.</td>
</tr>
<tr>
<td>232548</td>
<td>Water Industry Act 2012</td>
<td>s56(9)</td>
<td>26. Discharge of unauthorised material into sewerage infrastructure&lt;br&gt;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.</td>
</tr>
<tr>
<td>232549</td>
<td>Water Industry Act 2012</td>
<td>s57(1)</td>
<td>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure&lt;br&gt;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:&lt;br&gt;27.2.1 install or construct in such locations as are specified in the notice;</td>
</tr>
</tbody>
</table>
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.

| 232550 | Water Industry Act 2012 | 57(3) | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure
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. |
| 232551 | Water Industry Act 2012 | 57(5) | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure
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. |
<table>
<thead>
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<th>Delegation Source</th>
<th>Section</th>
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<tr>
<td>27</td>
<td>Water Industry Act 2012</td>
<td>s57(6)</td>
<td>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</td>
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</table>

**CHANGED Provisions**

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
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Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019
### Enforcement notices

The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.

### Appeals

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 appeal to the District Court or 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.
APPENDIX 4

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

1. Water Planning

1.1 The power pursuant to Section 6(6) of the Water Industry Act 2012 (the Act), in relation to a proposal:

1.1.1 to create the State Water Demand and Supply Statement; or

1.1.2 to undertake a comprehensive review of the State Water Demand and Supply Statement,

...to make written representations on the proposal to the Minister.

2. Application for Licence

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.

3. Licence fees and returns

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 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.

4. **Variation of Licence**

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.

5. **Transfer of Licence**

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.

6. **Surrender of Licence**

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.

7. **Suspension or cancellation of Licences**

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 of the Act.

8. **Standard terms and conditions for retail services**

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.

9. **Customer hardship policies**

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.

10. **Power to take over operations**

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.

11. **Appointment of operator**

The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.

12. **Appointment of water industry officer**

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.

13. **Conditions of appointment**

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.

14. **Identity cards**

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.

15. **Power to enter land to conduct investigations**

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
- 15.2.3 comply with the conditions of the authorisation.

16. **Power to carry out work on land**

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 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 prior notice or agreement.

17. **Acquisition of land**

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 *Land Acquisition Act 1969*.

18. **Requirement to connect to infrastructure**

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).

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 45 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. |

### 19. Encroachments

| 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. |
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.

20. **Protection of infrastructure and equipment**

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.

21. **Notice of work that may affect water/sewerage infrastructure**

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

21.1.2 by action in a court of competent jurisdiction.

22. **Duty to give notice before paving a road etc**
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.

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.

23. **Unlawful abstraction, removal or diversion of water or sewage**

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.

24. Water meters

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 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.

### 25. Discharge of unauthorised material into water infrastructure

#### 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.

### 26. Discharge of unauthorised material into sewerage infrastructure

#### 26.1
The power pursuant to Section 56(3) of the Act, to, in relation to any 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.

27. **Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure**

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 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. |

### 28. Power to disconnect drains to restrict services

| 28.1 | The power pursuant to Section 58(1) of the Act, if the Council has 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, |

| 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. |

### 29. Power to restrict or discontinue water supply

<p>| 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 |</p>
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>29.1.1.3</td>
<td>that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and</td>
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<tr>
<td>29.1.2</td>
<td>that action under Section 59(1) of the Act is justified in the circumstances,</td>
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<td>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.</td>
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<tr>
<td>29.2</td>
<td>The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:</td>
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<tr>
<td>29.2.1</td>
<td>lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);</td>
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<tr>
<td>29.2.2</td>
<td>prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;</td>
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<tr>
<td>29.2.3</td>
<td>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;</td>
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<tr>
<td>29.2.4</td>
<td>prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;</td>
</tr>
<tr>
<td>29.2.5</td>
<td>for such time or times as the delegate thinks proper, discontinue the supply of water.</td>
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<tr>
<td>29.3</td>
<td>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.</td>
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<tr>
<td>29.4</td>
<td>The power pursuant to Section 59(4) of the Act, to:</td>
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<tr>
<td>29.4.1</td>
<td>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</td>
</tr>
<tr>
<td>29.4.2</td>
<td>vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.</td>
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</table>

30. **Power to require the use of devices to reduce flow**
### 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 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.

### 31. Disconnection in an emergency

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.

### 32. Responsibilities of water industry entity

- **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
  - **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.

33. Responsibilities of Customers

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.

34. Enforcement notices

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.

35. Warning notices and assurances

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.

36. Injunctions

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 injunction being granted without proof that proper grounds for the injunction exist.

37. Review of decisions by Commission or Technical Regulator

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
### 37. Appeals

#### 37.1

37.1.1 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

37.1.2 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

37.1.3 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.

### 38. Appeals

#### 38.1

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.

### Third Party Access Regime

Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.

#### 38A. Information brochure

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.
### 38B. Specific information to assist proponent to formulate proposal

**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.

### 38C. Access proposal

**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,

- **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.
### 38D. Duty to negotiate in good faith

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.

### 38E. Existence of Dispute

38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.

### 38F. Power to refer dispute to arbitration

38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.

### 38G. Confidentiality of information

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.

### 38H. Formal requirements related to awards

38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.

### 38I. Consent awards

38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.

### 38J. Termination of variation of award

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.

### 38K. Appeal on question of law

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.
### 38L. Injunctive remedies

<table>
<thead>
<tr>
<th>38L.1</th>
<th>The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>38L.2</td>
<td>The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.</td>
</tr>
<tr>
<td>38L.3</td>
<td>The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.</td>
</tr>
</tbody>
</table>

### 38M. Compensation

| 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. |

### 38N. Confidential information

| 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. |

### 38O. Access by agreement

| 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. |

### 38P. Review of Part

| 38P.1 | The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review. |

### 39. Water conservation measures

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.

### WATER INDUSTRY REGULATIONS 2012

### 40. Information as to amounts already paid for retail services etc

| 40.1 | The power pursuant to Regulation 11(1) of the Water Industry Regulations 2012 (the |
Regulations) 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 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. |

### 41. Certificate as to encumbrance

| 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 Land and Business (Sale and Conveyancing) Act 1994 and the regulations under
that Act and that are in favour of the Council. |

### 42. Protection of infrastructure – planting of trees etc on public land

| 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. |

### 43. Protection of infrastructure – action in relation to trees and shrubs

| 43.1 | The power pursuant to Regulation 14(1) of the Regulations, if:
\begin{enumerate}
    \item a tree or shrub has been planted in contravention of Regulation 13; or
    \item 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,
\end{enumerate}
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 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.

44. Protection of infrastructure – damage caused by trees or shrubs

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.

45. Access to sewerage infrastructure

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.

46. Power to restrict or discontinue water supply

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 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.

47. **Notices under Section 59 – Permits**

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.

48. **Fittings etc to be flush with road surface**

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.

49. **Pipes must not lie across allotment boundaries**

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 Strata Titles Act 1988 or in the same community parcel under the Community Titles Act 1996), 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.
<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td><strong>49.3</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>50. Water meters – estimates</strong></td>
<td></td>
</tr>
<tr>
<td><strong>50.1</strong></td>
<td>The power pursuant to Regulation 36 of the Regulations if:</td>
</tr>
<tr>
<td><strong>50.1.1</strong></td>
<td>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</td>
</tr>
<tr>
<td><strong>50.1.2</strong></td>
<td>a code or rules made under the <em>Essential Services Commission Act 2002</em> relating to the provision of retail services to customers does not apply to that supply of water,</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td><strong>51. Charge where land not connected or service to land reduced or discontinued</strong></td>
<td></td>
</tr>
<tr>
<td><strong>51.1</strong></td>
<td>The power pursuant to Regulation 38 of the Regulations to, for the 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:</td>
</tr>
<tr>
<td><strong>51.1.1</strong></td>
<td>the land is not connected to infrastructure by which a retail service is provided by the Council; or</td>
</tr>
<tr>
<td><strong>51.1.2</strong></td>
<td>the provision of a retail service to the land by the Council has been reduced or discontinued.</td>
</tr>
</tbody>
</table>
## SCHEDULE OF CONDITIONS

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

<table>
<thead>
<tr>
<th>Section(s) in Act to which conditions/limitations apply</th>
<th>Conditions / Limitations</th>
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</thead>
<tbody>
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</table>
### Instrument of Delegation Under the Electricity Act 1996 and Electricity (Principles of Vegetation C

#### NEW Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
</tr>
</thead>
</table>
| 243767 | Electricity Act 1996 | S47(3)(b) | 1. Power to Carry Out Work on Public Land  
1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.                                                                                                                                                                                                                                                                                                                                                       |                             |
| 243768 | Electricity Act 1996 | S47(4)   | 1. Power to Carry Out Work on Public Land  
1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.                                                                                                                                                                                                                                                                                                                                                                        |                             |
| 243769 | Electricity Act 1996 | S47(7)   | 1. Power to Carry Out Work on Public Land  
1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 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.                                                                                                                                                                                                                                                                                     |                             |
| 243770 | Electricity Act 1996 | S47(9)   | 1. Power to Carry Out Work on Public Land  
1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:  
1.4.1 to make representations to the Minister on the questions at issue in the dispute; and  
1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.                                                                                                                                                                                                                                                                                                                                                                      |                             |
| 243771 | Electricity Act 1996 | S55(3)   | 2. Duties in Relation to Vegetation Clearance  
2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance,  
2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance,  
2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, |                             |
and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the
powerline, to remove the vegetation and recover the cost of so doing as a debt from
the person by whom the vegetation was planted or nurtured.

| 243772 | Electricity Act 1996 | S55A(1) | 3. Vegetation Clearance Schemes
3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3),
(4) and (6) of the Act to agree a vegetation clearance scheme with an electricity
entity governing the way in which vegetation is to be kept clear of public powerlines
on land (other than private land) within both the Council’s are and a prescribed area. |
| 243773 | Electricity Act 1996 | S55A(2) | 3. Vegetation Clearance Schemes
3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation
clearance scheme in accordance with Section 55A(1) of the Act that does one or
more of the following:
3.2.1 require the electricity entity to inspect and clear vegetation more frequently
than is required under the principles of vegetation clearance or otherwise govern the
way in which the entity will carry out its duty to clear vegetation;
3.2.2 contain a delegation by the electricity entity of a function or power under Part 5
of the Act in relation to powerlines designed to convey electricity at 11 kV or less;
3.2.3 require that the electricity entity be indemnified for any liability arising from an
act or omission of the council under the delegation;
3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified
public powerlines that are designed to convey electricity at 11 kV or less;
3.2.5 exempt the Council from the principles of vegetation clearance relating to the
planting or nurturing of vegetation near overhead public powerlines;
3.2.6 impose obligations on the electricity entity or the Council with respect to
clearance work or reducing the need for clearance work;
3.2.7 make provision for other related matters. |
| 243774 | Electricity Act 1996 S55A(4)(b) | 3. Vegetation Clearance Schemes  
3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement. |
| 243775 | Electricity Act 1996 S55B(2) | 4. Vegetation Clearance Scheme Dispute  
4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act. |
| 243776 | Electricity Act 1996 S55C(2)(c) | 4. Vegetation Clearance Scheme Dispute  
4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined. |
| 243777 | Electricity Act 1996 S55D | 5. Determinations  
5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines. |
| 243778 | Electricity Act 1996 S56(1) | 6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas  
6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area. |
| 243779 | Electricity Act 1996 S56(2) | 6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas  
6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:  
6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and  
6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and  
6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and  
6.2.4 provision for the variation of the arrangement by the electricity entity and the Council. |
<table>
<thead>
<tr>
<th>Ref</th>
<th>Act/Regulation</th>
<th>Section/Clause</th>
<th>Description</th>
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</table>
| 243780 | Electricity Act 1996 | S58A | 7. Program for Undergrounding of Powerlines  
7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister. |
| 243781 | Electricity Act 1996 | S58A(5) | 7. Program for Undergrounding of Powerlines  
7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate. |
| 243782 | Electricity Act 1996 | S58A(8) | 7. Program for Undergrounding of Powerlines  
7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program. |
| 243783 | Electricity (Principles of Vegetation Clearance) Regulations 2010 | R4(4) | 8. Duty of Electricity Entity or Council  
8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations. |
| 243784 | Electricity (Principles of Vegetation Clearance) Regulations 2010 | R7(3) | 9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance  
9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations. |
| 243785 | Electricity (Principles of Vegetation) Regulations 2010 | R8(2) | 10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity  
10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to |
Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area.

<table>
<thead>
<tr>
<th>Code</th>
<th>Topic</th>
<th>Regulation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>243786</td>
<td>Electricity (Principles of Vegetation Clearance) Regulations 2010</td>
<td>R8(5)(b)</td>
<td>10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.</td>
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<td>R10(5)</td>
<td>11. Objections Relating to Vegetation Clearance 11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.</td>
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<td>243788</td>
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<td>R10(6)(b)</td>
<td>11. Objections Relating to Vegetation Clearance 11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.</td>
</tr>
<tr>
<td>243789</td>
<td>Electricity (Principles of Vegetation Clearance) Regulations 2010</td>
<td>R10(8)</td>
<td>11. Objections Relating to Vegetation Clearance 11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.</td>
</tr>
</tbody>
</table>
INSTRUMENT OF DELEGATION UNDER THE
ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF
VEGETATION CLEARANCE) REGULATIONS 2010

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.

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POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<table>
<thead>
<tr>
<th>1. Power to Carry Out Work on Public Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.</td>
</tr>
<tr>
<td>1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.</td>
</tr>
<tr>
<td>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 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.</td>
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</tr>
<tr>
<td>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.</td>
</tr>
</tbody>
</table>

2. Duties in Relation to Vegetation Clearance
2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.

3. **Vegetation Clearance Schemes**

3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council’s area and a prescribed area.

3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:

   3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation;

   3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;

   3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;

   3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;

   3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;

   3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;

   3.2.7 make provision for other related matters.

3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.

4. **Vegetation Clearance Scheme Dispute**

4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2,
### Part 5 of the Act.

4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.

### Determinations

5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines.

### Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas

6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.

6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:

   6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and

   6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and

   6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and

   6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.

### Program for Undergrounding of Powerlines

7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council’s area on the basis determined by the Minister.

7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.

7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.
## ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

### 8. Duty of Electricity Entity or Council

| 8.1 | The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations. |

### 9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance

| 9.1 | The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations. |

### 10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity

| 10.1 | The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area. |

| 10.2 | The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties. |

### 11. Objections Relating to Vegetation Clearance

| 11.1 | The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved. |

| 11.2 | The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection. |

| 11.3 | The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations. |
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’]

<table>
<thead>
<tr>
<th>Paragraph(s) in instrument to which conditions/limitations apply</th>
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Instrument of Delegation Under the Gas Act 1997

NEW Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
</tr>
</thead>
</table>
| 243790 | Gas Act 1997 | S47(3)(b) | 1. Power to Carry Out Work on Public Land  
1.1 The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of. |                                                                     |
| 243791 | Gas Act 1997 | S47(4) | 1. Power to Carry Out Work on Public Land  
1.2 The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest. |                                                                     |
| 243792 | Gas Act 1997 | S47(7) | 1. Power to Carry Out Work on Public Land  
1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister. |                                                                     |
| 243793 | Gas Act 1997 | S47(9) | 1. Power to Carry Out Work on Public Land  
1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:  
1.4.1 to make representations to the Minister on the questions at issue in the dispute; and  
1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms. |                                                                     |
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<td>The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.</td>
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<td>1.4</td>
<td>The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:</td>
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## Supported Residential Facilities Act 1992 and Regulations 2009

### CHANGED Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
</tr>
</thead>
</table>
| 171191 | Supported Residential Facilities Act 1992               | s24(10)   | 2. Application for a Licence  
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 appeal rights that the applicant has under the Act. |                           |
| 171197 | Supported Residential Facilities Act 1992               | s27(4)    | 3. Renewal of Licence  
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 appeal rights that the applicant may have under the Act. |                           |
| 171207 | Supported Residential Facilities Act 1992               | s32(3)    | 7. Appeals Review of Decision or Order  
7.1 The power pursuant to Section 32(4)(3) of the Act where the Delegate application for review is satisfied in respect of an applicant application for renewal of a licence, has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as the Delegate thinks fit. |                           |

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Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019
<table>
<thead>
<tr>
<th>171208</th>
<th>Supported Residential Facilities Act 1992</th>
<th>s32(4)</th>
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<tbody>
<tr>
<td>7.</td>
<td>AppealsReview of Decision or Order</td>
<td></td>
</tr>
<tr>
<td>7.2.1</td>
<td>The power pursuant to Section 32(7)(4) 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;</td>
<td></td>
</tr>
<tr>
<td>7.2.1</td>
<td>make an order under Section 32(3) of the Act if subject to persons such contravenes conditions as determined by the Delegate and specified in the order; and</td>
<td></td>
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<tr>
<td>7.2.2</td>
<td>vary or revoke to comply order with made by condition the imposed under Section 32(5)(3) of the Act to revoke any further order to which the condition relates.</td>
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</tr>
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</table>
APPENDIX 7

INSTRUMENT OF DELEGATION UNDER THE
SUPPORTED RESIDENTIAL FACILITIES ACT 1992

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<th>1. Appointment of Authorised Officers</th>
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<tbody>
<tr>
<td>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;</td>
</tr>
<tr>
<td>1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<th>2. Application for a Licence</th>
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<tbody>
<tr>
<td>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;</td>
</tr>
<tr>
<td>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;</td>
</tr>
<tr>
<td>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</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence</td>
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<tr>
<td><strong>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;</strong></td>
</tr>
<tr>
<td><strong>2.6</strong> 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;</td>
</tr>
<tr>
<td><strong>2.7</strong> 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;</td>
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<tr>
<td><strong>2.8</strong> 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.</td>
</tr>
<tr>
<td><strong>3.</strong> Renewal of Licence</td>
</tr>
<tr>
<td><strong>3.1</strong> 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;</td>
</tr>
<tr>
<td><strong>3.2</strong> 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.</td>
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<tr>
<td><strong>3.3</strong> 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.</td>
</tr>
<tr>
<td><strong>4.</strong> Licence Conditions</td>
</tr>
<tr>
<td><strong>4.1</strong> 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;</td>
</tr>
<tr>
<td><strong>4.2</strong> Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:</td>
</tr>
<tr>
<td><strong>4.2.1</strong> if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;</td>
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<tr>
<td><strong>4.2.2</strong> if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;</td>
</tr>
<tr>
<td><strong>4.2.3</strong> the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;</td>
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<td><strong>4.3</strong> Deliberately left blank</td>
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<tr>
<td><strong>5.</strong> Transfer of Licence</td>
</tr>
<tr>
<td><strong>5.1</strong> The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of</td>
</tr>
</tbody>
</table>
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.

6. **Cancellation of Licence**

   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.

7. **Review of Decision or Order**

   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 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.

8. **Appointment of Manager**

   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.
9. **Death of Licensee**

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.

10. **Recision of Resident Contract by Proprietor**

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.

11. **Disputes**

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;

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.

12. **Attendance by Health Service Providers etc.**

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.

13. **Complaints**

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.

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.

14. **Regulations**

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).
<table>
<thead>
<tr>
<th>15.</th>
<th>The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (&quot;the Regulations&quot;) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>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.</td>
</tr>
<tr>
<td>17.</td>
<td>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 pursuant to Regulation 5(2)(b) of the Regulations.</td>
</tr>
<tr>
<td>18.</td>
<td>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.</td>
</tr>
<tr>
<td>19.</td>
<td>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.</td>
</tr>
<tr>
<td>20.</td>
<td>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.</td>
</tr>
<tr>
<td>21.</td>
<td>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.</td>
</tr>
<tr>
<td>22.</td>
<td>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.</td>
</tr>
<tr>
<td>23.</td>
<td>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.</td>
</tr>
<tr>
<td>24.</td>
<td>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.</td>
</tr>
<tr>
<td>25.</td>
<td>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.</td>
</tr>
</tbody>
</table>
# 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”]

<table>
<thead>
<tr>
<th>Paragraph(s) in instrument to which conditions/limitations apply</th>
<th>Conditions / Limitations</th>
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**Instrument of Delegation Under the Heavy Vehicle National Law (South Australia) Act 2013**

**NEW Provisions**

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
</tr>
</thead>
</table>
| 243652 | Heavy Vehicle National Law (South Australia) Act 2013                             | S156A(2) | 1. Deciding Request for Consent Generally  
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. | |

**CHANGED Provisions**

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
</tr>
</thead>
</table>
| 170296 | Heavy Vehicle National Law (South Australia) Act 2013                             | S156A(1) | 1. Deciding Request for Consent Generally  
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 | |
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<tbody>
<tr>
<td>170297</td>
<td>Heavy Vehicle National Law (South Australia) Act 2013</td>
<td>s156A(3)</td>
</tr>
<tr>
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<td></td>
<td>1. Deciding Request for Consent Generally</td>
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<tr>
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<td>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:</td>
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<td>1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or</td>
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<td>1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.</td>
</tr>
<tr>
<td>170298</td>
<td>Heavy Vehicle National Law (South Australia) Act 2013</td>
<td>s156A(4)</td>
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<tr>
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<td></td>
<td>1. Deciding Request for Consent Generally</td>
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<td></td>
<td>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.</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>1. Deciding Request for Consent Generally</th>
</tr>
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<tbody>
<tr>
<td>1.1 The power pursuant to Section 156(1) of the <em>Heavy Vehicle National Law (South Australia) Act 2013</em> (the Act), 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:</td>
</tr>
<tr>
<td>1.1.1 within:</td>
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<tr>
<td>1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or</td>
</tr>
<tr>
<td>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</td>
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<td>1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.</td>
</tr>
<tr>
<td>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:</td>
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<tr>
<td>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</td>
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<td>1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or</td>
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<td>1.2.3</td>
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<td>1.5.1</td>
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</table>
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.

2. **Action Pending Consultation with Third Party**

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

2.2.4 decide to give the consent.

3. **Deciding Request for Consent if Route Assessment Required**

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.

### 4. Imposition of Road Conditions

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.

### 5. Imposition of Travel Conditions

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 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.

### 6. Imposition of Vehicle Conditions

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.

### 7. Expedited Procedure for Road Manager’s Consent for Renewal of Mass or Dimension Authority

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. |

<table>
<thead>
<tr>
<th>8. Granting Limited Consent for Trial Purposes</th>
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</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>9. Renewal of Limited Consent for Trial Purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Amendment or Cancellation on Regulator’s Initiative</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
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<thead>
<tr>
<th>11. Amendment or Cancellation on Request by Relevant Road Manager</th>
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<tbody>
<tr>
<td>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:</td>
</tr>
<tr>
<td>11.1.1 has caused, or is likely to cause, damage to road infrastructure; or</td>
</tr>
<tr>
<td>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</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:</td>
</tr>
<tr>
<td>11.2.1 amend the mass or dimension authority by:</td>
</tr>
</tbody>
</table>
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.

12. **Amendment or Cancellation on Application by Permit Holder**

12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.

13. **Amendment or Cancellation on Request by Relevant Road Manager**

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:

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<tr>
<td>13.1.1</td>
<td>has caused, or is likely to cause, damage to road infrastructure; or</td>
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<tr>
<td>13.1.2</td>
<td>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</td>
</tr>
<tr>
<td>13.1.3</td>
<td>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.</td>
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13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:

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<tr>
<td>13.2.1</td>
<td>amend the mass or dimension authority, including, for example, by:</td>
</tr>
<tr>
<td>13.2.1.1</td>
<td>amending the areas or routes to which the authority applies; or</td>
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<tr>
<td>13.2.1.2</td>
<td>amending the days or hours to which the authority applies; or</td>
</tr>
<tr>
<td>13.2.1.3</td>
<td>imposing or amending road conditions or travel conditions on the authority; or</td>
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<tr>
<td>13.2.2</td>
<td>cancel the authority.</td>
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## SCHEDULE OF CONDITIONS

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

<table>
<thead>
<tr>
<th>Section(s) in Act to which conditions/limitations apply</th>
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13.3 Cemetery Advisory Sub-Committee - Terms of Reference amendment

REPORT AUTHOR: Env. Services AO
RESPONSIBLE MANAGER: ACEO
RECORDS REF: N/A
STRATEGIC LINKS: Yes; Confident and Contributing Community; Objective 1
FINANCIAL IMPLICATIONS: Impact No
Budget Description Various
Allocation $ Various
Expenditure to Date $ Various

SUMMARY:
This report seeks to amend the committee structure and terms of reference for the Cemetery Advisory Sub - Committee.

REPORT:
Background:
Terms of reference current structure comprises of;
- up to 3 Councillors.
- A representative of the Upper Murray Garden of Memory Committee
- A representative of the Funeral Industry
- A community member with relevant skills, interest, experience to advance the responsibilities of the committee.
- Manager Infrastructure Services or delegate
- the Mayor is an ex-officio member of the advisory group.

It is proposed that a representative of the Memorial Masons Industry be included in the Sub - Committee structure

The Terms of References have been amended and the recommended amendment has been tracked for the information of members.

RECOMMENDATION:
That Council:
1. having considered Report 13.3 titled “Cemetery Advisory Sub - Committee - Terms of Reference amendment”, as presented to the ordinary council meeting, receive and note the report.
2. endorses the amended Cemetery Advisory Sub - Committee Terms of Reference

ATTACHMENTS: Yes
List
Attachment 1 – Cemetery Advisory Sub - Committee Terms of Reference
1. Name

1.1. Pursuant to section 41(1) of the Local Government Act 1999, the Berri Barmera Council (Council) resolved on 27 November 2018 to establish a subcommittee to be known as the Cemetery Advisory Subcommittee (the Subcommittee).

2. Functions of the Subcommittee

2.1 The Subcommittee has the following functions:

2.1.1 To plan and oversee the management of cemeteries within the Berri Barmera Council Barmera district, in particular the Berri Cemetery and the Upper Murray Garden of Memory, Barmera.

2.1.2 To conduct relevant public consultation for any significant upgrades and development of plans for proposed works within the cemeteries.

2.1.3 To research and provide budget estimates and costings for consideration of Council as part of developing and implementing forward programs and budgets for related redevelopment work.

2.1.4 To monitor the implementation of programmed works as part of forward programs in conjunction with the Manager Infrastructure Services and Curator of Cemeteries.

2.1.5 To ensure all work is carried out within specified timeframes and budget allocations, and to the satisfaction of relevant performance measures and other criteria developed by Council.

2.1.6 To ensure that the functions and responsibilities of council are carried out in a proper and dignified manner.

3 Membership

3.1 The members of the subcommittee shall be appointed or removed by resolution of Council and will consist:

- up to 3 Councillors.
- A representative of the Upper Murray Garden of Memory Committee.
- A representative of the Funeral Industry.
- A community member with relevant skills, interest, experience to advance the responsibilities of the committee.
- Manager Infrastructure Services or delegate.
- A representative of the Memorial Masons Industry.

3.2 The Mayor is an ex officio member of the subcommittee.

3.3 Term of membership will expire at each periodic Council Election (or at cessation of the subcommittee upon a decision of Council).

3.4 Only members of the subcommittee are entitled to vote in subcommittee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the subcommittee for decision.

3.5 Additional council staff may attend any meeting as directed by the Chief Executive Officer for the provision of advice or the conduct of administrative functions, but are not entitled to vote.

4 Quorum

4.1 A quorum shall consist of half plus one of the endorsed committee members.
5 Members liability
5.1 No civil liability shall attach to a member of the subcommittee for an honest act or omission in the exercise performance or discharge or purported exercise, performance or discharge of the members or subcommittee’s functions or duties. A liability that would but for the foregoing attach to a member of a subcommittee, attaches instead to the Council.
5.2 Any liability or risk management issues must be communicated within the Council.

6 Conflict of interest
6.1 The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the subcommittee.

7 Register of interest
7.1 The provisions of section 68 of the Local Government Act 1999 will not apply to members of the subcommittee.
7.2 Pursuant to Section 72(1) of the Local Government Act 1999, the register of interest provisions as described in the Division 2, “Register of Interest” do not apply to the subcommittee members.

8 Proceedings the subcommittee meetings
8.1 The subcommittee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.
8.2 The subcommittee shall meet as determined by the members or the CEO, or as circumstances require.
8.3 A notice of meeting and agenda shall be provided to each subcommittee member at least 3 clear days before each meeting.
8.4 Special Meetings may be held at any time, at the request of the Presiding Member of the subcommittee or at least five members of the subcommittee.
8.5 All resolutions of the subcommittee shall act as recommendations to the Strategy, Assets and Major Projects Committee or Council.
8.6 A question arising for decision at a meeting of the subcommittee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
8.7 All members of the subcommittee who are present at a meeting shall have a deliberative vote.
8.8 The Presiding Member shall also have a casting vote if required.
8.9 In accordance with the principles of open, transparent and informed decision making, subcommittee meetings must be conducted in a place open to the public. The agenda and minutes of subcommittee meetings are also required to be made available to the public, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act.

9 Duties of the Presiding Officer
9.1 Pursuant to Section 41(1) of the Local Government Act 1999, the Council grants the power to the subcommittee to elect a Presiding Officer.
9.2 The duties of the Presiding Officer of the subcommittee are:
   a) to preside at meetings of the subcommittee
   b) preserve order at meetings so that the business may be conducted in due form and with propriety
   c) upon confirmation of the minutes, sign them in the presence of the meeting
   d) responsibility to the Council for the proper observance of these Terms of Reference
   e) if requested, to provide advice to the Responsible Officer between subcommittee meetings on the implementation of the decisions of the subcommittee
   f) to act as the principal spokesperson of the subcommittee
g) to exercise other functions of the committee as the Council determines

10 General Duties of Members of the Subcommittee

10.1 Members are expected to:
   a) act honestly and within the law at all times
   b) act in good faith and not for improper or ulterior motives
   c) act in a reasonable, just and non-discriminatory manner
   d) undertake their role with reasonable care and diligence
   e) conduct their ongoing relationship with fellow Council members, Council employees and the public with respect, courtesy and sensitivity
   f) use information in a careful and prudent manner.

11 Casual Vacancies

11.1 The position of member on the subcommittee becomes vacant if the member:
   a) resigns by notice in writing to the Presiding Officer of the subcommittee; or
   b) is removed from office by the Council on the grounds that he or she has been absent without leave of the subcommittee from three or more consecutive meetings, the first of which having been held three months or more before the last; or
   c) is removed by the Council at its sole discretion; or
   d) is declared a bankrupt or applies for the benefit of the law for the relief of insolvent debtors; or
   e) is convicted of an indictable offence punishable by imprisonment

11.2 The subcommittee shall forthwith inform the Council if any member forfeits their seat in such a manner.

11.3 In respect of disqualification by reason of absence for three months or more, the member forfeiting their seat under these circumstances shall however be eligible for re-election to the committee of which they were a member.

11.4 If a casual vacancy occurs on the committee, the Chief Executive Officer shall determine the process to fill that vacancy.

11.5 In the event that four (4) positions become vacant concurrently for whatever reason, the subcommittee must immediately suspend the performance of its duties and obligations conferred by this Term of Reference and forthwith inform the Chief Executive Officer of the Council, who shall give consideration to the cause of the casual vacancies and seek determination from Council.

12 Reporting & accountability

12.1 Administrative support will be provided by Council through direction of Chief Executive Officer

12.2 A copy of the agenda and minutes of every meeting shall be provided to the Chief Executive Officer for inclusion in the agenda of the next Council meeting, provided for public display and on council’s website.

12.3 Where a particular matter requires a specific resolution or the attention of the Council, the minutes will adequately reflect a recommendation to be considered by Council.

12.4 The subcommittee is accountable to the Berri Barmera Council in all things.

13 Disputes

13.1 Should a dispute arise over any matter, the matter shall be handled in accordance with Council’s Grievance Procedures, however the decision of the Council will be final.

13.2 The Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing of review of decisions. Grievances may arise as a result of dissatisfaction with a decision about a policy, procedure, service or fee.
14 Review and amendment to terms of reference

14.1 Council may at any time amend or alter these terms of reference by resolution of the Council.

15 Cessation of the Subcommittee

15.1 The Subcommittee shall be dissolved upon a decision of Council.

<table>
<thead>
<tr>
<th>Committee History</th>
<th>Date</th>
<th>Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of the Cemetery Advisory Committee and adoption of Terms of Reference</td>
<td>Council Meeting: 27 March 2007</td>
<td>1114/07</td>
</tr>
<tr>
<td>Appointment of Chairperson</td>
<td>Council Meeting: 24 March 2015</td>
<td>4069/15</td>
</tr>
<tr>
<td>Terms of Reference amendment</td>
<td>Council Meeting 27 March 2018</td>
<td>4959/18</td>
</tr>
<tr>
<td>Terms of Reference amendment.</td>
<td>Council Meeting: 27 November 2018</td>
<td>5139/18</td>
</tr>
<tr>
<td>Terms of Reference amendment</td>
<td>Council Meeting 26 March 2019</td>
<td></td>
</tr>
</tbody>
</table>
**SUMMARY:**
This report seeks to review membership of the Berri Improvement Committee and the Committee’s Terms of Reference (TOR).

**REPORT:**
**Background:**
N/A

**Discussion:**
The Berri Improvement Committee was scheduled to have its first meeting in early February 2019 following the endorsement of the Committee’s TOR and membership at the Ordinary meeting of Council in January 2019.

Unfortunately, the current membership of the committee does not meet the TOR Membership requirements – “consist of no less than 8 and no more than 16 persons”. The committee currently has 4 elected members and 3 community members (7 members).

Further the TOR states a quorum shall consist of 7 members.

Administration undertook a more targeted recruitment drive to attract interested community members, however has not been successful at this stage at attracting further membership nominations.

It is recommended that the terms of reference be adjusted to reflect the current membership to allow the committee to hold its initial meeting. It is anticipated that once the committee is operating there will be additional membership interest from the community. These changes are highlighted as track changes in the TOR attached at Appendix.

**Conclusion:**
N/A

**RECOMMENDATION:**
That Council:
1. having considered Report 13.4 titled “Berri Improvement Committee - Membership” as presented to the ordinary council meeting, receive and note the report.
2. endorses the amended Cemetery Advisory Sub - Committee Terms of Reference
<table>
<thead>
<tr>
<th>ATTACHMENTS:</th>
<th>Yes</th>
<th>List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment 1 – Berri Improvement Committee TOR – with track changes</td>
<td></td>
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</tr>
</tbody>
</table>
1. Name

1.1. Pursuant to section 41(1) of the Local Government Act 1999, the Berri Barmera Council (Council) resolved on 27 November 2018 to establish a committee to be known as Berri Improvement Committee (the Committee).

2. Functions of the Committee

2.1. The Committee has the following functions:

2.1.1. a forum for key community stakeholders with interests specific to the improvement of Berri

2.1.2. capture, communicate and develop ideas and initiatives that enable community members, groups and Council to progress, beautify and advance Berri

2.1.3. provide timely and appropriate information and encouragement on member projects and initiatives that enable opportunities for collaboration, support and participation

2.1.4. provide advice to Council regarding the use and development of public open spaces, walking / bike trails and similar

2.1.5. to plan longer term programs for the benefit of Berri and its community

2.1.6. the geographical extent as is outlined in Figure 1.

3. Membership

3.1. The members of the Committee shall be appointed or removed by resolution of Council and will consist of no less than 8 and no more than 16 persons, comprising up to 4 Elected Members and up to 12 members of the community with relevant skills, experience, qualifications or participation in key groups in advancing the responsibilities of the Committee.

3.2. The Mayor is an ex officio member of the Committee.

3.3. Term of membership will expire at each periodic Council Election (or at cessation of the committee upon a decision of Council).

3.4. The Presiding Member shall be an Elected Member as recommended by the committee but appointed by Council.

3.5. Only members of the Committee are entitled to vote in committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

3.6. Council staff may attend any meeting as directed by the Chief Executive Officer for the provision of advice or the conduct of administrative functions, but are not entitled to vote.

4. Quorum

4.1. A quorum shall consist of seven members.

5. Members liability

5.1. No civil Liability shall attach to a member of the Committee for an honest act or omission in the exercise performance or discharge or purported exercise, performance or discharge of the members or committee’s functions or duties. A liability that would but for the foregoing attach to a member of a committee, attaches instead to the Council.

5.2. Any liability or risk management issues must be communicated within the Council.

6. Conflict of interest

6.1. The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the Committee.
7 Register of interest

7.1 The provisions of section 68 of the Local Government Act 1999 will not apply to members of the Committee.

7.2 Pursuant to Section 72(1) of the Local Government Act 1999, the register of interest provisions as described in the Division 2, “Register of Interest” do not apply to the committee members.

8 Proceedings the committee meetings

8.1 The Committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.

8.2 The Committee shall meet every two months, or otherwise as required, and the purpose and outcomes of the Committee be reviewed in the Fourth Quarter of 2020 to determine the ongoing need for the Committee.

8.3 A notice of meeting and agenda shall be provided to each committee member at least 3 clear days before each meeting.

8.4 Special Meetings may be held at any time, at the request of the Presiding Member of the Committee or at least five members of the Committee.

8.5 All resolutions of the Committee shall act as recommendations to Council, subject to the Committee being granted delegated authority to act according to Council policy and procedures in designated matters, or where Council has previously approved a course of action.

8.6 A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

8.7 All members of the Committee who are present at a meeting shall have a deliberative vote.

8.8 The Presiding Member shall also have a casting vote if required.

8.9 In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public. The agenda and minutes of Committee meetings are also required to be made available to the public, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act.

9 Duties of the Presiding Officer

9.1 The duties of the Presiding Officer of the committee are:

a) to preside at meetings of the committee

b) preserve order at meetings so that the business may be conducted in due form and with propriety

c) upon confirmation of the minutes, sign them in the presence of the meeting

d) responsibility to the Council for the proper observance of these Terms of Reference

e) if requested, to provide advice to the Responsible Officer between committee meetings on the implementation of the decisions of the committee

f) to act as the principal spokesperson of the committee

g) to exercise other functions of the committee as the Council determines

10 General Duties of Members of the Committee

10.1 Members are expected to:

a) act honestly and within the law at all times

b) act in good faith and not for improper or ulterior motives

c) act in a reasonable, just and non discriminatory manner

d) undertake their role with reasonable care and diligence

e) conduct their ongoing relationship with fellow Council members, Council employees and the public with respect, courtesy and sensitivity
f) use information in a careful and prudent manner.

11 Casual Vacancies

11.1 The position of member on the committee becomes vacant if the member:
   a) resigns by notice in writing to the Presiding Officer of the committee; or
   b) is removed from office by the Council on the grounds that he or she has been absent without
      leave of the Committee from three or more consecutive meetings, the first of which having been
      held three months or more before the last; or
   c) is removed by the Council at its sole discretion; or
   d) is declared a bankrupt or applies for the benefit of the law for the relief of insolvent debtors; or
   e) is convicted of an indictable offence punishable by imprisonment

11.2 The Committee shall forthwith inform the Council if any member forfeits their seat in such a
manner.

11.3 In respect of disqualification by reason of absence for three months or more, the member
forfeiting their seat under these circumstances shall however be eligible for re-election to the
committee of which they were a member.

11.4 If a casual vacancy occurs on the committee, the Chief Executive Officer shall determine the
process to fill that vacancy.

11.5 In the event that four (4) positions become vacant concurrently for whatever reason, the
Committee must immediately suspend the performance of its duties and obligations conferred by
this Term of Reference and forthwith inform the Chief Executive Officer of the Council, who shall
give consideration to the cause of the casual vacancies and seek determination from Council.

12 Reporting & accountability

12.1 Administrative support will be provided by Council through direction of Chief Executive Officer.
Council will provide a Responsible Officer by direction of Chief Executive Officer.

12.2 A copy of the agenda and minutes of every meeting shall be provided to the Chief Executive
Officer for inclusion in the agenda of the next Council meeting, provided for public display and on
Council’s website

12.3 Where a particular matter requires a specific resolution or the attention of the Council, the
minutes will adequately reflect a recommendation to be considered by Council.

12.4 The committee is accountable to the Berri Barmera Council in all things.

13 Disputes

13.1 Should a dispute arise over any matter, the matter shall be handled in accordance with the
Council’s grievance procedures, however the decision of the Council will be final.

13.2 The Council is committed to transparent decision making processes and to providing access to a
fair and objective procedure for the hearing of review of decisions. Grievances may arise as a
result of dissatisfaction with a decision about a policy, procedure, service or fee.

14 Review and amendment to terms of reference

14.1 Council may at any time amend or alter these terms of reference by resolution of Council. The
committee shall at least biennially, review these Terms of Reference to ensure that they properly
reflect the role and function of the committee.

15. Cessation of the committee

15.1 The Committee shall be dissolved upon a decision of Council.
Figure 1: Geographical extent of the Berri Improvement Committee
<table>
<thead>
<tr>
<th>Committee History</th>
<th>Date</th>
<th>Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of the Berri Beautification Committee and adoption of Terms of</td>
<td>Council Meeting: 28 April 2009</td>
<td>1858/09</td>
</tr>
<tr>
<td>Reference</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointment of Chairperson</td>
<td>Council Meeting: 27 January 2015</td>
<td>4010/15</td>
</tr>
<tr>
<td>Terms of Reference amendment</td>
<td>Council Meeting: 26 July 2016</td>
<td>4463/16</td>
</tr>
<tr>
<td>Terms of Reference amendment</td>
<td>Council Meeting: 27 November 2018</td>
<td>5136/18</td>
</tr>
<tr>
<td>Appointment of presiding member and community members</td>
<td>TBA22 January 2019</td>
<td>5193/19</td>
</tr>
</tbody>
</table>
Barmera Improvement Committee – Minutes from meeting held 7 March 2019

OFFICER: MIS
RECORDS REF: MEET-BARMERA IMPROVE I190315-424
STRATEGIC LINKS: Yes; Confident and Contributing Community; Objective 1
FINANCIAL IMPLICATIONS: Impact No
Budget Description Parks and Gardens; Barmera Beautification Projects
Allocation $10,000
Expenditure to Date $4,691

SUMMARY:
The minutes of the meeting of the Barmera Improvement Committee held 7 March 2019.

REPORT:
Background:
N/A

Discussion:
The minutes of the meeting of the Barmera Town Beautification Committee held 7 March 2019 are attached for information, to be received by Council. The Committee put forward several recommendations for Council decision.

The next meeting is scheduled for Thursday 2 May 2019.

A Committee Community Representative nomination form was received prior to the meeting from Mrs Chris Wutke and is therefore presented to Council for endorsement.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered report 13.5 “Barmera Improvement Committee – Minutes from meeting held 7 March 2019” as presented to the Ordinary Meeting of Council, receive and note the report.
2. receive the Minutes of the Barmera Town Beautification Committee Meeting held on 7 March 2019.
3. adopt the following recommendations of the Committee:
   Item 2 Nomination for Position of Chairperson
   Mr Waterman was elected as Chairperson by the Committee unopposed.
   That the Committee recommend to Council that Mr David Waterman be appointed to the position of Chairperson
   Item 3 Time/Place of Meetings
   MOTION: (BAIC – 1/19)
   That the Barmera Improvement Committee meetings be held the first Thursday of each alternate month and are held the Barmera Library and Council Customer Service Centre, Barwell Avenue at 6.00pm.
4. confirms the external committee membership representative as nominated and as presented within report 13.5.
<table>
<thead>
<tr>
<th>ATTACHMENTS:</th>
<th>Yes</th>
<th>Attachment 1 – Barmera Improvement Committee Minutes – 7 March 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Attachment 2 – Community Representative Nomination Form - Wutke</td>
</tr>
</tbody>
</table>

Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019
1: PRESENT:
For Information, Members are:
Mayor Peter Hunt, Cr Rhonda Centofanti, Cr Mike Fuller, Cr Metta Sindos, Cr Adrian Little, Mr Murray Harvey, Mr David Waterman, Mrs Barb Scudds, Mr Robert Drogemuller, Mrs Margaret Drogemuller, Ms Anne Irwin, Mr Martin Bailey, Ms Anne Berriman and Mr Graham Nitschke

Officers: Mr David Otto deGrancy (Acting Manager Infrastructure Services), Mrs Karina Davis (PA to Manager Infrastructure Services), Mrs Peggy Germein (Library Team Leader)

Mayor Peter Hunt welcomed Members and Staff to the renamed Committee, formerly Barmera Town Beautification Committee, for the new 4 year term.

2: NOMINATION FOR POSITION OF CHAIRPERSON:
As per the Committee’s Terms of Reference, the Presiding Member shall be elected by the Committee but appointed by Council.

Mayor Peter Hunt called for nominations of Presiding Member. Mr Robert Drogemuller nominated Mr David Waterman

No other nominations were received and therefore was elected unopposed

That the Committee recommend to Council that Mr David Waterman be appointed to the position of Chairperson.

David Waterman took the Chair for the remainder of the meeting.

3: TIME/PLACE/DAY OF MEETINGS:
As per the Committee’s Terms of Reference, the Committee shall meet every two months, or otherwise as required. Historically, this has been on the alternative month to the Berri Improvement Committee, and held on a Thursday evening at the Barmera Library and Council Customer Service Centre on Barwell Avenue, Barmera.

MOTION: BAIC - 1/19
That the Barmera Improvement Committee meetings be held the first Thursday of each alternate month and are held the Barmera Library and Council Customer Service Centre, Barwell Avenue at 6.00pm.

Cr Mike Fuller / Cr Rhonda Centofanti CARRIED

4: CONFIRMATION OF MINUTES:
Minutes of the Barmera Town Beautification Committee meeting held 11 October 2018.

MOTION: BAIC – 2/19
That the Minutes of the Barmera Town Beautification Committee held on 11 October 2018 be taken as read and confirmed.

Cr Mike Fuller / Graham Nitschke CARRIED
MEMBERS DECLARATION OF INTEREST:
Committee members are required to:
1. Consider Section 73 and 75 of the Local Government Act 1999 and determine whether they have a material, actual or perceived conflict of interest in any matter to be considered in this Agenda.
2. Disclose those interests in accordance with the requirements of Section 74 and 75A of the Local Government Act 1999 on the approved form.

CONFIDENTIAL ITEMS CONSIDERATION:
Committee Members request for additional information required for the ‘public interest test’ for proposed confidential items in the Agenda.

DEPUTATION: Nil

QUESTIONS/MOTIONS WITH NOTICE: Nil

FORWARD PLANS FOR THE COMMITTEE:
9.1 Recruitment of Committee Members
Nomination form completed by Chris Wutke to be presented to Council – 26 March 2019 for endorsement.

9.2 Outstanding Actions from Barmera Town Beautification Committee
The Action List from the Barmera Town Beautification Committee is provided below for discussion and review.

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Project Action Required</th>
<th>Actioning Officer / Committee Member</th>
<th>Status Of Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.12.17</td>
<td>Barmera Roundabout</td>
<td>Cr M Fuller</td>
<td>Committee would like to see a new fountain put in the Barwell Avenue roundabout, some options and prices to be presented to next Committee meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MOTION: (BATBC-148/16)</td>
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<tr>
<td></td>
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<td></td>
<td>The Committee recommends that a new fountain replace the existing sculpture on the Barwell Avenue roundabout.</td>
</tr>
<tr>
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<td></td>
<td>Cr Mike Fuller to provide options for discussion at meeting.</td>
</tr>
<tr>
<td>9.2.17</td>
<td></td>
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<td>MOTION: (BATBC – 150/17)</td>
</tr>
<tr>
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<td></td>
<td>That further investigations be made by Council to install a fountain in the Barwell Avenue roundabout for the 2017/18 year.</td>
</tr>
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<td></td>
<td>Cr Mike Fuller / Ann Irwin CARRIED</td>
</tr>
<tr>
<td>8.6.17</td>
<td></td>
<td></td>
<td>Options are being sought. Possibly to retain the current artwork within the fountain or part of.</td>
</tr>
<tr>
<td>10.8.17</td>
<td></td>
<td></td>
<td>Council has included an allocation for this project in the 17/18 budget.</td>
</tr>
<tr>
<td>12.10.17</td>
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<td>Fountain ideas to be discussed.</td>
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<td>MOTION: (BATBC – 167/17)</td>
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<tr>
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<td>That a date be sent out to Committee member to meet and discuss the roundabout fountain concept.</td>
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<td></td>
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<td></td>
<td>Robert Drogemuller / Kevin Stead CARRIED</td>
</tr>
</tbody>
</table>
14.12.17 After discussion with the CEO it has been decided to engage Mr Stuart Haseltine – of Hemisphere Design (Aust) Pty Ltd to provide options for the site.

**MOTION:** (BATBC – 171/17) That a deputation to the Committee with options and costs be explored for the fountain on Barwell Avenue by an appropriate consultant.
Cr Rhonda Centofanti / Ann Berniman **CARRIED**

8.2.18 Waiting on a proposal from Hill Street Architects.

12.4.18 Josh from Greenhill Australia attended a Community meeting held 14 March in the Soldiers Memorial Hall. Staff and Committee members attended the presentation and discussed fountain design options. Greenhill Australia will provide designs from feedback provided on the day.

Greg should have something to show at the meeting on Thursday.

Greg provided a copy of the design by Greenhill Australia. (as attached)

**MOTION:** (BATBC – 176/18) That the Committee is in favour of the design but would like to see a 3D drawing to be better informed.
Peg Germein / Graham Nitschke **CARRIED**

14.6.18 All comments received from Councillors and Committee members on the proposed design were sent to Josh at Greenhill Aust - 5.6.18. Awaiting response.

9.8.18 Report to August Strategic Governance & Asset Management Committee for discussion.

11.10.18 CEO provided an update on the Roundabout and Fountain project. Council at the Strategic Governance and Asset Management Committee held 14 August 2018 determined to abandon pursuing a stylised fountain design due to cost overruns exceeding the $60K budget. Decision made to explore a traditional fountain design. Project (fountain and artificial lawn on hold until Q4 of 2018/2019 due to competing priorities within Council.

7.3.19 Strategic Governance and Asset Management Committee: **MOTION:** (SGAMC221/18) That the Barmera Fountain Project be cancelled and Council investigate replacement with a traditional fountain. Cr Fuller to provide 3 designs for members to vote on at next meeting (2 May 19) for recommendation to Council.

14.12.17 **Lakefront Shelter No. 2** The Committee discussed the erection of another shelter on the Lakefront further to the east.

**MOTION:** (BATBC – 173/17) That an additional shelter be purchased and erected on the grassed eastern end of the Lakefront.
Barb Scudds / Margaret Drogemuller **CARRIED**

8.2.18 Approved at Council meeting held 23 January 2018. Graham Nitschke to obtain quote for shelter so order can be placed. Shelter quote received for $4400 inc gst, awning materials quote $1060 inc gst plus $200 for delivery of both items to the Barmera Council Depot. Greg to place order for both items.

12.4.18 Order placed for shelter and awning. Graham Nitschke to give an update on the installation.

11.10.18 Awaiting for footpath completion. Installation of shelter/s to be programmed after completion of upcoming footpath completion and ground works. Footpath works likely to commence in 2 weeks.
7.3.19 Barmera Improvement Committee
Still waiting for path to be completed.
Cr Fuller advised that shelter will be installed by Volunteer builder and Committee members (Fuller, Drogemuller and Nitschke) in the coming weeks.
Luke (Riverscape) will be drilling holes.
Lions seat to be installed.

9.8.18 Lakefront Shelter No. 3
The Committee discussed the erection of another shelter on the Lakefront further to the east.
Robert Drogemuller seek costs for a 3rd Shelter for the Lakefront and present findings to the October 11 Committee meeting, including possible location.

11.10.18
A quote for the supply of a 3rd shelter from Stratco including awning at a cost of $5,660 (inc GST), be presented to the Committee, including proposed location for recommending to Council.
MOTION: (BATBC – 185/18)
That a 3rd Stratco shelter including awning at the cost of $5,660 inc GST, be erected on the Lakefront.
Cr Mike Fuller / Graham Nitschke CARRIED

7.3.19 Barmera Improvement Committee
Shelter ordered 30.10.18. Waiting for Lakefront path to be completed before it can be installed by volunteers.
Cr Fuller advised that shelter will be installed by Volunteer builder and Committee members (Fuller, Drogemuller and Nitschke) in the coming weeks.
Luke (Riverscape) will be drilling holes.
Lions seat to be installed.

9.8.18 Lakefront Tree Planting
Committee discussed the planting of further trees along the Lakefront path extension yet to be completed. Planning of the path to avoid irrigation and the proposed 3rd Shelter location needs to be determined prior to further plantings.
MOTION: (BATBC – 181/18)
That the Barmera Town Beautification Committee undertakes further tree planting on the Lakefront in conjunction with Council’s Parks and Gardens Supervisor.
Cr Mike Fuller / Robert Drogemuller CARRIED

7.3.19 Barmera Improvement Committee
Due to the development of a Master Plan for this area tree planting will need to be put on hold as requested by Myles Somers (Manager Environmental Services / Major Projects). Mayor Hunt requested that Myles attend the next Committee meeting to discuss the Master Plan further.

9.3 Budget Considerations for 2019/2020
Nil items discussed at this stage.
Balance of funds for current budget (18/19) is: $5,310 ex gst.

9.4 Barmera Community Fund – Successful Application
An application was submitted for funding by Mr Graham Nitschke on behalf of the Barmera Town Beautification Committee following the previous meeting in October of last year. Notification has been received that the Committee was successful in gaining a donation of $1,000.

After being advised that no further works can be undertaken on the Lakefront due to the future development of a Masterplan, Graham Nitschke will approach the Barmera Community Fund and seek their advice on the use of the donation.
10: **OTHER BUSINESS:**

- Lakefront Shelter (1) – Soil to be added to create slope from shelter, will then add ‘thatching’ to stabilise soil and help provide quicker coverage of grass.
- Barmera Centenary – 2021
  Mayor Hunt advised Committee members that the Barmera Centenary celebrations will be taking place during 2021 and members are welcome to be part of the preparations.
- Margaret Drogemuller would like to see the shed located between Barmera Club and Skate Park painted as has been talked about for many years and is in urgent need of painting. Dave deGrancy to investigate options.
- Flag pole – Lakefront – question asked as to whether there needs to be 3 poles for events like Australia Day etc. Council’s Flag Policy to be referred to for clarification.

11: **CLOSURE:** The meeting closed at 6.58 pm.

Next meeting to be held on 2 May 2019.

Confirmed:

**DATE:** , 2019  
**CHAIR:** ..................................................  
David Waterman
SECTION 41 COMMITTEE NOMINATION FORM

Berri Barmera Council

Committee Community Representative

Complete this form to nominate to be a representative on one of Berri Barmera Council's Section 41 Committees. If you require further room please staple additional pages to this form.

The form should be completed in full and returned attention to the Chief Executive Officer (Section 41 Committee Nomination):

- **By post:**
  Berri Barmera Council
  PO Box 229
  BERRI SA 5343

- **By email:**
  bbc@bbc.sa.gov.au

- **In person:**
  19 Wilson Street, Berri
  Barmera Library, Barwell Avenue, Barmera

Nominations close at 5.00pm on Thursday, 10 January 2019.

For more information call 8582 1922.

I wish to nominate for: (Please tick relevant)

- [ ] Berri Improvement Committee
- [x] Barmera Improvement Committee
- [ ] Environment and Sustainability Committee

Qualifications and Experience

[Handwritten text]

Name: JUDY WILKIE

Address: 7 PACIFIC TERRACE
BARBERA

Phone: 0407720560

Mobile: [Handwritten text]

Email: [Handwritten text]
Why would you like to be a member of this committee?

[Text filled in by hand]

Profile attached:

☐ Yes ☐ No

Other comments:

[Blank space filled in by hand]

☐ I have read the Terms of Reference for the relevant committee(s) I have nominated for.

Signature: [Signature]

Date: 1.3.2019
### SUMMARY:
The registrations for the 2019 Council Best Practice Showcase and Local Government Association Ordinary General Meeting are open, with a draft program now available.

### REPORT:
N/A

### Discussion:
Council has been notified via Local Government Association Circular 11.1., that the draft program for the 2019 Council Best Practice Showcase and AGM event is available and registrations are open. The event will be held at the Adelaide Entertainment Centre on Thursday 11 and Friday 12 April 2019.

The program outlining the two day event is attached at Appendix for members information. Costs for the full event pass (both days and dinner) is $600 + GST. In 2018, Mayor Hunt attended the full event and Cr Gore attended the showcase part of the event.

Further notification through LGA Circular 11.5 advises that the agenda for the LGA Ordinary General Meeting is now available to download from the LGA website.

The agenda includes Recommendation Reports (listed below) from each of the LGA Board of Directors, SAROC and GAROC Committees.

**LGA Business**
- Local Government Reform
- LGA Advocacy Update
- LGASA Commercial
- LGA Procurement Transformation Update
- LGASA Mutual Update

**Recommendation Reports from the SAROC Committee**
- State of Climate Change Emergency (Mount Barker)
- Local Government Leadership in Climate Risk Management (Southern & Hills LGA)
- Jetties (Tumby Bay)
Lack of Medical Services to Regional Areas (Eyre Peninsula LGA)
Funding for Regional Road Safety (Alexandrina)
Regional Economic Growth and Development (Wattle Range)
Little Corella Management (Alexandrina)

Recommendation Reports from the GAROC Committee
Inclusion of Wine Bottles in the Container Deposit Legislation (Unley)
Social Infrastructure that promotes liveable and healthy communities (Adelaide)
Movement and Transport Planning (Adelaide)
Hardship Policy for council rates (Playford)

Recommendation Reports from the LGA Board of Directors
Engineering Principles for Development (Campbelltown)

LGA General Meetings are conducted as per the LGA Meeting Procedures adopted at the 2018 LGA AGM in October 2018.

As per Clause 12 of the LGA Constitution member councils may appoint voting delegates to General Meetings. The Constitution provides that the appointment of a delegate may be a standing appointment unless contrary advice is provided. This means that unless contrary advice is provided to the LGA, the nominated voting delegate for a member council is the same as the person who was their voting delegate for the most recent LGA meeting of members (i.e. the Annual General Meeting of 26 October 2018). Council’s voting delegates have traditionally been the Mayor and Deputy Mayor. An email confirming these delegates will be forwarded to the LGA.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered Report 13.6 titled “2019 Council Best Showcase and Local Government Association Ordinary General Meeting” as presented to the ordinary council meeting, receive and note the report.
2. endorse that......................... attend the 2019 Council Next Practice Showcase and Local Government Association Ordinary General Meeting in Adelaide on 11-12 April 2019.

ATTACHMENTS: Yes
Attachment 1 – 2019 Council Best Showcase and Local Government Association Ordinary General Meeting brochure
Council Best Practice Showcase + LGA Ordinary General General Meeting

Thursday 11 & Friday 12 April

2019

keynote speaker
Craig Reucassell

Draft Program

Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019
**Thursday 11 April**

**Day one**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.30am</td>
<td>Registrations open</td>
</tr>
<tr>
<td>8.45am</td>
<td>Welcome to Country</td>
</tr>
<tr>
<td>9.00am</td>
<td>LGA President’s Welcome</td>
</tr>
<tr>
<td></td>
<td>Mayor Sam Telfer</td>
</tr>
<tr>
<td>9.15am</td>
<td>Keynote address</td>
</tr>
<tr>
<td></td>
<td>Craig Reucassel</td>
</tr>
<tr>
<td></td>
<td>Craig is an Australian writer and comedian who is best known for his</td>
</tr>
<tr>
<td></td>
<td>work with the ABC on The Chaser and The War on Waste series which</td>
</tr>
<tr>
<td></td>
<td>saw him challenge Australians about their waste and recycling habits.</td>
</tr>
<tr>
<td>9.55am</td>
<td>Gold sponsor</td>
</tr>
<tr>
<td>10.00am</td>
<td>Morning tea</td>
</tr>
</tbody>
</table>

**Traditional showcase stream**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.30am</td>
<td>Investing in Leadership</td>
</tr>
<tr>
<td></td>
<td>Tea Tree Gully, Limestone Coast &amp; Onkaparinga</td>
</tr>
<tr>
<td></td>
<td>Discover how these three councils have found innovative ways to</td>
</tr>
<tr>
<td></td>
<td>develop the capacity of residents. Focusing on building a range of</td>
</tr>
<tr>
<td></td>
<td>skills, from public speaking to peer mentoring, entrepreneurship to</td>
</tr>
<tr>
<td></td>
<td>financial management, their programs focus on emerging and existing</td>
</tr>
<tr>
<td></td>
<td>leaders, as well as young people who are just starting out.</td>
</tr>
<tr>
<td></td>
<td>Recognising the wide community benefits, these three councils are</td>
</tr>
<tr>
<td></td>
<td>committed to developing exciting programs attracting enthusiastic</td>
</tr>
<tr>
<td></td>
<td>participants with tangible results for the community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.30am</td>
<td>Inclusive Communities</td>
</tr>
<tr>
<td></td>
<td>Adelaide, Marion, Onkaparinga, Salisbury &amp; Legatus</td>
</tr>
<tr>
<td></td>
<td>The Cities of Adelaide and Salisbury have developed comprehensive</td>
</tr>
<tr>
<td></td>
<td>Disability Inclusion Action Plans, and are now looking towards</td>
</tr>
<tr>
<td></td>
<td>sharing their experiences and learnings with councils across the State.</td>
</tr>
<tr>
<td></td>
<td>The City of Marion has worked with the State Government to design and</td>
</tr>
<tr>
<td></td>
<td>build the first fully inclusive playground in South Australia, which</td>
</tr>
<tr>
<td></td>
<td>can be used by children of all abilities.</td>
</tr>
<tr>
<td></td>
<td>Councils in the Yorke and Mid North and greater Adelaide regions</td>
</tr>
<tr>
<td></td>
<td>have collaborated through the Legatus Group and the Community</td>
</tr>
<tr>
<td></td>
<td>Managers Network to understand the impacts of the NDIS on their</td>
</tr>
<tr>
<td></td>
<td>communities, and how they can continue to support their communities</td>
</tr>
<tr>
<td></td>
<td>during this major shift in the way that disability services are</td>
</tr>
<tr>
<td></td>
<td>provided.</td>
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</tbody>
</table>

**Waste and recycling stream**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.30am</td>
<td>National context</td>
</tr>
<tr>
<td></td>
<td>David O’Loughlin, ALGA President</td>
</tr>
<tr>
<td></td>
<td>Prospect Mayor and ALGA President David O’Loughlin will give an</td>
</tr>
<tr>
<td></td>
<td>overview of action being taken at the Federal level to address the</td>
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<td></td>
<td>recent issues in waste and recycling including development of the</td>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.45am</td>
<td>State context</td>
</tr>
<tr>
<td></td>
<td>Vaughan Levitzke, GISA &amp; Tony Circelli, EPA</td>
</tr>
<tr>
<td></td>
<td>This session will explore the State Government’s response to</td>
</tr>
<tr>
<td></td>
<td>problems in the waste and recycling industry, including the</td>
</tr>
<tr>
<td></td>
<td>2018 State Government Recycling Industry Support Package, and the</td>
</tr>
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<td></td>
<td>recently announced reviews of single-use plastics and the Container Deposit Scheme.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>11.05am</td>
<td>Driving growth through resource recovery</td>
</tr>
<tr>
<td></td>
<td>NAWMA</td>
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<tr>
<td></td>
<td>This session will explore the drivers for establishing strong</td>
</tr>
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<td></td>
<td>local markets for recyclable materials in South Australia and how</td>
</tr>
<tr>
<td></td>
<td>local government bodies are uniquely placed to lead this response.</td>
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<td></td>
<td>Driving growth through the green bin – How is recovered organic</td>
</tr>
<tr>
<td></td>
<td>waste being reprocessed into valuable product?</td>
</tr>
<tr>
<td></td>
<td>Marina Wagner, FRWMA &amp; Peter Wadewitz, Peats Soils</td>
</tr>
<tr>
<td></td>
<td>Marina will explore the importance of local government’s role in</td>
</tr>
<tr>
<td></td>
<td>recovering food and organic waste, and the range of benefits this</td>
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<tr>
<td></td>
<td>brings for sustainability of waste management services. Peter</td>
</tr>
<tr>
<td></td>
<td>will explain how his company, Peats Soils, is using recovered food</td>
</tr>
<tr>
<td></td>
<td>and organic waste to create value for many South Australian</td>
</tr>
<tr>
<td></td>
<td>industries, and how local government can help achieve further growth</td>
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<tr>
<td></td>
<td>and better sustainability outcomes in this space into the future.</td>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>12.05pm</td>
<td>Panel discussion “How do you achieve change?”</td>
</tr>
<tr>
<td></td>
<td>Craig Reucassel, Mayor David O’Loughlin &amp; third panelist tbc</td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------</td>
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</tbody>
</table>
| 1.25pm | **A boy, a pelican, lots of bikes, big ships and the internet**          | **Alexandrina & Port Lincoln**  
Hear how the movie Storm Boy, hosting a stage of the Santos Tour Down Under, cruise ships and a passenger welcoming program, and a re-imagined online tourism presence have been used to leverage the visitor economy to maximum effect. |
| 1.25pm | **Educating others in the waste space**                                 | **Charles Sturt & East Waste Management Authority**  
This session will explore innovative methods of reaching the community, and enabling others to be champions for change both in their own homes and within their spheres of influence. |
| 2.10pm | **Coastal management and BUF**                                          | **Limestone Coast, Spencer Gulf & Adelaide**  
The first part of this session outlines the SA Coastal Alliance Project, which is a strategic collaboration between South Australia’s 34 coastal councils. The presentation will elaborate on the project, and how you can get involved in your council to manage coastal protection issues. Moving away from the coast, the second part of this session provides information on Building Upgrade Finance. Building Upgrade Finance can be used to improve the environmental and economic performance of commercial and heritage buildings, with potential policy and economic development opportunities for councils. |
| 2.10pm | **Stepping towards the solution**                                       | **Marion & Adelaide**  
Hear from two councils that have had enough of being part of the waste problem, and have taken steps toward being part of the solution. Marion has banned single use plastics at council events, and Adelaide’s sustainability guidelines have been a game-changer for locally - held events. |
| 2.55pm | **Afternoon tea**                                                       |                                                                                                                                       |
| 3.15pm | **Citizen connectivity using data analytics and a Town Hall**            | **Gawler & Playford**  
Two fantastic examples of how to increase community wellbeing. One is an iconic, bricks and mortar community hub transformed to connect people and businesses and the other is driving internal change and innovation via data analytics to be more efficient and effective, and improve service delivery. |
| 3.15pm | **Closing the loop**                                                    | **Mt Gambier & Charles Sturt**  
Hear from two councils that are taking a holistic approach to managing waste, focusing not just on collection and processing but also getting serious about the need to “reduce, re-use, recycle”. |
| 4.00pm | **Sustainable communities – looking out, looking in**                   | **Limestone Coast, Burnside & Playford**  
Three thought provoking projects aimed at developing sustainable communities, either by looking out at the regional economy, or looking in at how councils can better manage assets, or better assist ratepayers to manage their council rates in a sustainable manner. |
| 4.00pm | **Regional challenges in waste**                                        | **AHRWMA & FRWMA**  
Hear from two different regional subsidiaries about the unique challenges and opportunities they have encountered in waste, and some recent success stories. |
| 5.00pm | **Close**                                                               |                                                                                                                                       |
| 6.30pm | **Networking Dinner**                                                  | Includes: Presentation of Service Certificates and Joy Baluch Award  
LGA Members offer

Offer 1: If your council registers additional delegates (full Showcase and OGM eg more than the number it sent to Showcase in 2018) they will receive one free registration. In addition, for every four delegates you register for the full event (both days and dinner) the fifth registration is free. Please note that the free registration only applies if you register for the full Showcase pass (both days and dinner).

Offer 2: We will again be offering two streams at this Showcase event, however for the first time one stream will focus on waste and recycling. Given this focus the LGA has recognised that some councils might have staff or elected members interested in this stream. Therefore the LGA is also offering a one day registration deal. If you register two delegates for the Showcase (day one only), you will receive one pass for free.

* Conditions apply

Event contact
Rebecca Wake (08) 8224 2047 or rebecca.wake@lga.sa.gov.au

Thank you to our sponsors

Platinum Day Sponsor

Platinum Dinner Sponsor

Mutual Liability Scheme
Workers Compensation Scheme
Local Government Association of South Australia
SUMMARY:
On 20 February 2019, the Premier and The Hon Stephan Knoll MP held a roundtable discussion with 45 Mayors from across South Australia to discuss potential local government reform.

REPORT:
Background:
N/A

Discussion:
Follow up correspondence from the discussion has been received from Minister Knoll, outlining the key points of discussion and areas of local government and activity that could “benefit from a fresh look and sensible reform”.

These areas include:
- Stronger council member capacity and better conduct
- Lower costs and enhanced financial accountability
- Efficient and transparent local government representation
- Simpler regulation

Prior to developing any proposals for legislative reform, Minister Knoll is inviting Council’s and the Community to provide any feedback on the four reform areas by Friday 26th April 2019. Further information on the reform program is available from the Office of Local Government website www.dpti.sa.gov.au/local_govt.

Following the consideration of all ideas, a reform paper will be released for consultation in mid-2019. This paper will discuss the ideas and opportunities within the four reform areas and other reforms that may arise through consultation with the sector and communities. This will enable further discussion and consultation on proposals for reform before a Local Government Reform Amendment Bill is developed in early 2020.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered Report 13.7 titled “Potential Local Government reforms, Round Table Discussions – The Hon Stephan Knoll MP” as presented to the ordinary council meeting, receive and note the report.
2. advise administration of any feedback on the four reform areas to include in the feedback submission to The Hon Stephan Knoll MP prior to close of submission on 26th April 2019.

ATTACHMENTS: Yes
List
Attachment 1 – Correspondence from The Hon Stephan Knoll MP
Dear Mayor Hunt,

On 20 February 2019, the Premier and I held a roundtable discussion with 45 Mayors from across South Australia to discuss potential local government reform. I found the discussion at the Roundtable on local government reform most valuable as I consider legislative review over the course of 2019.

As I mentioned on the day, there are several areas of local government and activity that I think could benefit from a fresh look and sensible reform. These are:

**Stronger council member capacity and better conduct**
I am aware that the Code of Conduct for Council Members needs to be reviewed. This is an important tool that can assist all council members to act in the best interests of their communities, and to ensure that their decisions are always made with the highest standards of integrity. However, I would like the legislative review to extend beyond the role of a formal Code to consider what tools councils need to ensure that relationships amongst their members are constructive, and that all council members have the knowledge and skills to perform their roles.

**Lower costs and enhanced financial accountability**
I also aim to ensure that the legislative provisions that guide all councils' financial accountability deliver a system of local government that your constituents see as robust, sustainable and transparent. This will ensure that the people who provide the taxes you rely on are both fully informed of your council’s performance, and feel confident in your operations and position.

**Efficient and transparent local government representation**
I will also incorporate a review of the 2018 local government elections within this broader reform program. This review may consider all aspects of local government elections, including voting methods, timing of elections, the role of candidate donations and information provided to voters.

**Simpler regulation**
Finally, I also see a broad based review of the Local Government Act 1999 as an opportunity to identify statutory requirements whose costs outweigh their public benefits. I would appreciate hearing of any ideas you may have on possible legislative improvements that allow your council to better focus on the services that your community values most.
Prior to developing any proposals for legislative reform, I would like to hear all ideas for improvements from across the local government sector. I therefore invite you and your council to submit any feedback on the above four reform areas, or suggestions for other improvements that you think should be considered.


To maximise the value of your contribution, I would appreciate your considered ideas for reform that include an appropriate level of detail and identifies possible solutions that focus on real benefits to your ratepayers and communities.

You may wish to note that I will also request ideas for local government reform from the community more widely. I encourage your community to contribute to the reform conversation at YourSay.

Following the consideration of all ideas, it is my intention to release a paper in mid-2019 that discusses ideas and opportunities within the four reform areas and other reforms that may arise through consultation with the sector and communities. This will enable further discussion proposals for reform before a Local Government Reform Amendment Bill is developed in early 2020.

However, if matters are identified that can bring immediate benefit to councils and their communities, I will consider taking an initial reform Bill forward in mid-2019. You may wish to comment on such improvements in any submission you make.

You may also wish to note that I have written to all South Australian council members, as I am keen to highlight the opportunity this reform program brings to improve local government, and to maximise my engagement with all councils.

I look forward to working with you, your council and your communities as we identify and progress real improvements to the system of local government in our State.

Yours sincerely

HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING

📅 March 2019
13.8 Review of MRLGA Subscription Methodology

REPORT AUTHOR: EA
RESPONSIBLE MANAGER: ACEO
RECORDS REF: N/A
STRATEGIC LINKS: Yes; Confident and Contributing Community; Objective 8
FINANCIAL IMPLICATIONS: Impact No
Budget Description N/A
Allocation N/A
Expenditure to Date N/A

SUMMARY:
This report is to seek Council’s “in principle” endorsement of the MRLGA Subscription Model, subject to a consultation process with member Councils prior to roll-out in the 2019/20 financial year.

REPORT:
Background:
N/A

Discussion:
Correspondence has been received from MRLGA CEO Mr Peter Bond following the MRLGA Board meeting 30th January 2019, where it was resolved that the MRLGA Subscription Model be endorsed “in principle” subject to a consultation process with member Councils prior to roll-out in the 2019/20 financial year. The Subscription Model is detailed in further detail in the correspondence as attached at Appendix, along with the review that the LGA undertook of their subscription formula in 2017. A copy of the review is attached for Elected Members information.

It was the view of the MRLGA Board that a review of the subscription’s methodology take place and be articulated in the new Charter due for adoption by the MRLGA Board in July 2019.

The MRLGA Board are of the view that adoption of the LGA model for subscriptions will provide for a consistent and transparent approach for member Councils as well as a sustainable funding stream for the MRLGA for essential core service provision, given the MRLGA will be faced with a reduction in its revenue base in forthcoming years with the removal of rubble royalties and the LGA Outreach Services Program.

If Council desires, MRLGA CEO Peter Bond is willing to coordinate a suitable time to present to Council prior to the end of financial year.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered Report 13.8 titled “Review of MRLGA Subscription Methodology” as presented to the ordinary council meeting, receive and note the report.
2. endorses “in-principle” the MRLGA Subscription Model, subject to a consultation process with member Councils prior to roll-out in the 2019/20 financial year
ATTACHMENTS: Yes

List
Attachment 1 – Correspondence from Murraylands and Riverland Local Government Association CEO Mr Peter Bond
Attachment 2 – 2017 Review of LGA Membership Subscription Formula
In response please quote PB:pb (O2019-0304)

4th March 2019

Chief Executive Officer,
Berri Barmera Council
19 Wilson St,
BERRI SA 5343

Dear Karyn,

Review of MRLGA Subscription Methodology

At the MRLGA Board meeting 30th January 2019, it was resolved that the MRLGA Subscription Model as detailed below in Table 1 be endorsed "in principle" subject to a consultation process with member Councils prior to roll-out in the 2019/20 financial year.

Table 1 - Proposed Subscription Model

<table>
<thead>
<tr>
<th>Member Council</th>
<th>2018-19 Subscriptions</th>
<th>2019-20 Subscriptions</th>
<th>Variance Year 1</th>
<th>2020-21 Subscriptions</th>
<th>Variance Year 2</th>
<th>2021-22 Subscriptions</th>
<th>Variance Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berri Barmera Council (BBC)</td>
<td>$21,019</td>
<td>$21,423</td>
<td>$104</td>
<td>$21,527</td>
<td>$104</td>
<td>$21,630</td>
<td>$100</td>
</tr>
<tr>
<td>Coorong District Council (CDC)</td>
<td>$14,120</td>
<td>$15,298</td>
<td>$1,146</td>
<td>$16,412</td>
<td>$1,146</td>
<td>$17,559</td>
<td>$1,147</td>
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<tr>
<td>DC Loxton Walkers (DCLW)</td>
<td>$22,066</td>
<td>$23,071</td>
<td>$505</td>
<td>$23,576</td>
<td>$505</td>
<td>$24,080</td>
<td>$504</td>
</tr>
<tr>
<td>Mid Murray Council (MMC)</td>
<td>$18,889</td>
<td>$18,859</td>
<td>$1,970</td>
<td>$20,829</td>
<td>$1,970</td>
<td>$22,800</td>
<td>$1,971</td>
</tr>
<tr>
<td>Remark Parka Council (RPC)</td>
<td>$18,985</td>
<td>$19,032</td>
<td>$67</td>
<td>$19,099</td>
<td>$67</td>
<td>$19,165</td>
<td>$66</td>
</tr>
<tr>
<td>Rural City of Murray Bridge (RCMB)</td>
<td>$30,241</td>
<td>$30,634</td>
<td>$2,993</td>
<td>$30,327</td>
<td>$2,993</td>
<td>$30,450</td>
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<td>DC Kanunda East Murray (DCEM)</td>
<td>$7,476</td>
<td>$8,132</td>
<td>$656</td>
<td>$8,798</td>
<td>$656</td>
<td>$9,444</td>
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<tr>
<td>Southern Mallee DC (SMDC)</td>
<td>$9,320</td>
<td>$9,784</td>
<td>$924</td>
<td>$10,708</td>
<td>$924</td>
<td>$11,632</td>
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<td>TOTAL</td>
<td>$138,438</td>
<td>$146,201</td>
<td>$7,765</td>
<td>$153,968</td>
<td>$7,765</td>
<td>$161,734</td>
<td>$7,764</td>
</tr>
</tbody>
</table>

Historically and based on Schedule 1 of the MRLGA Charter, Constituent Councils have paid subscriptions to the Association on the basis of an equity share. This is assumed to have been calculated on the basis of population at the time the initial calculation was made.

Times have changed since then and the basis for the equity share has also changed given the differing demographic profiles of Constituent Councils in recent times. Some Councils have experienced population increases, whereas other Councils have populations in decline.
It was the view of the MRLGA Board therefore that a review of the subscription’s methodology take place and be articulated in the new Charter due for adoption by the MRLGA Board in July 2019.

A review of other Regional LGA’s in South Australia indicates the following:

- The S&HLGA member levy is set at the flat fee of $10,000 plus an additional $0.10 per elector per member Council,
- LCLGA member levy is currently under review as part of the development of a new Strategic Plan,
- The Legatus Group levy is the same amount for all Constituent Councils and for 2018/2019 is set at $11,015 (GST exclusive). Their long-term financial plan has this remaining at this level with approximately 1.5% increases. This will be reviewed once they know what is happening with LGA and SAROC revenue sources,
- Upper Spencer Gulf base their subscriptions on a flat fee of $30k per Council. This has not been indexed for a few years, but they will need to have a discussion over next few months about where to from here,
- The EPLGA methodology is more complex and uses a range of information to calculate Constituent Council subscriptions. They use Grants Commission returns to apply subscriptions against population, operational revenue and rates base.

The LGA undertook a review of their subscription formula in 2017. A copy of the report relating to that review is available in the following link:

**Review of LGA Subscriptions**

The MRLGA Board are of the view that adoption of the LGA model for subscriptions will provide for a consistent and transparent approach for member Councils as well as a sustainable funding stream for the MRLGA for essential core service provision, given the MRLGA will be faced with a reduction in its revenue base in forthcoming years with the removal of rubble royalties and the LGA Outreach Services Program.

It was proposed that the introduction of the new subscription model would be justified through the offer of a “Value Proposition” to member Councils as part of a consultation process.

If indeed your Council see’s value in the presentation of a “Value Proposition” to your elected members, please advise and I will coordinate a suitable time to present to your Council prior to the end of financial year.

For your immediate benefit I can inform you that the Subsidiary undertakes a coordinating role in conjunction with Constituent Councils on their issues and those raised by the Local Government Association of South Australia, the community and other key stakeholders.

State and Federal Members of Parliament representing our Region continue to be briefed both individually and through invitations to attend our quarterly meetings.

The MRLGA is a conduit for the provision of submissions and briefings on a range of topics inclusive but not limited to the following;

- River Murray Shack Wastewater Management Planning
- Australian Senate Inquiry – Relocation of Government Bodies to Regional Areas
- Submission into the Northern Basin Review
- Inquiry into National Freight and Supply Chain Priorities
- Submission to the Murray-Darling Basin Royal Commission
- Submission to the Inquiry into Regional Development and Decentralisation

The CEO MRLGA attends Forums, Workshops and Briefings throughout the year regarding evolving issues and to make contribution on behalf of the Subsidiary and its Constituent Councils. The CEO MRLGA is the LGA representative on the SA National Carp Control Plan Steering Committee.
The MRLGA has become involved in a range of crucial regional project initiatives that have been a benefit to Constituent Councils. Examples of some of these projects include the following:

- **Regional Roads Freight Movement Study** – developed to deliver short-term solutions to improving the movement of freight within the existing regional road network by improving access on key commodity routes and providing for a Network Assessment of the region’s road infrastructure.

- **Regional Roads Commodity Route Assessment Study** - linked to the above project, this study look at both a commodities only outcome as well as a full commodities route assessment across the region.

- **Regional Road Action Plans and SLRP Roads Database Update** - continued to review the Regional Road Action Plans and SLRP Roads Database through the RTA Committee,

- **Murraylands Regional Collaboration Pilot** – Provided Business Case Analysis templates for Public and Environmental Health Stream, Local Nuisance and Litter Control and Building Control and Planning to assist in the implementation of the Planning, Development and Infrastructure Act,

- **LGA Outreach Services Project** - secured ongoing funding towards the LGA Outreach Services Program.

- **Riverland ICT Strategy**

- **Regional Sport and Recreation Facilities Needs Review**

- **Regional Waste Management Strategy BCA** - preparing a Business Case Analysis relating to opportunities for Councils collaborate on waste management initiatives,

- **Regional Planning Boards** - both the Riverland and Murraylands Councils have submitted proposals to form Regional Planning Boards under the pilot program fostered by DPTI.

- **One River Murray Authority Governing Structure** - the Murray River SA Alliance initiated a review of governance structures over the South Australian section of the River Murray,

- **Murray and Mallee Zone Emergency Management Committee (ZEMC)** - continued to represent the Local Government sector on matter relating to Emergency Management and the assisted the LGA in the inception of LGFS needs,

- **Regional Public Health & Wellbeing Plan** - As required under the Act, the Association’s Regional Public Health Plan report to SA Health has been compiled and submitted by the Association’s Regional Public Health & Wellbeing Plan Committee. That committee provided for the implementation and monitoring of a Regional Public Health Plan for MRLGA, held Working group meetings and liaised with LGA Public Health Program Manager

- **River Murray Ferries** - continued to work with DPTI through the Ferry Working Party to ensure the ongoing viability and operation of the River Murray Ferry Fleet,

- **SLRP Funding** - through the Murraylands and Riverland Regional Transport & Assets (RTA) Committee set the priorities for annual allocation of SLRP funding of up to $2.5 million per annum.

Should you require any further information relating to the MRLGA Subscription Model, please advise.

Yours sincerely

Peter Bond  
Chief Executive Officer
2017 Review of LGA Membership Subscription Formula

Summary for Consultation
Further review of LGA SA Membership Subscription Formula - focusing on population bands

Summary for Consultation

UHY Haines Norton has recently validated the value of LGA membership demonstrating $1.55m savings per council because of LGA activities and those of entities established by the LGA. This translates to more than $133m in savings across the sector every year.

LGA member subscription fees fund the core of the LGA activities. These fees are calculated by applying a formula which has been designed to achieve the following basic principles in relation to the benefit of membership:

a. some services have a fixed benefit to all members, irrespective of population or revenue base; and

b. some services provide benefits relative to the size of the population of the council; and

c. some services provide benefits relative to the revenue base of the council.

The LGA has recently undertaken further research into how membership subscriptions are calculated. This was in response to feedback we received last year from councils, which asked us to explore using different population bands for calculating the flat component of the fee.

This research has given us some new insights, and as part of continuously improving our processes as well as our value to members, we are again consulting with councils on the formula.

This document provides a snapshot of how applying different population bands to the formula can be used to achieve a range of different outcomes. It also highlights two additional formula options that have come to light because of applying the different population bands. Your feedback on these options as compared to the Board’s decision in May 2016 is now being sought.

For further information, a copy of the detailed report prepared by Morton Consulting Pty Ltd is available by contacting Natasha Black on 8224 2088 or email natasha.black@lga.sa.gov.au. If you would like to discuss any matters raised in this report, please contact Kathy Jarrett on 8224 2010 or kathy.jarrett@lga.sa.gov.au.

Current Formula

The current formula for membership subscriptions includes:

1. A flat fee component which varies relative to the population of members with the base amount set at $2,500 for councils less than 10,000 population, increasing to $5,000 for those 10,000 to 50,000 and to $7,500 for those greater than 50,000. Note that these population bands are consistent with those set in the Constitution for member voting rights.
2. **The balance** of subscriptions are then calculated on the basis of population share (40% weighting) and operating revenue (60% weighting).

3. **A subscription cap** of 3 times the average subscription as well as no council receiving an increase greater than 5% in a year.

In 2015/16 the LGA Board reviewed this formula, and canvassed four alternative options with member councils.

The four options were:

**Option 1** - Increasing the proportion of subscriptions collected by the flat component from the current 13% to either 20% or 30%. For example, an increase to 20% results in councils with a population less than 10,000 having the flat amount increase from $2,500 to around $3,750. This assumes that the current steps based on population are maintained.

**Option 2** - Maintaining the weighting for the balance of subscriptions not collected by the flat amount as 40% population and 60% expenditure as at present.

**Option 3** - Using a three year moving average for operating revenue to increase stability in this element.

**Option 4** - Removing the subscription cap and replace it with a declining block rate based on population and revenue bands.

**Proposed new formula: May 2016 Board Resolution**

Following consideration of feedback from members, in May 2016 the Board resolved to adopt Option 1 from 1 July 2017, which was to:

1. Increase the flat amount collected to 20% (up from 13%) of subscriptions using the current three population tiers. This resulted in councils with population less than 10,000 having a flat charge of $3,748, those with 10,000 to 50,000 with a flat charge of $7,497 and those greater than 50,000 with a flat charge of $11,245.

2. Maintaining the 40% population and 60% revenue weighting for the balance of subscriptions.

3. Using a three-year average for the revenue calculation.

4. Maintaining the three times average cap.

However, before finalising this option for application in 2017/2018, the Board asked that more research and modelling be undertaken on using alternative population bands for the flat component of the subscription fee including the bands used by the Remuneration Tribunal.

This further modelling was requested in recognition of the circumstance where the largest capped council (Onkaparinga) is around twice the size (population and revenue) of the smaller capped councils (e.g. Tea Tree Gully, Playford and Marion).
Population bands: Research / Modelling Outcomes

The further modelling has now been undertaken by Morton Consulting Services Pty Ltd. It addresses each of the four subscription options presented in the 2015/16 Review including:

- An updated base case of Option 1 as adopted by the Board in May 2016 using current population and revenue figures for each council.
- Remodelled options 1 – 4 using the Remuneration Tribunal’s categories as a general guide to population bands.
- Remodelled options 1 – 4 using a modified Remuneration Tribunal from that presented above.
- Having one common flat component for all councils like other states, with no population steps for this part of the formula.
- Having one equal flat charge, and replacing the cap with a declining block rate based on population and revenue.

The analysis undertaken demonstrates that changing the population tiers can be used to achieve a range of different outcomes. However, changing the tiers has no impact on the subscription fees of capped councils.

In addition to these insights, the new modelling reveals that having a common flat component for all councils with no population steps would align the formula with the third principle adopted by the LGA in setting subscription fees being ‘that some services have a fixed benefit to all members, irrespective of population or revenue base’. This is also consistent with the common approach of other state associations where the flat component is an equal amount per member (note that this approach was not modelled in the original (2015/2016) review).

Summary Observations

In reviewing the modelling undertaken, the following observations are made:

1. Using the Remuneration Tribunal categories, subscription fees for councils with a population less than 4,000 reduces compared to the Option 1 base case as resolved by the Board in May 2016. Councils with populations from 4,000 to 10,000 increase. Councils that have reached the cap have no change in their subscription fee.

2. By modifying the step increments of the Remuneration Tribunal categories, the small councils (<4,000) still receive a reduction relative to the Option 1 base case, while those in the 4,000 to 10,000 range have relatively small increases. Councils over 30,000 (other than capped councils) population have an increase of around $3,000. Capped councils have no change.
3. Having one equal flat charge (no population tiers) results in councils with a population less than 10,000 facing increases relative to the Option 1 base case of up to $2,500 per year. Councils over 10,000 typically have a reduction of around $2,500 (apart from capped councils). However, there would be two less councils reaching the cap under this approach (Marion and Playford).

4. The new modelling demonstrates there are two primary factors influencing the fair and equitable distribution of LGA SA subscriptions between members, being:
   - the inclusion of population bands for the tiering of the flat component of the formula (which does not strictly conform to the principle that some services have a fixed benefit to all members, irrespective of population or revenue base); and
   - the inclusion of a three times capped subscription limit.

5. Addressing these two factors in a combined approach (i.e. having one equal flat charge, and replacing the cap with a declining block rate based on population and revenue) results in councils less than 10,000 having increases in the $2,500 to $4,000 range, and the remaining councils having small decreases except for three of the capped councils (being Playford, Marion and Tea Tree Gully) having decreases between $17,000 - $19,000, and Onkaparinga having an increase of $7,300.

6. Further observations noted by Morton Consulting Services Pty Ltd that may be of interest when adopting any revised subscription model include:
   - the current population tiered approach to the flat component does not conform with the LGA SA principle that some services have a fixed benefit to all members, irrespective of population or revenue base. It also does not reflect the common approach of other state associations where the flat component is an equal amount per member;
   - at present, councils less than 10,000 population contribute 17% of subscriptions but account for 50% of LGSA membership numbers. They have 31% of overall voting numbers;
   - councils over 40,000 population (plus Adelaide City) represent 19% of LGSA members and contribute 50% of subscription revenue. They have 32% of overall voting numbers;
   - the eight capped councils (12% of members) contribute 35% of LGSA subscriptions and have 20% of overall voting numbers;
   - the three times average subscription cap in the current subscription formula results in the largest council (revenue and population) paying the same amount as a council with almost half the population and revenue. This cap (currently $94,382) is nine times the average subscription paid by the 50% of members with population less than 10,000;
   - the current LGSA subscription amount for the smallest council ($5,253 subscription with 852 population) is low when compared with other state associations. In NSW (pre-amalgamation), the smallest council (population 1150) pays more than $13,000 while in Queensland, the smallest council (population 300) pays around $15,000; and
   - while some state associations use population tiers to determine member voting entitlements, they do not use these tiers in their subscription formula.
Your feedback is now sought:

After reviewing the above information, the Board is now considering its next steps and would value your input.

As previously mentioned, a copy of the detailed report outlining the full population bands analysis is available by contacting Natasha Black on 8224 2088 or email natasha.black@lga.sa.gov.au. An extract drawn directly from the report is attached.

Your written feedback should be sent to natasha.black@lga.sa.gov.au by Friday 28 April. It could focus on the following options or any other matter you wish to raise:

1. **No change from May 2016 resolution:** On the basis that changing the population bands has minor impact on subscription fees, the original Board resolution to adopt Option 1 could be retained.

2. **Retain Option 1 but apply Remuneration Tribunal population bands:** In the interests of applying population bands consistent with that used by the Remuneration Tribunal, the original Board resolution to adopt Option 1 be retained but using Remuneration Tribunal’s categories as a general guide to population bands.

3. **Retain Option 1 but apply modified Remuneration Tribunal population bands:** In the interests of applying population bands consistent with that used by the Remuneration Tribunal, the original Board resolution to adopt Option 1 be retained but using a modified Remuneration Tribunal categories as a general guide to population bands.

4. **New Option of one equal flat charge for all councils, and retain cap:** Given the new information now available through the further modelling of one equal flat charge for all councils, an alternative subscription fee formula of having one common flat component for all councils like other states, with no population steps for this part of the formula. This option would retain the 40% population and 60% revenue weighting for the balance of subscriptions, use a three-year average for the revenue calculation, and maintain the three times average cap. Note that this option could be phased in over time to allow smaller councils the opportunity to adjust their budgets on an incremental basis.

5. **New Option of one equal flat charge for all councils, and remove cap in favour of declining block rate based on population and revenue:** Given the new information now available through the further modelling of one equal flat charge for all councils (no tiers) and removing the cap, an alternative subscription fee formula as follows could be adopted, to be phased in over time to allow smaller councils the opportunity to adjust their budgets on an incremental basis.

LGA Subscription Fee Formula:

a. There should be an equal flat component for each member designed to collect at least 20% of overall subscriptions;

b. The 40% population and 60% revenue (three-year average) split for the balance of subscriptions should be maintained;

c. The three times capped subscription limit should be eliminated and replaced with a model which involves a declining block rate for set increments in population and revenue. This means that larger councils (population and revenue) will still pay more than smaller ones, but at a lesser rate of increase.
8 Overview of Options

The modelling undertaken for this review for each of the four subscription options presented in the December 2015 report includes:

- Maintaining the current three tiers based on voting entitlement. This essentially updates the options presented in the December 2015 report;
- Using the Remuneration Tribunal SA categories as a general guide to five population steps;
- Modifying the above Remuneration Tribunal SA steps to reduce the step increments at lower population levels while increasing the increments for councils greater than 70,000 population;
- Having one common flat component for all councils similar to other State Local Government Associations, with no population steps.

While it is difficult to provide a simple explanation of the way subscriptions change by type of council under each option, there are a number of observations that can be made to assist decisions on the best way forward. It should also be noted that it is possible to phase-in changes for any option.

8.1 Board decision (Base Case)

In terms of the Board decision to implement Option 1 of the December 2015 review, there will be variations in the changes to individual council subscriptions.

Councils less than 10,000 population generally will have increases averaging around $1,000 in the subscription. This is primarily the result of moving to 20% of total subscriptions being collected from the flat component (rather than 13%). For councils less than 10,000 population, the flat component will be $3,842 rather than $2,500 in the 2016/17 subscription. This is based on the total 2016/17 subscription levy and does not reflect any increases required for 2017/18. Councils above 20,000 population, other than those on the cap, generally have a reduction in subscriptions as a result of the increased contribution from smaller councils.

8.2 Modified Tier Options for Flat Component

To provide a comparison of how the modelled changes to the flat component impact on individual councils, Option 1 (retaining the 3 times cap) and Option 2 (eliminating the cap and using a declining stepped population and revenue approach) have been compared with the “base case” for each of the modelled flat component approaches.

Tables 8.1 and 8.2 provide details of the outcomes for these two options. These tables have councils ranked by population size.

8.2.1 Option 1 (Table 8.1) (maintaining 3 times cap)

Using the RTSA model (five tiers) results in a reduction in subscriptions of just under $1,000 for councils less than 4,000 population. However, councils from 4,000 to 10,000 face an increase of around $1,000 because of the increment (1.6) in the step in the RTSA remuneration approach. Councils in the 10,000 to 20,000 range receive a reduction of around $1,000.
By modifying the incremental increases in the five tiers (Modified RTSA), the small councils (<4,000) still receive a reduction of just under $1,000 relative to the base case while those in the 4,000 to 10,000 range have relatively small increases (around $100). Councils over 30,000 population (other than capped councils have an increase around $3,000.

Having one equal flat charge (no tiers) results in councils with a population less than 10,000 facing increases relative to the base case of up to $2,500 per year. Councils over 10,000 typically have a reduction of around $2,500 (apart from capped councils). However, there would be two less councils reaching the cap under this approach.

Table 8.1: Option 1 outcomes for each modelled flat charge approach (change is relative to base case)

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<tr>
<th>Current Tiers (Base Case)</th>
<th>RTSA Model</th>
<th>change</th>
<th>Modified RTSA</th>
<th>change</th>
<th>No Tiers</th>
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8.2.2 Option 2 (Table 8.2) (eliminating the cap)

Under the current tier approach to the flat component, in this option there are generally small increases for councils under 4,000 population (averaging under $300). Councils between 4000 and 10,000 population have increases averaging around $1,000. The beneficiaries are most of the capped councils with some significant reductions.

Under the RTSA model, councils less than 4,000 have reductions while those in the 4,000 to 10,000 range have increases of around $2,000. Again, most of the capped councils have reductions.
The increases for the 4,000 to 10,000 range are moderated in the Modified RTSA approach while those in the 30,000 to 70,000 range have increases. Again, most currently capped councils have reductions.

With one flat charge (no tiers), councils less than 10,000 have increases in the $2,500 to $4,000 range.

Table 8.2: Option2 outcomes for modelled flat charge approaches (change relative to base case Table 8.1)

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<tr>
<td>Port Lincoln, City</td>
<td>$25,714</td>
<td>$1,277</td>
<td>$24,943</td>
<td>$506</td>
<td>$25,373</td>
<td>$937</td>
<td>$24,322</td>
</tr>
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<td>of</td>
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</tr>
<tr>
<td>Victor Harbor,</td>
<td>$29,233</td>
<td>$1,008</td>
<td>$28,426</td>
<td>$237</td>
<td>$28,893</td>
<td>$668</td>
<td>$27,841</td>
</tr>
<tr>
<td>City</td>
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<tr>
<td>Port Pirie</td>
<td>$29,745</td>
<td>$1,159</td>
<td>$28,974</td>
<td>$388</td>
<td>$29,404</td>
<td>$819</td>
<td>$28,353</td>
</tr>
<tr>
<td>Regional Council</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Murray Bridge,</td>
<td>$36,812</td>
<td>$867</td>
<td>$37,479</td>
<td>$1,786</td>
<td>$36,472</td>
<td>$526</td>
<td>$35,420</td>
</tr>
<tr>
<td>Rural City of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prospect, City of</td>
<td>$31,101</td>
<td>$1,364</td>
<td>$32,064</td>
<td>$2,283</td>
<td>$30,781</td>
<td>$1,023</td>
<td>$29,790</td>
</tr>
<tr>
<td>Gawler, Corp of</td>
<td>$33,108</td>
<td>$1,299</td>
<td>$34,007</td>
<td>$2,218</td>
<td>$32,789</td>
<td>$959</td>
<td>$31,716</td>
</tr>
<tr>
<td>the Town</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
As can be seen from the analysis undertaken for this report, a change from the current population tiers could be used to achieve a range of different outcomes. The key to this is the increments adopted for increases to the flat component in each tier. As additional tiers are added, flexibility to change the step increments increases. There are numerous variations in tier steps that could be modelled. However, it is considered that the tier models analysed provide sufficient information to assist decision making.
However, as noted earlier, the use of tiers for the flat component does not completely conform with the principle that some services have a fixed benefit to all members, irrespective of population or revenue base as the flat component in each tier takes into account the population base of the council (which is then again considered in the 40% distribution of the balance of subscriptions).

It is noted that the May 2016 Board decision refers to the population bands used in the subscription formula and their application to voting rights.

While some State Associations use population tiers to determine member voting entitlements, they do not use these tiers in their subscription formula. For example, Local Government NSW has seven voting tiers as shown below which results in a greater weighting in vote numbers for larger councils (1 to 7 range) than is the case in South Australia (1 to 3 range).

**LG NSW Voting Entitlement**

<table>
<thead>
<tr>
<th>Population</th>
<th>Voting Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 10,000</td>
<td>1</td>
</tr>
<tr>
<td>10,001 - 20,000</td>
<td>2</td>
</tr>
<tr>
<td>20,001 - 50,000</td>
<td>3</td>
</tr>
<tr>
<td>50,001 - 100,000</td>
<td>4</td>
</tr>
<tr>
<td>100,001 - 150,000</td>
<td>5</td>
</tr>
<tr>
<td>Over 150,000</td>
<td>7</td>
</tr>
</tbody>
</table>

In other Associations (eg LGAQ), the subscription calculated is used to determine voting entitlements of councils (a stakeholder approach). Vote numbers increase in steps from a minimum of 2 to a maximum of 14 (an effective 1 to 7 range).

In the five tier population tiers used in some models analysed in this report, it would be possible to set increments based on votes but this would potentially require a change to current voting entitlements to a range of 1 to 5 votes. Further consideration of voting options is not part of this report.
13.9 Status of Resolutions, March 2019

REPORT AUTHOR: CEO
RESPONSIBLE MANAGER: CEO/SMT
RECORDS REF: N/A
STRATEGIC LINKS: Yes; Strong Internal Capability and Capacity; Objective 2
FINANCIAL IMPLICATIONS:
- Impact: Nil
- Budget Description: N/A
- Allocation: N/A
- Expenditure to Date: N/A

SUMMARY:
The “Status of Resolutions” document detailing the progress of resolutions passed at previous meetings of Council is attached for information of Members.

RECOMMENDATION:
That Council, having considered Report 13.9 titled “Status of Resolutions, March 2019” as presented to the Council meeting, receive and note the report.

ATTACHMENTS:
Yes
List
Attachment 1 – Status of Resolutions – March 2019
<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>Officer</th>
<th>Dept.</th>
<th>Subject</th>
<th>Motion No.</th>
<th>(Report No. etc.)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MES</td>
<td></td>
<td>Council Signage for Facilities/Projects</td>
<td>4022/15</td>
<td>13.3</td>
<td>Installation has been completed for all but two signs. Glossop sign on Accolade site progressing. Winkie directional (finger) sign location approved by Council at August Council Meeting. Winkie town sign locations under investigation with report to be tabled when suitable location identified (significant underground services impacting this process). Council’s Infrastructure Team managing final installations.</td>
</tr>
<tr>
<td></td>
<td>CEO</td>
<td>MIS</td>
<td>Car Park at Rear of Council Building and On Street Parking</td>
<td>4041/15</td>
<td>13.3</td>
<td>Assessing stormwater disposal. Reviewing Wallbridge &amp; Gilbert Coneybeer Street stormwater investigations which may impact carpark construction. Project dependant on future of RSL location as discussed at Strategic Gov. &amp; Asset Committee (10/11/15) As per discussions at Strategic Gov. &amp; Asset Committee (9/2/16) Refer to 2018/2019 budget process when stormwater upgrade is completed. 2019/2020 budget considerations Project on hold until decision is made in regards to RSL building</td>
</tr>
<tr>
<td>Date of Meeting</td>
<td>Officer</td>
<td>Dept.</td>
<td>Subject</td>
<td>Motion No.</td>
<td>(Report No. etc.)</td>
<td>Status</td>
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</tbody>
</table>
| 22 November 2016 | CEO     | Executive | Berri Town Beautification Committee – Minutes from meeting held 10 November 2016  
• Old Sturt Highway Rocks – Aboriginal Art  
That the Story of the Rainbow Serpent be acknowledged on a plaque and installed on site. | 4573/16 | 16.4 | Final touches to painting has been carried out this week following meeting with artist held 26/2/2019. |
|                 | MIS     | Infrastructure | Martin Bend Recreation Area Committees – 12 December 2016 & 13 February 2017  
That Council’s Manager of Infrastructure is requested to investigate and plan for a solution for the stabilisation of the riverbank adjacent the marina | | | Meeting on site with Geofabrics engineer to discuss options and pricing. For 2019/20 budget considerations. |
| 22 May 2018     | CEO / MCD | Exec | CCTV Installation – Barmera Bus Station and Public Toilet area  
2. That further quotes and investigations be carried out for CCTV installation in the main streets of Barmera and Berri, exploring funding opportunities. | 4990/18 | 13.4 | Needs investigation underway, Stakeholder workshop planned in August delayed subject to SAPOL/risk services availability. Preliminary Legislative Requirements reviewed. Safer Community Fund (Federal) currently open however without evidence based research unlikely to have a complying application by closing date of Nov 2018  
Future grant opportunities - Crime Prevention and Community Safety Grant (State) - April 2019 |
| 28 August 2018  | CEO     | Exec | Strategic Planning and Asset Management – Cr Centofanti  
That a Strategic Planning Day be held with the newly elected council and senior leaders in the 2019 new year to discuss, review and prioritise all council projects. | 5060/18 | 10.1 | To remain active as per Motion 5222/19 February 2019 Council meeting |
<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>Officer</th>
<th>Dept.</th>
<th>Subject</th>
<th>Motion No.</th>
<th>(Report No. etc.)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 October 2018</td>
<td>MIS</td>
<td>Inf</td>
<td>Council Accommodation Review</td>
<td>5075/18</td>
<td>16.2</td>
<td>Griev Gillet Architect have been engaged to provide design services for the refurbishment of office accommodation at 19 Wilson Street. A workshop is proposed with both staff and councillors to explore space function requirements to guide the design team in Q4, 2018. Concept design and cost estimates expected to be presented to council for consideration end April 2019.</td>
</tr>
<tr>
<td>23 October 2018</td>
<td>MIS</td>
<td>Inf</td>
<td>MOTIONS WITH NOTICE: Disabled Parking – Denny Street, Cr Centofanti</td>
<td>5098/18</td>
<td>10.1</td>
<td>A Parking review including disabled parking Included in 2019/20 Budget bid process</td>
</tr>
<tr>
<td>23 October 2018</td>
<td>MIS</td>
<td>Inf</td>
<td>Barmera Town Beautification Committee – Minutes from meeting held 11 October 2018</td>
<td>5109/18</td>
<td>13.9</td>
<td>Shelter ordered from Stratco on 30 October18 Waiting on availability of volunteer to erect shelters</td>
</tr>
<tr>
<td>27 November 2018</td>
<td>CEO</td>
<td>Executive</td>
<td>Governance and Management Structure</td>
<td>5135/18</td>
<td>5.9</td>
<td>Expressions of Interest for Committee Membership for • Berri Improvement Committee • Barmera Improvement Committee and • Environment and Sustainability Committee</td>
</tr>
<tr>
<td>Date of Meeting</td>
<td>Officer</td>
<td>Dept.</td>
<td>Subject</td>
<td>Motion No.</td>
<td>(Report No. etc.)</td>
<td>Status</td>
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<td></td>
<td></td>
<td></td>
<td>6. receive a report at the completion of the expression of interest process to confirm and endorse the non-elected members of the Environment and Sustainability Committee.</td>
<td>5136/18</td>
<td></td>
<td>have been advertised.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>That Council: 3. approach current community members to ascertain their interest in continuing membership on the Berri Improvement Committee. 4. seek expressions of interest from members of the public who would like to be considered as a community representative on the Berri Improvement Committee. 5. receive a report at the completion of the expression of interest process to confirm and endorse the community member representatives of the Berri Improvement Committee.</td>
<td>5137/18</td>
<td></td>
<td>COMPLETED</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>That Council: 3. approach current community members to ascertain their interest in continuing membership on the Barmera Improvement Committee. 4. seek expressions of interest from members of the public who would like to be considered as a community representative on the Barmera Improvement Committee. 5. receive a report at the completion of the expression of interest process to confirm and endorse the community member representatives of the Barmera Improvement Committee.</td>
<td>5138/18</td>
<td></td>
<td>EOI for Friends of Bonney Theatre to be released prior to the end of March 2019.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>That Council: 3. approach current community members to ascertain their interest in continuing membership on the Friends of Bonney Theatre Working Group. 4. seek expressions of interest from members of the public who would like to be considered as a community representative on the Friends of Bonney Theatre Working Group.</td>
<td></td>
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</tbody>
</table>

See Report 13.4 re Berri Improvement Committee membership.
<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>Officer</th>
<th>Dept.</th>
<th>Subject</th>
<th>Motion No.</th>
<th>(Report No. etc.)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 November 2018</td>
<td>CEO</td>
<td>Executive</td>
<td>5. receive a report at the completion of the expression of interest process to confirm and endorse the community member representatives of the Friends of Bonney Theatre Working Group. That Council: 3. seek expressions of interest from members of the public who would like to be considered as the community representative on the Cemetery Advisory Group. 4. receive a report at the completion of the expression of interest process to confirm and endorse the community member representative of the Cemetery Advisory Group.</td>
<td>5139/18</td>
<td></td>
<td>The EOI for Cemetery Advisory and Lake Bonney Caring for Country Management Plan committees will commence Feb/March 2019</td>
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<td></td>
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<td></td>
<td>5142/18</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>2. receive a report in early 2019 with the proposed Terms of Reference for the Lake Bonney Caring for Country Advisory Group, the call for elected member and chairperson appointments and the process to be undertaken to invite and appointment community and special interest representatives.</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5158/18</td>
<td>12.2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MOTIONS WITHOUT NOTICE: Council area image library – Cr Kassebaum</td>
<td></td>
<td></td>
<td>2. Initial Administrative discussions have been held in relation to the image requests from the public.</td>
<td></td>
</tr>
<tr>
<td>Date of Meeting</td>
<td>Officer</td>
<td>Dept.</td>
<td>Subject</td>
<td>Motion No.</td>
<td>(Report etc.)</td>
<td>Status</td>
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</tr>
<tr>
<td>18 December 2018</td>
<td>MIS</td>
<td>Infrastructure</td>
<td>Seating Request for Link SA Bus users&lt;br&gt;That Council: 2. Council installs a bench seat on the Vaughan Terrace footpath under the veranda of the former Retra Vision store to provide seating to the users of the Link SA bus service. 3. Council shift the current Bus Stop at the bottom of Vaughan Terrace and move it approximately 40m north. 4. Monitor the use of the bus stop to see if a dedicated bus shelter is needed and include for budget consideration in the 2019/20 financial year.</td>
<td>5177/18</td>
<td>15.2</td>
<td>Installation of bench and moving of bus stop to be undertaken by end of January 19. New report for Feb 19 meeting</td>
</tr>
<tr>
<td>18 December 2018</td>
<td>MES/MP</td>
<td>Environmental</td>
<td>Riding For The Disabled Association SA Inc., Riverland Branch&lt;br&gt;That Council: 2. finalise the new lease with riding for the Disabled Association SA Inc., to include the area of the extension. 3. authorise the Mayor and Acting Chief Executive Officer to sign and attach the Council seal to the new lease.</td>
<td>5181/18</td>
<td>16.3</td>
<td>Lease to be finalised following public notification commencing week of January 14th 2019. Anticipated finalisation mid February. Lease ready for signing Lease sent to RDA Adelaide for signing</td>
</tr>
<tr>
<td>21 December 2018</td>
<td>MCD</td>
<td>Community</td>
<td>Citizen and Community Awards Selection Panel&lt;br&gt;That Council: 3. endorses the Citizen and Community Awards Selection Panel recommendation to request that staff develop a budget bid proposal for Honour Boards to be created for public display.</td>
<td>5182/18</td>
<td>3.1</td>
<td></td>
</tr>
<tr>
<td>22 January 2019</td>
<td>MCS</td>
<td>Corporate</td>
<td>New vehicle and equipment purchasing - Cr Trevor Scott&lt;br&gt;1. That the Procurement (Contracting and Tendering) Policy be reviewed and presented for endorsement at the next Audit Committee of Council. 2. That the Procurement (Contracting and Tendering) Policy be amended to include the following statement – USE OF LOCAL GOODS AND SERVICES Wherever appropriate, local suppliers are to be given the opportunity to tender and quote for the supply of goods and</td>
<td>5188/19</td>
<td>11.1</td>
<td>Audit Committee meeting scheduled for 27 March 2019</td>
</tr>
<tr>
<td>Date of Meeting</td>
<td>Officer</td>
<td>Dept.</td>
<td>Subject</td>
<td>Motion No.</td>
<td>(Report etc.) No.</td>
<td>Status</td>
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</tr>
<tr>
<td>22 January 2019</td>
<td>MCD</td>
<td>Comm</td>
<td>13.6 STARCLUB Community Development Officer Role</td>
<td>5195/19</td>
<td>13.6</td>
<td></td>
</tr>
</tbody>
</table>

services. With regard to all other the matters set out in this Policy and when deciding on the purchase of goods and services, consideration to the following priority will be given:
1. Berri Barmera Council area
2. Riverland
3. South Australia
4. Australia

That Council:
3. Endorse Renmark Paringa Council to submit an expression of interest on behalf of all three Riverland Council's for funding for a full time two year contract role through the Office of Recreation, Sport and Racing STARCLUB Field Officer Program.
14: COMMUNITY SERVICES:

14.1 Community Development Activities Update

REPORT AUTHOR: MCD
RESPONSIBLE MANAGER: MCD
RECORDS REF: Report – Comm
STRATEGIC LINKS: Yes; Confident and Contributing Community: Objectives 1,2,3,6; Smart Infrastructure: Objectives 2,3,5; Diverse Economy: Objectives 8
FINANCIAL IMPLICATIONS: Impact N/A
Budget Description Various
Allocation NA
Expenditure to Date NA

SUMMARY:
To provide an update of community development department activities and support requests received from the previous month.

REPORT:

Community Grants/ Requests
- Community grant acquittals received this month:
  - Berri Barmera Ministers Association - $1,000 – the funds were to assist with providing sound system for Carols by the River.
  - Barmera Xmas Pageant - $1,500 – the funds were to assist in providing entertainment for the evening.
  - Barmera Senior Citizen Christmas Dinner - $800 – the funds assisted in supporting Barmera Lions Club and the Barmera Club to put on a Christmas dinner for the senior citizens.
- Community Development Grants program
  - Round 2 has now opened, with applications closing on 23 April 2019.
  - To provide assistance for completing the applications, a workshop will be held on 3 April 2019.
  - Applications are available from our website and Customer Service Desks.

Community Activities

Campervan & Motorhome Club of Australia National Rally
- Initial discussions have commenced with the CMCA regarding their planned National Rally.
- The CMCA is a not for profit organisation with approximately 70,000 members. Their National Rally incorporates their AGM and can attract around 600-1000 recreational vehicles. Note previous South Australian events have attracted about 700 vehicles.
- They are considering the Riverlands Events Centre in Barmera as a possible site for their October 2022 event.
- Support levels are yet to be requested but their prospectus has been attached.
STARCLUB Community Development Program

Workshops held

<table>
<thead>
<tr>
<th>Date</th>
<th>Workshop / Training Session</th>
<th>Presenter</th>
<th>Attendees</th>
<th>Community Groups, Represented</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 February</td>
<td>Effective Use of Social Media</td>
<td>Social Media AOK, Simone Douglas</td>
<td>15</td>
<td>8 x Community Groups 6 x Sporting Clubs</td>
</tr>
<tr>
<td>6 March</td>
<td>Child Safe Officer Workshop</td>
<td>Alpha Facilitation &amp; Learning, Mike Fenwick</td>
<td>18</td>
<td>0 x Community Groups 12 x Sporting Clubs</td>
</tr>
</tbody>
</table>

There are four more club development workshops planned for the rest of the financial year with three of these being held in Berri. These workshops include:

- Strategic Planning Workshop
- Office for Recreation, Sport and Racing's Funding Information Session
- Show me the Money
- Preventing and managing sports injuries.

Consultations
Currently 67.5% of sporting clubs within Berri Barmera Council have registered with the STARCLUB Program. Since January, the STARCLUB Community Development Officer has had 20 face to face meetings with clubs which has included 4 different Berri Barmera Council clubs and 5 state sporting organisations. These have included:

- Barmera Golf Club
- Barmera Clay Target Club
- Barmera Tennis Club
- Barmera Bowling Club

Riverland STARCLUB
A grant application has been submitted to the Office for Recreation, Sport and Racing for funding towards the regional STARCLUB position. Applications close on March 13 and notification should be
received in April.

STARCLUB Riverland Facebook group has been developed and linked to all three Council Facebook pages. This group currently has 40 members and will be utilised to provide members with sport and recreation updates.

Achievements and Successes
The Barmera Golf Club became the 156th South Australian organisation to reach the highest level of governance in the Office for Recreation, Sport and Racing’s STARCLUB program.

District STARCLUB Progress Status
Number of Berri Barmera Council STARCLUB registrations and progress through the STARCLUB program

<table>
<thead>
<tr>
<th>STARCLUB STATUS</th>
<th>August 2018</th>
<th>Jan 2019</th>
<th>March 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 - Registered</td>
<td>7</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Number of sport and recreation organisations registered in the STARCLUB program (commenced with 12 registered)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 2 - Submitted</td>
<td>8</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>All questions have been answered online as either Yes, No or In Progress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 3 - Provisional online status achieved</td>
<td>9</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>At least 3 questions in each of Parts 1-5 must be answered YES including all mandatory questions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 4 - Full STARCLUB recognition achieved</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>A consultant has met with the club and determined if the club has appropriately met criteria for ‘Recognition’</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
**Social Indicators Strategy**

- In partnership with the G3 Riverland Councils, RDA and Murraylands and Riverland Local Government Association, the project has now received funding support via the Building a Better Regions Funding Program.
- The Project Initialisation has commenced.
- There will be various opportunities to guide the direction and outputs of the project. A number of these details will be provided next month.

**Council Electronic Communications**

- Facebook postings for the month of February.
  - Council’s primary Facebook page remains near 2,600 followers, with 41 posts last month
  - Lost & Found Pet’s remains as a highly valued service with 971 followers and a highly engaged community that supports many lost animals finding their way home
  - The combined Library Services page continues has a current following of 246
- The highest engagement posts for the month of February on the Primary page were varied but community orientated.
RECOMMENDATION:
That Council, having considered Report No. 14.1 titled “Community Development Activities Update” as presented to the Council meeting, receive and note the report.

ATTACHMENTS: Yes
37th CMCA NATIONAL RALLY
OCTOBER 2022

Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019
WHO IS CMCA?

The Campervan & Motorhome Club of Australia Limited (CMCA) is Australia’s largest RV club, with 70,000 members.

The Club’s monthly magazine, The Wanderer, is available to members by hard copy and online. This great communication and advertising tool, along with the Club’s website and Facebook page is the most effective way to get ‘the word around’.
CMCA RALLY EVENT OVERVIEW

- A CMCA National Rally is a gathering of CMCA members and incorporates the Company’s Annual General Meeting.

- The rally is held in October of each year and runs for 7 to 8 days, with access to the site for up to 20 days.

- Around 300 members volunteer at a rally.

- Expected number of participants at a National Rally can reach 1,800, in 600-1,000 vehicles. Each area and site is different.

- Various activities happen at rallies including tours of the area, seminars on a wide range of topics, disc bowls competition, trade stands, entertainment and poets.
PAST RALLIES

Below is a list of rallies held since 2007 and approximate number of registered vehicles:

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Registrations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>Boonah 27th National</td>
<td>1101</td>
</tr>
<tr>
<td>20</td>
<td>Deniliquin 25th Anniversary</td>
<td>1071</td>
</tr>
<tr>
<td>2010</td>
<td>Port Macquarie 25th National</td>
<td>987</td>
</tr>
<tr>
<td>2016</td>
<td>Bathurst 30th Anniversary</td>
<td>984</td>
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<tr>
<td>2008</td>
<td>Bingara Rally 23rd National</td>
<td>973</td>
</tr>
<tr>
<td>2010</td>
<td>Quercus Park 24th Anniversary</td>
<td>972</td>
</tr>
<tr>
<td>2013</td>
<td>Maryborough 27th Anniversary</td>
<td>917</td>
</tr>
<tr>
<td>2017</td>
<td>Bundaberg 32nd National</td>
<td>914</td>
</tr>
<tr>
<td>2009</td>
<td>Rockhampton Rally 24th National</td>
<td>891</td>
</tr>
<tr>
<td>2012</td>
<td>Sale 26th Anniversary</td>
<td>889</td>
</tr>
<tr>
<td>2014</td>
<td>Port Stephens 29th National</td>
<td>868</td>
</tr>
<tr>
<td>2014</td>
<td>Robinvale 28th Anniversary</td>
<td>850</td>
</tr>
<tr>
<td>2011</td>
<td>Kalgoorlie 26th National</td>
<td>797</td>
</tr>
<tr>
<td>2016</td>
<td>Canberra 31st National</td>
<td>766</td>
</tr>
<tr>
<td>2013</td>
<td>Narrabri 28th National</td>
<td>750</td>
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<tr>
<td>2009</td>
<td>Whyalla Rally 23rd Anniversary</td>
<td>727</td>
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<tr>
<td>2015</td>
<td>Murray Bridge 29th Anniversary</td>
<td>718</td>
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<tr>
<td>2018</td>
<td>Gunnedah 33rd National</td>
<td>697</td>
</tr>
<tr>
<td>2008</td>
<td>Broken Hill Rally 22nd Anniversary</td>
<td>650</td>
</tr>
<tr>
<td>2017</td>
<td>Pontville 31st Anniversary</td>
<td>587</td>
</tr>
<tr>
<td>2015</td>
<td>Albany 30th National</td>
<td>576</td>
</tr>
</tbody>
</table>
BRANDING / MEDIA OPPORTUNITIES

- The Wanderer magazine – articles provided by councils and information centres on the area and local attractions.

- Campervan & Motorhome Club of Australia Facebook page, open to the public.

- CMCA Members Connect Facebook page, members only.

- Advertising through local media; print, television and radio. Notices on the council’s website and Facebook will also attract attention.

COMMUNITY ACTIVITIES INCORPORATED INTO EVENT

- Local tours of the area, including tourist attractions, visits to eateries, restaurants and shopping districts.

- An Open Day held at each rally for the general public to experience the RV lifestyle, along with a disc bowls come and try session.

- Local charities are supported, including the Craft Barn which donate rugs, beanies and knitted products to local nursing homes. Sporting clubs are supported through participation in activities such as lawn bowls and golf.

- Local schools are included with choirs, bands and fundraising events.

WHAT DO CMCA PROVIDE?

- CMCA owns three containers filled with extra power boxes, water taps & pipes and the equipment required to set-up a site.

- A mobile tourism dollar, with many members staying in the region before and after the event.
BENEFITS FOR THE AREA

- The opportunity to bring extra tourism dollars to the area.
- A CMCA National Rally can generate a spend of approximately $2.5 – $3mil. The return on investment by council is very significant and repeat visitation is assured.

CMCA RALLY REQUIREMENTS

- A site of approximately 20 hectares
- Large sheds with concrete flooring
- Single 15amp and three phase power outlets
- Potable water
- Sewage outlets, dump point and the ability to have temporary units installed
- Showers and toilets – men’s, ladies and disabled
- Buildings for administration, meeting rooms, First Aid, seminars
- Grassed area to play Disc Bowls
- Ability to hire equipment such as marquees, tables, chairs, dance floor and stage etc.
- Sound and lighting providers
The report outlines a number of opportunities to be further explored, with a goal of ensuring that a broader cross section of visitors to our district have the opportunity to receive quality visitor information through a range of mediums during their visit to our region.

It is also important to note that 50% of the respondents to the community survey indicated their support for similar (and improved) services to continue to be delivered from the existing site.

Also documented was current research evidence to suggest that even with the current visitor numbers receiving services at the Berri VIC there is still a significant extra spend (above $1M) to the community in comparison to the cost of supplying the service.

From the list of recommendations there are a number of projects and services that will need further detailed investigation into the costs and impacts of implementing the changes. It is suggested that these be included in Councils up coming Strategic Planning considerations and the Destination Riverland’s recently announced new strategic planning project, which is also to include visitor servicing considerations.

It is recommended therefore that Council, for the moment, continues to maintain our visitor servicing via the Berri Visitor Information Centre whilst continuing to explore further operational service efficiencies/improvements. It is further recommended that investigations of new strategic opportunities for the delivery of stronger information services are continued within the future strategic planning processes.
REPORT:

Background
A report was tabled at the 11th September 2018 Strategic Governance and Asset Management Committee meeting with the goals of enabling the council to:

1. devise a delivery model to better and more cost-effectively deliver visitor information services; and
2. identify the demand, if any, for the commercial use of the premises that can better contribute to activation and vibrancy of the upgraded riverfront precinct.

The report resulted in the following motion being endorsed.

**MOTION: (SGAMC234/18)**

*That Council, having considered Report 8.12 titled ‘Future Directions – Berri Visitor Information Centre’, as presented to the SG&AM Committee, endorse:*

1. consultation with key stakeholders to devise a delivery model of visitor information services specifically within the Berri region.
2. to undertake an expression of interest (EOI) process to identify interested and appropriate users of the current Visitor Information Centre tenancy to operate commercial activities that contribute to improving the vibrancy of Berri’s Riverfront Precinct.
3. the Administration reporting back at the conclusion of the EOI process and consultation with recommendations on the future use of the Visitor Information Centre tenancy and delivery model of visitor information services specifically in Berri with resourcing requirements and realisable cost savings.

Destination Riverland was then engaged to undertake the review of Visitor Servicing in Berri and has now submitted the attached report and recommendations for further consideration. For reference a copy of the original Council report is also included within the attached Report.

The progress of items 2 and 3 of the above Motion have been partially undertaken but have been on hold due to changes in staff and are therefore not included as discussion topics in this report.

Discussion:
The attached report and consultations undertaken indicate that there is the scope and a desire for some future changes in the style of visitor servicing for the Berri Barmera District and some of these were outlined in the documents recommendations, including:

- that the Berri Barmera Council consider a multipronged approach to visitor servicing including activities in the following four areas.

**Physical Visitor Information Services**

- Continue the support provided to the Barmera Visitor Centre
- Develop a series of formalise VIO’s in the BBC area. Leveraging off the informal practices that are already occurring. Consider key attractions and high traffic areas within the region.
- Consider the development of a mobile asset.

**Digital Visitor Services**

- Develop a stronger focus on online visitor serving including digital audits across the industry, google listings, trip advisor, Facebook reviews, responding to online
queries. Increased use of the Riverland Events Calendar

**Signage and Interpretation**
- Good signage to key attractions and tourism products within the region.

**Industry Engagement and Development**
- Develop the army of local ambassadors spreading the ‘Tourism word’ in non-traditional businesses

The reports recommendation goes on to state that the delivery of visitor information services in BBC must consider the contemporary modes of information delivery and the changing preferences for information consumption. Providing more emphasis on different channels of delivery presents the greatest opportunity to grow the local economy.

It is noted in the report that Destination Riverland (DR) was given a narrow scope in which to undertake the research and this is reflected in some of the resulting discussion. There is also an acknowledgement that some of the original data may not have been up to date, so some of the figures used in the DR report do not accurately reflect the current service delivery.

An example of this, although only minor in variation, is the statistics surrounding the percentage number of visitors to the district who access the VIC service compared to the total District visitor numbers has been listed as 3%, whereas the value is estimated to be just above 7%.

Although there is scope for further improvement, some of the recommendations, especially around the suggested digital services, are already activities occurring in our current service delivery. Whilst these types of services could also be delivered from any location, it is also important to recognise that 50% of respondents to the local survey suggested that the current location and service delivery model was still a strong preference.

Whilst investigations into the commercial opportunities for the Riverfront property haven’t at this time been finalised, there are currently no other identified locations that would provide cost effective and immediate improvement in the level or accessibility of visitor servicing. It is difficult to therefore suggest that a change of location of the Council’s VIC services would provide significant benefit.

**Strategic Considerations**
With a number of Strategic Planning Projects including, the PIRSA led Riverland Wine and Food Centre Business Case and Destination Riverland’s Strategic Plan announcement and Council’s own Strategic Planning, accommodation review and a range of District Master Planning, there is potential for major changes in Tourism Service outcomes for the future. The Tourism landscape is even more likely to look different in the future with a number of commercial developments on the drawing board for our District and the Riverland.

These present the opportunity for Council to participate, adapt and potentially partner with other stakeholders in a range of initiatives that will align and improve our visitor service delivery model as part of a broader Regional strategic direction, rather than making a major overhaul at this time.

**Current Statistics**
The original Council report summarised that about 12,000 people used the Berri VIC services and therefore on any given day an average of 33 people access the VIC; of these, 18 would be seeking visitor services, 9 to purchase a bus ticket, 2 for retail only and 4 solely using the toilet facilities.
A deeper review of the current statistics for the previous 12 months has been undertaken and indicates that the Berri VIC had up to 16,384 individual visitors (approx. 45 per day) through the doors between Feb 2018 and end on Jan 2019.

The break down for services for these visitors was:
- 9.9% Bus Enquiries (1,622) 4 per day
- 6.0% Toilet only use (983) 3 per day
- 77.5% Visitor information (12,697) 35 per day
- 6.3% Retail Only (1,032) 3 per day

Note that the above figures were derived with some assumptions and considerations, including:
- Bus enquiries figures will continue to change over time, since the Stateliner agency moved to the plaza mid-late last year. Enquiries are still continuing at moderate levels.
- Figures were derived from a deeper dive into our service transaction survey data, that is manually completed by staff as often as possible each day but the ‘estimated’ visitor numbers do include a missed transaction contingency of 20% (based on staff feedback)
- Note that a review of the centres video footage is currently underway to further confirm the accuracy of our estimated ‘missed’ visitor numbers. Initial indications suggest that the overall estimates are very close to the mark.
- The facility is closed on two public holidays a year.
- There are peak and low season variations in daily attendances.
- It is noted that some enquiries for visitor information may be via phone in reference to a future visit. We have been unable to separate this data at this time.
- Daily estimates are rounded to the nearest whole person.

Value of Current Visitor Servicing
The DR report outlines that current research suggests that $132 of additional spend is created from a visitor that has visited an accredited VIC during their stay. Based on this information it is estimated that for the estimated 12,697 visitors who were provided direct Visitor Services at the Berri VIC they would:
  a) potentially return an additional $1.67M into our community
  b) This amount would be $1.34M without including the extra 20% missed data contingency included; and
  c) Provide a highly conservative extra spend of $440,289 if only considering the number of transaction services recorded (6,223) and not the actual visitor numbers.

Current Financial Performance
After reviewing the current year to date financial data, it is projected that the cost of operating the Berri Visitor Information Centre for this year will be $218,216 (expense minus income, but including building maintenance and servicing costs). Based on the value of current visitor servicing outlined above, it is therefore estimated that the ratio of additional spend in our community for each dollar that Council contributes to providing the Berri VIC service would be:
  a) $1 to $7.65 for the full estimated visitor numbers in a) above
  b) $1 to $6.14 for the conservative estimated visitor numbers in b) above;
  c) $1 to $2.02 return on the hyper conservative survey transactions only from c) above.

Operational Efficiencies
Over the years the staff team at the VIC have made some significant changes to operations to improving the bottom line. A key issue has always been the staffing commitment to operational
hours and the associated wage allocation to deliver those hours. Some reduction in hours have been implemented and there is the possibility for some further improvement in this space, however there are some restrictions in making dramatic reductions in staff costs whilst maintaining normal operating hours, especially around Local Government Award rates and Enterprise Bargaining.

There are also some other costs that are associated with the Visitor Services budget that have had a strong budget commitment, but may have an impact on service delivery if reduced too dramatically, such as District Marketing and Brochure Development. However with technology and partnerships comes the opportunity to improve these and this can be seen with the recent work and support of the Councils community guide and in district Rivertimes publications.

Another realistic solution is to look at the use of our staff to deliver broader services for the community by incorporating new additional services and/or partnership services that could bring broader benefit or additional income, such as hiring out staff support or office space to other organisations; tour operators or major events administration could be an example of this.

In the past we have had examples of shared services in place, such as support Councils provision of the community transport scheme operations. It is very important to note that we have had issues in recent times to explore and expand on these opportunities further due to the unknown nature of the Visitor Services future, we have been unable to replace staff members who have left and continue to rely on casuals and staff from other departments to back up the current service delivery.

It is hoped that Council will be able to support a solution that allows for Tourism Services to create a more stable staff environment that allows for some employment contracts to be put in place that will support the engagement of skills based staff who can then assist in exploring, trialling and progressing some of the proposed strategic opportunities even if it is initially for a 12 month period of commitment whilst the Strategic Planning processes are progressed.

Conclusion:
In consideration of the detail outlined in the DR report and the review of performance data for the current services There is no doubt that a shift in the visitor service model is required to provide increased access to information for all visitors to our District.

These opportunities can definitely be progressed over time as part of our District and Regional Tourism Strategic visions; however there is also still enough evidence to suggest that there is value in continuing to provide the more traditional model for the time being.

Although it is recognised that there is a cost to providing the Visitor Services for our community, the estimated return in additional spend for the district due to the service is significant, even given the perceived low number of visitation’s currently being experienced.

For these reasons, it is recommended that Council supports the continued operations ‘as usual’ of the Berri Visitor Information Centre for at least the next 12 months, whilst also exploring a range of service efficiencies and the further researching and considering the opportunities outlined in the DR report during the various Strategic planning processes being undertaken through 2018 – 2020.

RECOMMENDATION:
That Council:
1. having considered Report “14.2” titled “Visitor Servicing Review Report” as
presented to the Council meeting, receive and note the report.

2. That Council receive the recommendations and opportunities outlined in the Visitor Servicing Review Report submitted by Destination Riverland

3. Continue to operate the Berri VIC, as usual, during the next financial year subject to:
   a) Exploring and trialling efficiency and continuous improvement opportunities identified by the administration.
   b) the visitor servicing recommendations and opportunities outlined in the DR report continuing to be researched and considered during the Strategic planning processes being undertaken by Council and Destination Riverland across the next 12 months.

ATTACHMENTS: Yes

List
Attachment 14.2.1 – Berri Barmera Council Visitor Services Review, Destination Riverland (Feb 2019)
Berri Barmera Council
Visitor Servicing Review
Completed by Destination Riverland
February 2019
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Executive Summary

The following report seeks to address the following question from the Berri Barmera Council perspective:

Are we getting the message in front of the people we need to at the right time, at the place/location we need to in order to provide the maximum influence/benefit to our local economy?

Is there another way?

Findings in this report are derived from desktop research, a Focus group of key BBC tourism industry representatives and a community Survey (103 respondents).

Current research reinforces the value of Visitor Information Centre (VIC) services in increasing visitor yield and extending length of stay. In Victoria the additional spend as a result of visiting an accredited VIC is $132.

In the Berri scenario the challenge is ensuring visitors to the region visit the centre in order to generate this additional spend. Currently only 3% of visitors to the BBC region visit the VIC.

Conversations with key industry representatives indicate an unformalised network of Visitor Information Outlets is current in place at key attractions in the Berri area. Whilst this is potentially impacting on the foot traffic in the Berri VIC it also represents an opportunity to more effectively reach potential customers in places they are already going.

Results from the community survey indicate whilst there seems to be an appetite from the local community to maintain a well-located and resourced visitor information centre in its current location there is also acknowledgement of the need to consider new approaches.

- 44% indicated that it was a high or very high priority to provide mobile visitor information services to where visitors are to be found e.g. key events (pop-up and during peak seasons)?
- 68% high or very high through increased online and other marketing to visitors before they arrive in the region
- 49% high or very high through visitor information displays (static or electronic) in locations where visitors commonly frequent e.g. shopping centres, fuel stops, caravan parks and hotels, key attractions

This report recommends that the BBC council consider a multipronged approach to visitor servicing including activities in the following four areas.

Physical Visitor Information Services

- Continue the support provided to the Barmera Visitor Centre
- Develop a series of formalise VIO’s in the BBC area. Leveraging of the informal practices that are already occurring. Consider key attractions and high traffic areas within the region.
- Consider the development of a mobile asset
Digital Visitor Services
  • Develop a stronger focus on online visitor serving including digital audits across the industry, google listings, trip advisor, Facebook reviews, responding to online queries. Increased use of the Riverland Events Calendar

Signage and Interpretation
  • Good signage to key attractions and tourism products within the region.

Industry Engagement and Development
  • Develop the army of local ambassadors spreading the ‘Tourism word’ in non-traditional businesses.

The delivery of visitor information services in BBC must consider the contemporary modes of information delivery and the changing preferences for information consumption. Providing more emphasis on different channels of delivery presents the greatest opportunity to grow the local economy.
Project Background

Berri Barmera Council appointed Destination Riverland to undertake a review of current visitor services within their council district including business and community consultation and prepare a report to guide visitor servicing for the BBC into the future.

This report considers more broadly how to grow the visitor economy.

The Question

The question we are seeking to answer -

Are we getting the message in front of the people we need to at the right time, at the place/location we need to in order to provide the maximum influence/benefit to our local economy?

Is there another way?

The Process

Destination Riverland were engaged to undertake a consultation process within the BBC district to determine current community opinion around needs for visitor serving within the BBC area, possible solutions and the role in which council should play in delivering these.

In order to achieve this, Destination Riverland have undertaken a thorough consultation process including:

- Significant desktop research
- A focus group of key tourism businesses within the BBC area
- Consultation with the South Australian Tourism Commission
- An online survey distributed to both the tourism industry, local businesses and community within the BBC area.
The Current Universal VIC Challenge

According to regional tourism experts Tourism E school,¹ there are 4 visitor servicing truths that regions need to be across when considering the best way to reach and engage their visitors:

- Visitors seek local and authentic experiences that are relevant to them. They use their trusted communities, such as social media, to get local, personalised recommendations.
- Visitors expect to engage differently. They use various, convenient sources to find visitor information, such as travel apps and social media on their digital devices.
- Visitors trust what others say on social media and review websites the most. While this can be VIC staff, it also includes local residents, tourism operators and service staff in the region.
- Visitors become regional advocates due to exceptional experiences. LGAs who deliver an exceptional visitor experience at their VIC, events and managed tourism assets will go a long way to reaching their tourism economic goals, as happy visitors will be advocates for your region.

Current Situation

Regionally
Within the Riverland region there are 5 accredited VIC's and 4 VIO’s

An accredited VIC means the centre has achieved accreditation under the recognised accreditation program, carrying the National VIC branding yellow and blue "i" logo. These VIC’s need to adhere to and comply with a number of criteria within the accreditation program

A VIO is a visitor information outlet that provides information on a localised level and is not bound by specific criteria in terms of opening hours, parking facilities etc.

Accredited VIC’s
- Berri
- Barmera
- Waikerie
- Loxton
- Renmark

VIO’s are located at
- Morgan
- Blanchetown
- Waikerie (Illiliangi)
- Waikerie (Rainmoth gallery)
- Moorook

Riverland is one of the highest VIC serviced regions in SA.

¹ https://tourismeschool.com/savic2018/
Berri Barmera Council Region

The BBC currently own and manage the Berri VIC and also provide funding of just over $52K to Barmera Central which enables the provision of visitor information and other services in Barmera.

Berri VIC

The VIC is generally staffed by 2 full-time employees and draws from a pool of 5 casual staff.

Currently the VIC hours of operation are Monday to Friday from 9.00am to 5.00pm, Saturday 9.00am to 2.00pm, Sunday & public holidays 10.00am to 2.00pm. The VIC is closed Christmas Day and Good Friday.

On any given day an average of 33 people will visit the VIC with an average of 18 seeking visitor services, 9 seeking to purchase a bus ticket, 2 for retail only and 4 solely using the toilet facilities. Generally, the numbers for VIC visitations increase in the warmer months and decreases in the cooler months.

Currently only 3% of visitors coming to the Berri Barmera region walk through the doors of the Berri VIC.

Of those 3% of visitors, most have access to other Visitor Information Services. In fact, the ‘gap’ of those who don’t equates to approximately 3 people per day.
Current Research

The results of a recent study undertaken in Victoria have clearly illustrated that Accredited Visitor Information Services (VIS) are seen as a valuable contributor to a visitor’s overall experience in the region and indeed has encouraged greater spend and length of stay.

The top findings of note are:

- $132 average additional spend as a result of visiting an Accredited Visitor Information Service (VIS)
- 1 in 5 stayed longer as a result of visiting an Accredited VIS
- 93% of tourists visited places they otherwise wouldn’t have, after speaking to VIS staff

Visitor Servicing Trends

The growth in access of digital information is a game changer in the way visitors consume information with recent studies suggesting that 83% of holiday leisure travellers planned their trip online.

The draft National Tourism Strategy states technology will continue to play an important role in building an accessible and productive tourism industry. Over the past decade, advances in technology have fundamentally changed the traveller experience, with tourism operators and government adopting innovative solutions to simplify and improve the travel experience and tourism product for visitors.

As travellers increasingly seek customised travel information and real-time digital interactions, technology advances will continue to transform the visitor experience beyond 2020. In this environment, tourism operators will be expected to deliver uniquely tailored travel options for customers across multiple digital platforms and harness a range of new technology.

Visitors trust what others say on social media and review websites the most. While this can be VIC staff, it also includes local residents, tourism operators and service staff in the region.

Recently the Adelaide Hills commissioned a review of their VIS environment with a view to designing a model that meets the needs of the visitor for the future.

This report notes the following factors as essential in the delivery of visitor information centres:

- More outlets, open at times that people are visiting
- Mechanisms of delivering high information standards irrespective of accreditation
- Leverage and integrate visitor information services and digital platforms, all VIS providers must be e-savvy.
- Provide paper materials only when requested by the customer, use a ‘customer pull’ method to determine what materials are needed.
- Co-ordination of VIC delivery and service standards across the region.

The delivery of visitor information services in BBC must consider the contemporary modes of information delivery and the changing preferences for information consumption.
Focus Group Summary

Attendees
Crossfield Cottage – Carolyn Huckel
Riverbush Cottages – Gaynor Fitzgerald
Cobdogla Caravan Park – Alan Thompson
Bella Lavender – Mario Centofanti
Berri Estates Cellar Door – Amy Kelly
Berri Hotel – Jeremy Sweet
Canoe Adventures – Kym Werner
Andrew Kassebaum – Deputy Mayor BBC
Andre Stuyt – CEO BBC

The focus group included a good cross section of the industry with businesses of varying sizes and types.

Detailed information regarding responses to individual questions is provided in Appendix C.

Key takeout of the focus group included:

The industry believes the key role and function of the VIC in its current format is the provision of unbiased information to visitors to the region. The value is in speaking with a local. There was acknowledgement that different user groups have different preferences for seeking information i.e. online vs personal contact.

Level of interaction with the VIC was directly related to the type of business. Accommodation providers have a different relationship with the VIC than attractions. There was acknowledgement and significant discussion around the informal VIO service which is currently being provided by key attractions in the Berri area and how this is potentially duplicating the current VIC service and may be impacting on traffic to the centre. i.e. if the customer visits Berri Estates before they get to the VIC, they have most likely have received all the information they require relating to businesses.

It was acknowledged that businesses don’t interact with VIC’s as much as they should and there is limited knowledge of how VIC staff recommend a business (however noted this was the issue of the operator). Some businesses noted that they had concerns regarding the current product knowledge of VIC staff and it was agreed that if the core function of the VIC is promoting things to do in the areas, this could be done better.

Itinerary planning occurs up to 18 times a day and this was considered a major benefit of the VIC as this is a service that can’t be provided by big businesses i.e. the hotel.

Some businesses felt that customer service was at times lacking in the Berri VIC, however it was also noted in discussion that the current layout of the centre is not conducive to interacting with visitors and staff are positioned behind desks.

When asked about the role council should be playing in visitor servicing, the industry considered collaboration between the RTO and the VIC of key importance. The overall feeling was that council
did have a role to play in the provision of information to visitors to help grow local businesses and
acknowledgement that this could be undertaken in different ways.

Signage was considered an important role of council to ensure that visitors could easily find their
way to local businesses.
Community Survey Summary

A generalised survey was developed seeking input from the community on:

- Current usage of the Berri Visitor Information Centre
- How visitor information servicing is positioned in terms of priority over other council services
- Possible locations if a visitor servicing centre was to be co-located with another service.
- Thoughts on the role council should be playing in this area

The survey was distributed via Destination Riverland tourism networks, promoted via council social media and through articles in the local paper.

It is important to note that the author was provided with a strong direction to consult community on their views on visitor servicing. When reading other similar reviews this practice is quite rare most limit this to industry and stakeholder given the general rate payer may have limited knowledge of VIC operations and responses can be driven from emotion or resistance to change.

103 responses were received for the survey with 83% being residents and 17% being local businesses.

- 64% of respondents to survey have never used the Berri VIC or use it once a year
- 42% of respondents indicated they purchased local produce or souvenirs at the centre.

When considering the best way to service visitors to Berri the group were asked to rank the importance of various options:
• 50% of respondents indicated we could best service visitors through a well-located and resourced visitor information centre in its current location
• 44% indicated that it was a high or very high priority to provide mobile visitor information services to where visitors are to be found e.g. key events (pop-up and during peak seasons)
• 68% high or very high through increased online and other marketing to visitors before they arrive in the region
• 49% high or very high through visitor information displays (static or electronic) in locations where visitors commonly frequent e.g. shopping centres, fuel stops, caravan parks and hotels, key attractions

Whilst there seems to be an appetite from the local community to maintain a well-located and resourced visitor information centre in its current location, there is also acknowledgement of the need to consider new approaches.
Future service model opportunities

A range of service models can be considered in developing an effective solution to visitor servicing for an area.

Mobile Service Delivery
- Reach the visitor where they are
- Information trailer, van or pop up VIC that can be used at events or popular attractions
- Welcome Hosts – VIC staff or volunteers ‘roaming’ the town in highly visible uniforms providing information to visitors as required

Increased Digital Presence
- Improve the way that digital information is made available to visitors.
- Mobile Apps

Integration
- A more flexible resourcing model by using integrated and/or shared approach, which could potentially lead to reduced operating costs i.e. linking with existing business or attractions.

Regional Gateway VIC’s
- Regional centres located at key entry and exit point for the region that service the entire areas, not just local government boundaries.

Super VIO Model
- This model attempts to reduce the costs associated with maintaining Yellow I accreditation by development of a number of Visitor Information outlets at the places visitors already go i.e. information kiosks in cafes, could include brochure racks and an iPad

This concept has been tested within the Yorke peninsula council region. Existing businesses have been fitted out with a small VIO area including desk, I pad and modest brochure stand and staff have been provided with training to assist in fielding visitor queries. A Visitor Servicing Manager provides the training and restocking for the VIO’s.
**Recommendations**

It is important to consider visitor servicing from an economic perspective in terms of the investment made by the local council to deliver the current service and the return on investment this is achieving.

All the research suggests there are better ways to achieve a greater result for potentially less council investment in the long term.

The findings indicate that the approach to visitor servicing needs to take a multi-pronged approach. There are many different current and potential user groups for visitor serving each responding to different information channels.

It is recommended that the following four components are considered in the development of a long-term solution for visitor serving in BBC.

**Physical Visitor Information Services**

- Continue the support provided to the Barmera Visitor Centre to continue
- Develop a series of formalised VIO’s in the BBC area. Leveraging of the informal practices that are already occurring. Consider key attractions and high traffic areas within the region.
- Consider the development of a mobile asset i.e. bike or trailer

**Digital Visitor Services**

- Develop a stronger focus on online visitor serving including digital audits across the industry, google listings, trip advisor, Facebook reviews, responding to online queries. Increased use of the Riverland Events Calendar

**Wayfinding, Signage and Interpretation**

- Good signage to key attractions and tourism products within the region.

**Industry Engagement and Development**

- Develop the army of local ambassadors spreading the ‘Tourism word’ in non-traditional businesses.
Possible Future Direction

Based on the 4 key components identified above, the following is a possible future approach to visitor servicing in the Berri area.

Physical Visitor Information Services

1. VIO in Gallery Building (DR Office)

Changing the status from an accredited VIC to a VIO provides greater flexibility with regard to staffing, parking requirements and hours.

There is potential for the current DR board room to be converted into a VIO with access from the French door on the veranda.

This could be staffed by council staff and a sublease provided to council for the space. This could also accommodate a small retail space.

Alternatively, the management and staffing of this VIO could be outsourced to DR

2. Mini VIO’s

Expand on the current informal referral arrangements that are occurring via key attractions in the BBC area.

Develop a consistent brochure rack, signage and iPad kiosk in the following locations:

- Bella Lavender
- Berri Estates
- 919 Wines
- Berri Caravan Park

3. Mobile Asset

Purchase a caravan, bike, trailer and fit out as a mobile VIC, possibly with a coffee machine, that can be taken to events etc i.e.:

- Martins Bend Camp Ground
- Riverland Field Days site/car rallies etc
- Sporting events i.e. Bowls carnival
- Farmers Markets

Digital Visitor Services

- Allocate staff resources to undertaking a digital audit for all BBC tourism businesses. Assist with claiming TripAdvisor listings and google listings. The staff resource could assist in further utilising and activating the Riverland Event Management System.

Signage and Interpretation

- Undertake a signage audit in the region and develop a strategy for improvements where required.
Industry Engagement and Development
- Develop the army of local ambassadors spreading the ‘Tourism word’ in non-traditional businesses.

Financial Implications
The following are purely ball park estimates in order to give the reader an indication of possible funding implications.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>$120,000</td>
</tr>
<tr>
<td>Mobile trailer/ Caravan</td>
<td>$10,000</td>
</tr>
<tr>
<td>Mini VIO Set ups</td>
<td>$8,000</td>
</tr>
<tr>
<td>Sub lease DR office</td>
<td>$15,000</td>
</tr>
<tr>
<td>DR Board Room fit out</td>
<td>$5,000</td>
</tr>
<tr>
<td>Operating budget</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

In the event DR is contracted by BBC to deliver Visitor Servicing for the Berri Area, there is potential for further savings, great efficiencies and stronger working relationships between the Regional Tourism Organisation and Visitor Servicing staff.

Costs
BBC Initial Investment – 200K
BBC ongoing investment - $170

This model represents significant savings to BBC and has the potential to increase ROI.
Summary

In order to truly realise the potential of the visitor economy BBC must consider the contemporary modes of information delivery and the changing preferences for information consumption. Providing more emphasis on different channels of delivery presents the greatest opportunity to grow the local economy.

The close proximity of the current Berri VIC to three other accredited VIC’s presents an opportunity for BBC to pilot a different model for visitor servicing in their council region. A new model has the potential to deliver cost savings for council plus the ability to generate a stronger return on investment. Opportunity is knocking.
8.12 Future Directions – Berri Visitor Information Centre

OFFICER: CEO, MCS, T&EDA
CONSULTATION: External - Destination Riverland, preliminary
REF:

REPORT:
Subject Detail:
SUMMARY:
A key staff departure with responsibilities for the Berri Visitor Information Centre (VIC), presents council with the opportunity to explore the future of this facility and the delivery of visitor information services within Berri. This report considers the current operation of the VIC, recent and emerging trends in the delivery of visitor information services, the opportunities for the use of the premises.

Having regard to the above the report presents recommended actions that enables the council to (1) devise a delivery model to better and more cost-effectively deliver visitor information services; and (2) identify the demand, if any, for the commercial use of the premises that can better contribute to activation and vibrancy of the upgraded riverfront precinct.

RECOMMENDATION:
That Council, having considered Report 8.12 titled ‘Future Directions – Berri Visitor Information Centre’, as presented to the SG&AM Committee, endorse:
1. consultation with key stakeholders to devise a delivery model of visitor information services specifically within the Berri region.
2. to undertake an expression of interest (EOI) process to identify interested and appropriate users of the current Visitor Information Centre tenancy to operate commercial activities that contribute to improving the vibrancy of Berri’s Riverfront Precinct.
3. the Administration reporting back at the conclusion of the EOI process and consultation with recommendations on the future use of the Visitor Information Centre tenancy and delivery model of visitor information services specifically in Berri with resourcing requirements and realisable cost savings.

Background:
General
1.1 Local government’s role in delivering services has become broader and more complex over recent decades as community expectations have increased and other levels of government have divested various functions. More than ever, councils are looking for ways to ensure the mix and level of service provided are relevant to the needs of the community and can be funded.
1.2 Tourism is a key economic driver in the Berri Barmera region, and in the FY16/17 the visitor expenditure was worth $51m, attracted 213,000 visitors and supported 106 local businesses. Tourism is the fourth largest industry sector for employment in our region behind manufacturing, agriculture and utilities.
1.3 Visitor experience trends, self-managed research and technology has changed the way visitors to a region source and use information, as well as who can provide that information.
1.4 The industry trend is councils moving from being a visitor information centre operator to being a visitor information provider.
1.5 Usage of VICs is highly correlated with longer stays and higher spends and research to date has not found evidence of any destination wholly exiting a physical presence. While
individual visitor centres have been closed, these have been substituted with a physical presence in a different format or location. For example, there has been a shift to mobile VICS/‘pop ups’ or to new models like sub-contracting, co-locating or virtual services.

1.6 A critical factors of success is that all elements of the visitor information services approach be aligned and integrated with marketing and promotions, branding etc.

Berri VIC Building

1.7 The Berri VIC and River Jacks Café is housed in an architecturally designed building constructed for Council in 2003/04

1.8 The building is situated on Berri’s Riverfront and its design takes full advantage of the river aspect with panoramic windows; red gum sleepers on feature walls and recycled wharf timbers for the support columns. The building is complemented with viewing decks overlooking the River Murray.

1.9 The VIC tenancy occupies an area of approximately 180sqm, comprising a ground floor retail area of approximately 120sqm, office and storage area of 25sqm and a mezzanine area with a kitchenette of 35sqm.

1.10 The VIC tenancy contains a modest, ageing fitout comprising slat walls, lighting system and counter area.

1.11 The building is co-tenanted by River Jacks Café who occupy the eastern portion of the building. Café space is leased by the council to the Berri Hotel, who in turn subleases it to the current operator. The lease to the Berri Hotel expires on the 28th Feb 2024.

1.12 The building contains shared toilet facilities.

1.13 A floor plan of the building and VIC tenancy area is provided in Attachment A.

Current Berri VIC Operations

1.14 The VIC is generally staffed by 2 full-time employees and draws from a pool of 5 casual staff.

1.15 Currently the VIC hours of operation are Monday to Friday from 9.00am to 5.00pm, Saturday 9.00am to 2.00pm, Sunday & public holidays 10.00am to 2.00pm. The VIC is closed Christmas Day and Good Friday.

1.16 VIC staff keep a record of visitor numbers through the VIC and purpose for the visit. Details for the last 3 years is presented in the table below:

<table>
<thead>
<tr>
<th></th>
<th>2015/16 1</th>
<th>2016/17 1</th>
<th>2017/18 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>7,726</td>
<td>7,942</td>
<td>Visitor Info 6360</td>
</tr>
<tr>
<td>Intrastate</td>
<td>7,139</td>
<td>7,045</td>
<td>Bus Tickets 3250</td>
</tr>
<tr>
<td>Interstate</td>
<td>3,664</td>
<td>3,647</td>
<td>Toilet 1345</td>
</tr>
<tr>
<td>International</td>
<td>1,276</td>
<td>1,365</td>
<td>Retail 1020</td>
</tr>
<tr>
<td>Unknown</td>
<td>8,157</td>
<td>8,647</td>
<td>Purchase</td>
</tr>
<tr>
<td>Bus enquiries</td>
<td>2,245</td>
<td>2,264</td>
<td></td>
</tr>
<tr>
<td>GLOBAL</td>
<td>30,124</td>
<td>30,900</td>
<td>TOTAL 12,000</td>
</tr>
</tbody>
</table>

1 Approximate numbers

On any given day an average of 33 people will visit the VIC with an average of 18 seeking visitor services, 9 seeking to purchase a bus ticket, 2 for retail only and 4 solely using the toilet facilities. Generally, the numbers for VIC visitations increase in the warmer months and decreases in the cooler months.

1.18 Berri VIC has experienced a decline in foot traffic in door counts, but a rise in digital engagement through the website and promotional content (print, vision and digital) developed by Destination Riverland

1.19 Currently only 3% of visitors coming to the Berri Barmera region walk through the doors of the Berri VIC. Visitations breakdown to the Berri VIC for 2017, prepared by T&EDA, is

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1 The 2015/16 & 2016/17 figures were calculated using both door counters, which were subject to failure and error, and manual state collection. In addition the community transport program also operated from the Berri VIC which generated additional footfall traffic.

The Berri Barmera Council - Agenda for Strategic Governance & Asset Management Committee Meeting 11 September 2013
1.20 The VIC's Expenditure and Revenue for the last three financial years is presented in the table below:

<table>
<thead>
<tr>
<th></th>
<th>FY15/16</th>
<th>FY16/17</th>
<th>FY17/18*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$119,144</td>
<td>$164,462</td>
<td>$106,497</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$326,580</td>
<td>$391,251</td>
<td>$374,280</td>
</tr>
<tr>
<td>Surplus/(Deficit)</td>
<td>$(207,436)</td>
<td>$(226,789)</td>
<td>$(267,763)</td>
</tr>
</tbody>
</table>

* excludes full cost attribution

1.21 The VIC currently holds approximately $10k of merchandise at value. A full breakdown of the VIC Unit’s Expenditure and Revenue with full cost attribution is provided in Attachment B.

1.22 Statelineer advised on Tuesday 4th Sept 2018 they would be ceasing their agency contract with Council due in part to the proposed bus bay location on Vaughan Tce in the upgraded public realm wasn’t deemed suitable for their needs. Statelineer have negotiated a contract with a tenant in the Riverland Plaza and will use the Plaza bus bay as their primary Berri stop. The cessation of this contract represents a loss of approximately $13.6k in profit to the operation of the Berri VIC.

1.23 In a changing market the current provision of the VIC does not demonstrate best practice for the use of resources.

1.24 At the time of resignation, the T&EDA was compiling a discussion paper/proposal that considered a new, lower cost model for the delivery of visitor information services in the Berri region and the potential adaptive reuse of the VIC tenancy with a commercial/tourism/local product focus.

Regional Context & Destination Riverland:

1.25 Destination Riverland (DR) is the peak tourism body for the Riverland. The Berri Barmera Council, along with neighbouring Riverland councils, provide the primary funding support. DR board comprises members with tourism and other relevant experience and skills.

1.26 DR is responsible for marketing the Riverland region as a tourism destination in local, national and international markets. DR effectively utilises traditional and digital marketing mediums to market the Riverland and its varied businesses reliant on the visitor economy.

1.27 DR also operates an industry partnership program working with the region’s more progressive businesses with exposure to the visitor economy on a fee for service basis to access additional promotional and business growth opportunities.

1.28 In FY18/19 the Berri Barmera Council will contribute $50k towards the activities of DR. It is the opinion of the report’s author the DR model is a needed, collaborative and highly effective approach to the provision of regional tourism marketing and tourism industry support services, which could not be achieved by councils of the Riverland working in isolation.

1.29 As evidence in Attachment B, the Riverland is the highest VIC serviced region in SA with 2 VIC’s within the Berri Barmera Council and 5 VIC’s within close proximity to each other.

1.30 In addition to operating the Berri VIC, in FY18/19 the Council will contribute just over $52K to Barmera Central which enables the provision of visitor information and other services in Barmera.

Discussion:
Visitor Information Services

* The Local Government (Financial Management) Regulations define full cost attribution as a system under which all costs, including indirect and overhead costs, are allocated to a function, activity, good or service on a reliable and consistent basis.
This report seeks council’s approval to engage with the key stakeholders on devising a proposal to implement a new model for delivering visitor services in Berri.

The proposed new model is built around the delivery of key visitor information services that can:

- ensure that visitors continue to have access to quality information that encourages expenditure and longer stays
- support and align with destination marketing activities and programs
- support local businesses reliant on the visitor economy
- grow the visiting sporting and social group market

An example of a new delivery model could include (but not limited to) the following actions:

- Visitor Info Hubs - secure and stock compact brochure display space in high visitation/foot traffic areas in and around Berri including Martin Bend, Caravan Parks, Council offices, Library, Hotels, The Riverland Central Plaza, and visitor economy focused businesses - with upskilling opportunities of onsite staff with familiarisation of Berri Barmera product
- Regular Engagements - face to face visits with accommodation providers throughout the whole Riverland to build relationships, ensure owners/staff are up to date with Berri Barmera product, and check brochure displays
- Pop-up mobile visitor information service delivering visitor information face to face at key locations such as large events
- Collaboration - with key local tourism stakeholders to grow the visiting sporting and social group event market & itinerary planning for visiting groups
- Local tourism product development - identifying, encouraging and facilitating product development
- Localised familiarisation program coordination - building Berri Barmera product awareness and synergistic relationships with regional tourism service providers
- Working with local businesses to improve their online presence, i.e. ATDW listing, google places, TripAdvisor, yelp etc
- Periodic placement in VIC’s in Renmark Paringa, Loxton Waikerie, Burra and Mildura understand the customer needs, build relationships and affirm brochure/display space for Berri Barmera product
- Local economic development projects and activations

Full costings (and potential savings) to deliver the new delivery model and defined services, following consultation and refinement, would be presented to Council for consideration and endorsement.

There is no suggestion, in considering the above, to alter the existing funding arrangement with Barmera Central which enables the provision of visitor information and other services in Bermera. It is contemplated a new delivery model could supplement the visitor information service offering provided by Barmera Central.

Berri VIC Tenancy

A new delivery model for visitor information services negates the need for a full-service VIC. It presents an opportunity to explore the adaptive reuse of the tenancy for commercial/near commercial uses that can better contribute to the upgraded riverfront precinct’s vibrancy.

A range of options with pros and cons have been considered in the preparation of this report and include:

- Maintaining the status quo – council continue to operate the premises as a VIC
- Exploring interest from external parties in the commercial use of the space with a tourism/retail destination/food and/or beverage focus
- Repurposing the tenancy to create a multipurpose space that can be hired out for short-term events and commercial activities
2.8 Maintaining the status quo with council to continue to operate the premises as a VIC.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continued provision of tourism information services within the Berri township at a location that is visually appealing to visitors</td>
<td>Significant and increasing cost to council to run</td>
</tr>
<tr>
<td>Contributing activity (although limited) to a precinct providing food, beverage and accommodation services</td>
<td>Limited and diminishing revenue opportunities</td>
</tr>
<tr>
<td></td>
<td>Declining visitation to VIC as tourists access necessary information and services via digital technologies</td>
</tr>
<tr>
<td></td>
<td>Relinquished opportunity for commercial or near commercial activity and return</td>
</tr>
<tr>
<td></td>
<td>Focused on a traditional ‘brick &amp; mortar’ delivery model instead of a collaborative approach with local stakeholders engaged in the visitor economy</td>
</tr>
</tbody>
</table>

2.9 Exploring interest from external parties in the commercial use of the space with a tourism / retail destination / food and/or beverage focus.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential to attract and secure a commercial activity that, as a ‘destination business’, makes a better contribution to the precinct’s vibrancy and has synergies with adjacent food, beverage, hospitality and accommodation services</td>
<td>Loss of a traditional visitor information centre service in Berri.</td>
</tr>
<tr>
<td>Rental income to council.</td>
<td>Need to devise and implement a new delivery model for the provision of visitor information services specifically in the Berri, and generally within the council region.</td>
</tr>
<tr>
<td>Cuts off an ever increasing cost to council in operating a visitor information centre.</td>
<td>Failure of the new business activity resulting in a vacant tenancy and loss of rental to council.</td>
</tr>
</tbody>
</table>

2.10 Re-purposing the tenancy to create a multi-purpose space that can be hired out for short-term events such exhibitions and ‘pop up’ commercial activities.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creating a multi-purpose space in an visually appealing area that, when activated, can contributed to the precinct’s vibrancy and has synergies with adjacent food, beverage, hospitality and accommodation services</td>
<td>Loss of a traditional visitor information centre service.</td>
</tr>
<tr>
<td>Short-term hire fees to council.</td>
<td>Need to devise and implement a new delivery model for the provision of visitor information services specifically in the Berri, and generally within the council region.</td>
</tr>
<tr>
<td>Cuts off an ever increasing cost to council in operating a visitor information centre.</td>
<td>Higher participation cost to council in managing the short-term hire / curation of activity within the multi-purpose space.</td>
</tr>
<tr>
<td></td>
<td>The prevalence of other council-owned facilities for hire for short-term events e.g. Town Hall</td>
</tr>
<tr>
<td></td>
<td>Potential under-utilisation or ‘down time’ that</td>
</tr>
</tbody>
</table>
Having considered the above it is the recommendation of the council administration to investigate further the level of interest of external parties in the commercial use of the VIC tenancy with a tourism, retail, food and/or beverage focus.

2.12 This would be undertaken via an Expression of Interest (EOI) process similar to that used for Hawdon Chambers tenancy and the Solar Farm project (albeit not to the same extent), to seek out the potential uses, demonstrate probity and ensure a transparent process.

2.13 It’s proposed the administration report to council at the conclusion of the EOI process with a recommendation on the shortlisted registrants (if any) to occupy the VIC tenancy. The Administration would be presenting concurrently a recommendation on a new delivery model of visitor information services specifically in Berri with resourcing requirements and realisable cost savings, as outlined in 2.4.

2.14 Indicative time frames for the EOI, and consultation with key stakeholders on a new delivery model for visitor information services, is as follows:

| Decision of council to proceed with EOI and consultation with key local stakeholders to explore a new delivery model for visitor information services in the Berri Region | 11 September 2018 |
| Preparation of EOI documents | September 2018 |
| EOI open | Early October 2018 |
| Consultation re new delivery model | October 2018 |
| EOI closes | Early November 2018 |
| Costings / analysis / negotiations with shortlisted EOI registrants | November 2018 |
| Presentation to council by shortlisted EOI registrants and report to council with recommendations including costings | December 2018 |

2.15 The cost to undertake the EOI and consultation is predominantly staff time with minimal expense outlay envisaged.

2.16 Until a decision is made by council having regard to the above, the VIC would operate as ‘business as usual’.

Conclusion:

The role of the council in growing and supporting the visitor economy remains highly relevant and necessary as the visitor economy creates local jobs and underpins the viability of small businesses and town centres.

Visitor experience trends, self-managed research and technology has changed the way visitors to a region source and use information, as well as who can provide that information. Also, there is an industry trend of councils moving from being a visitor information centre operator to being a visitor information provider.

This, coupled with a staff departure and recent major investment in the public realm of riverfront precinct, obliges the council to embark on investigations to explore a more effective application of its resources to meet the visitor’s information needs. It also allows for Council to identify possible future commercial uses for a well-located building that can better contribute to the activation and vibrancy of the upgraded precinct.

The Berri Barmera Council - Agenda for Strategic Governance & Asset Management Committee Meeting 11 September 2018
<table>
<thead>
<tr>
<th>Attachment follows Report:</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment A:</td>
<td><em>Floor Plan – Berri Visitor Information Centre</em></td>
</tr>
<tr>
<td>Attachment B:</td>
<td><em>Berri VIC 2016/2017 Visitation breakdown</em></td>
</tr>
<tr>
<td>Attachment C:</td>
<td><em>Berri VIC Expenditure and Revenue with full cost attribution for FY15/16, FY16/17 &amp; FY17/18.</em></td>
</tr>
</tbody>
</table>

**Strategic Links:**

| (1) Linked to Objectives: | Yes |
| (2) Objective:            | Diverse Economy; Objective 8 |

**Budget:**

| (1) Impact:               | No |
| (2) Description:          | Tourism – Berri Visitor Information Centre |
| (3) Allocation:           | $496,649 |
| (4) Expenditure to date:  | $34,876 |

**Risk Assessment:**

| N/A |
Annual usage of Berri VIC – 2016/2017

12,000 people/year  33 people/day  19 groups/day

Visitor information usage of Berri VIC

6,360 people/year  18 people/day  10 groups/day (53%)

Bus (27%)  Toilet (11.2%)  Retail (8.5%)
Annual visitors to **Berri Barmera** district (231 000)

**Visitors** using Berri VIC (6360)

Visitor information usage of Berri VIC

- 6360 people/year
- 18 people/day
- 10 groups/day
Berri Visitors using Berri VIC

80% using Berri VIC stay at Hotel, Caravan Park, Motor Inn or Martin Bend

The Gap
979 people/year
3 people/day
2 groups/day

Easy access to other visitor information service

Staying in another major town with VIC (23%)
Annual usage of Berri VIC – 2016/2017

12,000 people/year  33 people/day  19 groups/day

The Gap

979 people/year
3 people/day
2 groups/day

6.1% make contact via phone or email
4.8% collect brochures but don’t want assistance
9% are seeking information about regions outside of the Riverland (e.g. Mildura, Barossa)
- Visitors to Berri Barmera district
- Visitors using Berri VIC
- THE GAP

0.5%
3%
97%
### VICs in other South Australian Regions

<table>
<thead>
<tr>
<th>Region</th>
<th>Visitor Expenditure ($M)</th>
<th>Annual Visitors incl. day trips</th>
<th>Accredited VICs</th>
<th>VIC: $M Spend Ratio</th>
<th>VIC: '000 Visitor Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fleurieu Peninsula</td>
<td>$437 M</td>
<td>3,248,000</td>
<td>5</td>
<td>1:87</td>
<td>1:650</td>
</tr>
<tr>
<td>Adelaide Hills</td>
<td>$163 M</td>
<td>1,565,000</td>
<td>1</td>
<td>1:163</td>
<td>1:1,565</td>
</tr>
<tr>
<td>Flinders</td>
<td>$425 M</td>
<td>1,366,000</td>
<td>8</td>
<td>1:53</td>
<td>1:204</td>
</tr>
<tr>
<td>Limestone Coast</td>
<td>$321 M</td>
<td>1,311,000</td>
<td>6</td>
<td>1:54</td>
<td>1:219</td>
</tr>
<tr>
<td>Yorke Peninsula</td>
<td>$198 M</td>
<td>1,143,000</td>
<td>1</td>
<td>1:198</td>
<td>1:1,143</td>
</tr>
<tr>
<td>Murraylands</td>
<td>$145 M</td>
<td>1,124,000</td>
<td>2</td>
<td>1:73</td>
<td>1:562</td>
</tr>
<tr>
<td>Barossa</td>
<td>$190 M</td>
<td>1,121,000</td>
<td>3</td>
<td>1:63</td>
<td>1:374</td>
</tr>
<tr>
<td>Riverland</td>
<td>$173 M</td>
<td>829,000</td>
<td>5</td>
<td>1:35</td>
<td>1:166</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>$263 M</td>
<td>793,000</td>
<td>4</td>
<td>1:66</td>
<td>1:198</td>
</tr>
<tr>
<td>Clare Valley</td>
<td>$93 M</td>
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**Comment:** The Riverland is the highest serviced region in SA with the provision of accredited VIC’s and one VIC for every $35m incoming visitor expenditure & one VIC for every 156,000 visitors.
## ATTACHMENT C: VIC EXPENDITURE & REVENUE FY15/16, FY16/17 and FY17/18.

<table>
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<th>REVENUE</th>
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<td>River Cruises</td>
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<td><strong>Total Revenue</strong></td>
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### SURPLUS (DEFICIT)

<table>
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<td>($257,111)</td>
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Appendix B - DR Discussion Paper

Visitor Servicing - Challenges and Opportunities
Discussion Paper

Introduction
Every local government area around the country seems to either have recently or will soon be looking to review the provision of visitor servicing in their patch.

These reviews are all driven by the question of return on investment for the local council. With changing visitor trends around the way tourists access information and when the appeal of the traditional VIC model is waning for some, this poses the question – is this the best way to invest community money to grow the local economy?

Is there a better way to provide visitors with information that will encourage them to stay longer and spend more dollars in our patch?

Current Service Delivery
Traditional VIC’s provide a range of services to several user groups including Visitors, Industry and the community. In general, these services can include the following:

Services to visitors:
• Provide information about local tourism product
• Monitor, update and operate a destination website
• Monitor, update and operate a bookings service
• Direct visitors to local business
• Interact and engage with visitors on a personal level

Services to the industry:
• Provide efficient, friendly services that reflect the product on offer
• Fulfil service obligations e.g. provide accurate information etc
• Train and develop staff
• Undertake visitor research
• Communicate research results
• Provide a centre for tourism operators to meet and discuss issues

Services to the community:
• Provide a meeting place
• Provide an opportunity for volunteering
• Reflect local identity and contribute to community pride
The Current Universal VIC Challenge

According to regional tourism experts Tourism E school\(^1\) there are 4 visitor servicing truths that regions need to be across when considering the best way to reach and engage their visitors:

- Visitors seek local and authentic experiences that are relevant to them. They use their trusted communities, such as social media, to get local, personalised recommendations.
- Visitors expect to engage differently. They use various, convenient sources to find visitor information, such as travel apps and social media on their digital devices.
- Visitors trust what others say on social media + review websites the most. While this can be VIC staff, it also includes local residents, tourism operators and service staff in your region.
- Visitors become regional advocates due to exceptional experiences. LGAs who deliver an exceptional visitor experience at their VIC, events + managed tourism assets will go a long way to reaching their tourism economic goals, as happy visitors will be advocates for your region.

Essential factors

Visitor information servicing (VIS) is reviewed on a regular basis by individual councils or regional tourism organisations each looking to find the ‘silver bullet’

Recently the Adelaide Hills commissioned a review of their VIS environment with a view to designing a model that meets the needs of the visitor for the future.

This report notes the following factors as essential in the delivery of visitor information centres

1. More outlets, open at times that people are visiting
2. Mechanisms of delivering high information standards irrespective of accreditation
3. Leverage and integrate visitor information services and digital platforms, all VIS providers must be e-savvy.
4. Provide paper materials only when requested by the customer, use a ‘customer pull’ method to determine what materials are needed.
5. Co-ordination of VIC delivery and service standards across the region.

Future service model opportunities

A range of service models can be considered in developing an effective solution to visitor servicing for an area.

Mobile Service Delivery
- Reach the visitor where they are

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\(^1\) https://tourismeschool.com/savic2018/
• information trailer, van or pop up VIC that can be used at events or popular attractions
• Welcome Hosts – VIC staff or volunteers ‘roaming’ the town in highly visible uniforms providing information to visitors as required

Increased Digital Presence
• improve the way that digital information is made available to visitors.
• Mobile Aps

Integration
• a more flexible resourcing model by using integrated and/or shared approach, which could potentially lead to reduced operating costs i.e. linking with existing business or attractions.

Regional Gateway VIC’s
• Regional centres located at key entry and exit point for the region that service the entire areas not just local government boundaries.

Super VIO Model
• This model attempts to reduce the costs associated with maintaining Yellow I accreditation by development of a number of Visitor Information outlets at the places visitors already go i.e. information kiosks in cafes, could include brochure racks and an I pad
The Challenge for exploration

1. Can we meet the information needs of the visitor in a more cost-effective way with a greater reach?
2. Can the current services of a traditional VIC be delivered via a different channel i.e. technology, other tourism resources etc

Thought provokers
Appendix C - Focus Group Results

The focus group included a good cross section of the industry with businesses of varying sizes and types.

Attendees
Crossfield Cottage – Carolyn Huckel
Riverbush Cottages – Gaynor Fitzgerald
Cobdogla Caravan Park- Alan Thompson
Bella Lavender – Mario Centofanti
Berri Estates Cellar Door – Amy Kelly
Berri Hotel – Jeremy Sweet
Canoe Adventures – Kym Werner
Andrew Kassebaum – Deputy Mayor
Andre Stuyt – CEO BBC

What do you consider the Core Function/ Role of the Berri VIC?

The industry believes the key role and function of the VIC in its current format is the provision of unbiased information to visitors to the region. The value is in speaking with a local. There was acknowledgement that different user groups have different preferences for seeking information i.e. online vs personal contact.

Responses included:
- Promote local businesses
- One-stop shop for the visitor
- Providing unbiased information on the area
- Provision of local produce / retail – not core but a function
- Local event promotion
- VIC can be considered a tool for businesses to use in their promotion (two-way communication)

There was some discussion around the provision of information to new residents – community guide, bin days etc and the broader services that are provided to the community. It was acknowledged that this is a service that is provided but not considered a core function of the VIC.

How does your business currently interact with the Berri VIC?

Level of interaction with the VIC was directly related to the type of business. Accommodation providers have a different relationship with the VIC than attractions.

Responses include:
- Referrals are provided to my business
- For accommodation providers, booking has already been made in most instances, however some last-minute bookings can be made. The ability for staff to provide specific detail i.e. pet friendly. Numbers are low however possibly only one enquiry per month.
• Some attractions believe that bookings directly correlate to service provided by the VIC, others indicate only a few referrals a month.

• Brochures and vouchers so they can track. Berri Estates many distributed i.e. 40 every three months and return only 2 or 3 during the period.

• Acknowledge that businesses don’t interact with VIC’s as much as they should and limited knowledge of how VIC staff recommend a business (however notes this was the issue of the operator)

• Acknowledgement of businesses referring to others i.e. attractions referring to other attractions. Point was raised that this network of attractions is possibly decreasing visitation to VIC’s as attractions are acting as ‘mini visitor serving outlets’

I.e. if the customer visits Berri Estates before the get to the VIC, they most likely have received all the information they require relating to businesses.

Businesses noted that relationships that have been developed with VIC staff overtime have a direct impact on the level of engagement.

Reference to the River Tastes maps and acknowledgement of the value of this promotional piece in moving people around the region.

Discussion on families provided to VIC staff – a number of individual businesses have organised this however there has not been a co-ordinated approach that has been initiated by the VIC – this is considered a gap.

Discussion relating to product knowledge – concern from industry that this could be done better in order to truly get the value of the referrals. If the core function of the VIC is promoting things to do in the area, this could be done better.

Operators noted they have offered free tours and families to VIC staff and other businesses and industry stakeholders to take in their own time, however uptake has been minimal.

Who has a brochure rack – all operators
Ad hoc approach to who puts up brochures
Gather from business
Bigger properties – businesses go to them…. don’t actively seek out brochures to display.

**What do you consider to be the benefits of the current Berri VIC service?**

- Referrals
- Tourist retention – keeps them here longer and coming back, engaged in the area longer
- Itinerary planning (18 times a day). This is a service that can’t be provided by big businesses i.e. the hotel
- Location – great place to showcase the region on the riverfront.

**What do you consider the limitations of the current service?**

- Restricted to where they can refer – personal preference or experience? Can be potential for biased information.
- Product knowledge and awareness of staff and volunteers
• Customer Service - Some businesses noted that the customer service was lacking at the Berri VIC.
• Layout/ fit out – not conducive to staff interacting with consumers i.e. staff are stuck behind desks
• Volunteers providing a ‘professional’ service

Do you Interact with other VIC’s in the region?

Renmark & Barmera have been the predominate other VIC contact for the local operators

What do you consider is the council’s responsibility in the delivery of visitor servicing?
• Collaboration between the RTO and the VIC’s- operators believe that a regional tourism body should encompass all facets
• Signage – make it easier for tourists to find us.
• Provision of information to visitors to help grow local businesses
Appendix D - Current Research

Users vs Non-Users of Visitor Information Centres in the Digital Era – University of Queensland

Baby Boomers

- Can I use the toilet?"
- Less trust in the internet, but leaning more towards its use
- More important in rural areas than in the city
- Inconsistency in quality of staff
- Interest is waning

“Yeah I find very much so that the service quality for staff vary from centre to centre. The regional workers try to give you too much and the other thing I find with them is that volunteers are the ones working and often they’ve got very little information. They’re old. Which I shouldn’t be against but yeah their training isn’t the best.”

Generation X

- Less trust in travel review sites and social media

BUT

- Are still heavy users of online information
- Struggle to see the relevance of VICs in the digital age
- Information overload!
- Would be drawn to VICs for special deals or affiliated attractions
- See the need for VICs to serve multiple purposes
- Want longer opening hours
- Want to see more sustainable use of materials

“Yeah add an attraction of some sort like a tourist attraction. Like when you’re next to the cheese factory or the bird sanctuary thing in those small towns. It’s an added attraction thats inside and then you can go through to the VIC or vice versa you can go to the other instead of having to go through six million brochures to see oh yeah they have a cheese factory here.”
GEN Y - Millennials

- Want to see more technology
- Are willing to use VICs if they perceive they are worth their time
- Likely to be influenced by social media
- Want to see VIC services present at other key attractions
- Are keen to see less paper wastage
  - QR Codes
  - Recycling facilities at airports

“I think for our generation to make things more appealing, you could definitely use some technology. So virtual reality devices, displaying the region at the centre for people to try before they buy, whatever experience, I think they can definitely use that to attract young people as well. They could say hey we have this air balloon ride, but you can see the video and see where they are approximately. And probably providing with them with free Wi-Fi and spots for charging their devices as well.”

GEN Z

- Want information and want in NOW!
- Want information about local events, markets and other community activities that are not easy to find
- Want something to do at the VIC other than collect brochures
- Local arts and crafts
- Historical Information
- Cultural centre
- Want a digital experience
- Want to ‘live like the locals’
- Have low awareness of the services VICs offer

“I don’t like waiting in line, to find out where something is when I can just google it or ask a local if that makes sense. On top of that, I’m not going to go through the hurdle of making my way down to the centre and standing in line to wait when I can just get the information elsewhere.”

Victorian Visitor Information Servicing

Over the past six months, VTIC has been facilitating the conduct of the Victorian Visitor Information Servicing Survey. To date, we’ve received over 2050 responses from intrastate, interstate and international visitors, and over 100 follow up email responses. All of this now representing a very significant sample size from which we can draw insights and conclusions to inform our efforts in future.

The results have clearly illustrated that our Accredited Visitor Information Services (VIS) are seen as a valuable contributor to a visitor’s overall experience in the region and indeed has encouraged greater spend and length of stay. The top findings of note are:

- $132 average additional spend as a result of visiting an Accredited Visitor Information Service (VIS)
- 1 in 5 stayed longer as a result of visiting an Accredited VIS
93% of tourists visited places they otherwise wouldn’t have, after speaking to VIS staff

With IVS/NVS data showing that 3.5 million visitors went to an Accredited VIS during the year ending June 2018, these results show the clear value that VIS can contribute to their regional visitor economy.
SUMMARY: To provide an update of Berri Barmera Library Services with activities and projects for the month of February 2019.

REPORT: Discussion:

Special Events & Displays
- Library Lover’s Day - Berri and Barmera libraries carried on a long tradition of celebrating Library Lovers Day on 14th February, embracing this year’s theme of ‘Library Love Stories’. To promote Library Lovers Day events, Sue Webber spoke on ABC radio about all the many ways that love can be found in the library. Borrowers at both Berri and Barmera were invited to enter a Flash Fiction writing competition online run by the Australian Library and Information Association (ALIA). Staff at Barmera invited borrowers to share the authors they love in a Book Crush display and to go on a “Blind date with a book” choosing from a selection of wrapped library books. Several perfect matches were reported! Peter Ison advertised the advantages of the new Libraries SA app on ABC Riverland radio (on the 18th February) and our trainee created a fantastic Library Lover’s Day display for the Berri Library.
- Health Display - The Continence Foundation set up displays promoting bladder and bowel health in Barmera Library during February. The Foundation’s vision is to have a community free of the stigma of incontinence and these displays help to spread this message.
- SES Display – to help attract members the Berri SES have continued its membership drive display at the Berri Library in February. They will be moving their display to the Riverland Central Plaza later in the month.
- Berri Library Turns 20! – come and view our fantastic display of pictures and memorabilia marking 20 years since the Berri joint use library opened for business in January 1999. Of particular interest is the timeline marking significant events over this period, an early architect floorplan proposal from 1996 and a great picture of then Mayor, Margaret Evans opening the library with Minister for Education, Children’s Services and Training, Malcolm Buckby on 17th February 2000.

Be Connected Grant Success
- Both Berri and Barmera Libraries joined the Be Connected Network in January and we applied for an activation grant for each of our libraries. We were pleased to discover that our grant applications were successful and our Berri and Barmera Libraries have each been
awarded a start-up grant of $2,000. This grant money will be used to purchase virtual reality (VR) headsets that will enable users to experience things they've never seen before. There are a huge variety of applications that can be used with VR devices that specifically also benefit older people by improving cognitive function and problem-solving skills and they can also be used to assist in the training of motor control.

Barmera Kindergarten Visits
- Library staff at Barmera resumed their visits to the Barmera Kindergarten every Wednesday to read stories and promote library services to the children. The Kindergarten teachers walk to the library with a group of 10 children every Thursday. This is a partnership which has been ongoing since 2006 and it is an invaluable way to introduce preschool children to the advantages of libraries in early literacy.

Staffing, Training and Meetings
- Sue Webber began working at Berri Council Office on Wednesday afternoons, Thursdays and Fridays to help out during staff absences. Casual staff members and Berri Library staff have stepped in to help at Barmera Library in Sue’s absence.
- Barmera library voice services were transferred to the NBN in February.

RECOMMENDATION:
That Council, having considered Report No 14.3 titled “Library Services Monthly Report” as presented to the Council meeting, receive and note the report.

ATTACHMENTS: No
15: **INFRASTRUCTURE SERVICES:**

15.1 **Works Status March 2019**

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**SUMMARY:**
A brief overview of works undertaken since the previous Ordinary Meeting of Council.

**REPORT:**
Discussion

**Capital Projects**

- **Kerbing Replacement 2018/19** – Contractor (Kites Concrete) has completed kerb works in Barmera and Glossop. Backfilling has almost been completed with sealing being started this week.

- **Berri Riverfront Wharf** – Work is progressing well with the installation of sheet piles nearing to completion with continued structural works being the next stage.

- **Jury Road Upgrade** – Landbrokers, Herron White and Todd to negotiate land acquisitions for the purpose of Jury Road upgrade with landowners on Council’s behalf.

- **Berri Oval Grandstand Viewing Mound upgrade** - Levels have been completed ready for design to be undertaken before contracting out works.

- **Lake Bonney Foreshore Reconstruction** - The laying of geofabric sand bags along the section of foreshore from Yacht Club to Barmera Caravan Park will be undertaken by Scherer Contractors with work to start in the next couple of weeks.

- **Roads** – Lock 3 Road construction work is continuing and will be ready for sealing by Contractors in the first week of April 2019. Comley Road will also be sealed by Contractors at this time.

- **Reseals** – The reconstruction of a section of Riverview Drive, from Werner Lane south approx. 500m will also be undertaken by Contractors, Stabilco and Inroads.

- **Plant Replacement** – 6 tonne tipper replacement expected to be received by end of April.

**General Projects /Maintenance**

- **Parks and Gardens** – Martin Ben tree trunks removed by Contractor. Cooper Street tree trimming for ease of buses and garbage trucks. New planting have been undertaken at the Berri Senior Citizens.

- **Playgrounds:**
  - Barmera Playspace softfall material has been replenished.
  - Monash Adventure Park – pond was drained and cleaned due to build up of duck excrement. It has been noted that the duck population is increasing and that the pond is already starting to show signs of discolouration after only a 2 week period. The use of a drone to try and scare them away has had no effect as well as live trapping for relocation. With neither of these methods proving successful a more permanent solution will need to be investigated.

- **Irrigation** - Cobdogla Oval has had a new automation system installed. Irrigation repairs at the
near the Berri Hospital and the main line at No 2 Oval have been undertaken.

- **Cemeteries** – Quotes have been received for the Berri Cemetery Cremation Garden, decision to be made prior to meeting date.

- **Community Events** – Nil

- **Customer Requests** – Various requests have taken place in relation to footpaths, tree trimming / removal and planting.

- **Line Marking** – Giveaway lines in Berri and Barmera have been repainted. Re-linemarking along QED and Arnold Coates Road also been completed.

- **Sign Maintenance** – Maintenance staff member is continuing with the installation of signs and placing delineators on stobie poles as per the RAA Road Audit.

- **Waste** – Staff visited Mildura business Wormhit to look at options for use of green waste.

- **Road Maintenance** – 150m at the end of Caddy Road has been graded to help alleviate vibrations for garbage truck. Chiles Road has had a turning area created for Cleanaway to prevent damage to road. Woolmer and Henwood Roads have been had material laid for resheeting.

**RECOMMENDATION:**

That Council, having considered Report 15.1 titled “Works Status March 2019” as presented to the 26 March 2019 Council meeting, receive and note the report.

**ATTACHMENTS:**

No
15.2 Memorial seat request – Martin Bend

REPORT AUTHOR: PA-MIS
RESPONSIBLE MANAGER: A/MIS
RECORDS REF: ENQ/REQ-INF I190314-695
STRATEGIC LINKS: Yes; Smart Infrastructure; Objective 2
FINANCIAL IMPLICATIONS:
- Impact: Nil
- Budget Description: N/A
- Allocation: N/A
- Expenditure to Date: N/A

SUMMARY:
Request for memorial seat.

REPORT:
Background:
N/A

Discussion:
Council has received a request with regards to donating a memorial park bench seat and plaque at Martin Bend in Berri. This local area was a special fishing place for the deceased and remains so for the family. The installation of a new seat in the area will provide additional seating for visitors and locals alike.

The design of the seat will be as per Council’s adopted seating design for parks and gardens, which is the Mawson seat with arms as shown below, colour selected was green.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered Report 15.2 titled “Memorial seat request – Martin Bend” as presented to the Council meeting, receive and note the report.
2. have no objection to a memorial seat, including a plaque being placed at Martin Bend, Berri with the following conditions:
   a. All material costs (seat and plaque) to be borne by the applicant;
   b. Location be approved by the Acting Manager of Infrastructure Services (or his representative) prior to installation by Council staff.

ATTACHMENTS: No
16: ENVIRONMENTAL SERVICES:

16.1 Environmental Services and Major Projects – February Activity Report

REPORT AUTHOR: MES/MP
RESPONSIBLE MANAGER: MES/MP
RECORDS REF: N/A
STRATEGIC LINKS: Goal 5: Strong Internal Capability & Capacity
Objectives 2 & 4
FINANCIAL IMPLICATIONS:
Impact No
Budget Description Various
Allocation $ various
Expenditure to Date $ multiple

SUMMARY:
The following represents key activities being undertaken by Environmental Services and Major Projects Team over the February period. The list does not include general ‘business as usual activities’, rather it highlights additional activities and issues which reflect upon resource needs and community expectations.

REPORT:
Discussion:
Riverland Regional Innovation & Sports Precinct
Key issue being managed apart from various minor defects is air conditioning for Basketball / Netball area. Investigations into electrical loading impacts from additional A/C units, has confirmed significant additional works would be required to accommodate units which required additional power supply exceeding the current capacity. The contractor is developing a solution which provides equal performance to evaporative systems yet with power demand within the building capacity.

Immunisations
The 2019 school based immunisation program is about to begin. Five clinics will be held at four school sites over five days between 26 March and 9 April. As per previous years, year 8 students will continue to receive the Gardasil (human papillomavirus) and Boostrix (diphtheria, tetanus, whooping cough) vaccines.

New to the school program, year 10 and 11 students will receive the Meningococcal B vaccine. Follow up clinics will be held over the 4 school sites approximately a week after each clinic for absent students to ensure the best possible coverage rates. The schools have been very accommodating and helpful in scheduling the clinics and providing suitable venues for the clinics.

Master Plan RFQs
- In accordance with Council endorsement passed at the December meeting, Requests for Tender were issued to firms in regard to proposed Master Plans for Coombe Terrace, Alan Glassey Park and Berri Riverfront precincts. The RFQs close at end of March and will assist in advising fine tuning estimated budgets
- In addition the RFQs will contain information validating the Management choice of service delivery being outsourced for most of the tasks as opposed to employing an individual(s) for Master Planning.
- Prior to proceeding with the Master Planning a revisit on priorities will be required. Feedback from Barmera Improvement Committee may justify Council bringing forward the proposed Barmera Lakefront Foreshore Master Plan in lieu of either Alan Glassey Park or Berri Riverfront Precincts.
Lake Bonney Caring for Country Management Plan
- Applications for funding under DPTI Open Spaces Program and the Murray Darling Basin Economic Impacts from Water Recovery Program, were prepared and lodged.
- An application for funding of $289,000 through Building Better Regions Funding Program (Federal Government) was lodged on November 15th. Unfortunately, it was not successful.
- A meeting of Barmerara Meru Committee was held providing Council an opportunity to meet new RMMAC Directors and confirm intended common vision and proposed activities over 2019.

Compliance Officer recruitment
Dennis Rainsford commenced in the position of Compliance Officer (shared with Renmark Paringa Council) on March 18th. Dennis was previously Team Leader Regulatory Services with Adelaide Hills Councils and comes to Berri Barmera and Renmark Paringa Councils with significant experience and well established networks in Regulatory Compliance fields.

Berri Barmera Council Solar Farm Project
- SAPN connection offer was received and costs factored into the Business Model.
- Project Manager select RFQ was completed and Protop identified as preferred Project Manager, for appointment subject to project being approved by Council to proceed to RFT and Power Purchase Agreement signing.
- Negotiations continued with the PPA customer during March.

Dogs and Cats Online (DACO)
Council is about to embark on its second year of registration renewals in the Dogs and Cats Online system. This year should see a smoother renewal process with animal owners having already completed the initial review of their details within the system. System upgrades have occurred and additional training is to be undertaken before the renewals are forwarded to animal owners.

Flyer insertions have been created to go out with the April rate notices, reminding animal owners of the requirements for registering dogs in accordance with the Dog and Cat Management Act 1995.

Berri Town Hall Toilet Upgrade
The Berri Town Hall toilets have been upgrade. Works to flooring, tiling, electrical, lighting, hand basin replacement and painting occurred during February. New mirrors to be installed on arrival.

Riverland Regional Assessment Panel
The minutes of the February meeting of the RAP are attached for members information.
Building Rules Consents:
The following table provides statistics for development approvals to the end of February 2019.

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>No.</th>
<th>Value $</th>
<th>YEAR TO DATE</th>
<th>No.</th>
<th>VALUE $</th>
</tr>
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<tbody>
<tr>
<td>Dwellings</td>
<td>1</td>
<td>323,148</td>
<td>1</td>
<td>323,148</td>
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<tr>
<td>Dwelling Extensions/Renovations</td>
<td>1</td>
<td>37,000</td>
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<tr>
<td>Commercial</td>
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<td>Commercial Extensions/Renovations</td>
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<tr>
<td>Health Services</td>
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<tr>
<td>Industrial &amp; Wine Storage</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verandah/Carports</td>
<td>5</td>
<td>31,697</td>
<td>6</td>
<td>33,697</td>
<td></td>
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<tr>
<td>Verandah/Carport Extensions</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Garages/Sheds</td>
<td>3</td>
<td>83,990</td>
<td>5</td>
<td>79,540</td>
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<td>Garage/Shed Extensions</td>
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<td></td>
</tr>
<tr>
<td>Swimming/Spa Pools</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
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<td></td>
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</tr>
<tr>
<td>Churches</td>
<td>0</td>
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<tr>
<td>Special</td>
<td>0</td>
<td></td>
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<tr>
<td>Demolition</td>
<td>1</td>
<td></td>
<td>2</td>
<td>15,000</td>
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<tr>
<td>TOTAL:</td>
<td>11</td>
<td>455,835</td>
<td>16</td>
<td>$458,385</td>
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Development Plan Consents:
The following applications were granted development plan consent in February 2019.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Applicant</th>
<th>Address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>752/012/19</td>
<td>BARRY HEUZENROEDER</td>
<td>1647 OLD STURT HIGHWAY MONASH</td>
<td>Steel Framed Verandah</td>
</tr>
<tr>
<td>752/013/19</td>
<td>ROBERT LAMONT</td>
<td>UNIT 3/2 STURT STREET BARMERA</td>
<td>Freestanding Carport (on community land)</td>
</tr>
<tr>
<td>752/010/19</td>
<td>RIVERLAND STEEL</td>
<td>5 AMY STREET BARMERA</td>
<td>VERANDAH</td>
</tr>
<tr>
<td>752/017/19</td>
<td>BIG RIVER DEVELOPMENTS</td>
<td>9 LOADER STREET BERRI</td>
<td>New Verandah</td>
</tr>
<tr>
<td>752/014/19</td>
<td>NED RITAN DESIGN</td>
<td>53 DALZIEL ROAD GLOSSOP</td>
<td>Alterations and additions to an existing single-storey dwelling freestanding verandah and domestic outbuilding.</td>
</tr>
<tr>
<td>752/157/18</td>
<td>ANTHONY SAUNDERS</td>
<td>30 SPRINGCART GULLY ROAD MONASH</td>
<td>Residential Outbuilding (Shed)</td>
</tr>
</tbody>
</table>

RECOMMENDATION:
That Council having considered Report 16.1 titled Environmental Services and Major Projects – February Activity Report as presented to the ordinary Council meeting, receive and note the report.

ATTACHMENTS: Yes
Attachment 1 – RRAP
February Minutes
ITEM 1 WELCOME:
Mr Ballantyne welcomed the Panel members and Council staff, and members of the public who were present.

ITEM 2 PRESENT:
Panel members
Messrs B.G. Ballantyne, G.D. Parsons, J.B. McVicar, T.J. Norton, Ms J. Lewis
Council staff
Messrs D Grieve (Senior Development Officer – Planning, Berri Barmera Council), J. Hunt (Development Officer – Planning, District Council of Loxton Waikerie), R. Semrau (Principal Planner, Renmark Paringa Council), M.J. Somers (Manager, Environmental Services/Major Projects - Berri Barmera Council), Mrs D Stasinowsky (Administration Assistant, District Council of Loxton Waikerie) (minutes).

ITEM 3 APOLOGIES:
Mrs C.G. Pedler

ITEM 4 CONFIRMATION OF MINUTES
The minutes of the meeting held December 13 2018 are attached at appendix for members information and adoption.
MOTION (RRAP 040/19):
That the minutes of the meeting held December 13 2018 be taken as read and confirmed.
Messrs G.D. Parsons / J.B. McVicar CARRIED

ITEM 5 BUSINESS ARISING FROM THE PREVIOUS MINUTES
Nil

ITEM 6 DECLARATION OF INTEREST BY MEMBERS OF PANEL:
Nil

ITEM 7 HEARING OF REPRESENTATIONS:
Nil

ITEM 8 REPORTS:

...
Item 8.1 Development Application 551/209/18 – Stallard Meek Architects

<table>
<thead>
<tr>
<th>Application No:</th>
<th>551/209/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Relevant Authority:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Stallard Meek Architects</td>
</tr>
<tr>
<td>Owner:</td>
<td>Craig &amp; Louise Thiel</td>
</tr>
<tr>
<td>Lodgement date:</td>
<td>September 11 2018</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Two storey detached dwelling with garage and alfresco under main roof, in ground swimming pool, and demolition of existing dwelling</td>
</tr>
<tr>
<td>Property details:</td>
<td>Lot 251, 322 Ramco Road, Ramco, as contained in Certificate of Title Volume 5954 Folio 659</td>
</tr>
<tr>
<td>Officer:</td>
<td>Jordan Hunt</td>
</tr>
<tr>
<td>File reference:</td>
<td>551/209/18</td>
</tr>
</tbody>
</table>

MOTION (RRAP 041/19):

1. The Riverland Regional Assessment Panel determines that Development Application 551/209/18 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Assessment Panel determines to grant Development Plan Consent to Development Application 551/209/18 subject to the following conditions and notes:

**Council conditions:**

1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 551/209/18, except as modified by any conditions attached to this Decision Notification, specifically:

   **Plan type** | **Reference** | **Dated** | **Received** | **Prepared By**
   --- | --- | --- | --- | ---
   Site Plan, Demolition Plan and Roof Plan | SK100 | 19/12/18 | 19/12/18 | Applicant |
   Floor Plans | SK200 | 30/01/19 | 30/01/19 | Applicant |
   Elevations Plan | Sk300 | 30/01/19 | 30/01/19 | Applicant |

2. Stormwater run-off from all roof drainage systems to be directed to a storage tank or tanks. Overflow from the tank/s to be contained on site or directed to Councils stormwater system to the satisfaction of Council. Stormwater retained on site shall be managed in a manner as to prevent erosion or pollution of the site and be diverted away from wastewater disposal areas and buildings.
3. A rainwater tank of at least 5,000 litres and intended exclusively for domestic use associated with the dwelling is to be plumbed throughout the dwelling.
4. Landscaping shall be established upon the land within three (3) months of the completion of construction of the dwelling as shown, to the satisfaction of Council.
5. The landscaping shall be planted in accordance with the approved plans, and provided with an automatic watering system to promote continued growth and survival. Further, the applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replant any landscaping which may become diseased or die.

**DEW Conditions**

6. During construction activities the property must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.
7. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
8. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
(a) be located within the 1956 floodplain;
(b) adversely impact native vegetation;
(c) impede the natural flow of any surface waters;
(d) allow sediment to re-enter any water body;
(e) facilitate the spread of pest plant or pathogenic material.

9. Stormwater runoff from the dwelling must be managed to prevent erosion or pollution of the site and the environment, and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems. Connection to water storage tanks would assist in complying with this condition.

Notes:

1. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.
2. You are advised that any act or work authorised or required by this Notification must be completed within three years of the date of the Notification unless this period is extended by the Council.
3. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
4. A Wastewater works approval will be required prior to the issue of Development Approval.

The following notes are attached at the request of the Department for Environment and Water:

5. The applicant is advised of their general duty of care under the River Murray Act 2003 to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
6. If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: http://www.nvc.sa.gov.au
7. The applicant is strongly encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105 or within Belair National Park on telephone 8278 7777 or visit: http://www.stateflora.com.au.
8. If the applicant wishes to use water (other than for firefighting purposes) from the River Murray Prescribed Watercourse or wells, then they may be required to apply to the Department for Environment and Water (DEW) for a water licence, pursuant to the Natural Resources Management Act 2004. Further, a permit is required for any work to be carried out on a well or for new wells to be drilled. For further information contact the DEW Water Licensing Branch on telephone 8595 2053 or visit http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms.
9. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under Section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any
Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

10. This approval does not obviate any considerations that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (Cth). For further information visit: http://www.environment.gov.au/epbc.

Mr J.B. McVicar / Ms J. Lewis  CARRIED

Item 8.2 Development application 551/276/18 – Riverland Steel Supplies

<table>
<thead>
<tr>
<th>Application No:</th>
<th>551/276/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Relevant Authority:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Riverland Steel Supplies</td>
</tr>
<tr>
<td>Owner:</td>
<td>Allan &amp; Lutgarda Matthiessen</td>
</tr>
<tr>
<td>Lodgement date:</td>
<td>22 November 2018</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Carport attached to dwelling</td>
</tr>
<tr>
<td>Property details:</td>
<td>6 Reginald Street, Loxton, as contained in Certificate of Title Volume 6029 Folio 684</td>
</tr>
<tr>
<td>Officer:</td>
<td>Jordan Hunt</td>
</tr>
<tr>
<td>File reference:</td>
<td>551/276/18</td>
</tr>
</tbody>
</table>

MOTION:
1. The Riverland Regional Assessment Panel determines that Development Application 551/276/18 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Assessment Panel determines to REFUSE Development Plan Consent to Development Application 551/276/18, for the following reasons:
   2.1 The application is at variance with
   - Objective 1 and Principle of Development Control 21 of the Design and Appearance - General Module in that the design is not of a high architectural standard, and that the proposed front setback distance is not compatible with the surrounding allotments and will likely create detrimental impacts on the locality;
   - Principle of Development Control 16 of the Residential Development - General Module in that the proposed carport will not have a roof form or pitch which matches the existing dwelling;
   - Principle of Development Control 17 (a), of the Residential Development - General Module in that due to the positioning of the proposed carport, that it will likely dominate the streetscape;
   - Principle of Development Control 22 (a) (d) (e) of the Residential Development - General Module in that the proposal will not contribute to the desired character of the area, will be dominate to the streetscape, and will not be setback in alignment with the existing dwelling;
   - Principle of Development Control 9 of the Residential Zone in that the proposal cannot meet with the minimum front setback distance.

Motion lapsed for want of a seconder

Mr G.D. Parsons
MOTION (RRAP 042/19):
1. The Riverland Regional Assessment Panel determines that Development Application 551/276/18 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Assessment Panel determines to grant Development Plan Consent to Development Application 551/276/18, subject to the following conditions:
   2.1 Development is to take place in accordance with the supporting documentation and plans relating to Development Application 551/276/18 except as modified by any conditions attached to this Decision Notification, specifically:

<table>
<thead>
<tr>
<th>Plan Type</th>
<th>Reference</th>
<th>Dated</th>
<th>Received</th>
<th>Prepared By</th>
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</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>Amended Plan</td>
<td>-</td>
<td>15/01/19</td>
<td>Applicant</td>
</tr>
<tr>
<td>Elevations Plan</td>
<td>Amended Plan</td>
<td>-</td>
<td>15/01/19</td>
<td>Applicant</td>
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<tr>
<td>Roof Plan</td>
<td>OQ551388</td>
<td>07/11/18</td>
<td>15/01/19</td>
<td>Applicant</td>
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<tr>
<td>Design Specifications</td>
<td>OQ551388</td>
<td>14/11/18</td>
<td>22/11/18</td>
<td>Applicant</td>
</tr>
</tbody>
</table>

2.2 The roof, posts, guttering and trim of the proposed development be constructed of similar materials, or painted to match or complement the paintwork of the principal dwelling.

2.3 At all times the carport approved herein is not to be enclosed around its perimeter with any solid cladding or doors.

2.4 Stormwater run-off from all roof drainage systems to be directed to a storage tank or tanks. Overflow from the tank/s to be contained on site or directed to Council’s stormwater system to the satisfaction of Council. Stormwater retained on site shall be managed in a manner as to prevent erosion or pollution of the site and be diverted away from wastewater disposal areas and buildings.

Mr J.B. McVicar / Ms J. Lewis  CARRIED

Item 8.3 Development application 551/D023/18 – Mr B Steinert

<table>
<thead>
<tr>
<th>Application No:</th>
<th>551/D023/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Relevant Authority:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Brad Steinert c/- Pinksterboer Property</td>
</tr>
<tr>
<td>Owner:</td>
<td>Brad Steinert</td>
</tr>
<tr>
<td>Lodgement date:</td>
<td>02/11/18</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Land Division (1 allotment into 14 allotments)</td>
</tr>
<tr>
<td>Property details:</td>
<td>55 Playford Road, Sunlands, as contained in Certificate of Title Volume 5598 Folio 99</td>
</tr>
<tr>
<td>Officer:</td>
<td>Jordan Hunt</td>
</tr>
<tr>
<td>File reference:</td>
<td>551/D023/18</td>
</tr>
</tbody>
</table>

MOTION (RRAP 043/19):

The Riverland Regional Assessment Panel determines to REFUSE to proceed with an assessment of Development Application 551/D023/18 pursuant to section 39(4)(d) of the Development Act 1993 and Regulation 17(3)(a) of the Development Regulations 2008 for the following reason:

1. The application is a non-complying form of development that is considered to be at variance to the intent of the Objectives and Principles of Development Control contained in the Loxton Waikerie Development Plan such that it does not warrant a merits assessment.

Messrs G.D. Parsons / T.J. Norton  CARRIED
Item 8.4  Development application 551/D024/18 – KC & JS Scroop

<table>
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<tr>
<th>Application No:</th>
<th>551/D024/18</th>
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</thead>
<tbody>
<tr>
<td>Council:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Relevant Authority:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Applicant:</td>
<td>KC &amp; JS Scroop c/- Alexander &amp; Symonds Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Kenneth &amp; Joylene Scroop</td>
</tr>
<tr>
<td>Lodgement date:</td>
<td>05/12/18</td>
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<td>Description of development:</td>
<td>Land Division (1 allotment into 3 allotments)</td>
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<tr>
<td>Property details:</td>
<td>Lot 100, 1585 Lowbank Road, Holder Siding, as contained in Certificate of Title Volume 6053 Folio 605</td>
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<tr>
<td>Officer:</td>
<td>Jordan Hunt</td>
</tr>
<tr>
<td>File reference:</td>
<td>551/D024/18</td>
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</table>

MOTION (RRAP 044/19):
The Riverland Regional Assessment Panel resolves to determine to proceed with an assessment pursuant to the Development Act 1993 and Regulation 17(3)(b) of the Development Regulations 2008.

Messrs J.B. McVicar / T.J. Norton  CARRIED

Item 8.5  Development application 753/048/18 – Mark Yates

<table>
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<th>Application No:</th>
<th>753/048/18</th>
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</thead>
<tbody>
<tr>
<td>Relevant Authority:</td>
<td>Renmark Paringa Council</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mark Yates</td>
</tr>
<tr>
<td>Owner:</td>
<td>BT &amp; SJ Lambert</td>
</tr>
<tr>
<td>Lodgement date:</td>
<td>6 April 2018</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Solar Farm – ground mounted solar panels on tilt frames</td>
</tr>
<tr>
<td>Property details:</td>
<td>93 Paroo Street, Renmark, as contained in Certificate of Title Volume 5401 Folio 342</td>
</tr>
<tr>
<td>Officer:</td>
<td>Ralph Semrau</td>
</tr>
<tr>
<td>File reference:</td>
<td>A1943</td>
</tr>
</tbody>
</table>

MOTION (RRAP 045/19):

1. Pursuant to Section 35(2) of the Development Act 1993, the proposal is NOT considered to be seriously at variance with the relevant provisions of the Renmark Paringa Council Development Plan (consolidated - 31 October 2017).

2. The Environment, Resources and Development Court be advised that the Riverland Regional Assessment Panel CONSENTS to Order being granted by the Council to resolve ERD Appeal ERD-18-245 on the basis that Development Plan consent be granted to the compromise proposal provided for Development Application No. 753/048/18 subject to the following conditions:

Council conditions:

1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 753/048/18, except as modified by any conditions attached to this Decision Notification, specifically:

<table>
<thead>
<tr>
<th>Plan type</th>
<th>Reference</th>
<th>Dated</th>
<th>Received</th>
<th>Prepared By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>A-101</td>
<td>31/1/19</td>
<td>31/1/19</td>
<td>Potato Graphick</td>
</tr>
<tr>
<td>Fence Elevation Drawing</td>
<td></td>
<td>31/1/19</td>
<td>31/1/19</td>
<td>Potato Graphick</td>
</tr>
</tbody>
</table>

2. The solar panels must be constructed of anti-reflective glass to assist in the prevention of glare impacting surrounding land users, occupiers and traffic.
3. The fencing must be constructed to 2.1 metres in height and must be in a Pale Eucalypt Colorbond finish. The fencing must be erected in conjunction with the solar panels being erected on the land, in order to provide an immediate visual barrier and security for the development.

4. All components of the development including the fence must be maintained in good appearance and condition at all times.

5. The vegetation in and around the site of the solar panels must be properly maintained so the vegetation does not present a fire risk throughout the year.

6. A construction environmental management plan must be provided, to Council’s satisfaction, prior to works commencing, so as to limit impact from the construction of the proposed development on adjoining owners and occupiers.

7. The fencing as shown on the plans and referenced in Condition 1 must be properly maintained with any panels that are damaged being replaced or repainted as required, to the satisfaction of Council.

8. The applicant/owner is required to comply with obligations under the Electricity Act 1996, in accordance with the declaration made by the applicant – please also note advice from the Technical Regulator that states (where applicable), that any generator with a rated nameplate output of more than 100kVA requires a generation licence from ESCOSA.

9. Landscaping must be densely planted to the public road side of the Colorbond fencing in a suitable drought tolerant species to the satisfaction of Council within five years of the construction of the fence. All plants are to be maintained to the satisfaction of Council.

The following conditions are attached at the direction of the Department for Environment and Water:

10. During construction activities the property must be managed in a manner as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

11. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.

12. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
   a. Be located within the 1956 floodplain;
   b. Impede the natural flow of any surface waters;
   c. Allow sediment to enter any water body;
   d. Adversely impact native vegetation;
   e. Facilitate the spread of pest plant and pathogenic material.

13. Stormwater run-off from any hard surfaced areas associated with the development must be managed to prevent erosion or pollution of the site and the environment.

Council Notes:

a) The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.

b) You are advised that any act or work authorised or required by this Notification must be completed within three years of the date of the Notification unless this period is extended by the Council.

c) Building work must not be commenced until Provisional Building Rules Consent and Development Approval is granted.

d) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

e) The FX Plan 254152 attached to the Lease is not part of this application.

Notes as requested by the Department for Environment and Water:

f) The applicant is advised of their general duty of care under the River Murray Act 2003 to take all reasonable measures to prevent any harm to the River Murray through his or her actions or
activities.

g) If there is any intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environment Benefit. Note that ‘clearance’ means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: [http://www.stateflora.sa.gov.au](http://www.stateflora.sa.gov.au)

h) The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit; [http://www.stateflora.sa.gov.au](http://www.stateflora.sa.gov.au)

i) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under Section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

j) This approval does not obviate any considerations that may apply to the *Environment Protection and Biodiversity Conservation Act 1999* (CTH). For further information visit: [http://www.environment.gov.au/epbc](http://www.environment.gov.au/epbc)
**Item 8.6 Development Application 753/D015/17 – Rover**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>753/D015/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council:</td>
<td>Renmark Paringa Council</td>
</tr>
<tr>
<td>Relevant Authority:</td>
<td>Renmark Paringa Council</td>
</tr>
<tr>
<td>Applicant:</td>
<td>C Rover</td>
</tr>
<tr>
<td>Owner:</td>
<td>C Rover</td>
</tr>
<tr>
<td>Lodgement date:</td>
<td>29 June 2017</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Land division (1 into 2)</td>
</tr>
<tr>
<td>Property details:</td>
<td>266 Lindsay Point Road, Wonuarra</td>
</tr>
<tr>
<td></td>
<td>Section 13 Hundred of Paringa</td>
</tr>
<tr>
<td>Officer:</td>
<td>Ralph Semrau</td>
</tr>
<tr>
<td>File reference:</td>
<td>753/D015/17</td>
</tr>
</tbody>
</table>

**MOTION (RRAP 046/19):**

1. The Riverland Regional Assessment Panel determines that pursuant to Section 35(2) of the Development Act, Development Application 753/D015/17 is not seriously at variance with the Renmark Paringa Development Plan.
2. The Riverland Regional Assessment Panel, pursuant to Section 33 of the Development Act, determines to grant Development Plan and Land Division Consent to Development Application 753/D015/17 by Rover, for land division at 266 Lindsay Point Road, Wonuarra, Section 13 Hundred of Paringa, subject to the CONCURRENCE of the State Planning Commission and subject to the following conditions:
   1. Development is to take place in accordance with the supporting documentation and amended Plan of Division (dated 11/1/2019) relating to Development Application Number 753/D015/17, except as modified by any conditions attached to this Decision Notification.
   2. The waste control system for the dwelling must be contained wholly within the proposed allotment and conform to the minimum boundary setback requirement as detailed in the South Australian Health Commission Standard for the Construction, Installation and Operation of Septic Tank Systems in South Australia.
   3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

**State Commission Assessment Panel**

Ms J. Lewis / Mr T.J. Norton  
CARRIED

**ITEM 9 OTHER BUSINESS:**

**ITEM 10 NEXT MEETING:**

The next scheduled meeting of the RRAP is March 21 2019.

**ITEM 11 CLOSE:**

Date: ___________________________ 2019  Signed  

______________________________  
Mr B.G. Ballantyne
16.2 The Monash and Lone Gum Community Association Inc. Public liability Insurance.

<table>
<thead>
<tr>
<th>REPORT AUTHOR</th>
<th>PO</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESPONSIBLE MANAGER:</td>
<td>MES/MP</td>
</tr>
<tr>
<td>RECORDS REF:</td>
<td>MEET-COUNCIL, A2438</td>
</tr>
<tr>
<td>STRATEGIC LINKS:</td>
<td>N/A</td>
</tr>
<tr>
<td>FINANCIAL IMPLICATIONS:</td>
<td>Impact</td>
</tr>
<tr>
<td>Budget Description</td>
<td>Monash Hall</td>
</tr>
<tr>
<td>Allocation</td>
<td>$4,100</td>
</tr>
<tr>
<td>Expenditure to Date</td>
<td>$3,723</td>
</tr>
</tbody>
</table>

**SUMMARY:**
The Monash and Lone Gum Community Association Inc. is the management committee for the Monash Hall. They have requested that the Public Liability Insurance amount be reimbursed.

**REPORT:**
The Monash and Lone Gum Community Association Inc. committee put an enormous amount of time, effort and finances into the hall to ensure that the hall is in excellent condition. Whilst the committee is very appreciative of the support from Council, they feel that all money raised by the committee should be spent in the regular maintenance and upkeep of the hall.

**RECOMMENDATION:**
That Council:
1. having considered Report 16.2 titled “The Monash and Lone Gum Community Association Inc. Public liability Insurance” as presented to the ordinary Council meeting, receive and note the report.
2. That the Council reimburses the Public Liability Insurance amount of $616-72 charged to the Monash and Lone Gum Community Association Inc. each year and process to be reviewed at each election year.

**ATTACHMENTS:** No
16.3 Renewal of Dog Registration and Associated Fees

REPORT AUTHOR: AO
RESPONSIBLE MANAGER: MES/MP
RECORDS REF: ADVICE – ANIMAL, I190304-617
STRATEGIC LINKS: No
FINANCIAL IMPLICATIONS:
- Impact: Yes
- Budget Description: Dog & Cat Management Registration Fees
- Allocation: $90,000
- Income to Date: $98,370

SUMMARY:
Each year Council charges a Dog Registration fee to owners of dogs in the Council area. An amount of the total registration fee is payable to the Dog and Cat Management Board each year.

REPORT:
Background:
With considerable changes to the Dog and Cat Management Act 1995 (the Act) coming into effect on the 1 July 2018, dog registration is as follows;

Standard Dog Registration – a dog that is both desexed and micro chipped in accordance with the Act.
Non-Standard Dog Registration – a dog of any other description (eg one that is not both desexed and micro chipped). This category applies even if the dog is exempt from the requirement to desex or microchip.

50% Pensioner Concession (Maximum 2 dogs) *applies to eligible card holders on general and rebated fees (*Card must be provided annually at time of registration renewal), Assistance dogs are entitled to a free registration (see section 41(2) of the Act).

There was a significant increase in the Councils dog registration fees in 2017/18 in line with changes to the Dog and Cat Management Act. It has been determined this year that the registration fees are not increased. However, Council’s flat business registration fee applicable to business such as Breeders is significantly lower than other Councils and with the introduction of the Cat By-Law the impounding of cats has significantly increased. It’s proposed that the flat business registration be increased, new cat impounding fees and a discounted puppy registration (up to 6 months of age to allow for puppies to be desexed, to meet the new legislation requirements) be implemented.

Currently Council charges a flat rate of $25.00 per business registration, regardless of the number of dogs within the business. This is considerably lower than other councils, below is a comparison table for other councils.

<table>
<thead>
<tr>
<th>Council</th>
<th>Business registration</th>
<th>Fees</th>
<th>Fees</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandrina Council</td>
<td>10 dogs</td>
<td>$890.00</td>
<td>10 + dogs</td>
<td>POA</td>
</tr>
<tr>
<td>Light Regional Council</td>
<td>per dog</td>
<td>$25.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barossa Council</td>
<td>per dog</td>
<td>$80.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adelaide Plains Council</td>
<td>1 - 19 dogs</td>
<td>$350.00</td>
<td>20 + dog</td>
<td>$450.00</td>
</tr>
<tr>
<td>Barunga West Council</td>
<td>1 - 9 dogs</td>
<td>$250.00</td>
<td>10 - 20 dogs</td>
<td>$500.00</td>
</tr>
<tr>
<td>Renmark Paringa Council</td>
<td>Business registration</td>
<td>$25.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loxton Waikerie Council</td>
<td>Business registration</td>
<td>$320.00</td>
<td>Plus per dog</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 26 March 2019 299
It is proposed that business registration be increased by the following:

<table>
<thead>
<tr>
<th>Business Registration (refer to section 35 of the Act)</th>
<th>1 – 10 animals</th>
<th>$100.00</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11 – 20 animals</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**
That Council:
1. having considered Report 16.3 titled Renewal of Animal Registration and Associated Fees as presented to the ordinary Council meeting, receive and note the report.
2. approve the fees for 2019/2020 registration period.

<table>
<thead>
<tr>
<th>Registration fees</th>
<th>per animal</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Registration – Desexed and Microchipped</td>
<td></td>
<td>40.00.</td>
</tr>
<tr>
<td>Non-Standard Registration</td>
<td></td>
<td>80.00.</td>
</tr>
<tr>
<td>Puppy Registration (up to 6 months)</td>
<td></td>
<td>40.00.</td>
</tr>
<tr>
<td>Assistance Dog</td>
<td></td>
<td>No Charge</td>
</tr>
<tr>
<td>Livestock Working Dog</td>
<td>per animal</td>
<td>20.00.</td>
</tr>
<tr>
<td>Business Registration (refer to section 35 of the Act)</td>
<td>1 – 10 animals</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td>11 – 20 animals</td>
<td>200.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pensioner Rebated Registration</th>
<th>per animal</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pensioner Concession (Maximum 2 dogs) *applies to eligible card holders on general and rebated fees (*Card must be provided annually at time of registration)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard Registration – Desexed and Microchipped</td>
<td></td>
<td>20.00.</td>
</tr>
<tr>
<td>Non-Standard Registration</td>
<td></td>
<td>40.00.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Fees</th>
<th>per animal</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over Due Registrations</td>
<td></td>
<td>20.00.</td>
</tr>
<tr>
<td>Partial Year Registration Fee – 50% of fee applicable</td>
<td>per animal</td>
<td></td>
</tr>
</tbody>
</table>

**Impounding fees/fines**

<table>
<thead>
<tr>
<th>Dog impounding</th>
<th>per animal</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial seizure and detention</td>
<td></td>
<td>80.00.</td>
</tr>
<tr>
<td>Per night thereafter</td>
<td></td>
<td>25.00.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cat Impounding</th>
<th>per animal</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial seizure and detention</td>
<td></td>
<td>20.00.</td>
</tr>
<tr>
<td>Per night thereafter</td>
<td></td>
<td>10.00.</td>
</tr>
<tr>
<td>Dog or Cat surrender</td>
<td>per animal</td>
<td>150.00.</td>
</tr>
<tr>
<td>Cat cage hire – refundable bond</td>
<td>per hire</td>
<td>50.00.</td>
</tr>
</tbody>
</table>

**ATTACHMENTS:** No
17: QUESTIONS WITHOUT NOTICE:

18: MOTIONS WITHOUT NOTICE:
19: CONFIDENTIAL ITEMS:

19.1 Request to consider interest in co-dedication of Crown Lands Queen Elizabeth Drive Barmera

RECOMMENDATION (EXCLUSION):
That pursuant to Sections 90(2) and 90(3)(j) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer, Manager Environmental Services/Major Projects, Manager Infrastructure Services and Executive Assistant on the basis that it will receive, consider and discuss correspondence relating to the “Request to consider interest in co-dedication of Crown Lands Queen Elizabeth Drive Barmera” and the Council is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:

90 (3)(j) “information the disclosure of which—

(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and

(ii) would, on balance, be contrary to the public interest;”

The report contains information provided to Council that is “confidential” and therefore will be treated as such at this time.

19.1.1 Request to consider interest in co-dedication of Crown Lands Queen Elizabeth Drive Barmera

CONFIDENTIAL REPORT

RECOMMENDATION (ORDER):

1 That having considered Agenda Item 19.1 Request to consider interest in co-dedication of Crown Lands Queen Elizabeth Drive Barmera in confidence under section 90(2) and (3)(j) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 19.1 remain confidential for a period of twelve months.

2 Pursuant to section 91(9)(c) of the Act the Council delegates to the Chief Executive Officer the power to revoke this order.
19.2 Land Development Reserve

RECOMMENDATION (EXCLUSION):
That pursuant to Sections 90(2) and 90(3)(b) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer, Manager Environmental Services/Major Projects, Manager Infrastructure Services and Executive Assistant on the basis that it will receive, consider and discuss correspondence relating to the “Land Development Reserve” and the Council is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:

90 (3)(b) “information the disclosure of which—

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest;

The report contains information of a “commercial nature” and therefore will be treated as such at this time.

19.2.1 Land Development Reserve

CONFIDENTIAL REPORT

RECOMMENDATION (ORDER):
1 That having considered Agenda Item 19.2 Land Development Reserve in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 19.2 remain confidential until the matter is finalised.

2 Pursuant to section 91(9)(c) of the Act the Council delegates to the Chief Executive Officer the power to revoke this order.
20: CLOSURE: