AGENDA

COUNCIL MEETING

28TH MAY 2019

at 6:00 p.m.
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 28th May 2019 commencing at 6:00 p.m.

Notice is also given that pursuant to Section 83(5) of the Local Government Act 1999 that that Delegation 9.1 “Tom Doull, Associate, Grieve Gillett Andersen” and agenda items:

19.1 Confidential Minute Book – Release of Confidential Minutes – “Request for Loan – Berri War Memorial Community Centre Inc.”
19.2 Council Accommodation Review

are listed to be considered in confidence under Part 3 of the Act and thus treated confidential reports until otherwise determined by Council.

Notice is also hereby given that pursuant to Section 61(3) of the Local Government Act 1999, that Appendices relating to Confidential Items 9.1, 19.1 and 19.2 have been provided to Elected Members and Staff for information to assist with making a decision on the above mentioned report items, with the documents and information contained therein being “confidential” for this purpose.

KARYN BURTON
ACTING CHIEF EXECUTIVE OFFICER

23/05/2019
**Opening:** Council Prayer / Acknowledgement of Country

1: **PRESENT:**

2: **APOLOGIES:**

3: **ADJOURNED ITEMS:**

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 **CONFIDENTIAL DEPUTATION:** Tom Doull, Associate, Grieve Gillett Andersen

10: **MOTIONS WITH NOTICE:**
   10.1 Committee Membership - Cr Winnall
   10.2 Communication - Cr Winnall
   10.3 Terms of Reference, Environment and Sustainability Committee - Cr Fuller

11: **QUESTIONS ON NOTICE:** Nil

12: **ELECTED MEMBERS REPORTS:**
   12.1 Mayor’s Report
   12.2 Councillors / Delegates / Representatives Reports

13: **EXECUTIVE / CORPORATE SERVICES:**
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 Opening: Council Prayer / Acknowledgement of Country

1: PRESENT:

2: APOLOGIES:

3: ADJOURNED ITEMS:

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: Ordinary Meeting of Council held on 23rd April 2019, Special Meeting of Council held 30th April 2019 and Special Meeting of Council held 16th May 2019.

   RECOMMENDATION:
   That the Minutes of the Ordinary Meeting of Council held on 23rd April 2019 and Special Meeting of Council held 30th April 2019 and Special Meeting of Council held 16th May 2019 be taken as read and confirmed.

7: PETITIONS: Nil

8: QUESTIONS FROM THE GALLERY:

9: DEPUTATIONS / ADDRESS:
   9.1 CONFIDENTIAL DEPUTATION:
       Tom Doull, Associate, Grieve Gillett Andersen

   RECOMMENDATION (EXCLUSION):
   That pursuant to Sections 90(2) and 90(3)(b)(1)(ii) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Acting Chief Executive Officer, Acting Manager Infrastructure Services, Manager Environmental Services/Major Projects, Manager Community Development and Executive Assistant on the basis that it
will receive, consider and discuss correspondence relating to the Confidential Deputation “Tom Doull, Associate, Grieve Gillett Andersen” 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 discussion with Council that is “confidential” and therefore will be treated as such at this time.

RECOMMENDATION (ORDER):
1: That having considered Agenda Item 9.1 Confidential Deputation “Tom Doull, Associate, Grieve Gillett Andersen” in confidence under section 90(2) and (3)(b)(i)(ii) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the item remain confidential for a period of 12 months.

RESUMPTION OF OPEN COUNCIL:
The Council Meeting resumed open Council after considering Confidential Deputation 9.1

10: MOTIONS WITH NOTICE:
10.1 Committee Membership - Cr Winnall
Preamble:
It is important for young people in our community be given the opportunity to participate in councils decision making to ensure our decisions consider their visions for the future. There is an opportunity to engage with already identified youth leaders within our existing committee structures. Providing these leaders with the opportunity to participate fully will also provide exposure to local government processes, further expanding their community leadership capacity. It is important to ask those young people in which way they would like to be involved, to participate in a way that includes them equally.

MOTION:
That Council negotiate with High School leaders in Berri Barmera area regarding opportunities to engage with council and committees.

10.2 Communication - Cr Winnall
Preamble:
There is a lot of discussion held within council and committee meetings which can’t be captured through formal minutes. In addition, much of council’s ‘good news’ or project completion isn’t always communicated proactively. Allowing committee members to identify the items required to be communicated will also provide clarity to communications staff.

MOTION:
That a final agenda item of “Items for communication” be added prior to meeting closure on all Council and Council Committees whereby meeting attendees can identify prior discussion required to be distributed to the public.
10.3 Terms of Reference, Environment and Sustainability Committee - Cr Fuller

Preamble:
Council introduced an Environment and Sustainability Committee (E&S committee), which had its first meeting on 12th March 2019.

During this meeting the subject of involving students from Glossop High School with the E&S committee deliberations, to act as representatives of the voice of the youth of our district, was discussed. The Glossop High School was subsequently invited to send student representatives to attend the E&S committee’s second meeting, which was held on 14th May 2019.

At that meeting two students, accompanied by a teacher, all of whom are part of the High School’s Environment and Sustainability Committee, attended and spoke to the E&S committee members about the aims and the projects that they were involved in at the school. It was obvious through their discourse that they are keenly interested in contributing towards achieving positive and sustainable environmental outcomes in this region.

There are three students, two from the Middle Campus and one from the Senior Campus, who are keen on participating in the workings of Council’s E&S committee, as well as several teachers who are able to also attend meetings as chaperones.

It is proposed that the involvement of the Glossop High School students be formalised, thereby achieving several positive outcomes for both the students and also the E&S committee, with their involvement being formally recognised in the E&S Terms of Reference (TOR).

Currently, membership of the committee is defined in Section 3.2 of the E&S committee’s TOR as:

a) Up to Four (4) Elected Members plus one proxy
b) One Department of Environment & Water Member plus proxy
c) One Berri Barmera Landcare Member plus proxy
d) One Crown Lands Member plus proxy
e) 3-5 independent representatives with skills and/or experience in natural resource management, Indigenous Cultural Heritage, environment and sustainability education, community engagement and or pest control / weed management.

This motion on notice aims to formally incorporate the attendance of up to three students, accompanied by a teacher, from the Glossop High School Environment and Sustainability committee at Council’s E&S committee, by giving the student collective one vote and having the teacher to act as an observer only.

It should be noted that the Glossop High Students meet the criteria that has been established by Council under 3.2(e) for a person to be accepted as an independent representative on the E&S committee.

MOTION:
That the Berri Barmera Council’s Environment and Sustainability Committee Terms of Reference be amended to include in Part 3 Membership “3.2 (f) 1-3 members of the Glossop High School Environment and Sustainability committee which, as a collective shall have 1 vote, who shall be accompanied by a teacher from the High School who will act as an observer only.”
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 Environment & Sustainability Committee (the Committee).

2. Functions of the Committee

2.1 The Committee has the following functions:

2.1.1 Support the development and implementation of a long term (ten year) Environment and Sustainability Management Plan

2.1.2 Act as a key reference body for Council in regard to strategic and key operational matters pertaining to Environment and Sustainability.

2.1.3 Make recommendations to Council relevant to Environment and Sustainability

2.1.4 Have oversight of nominated working groups established by Council [e.g. Lake Bonney Caring for Country Advisory Group]

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 nine and no more than eleven persons, comprising up to four Elected Members, one member from Department of Environment and Water, one Member from Berri Barmera Landcare, one Member from State Government Crown Lands and up to five members of the community with relevant skills, experience or participation in natural resource management, Indigenous Cultural Heritage, environment and sustainability education, community engagement and or pest control / weed management to advance the responsibilities of the Committee.

3.2 Membership should generally comprise:

a) Up to Four (4) Elected Members plus one proxy

b) One Department of Environment & Water Member plus proxy

c) One Berri Barmera Landcare Member plus proxy

d) One Crown Lands Member plus proxy

e) 3-5 independent representatives with skills and/or experience in natural resource management, Indigenous Cultural Heritage, environment and sustainability education, community engagement and or pest control / weed management.

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

3.4 Term of membership will expire at each Periodic Council Election (or at cessation of committee upon a decision of Council).

3.5 The Presiding Member shall be an Elected Member appointed by Council.

3.6 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.

3.7 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 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 four 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) to 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 Chairman 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 CEO 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 the CEO.

12.2 Council will provide a Responsible Officer by direction of CEO.

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

12.4 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.

12.5 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 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. The committee shall at least annually, 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 may be dissolved upon a decision of Council.

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<td>Council meeting held 27th November 2018</td>
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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 23rd April 2019 the following Deaths have been noted:-
Audrey GORE, Dianne ‘Chub’ SCARLETT, Dennis BISHOP, Margaret BRAND, Steven THRELFALL, Kerry Ann LLOYD, Margaret Hamilton BRAND, Michael SCHULTZ and Joyce JONES

12.1.2 **CITIZENSHIP CEREMONIES HELD SINCE LAST MEETING:**
A Citizenship ceremony was held on 30th April 2019 with the following citizens conferred;
Romualdo Umali RAMOS;
May Ann RAMOS;
Seann Jordan RAMOS; and
Ms Sunita RANI

12.1.3 **SUBJECT:** Functions / Meetings attended since last meeting:

20 April  
Attended the Berri Lions Club Easter Event

23 April  
Attended the CEO Recruitment and Performance Review Committee Meeting

23 April  
Attended the Ordinary Meeting of Council

25 April  
Attended the ANZAC Dawn Service at the Garden of Memory

25 April  
Attended the ANZAC Dawn Breakfast hosted by the Barmera RSL

28 April  
Attended the Police Foundation Day at the Jimmy James Memorial

29 April  
Attended the Riverland Respite and Recreation Service Inc Meeting

30 April  
Conducted a Citizenship Ceremony for five New Australians. The Deputy Mayor and Mr. Tony Pasin Member for Barker also in attendance. Tony read the Immigration Ministers Address

30 April  
Attended the Special Meeting of Council

2 May  
With Andrew Haigh MCD attended the Local Government Group Session and conversation on the future plans of the Chaffey Theatre

7 May  
Attended a photo shoot with Member for Barker Mr. Tony Pasin regarding funding Council received for around Lake Bonney. Deputy Mayor Centofanti with Cr’s Fuller and Kassebaum and Myles Somers MES/MP also in attendance.

7 May  
Attended the Friends of Bonney Working Group Committee Meeting

8 May  
Attended a meeting of the CEO S and PR Committee with LGASA Recruitment

10 May  
With the Deputy Mayor and Cr. Fuller attended a training session for Audit Committee members at the Renmark Paringa Council facilitated by John Comrie
13 May  Attended the Audit Committee Meeting
14 May  Attended the Environment and Sustainability Committee Meeting
15 May  Attended the MRLGA CEO Interviews in Murray Bridge
16 May  Attended the SAROC Committee Meeting in Adelaide
16 May  Attended the Special Meeting of Council
17 May  Visited Barmera St. Josephs - Occasional Care Class, followed by a tour of the School
19 May  Attended a Service and Name Change Launch of the Barmera Life Church to Encounter Church. Dorothy and Steve Freer are members.
20 May  Attended the MRLGA CEO Network Group Meeting at Karoonda
21 May  Attended a presentation by the Chairman of the Cowra Breakout Association Mr. Lawrance Ryan and his wife Robyn. This year marks the 75th Anniversary of the Breakout by Japanese internees in Cowra

12.2 COUNCILLORS / DELEGATES / REPRESENTATIVES REPORTS:

Cr Scott:

Cr Fuller:

30 April  Attended Special Meeting of Council
2 May  Attended Barmera Improvement Committee meeting
3 May  Attended Nookamka Terrace with members of Barmera Improvement committee to view site of historic date palms and discuss plans for beautifying the area
7 May  Met with Manager of Infrastructure Services on site of date palms to discuss possibly improvements to the area
7 May  Attended Lake Bonney foreshore in company with Mayor Hunt, Councillors Centofanti, Kassebaum and Winnall and Manager of Environmental Services for photo opportunity with Tony Pasin MP re funding announcements for the Riverland
7 May  Attended Friends of Bonney Theatre meeting
10 May  Attended Renmark Council Offices in company with Mayor Hunt and Cr Centofanti for Audit Committee training session
13 May  Attended Audit Committee meeting in Chambers
14 May  In company with Robert Drogemuller attended Lake Bonney foreshore and erected screening on shelter shed that had been erected for the Barmera Improvement Committee
14 May  Chaired Environment and Sustainability Committee meeting in Chambers
15 May  In company with Robert Drogemuller attended Lake Bonney foreshore and erected screening on shelter shed that had been erected for the Barmera Improvement Committee
15 May  Met with Dr Martin Bailey and Peter Symens in Barmera Soldiers Memorial Hall for discussions re the environmental sustainability of Lake Bonney and its future management
16 May  Attended Special Meeting of Council in Chambers to discuss Annual Business Plan and Long Term Financial Plan and approve for Public Consultation
20 and 21 May  In company with Robert Drogemuller attended Lake Bonney foreshore and erected screening on shelter shed that had been erected for the Barmera Improvement Committee
21 May  In company with Mayor Hunt and Cr Centofanti attended Barmera VIC for presentation by Lawrance Ryan concerning the Cowra Breakout and other tourism matters in that town
Cr Winnall:
23 April  Attended CEO recruitment meeting
23 April  Attended Special council meeting
25 April  Attended ANZAC Day Dawn Service
30 April  Attended Special council meeting
7th May   Attended photoshoot with Mr Tony Pasin MP for federal grant funding Council received for around Lake Bonney with Mayor Hunt, Crs Centofanti, Fuller, Kassebaum and Scott and Manager Environmental Services
8th May   Attended CEO recruitment meeting via phone
15th May  Attended Riverland Community Suicide Prevention meeting with Cr Centofanti
16th May  Attended Special council meeting
22nd May  Attended Community Grants meeting
23rd May  Meeting with community member regarding shade & tree planting around district
24th May  Attended MRLGA meeting in Karoonda with Mayor Hunt and Cr Centofanti

Cr Kassebaum:
6 May 2019
13 May 2019
16 May 2019
20 May 2019 28 May 2019
25 April  Attended the ANZAC day Dawn service at the Garden of Memory, Barmera. Laid a wreath on behalf of the Air Force Association.
30 April  Attended the Special Meeting of Council. Budget meeting No# 3.
6 May     Met with ACEO, Karyn Burton and Manager for Environmental Services and Major Projects, Myles Somers to discuss the proposed Stadium Airconditioning options being suggested by Devillees Air Conditioning services.
13 May    Attended the Audit committee meeting held at BBC.
13 May    Attended the Berri Barmera Hospital Advisory Council meeting held in the Riverland General Hospital complex, Berri.
16 May    Met with ACEO, Karyn Burton and Manager for Environmental Services and Major Projects, Myles Somers to discuss a way ahead reference to the Solar Project and proposed decision making timeline.
16 May    Attended the Special Meeting of Council to adopt the ABP and LTFP prior to community consultation.
20 May    Chaired a meeting of the RRISP Management committee, held at the Berri stadium complex.
28 May    Attended the Ordinary meeting of Council.

Cr Little:
23 April  Attended Ordinary Council Meeting.
30 April  Attended Special Meeting of Council (Budget)
6 May     Attended Monash Lone Gum Association & Monash Centenary Meeting.
14 May    Attended Environment and Sustainability Committee Meeting
16 May    Attended Special Meeting of Council (ABP & LTFP)

Cr Evans:
10 April  Attended the Schools’ Anzac Ceremony, held at the Memorial Gates.
25 April  Attended the Anzac Dawn Service at Upper Murray Garden of Memory Cemetery. Later I travelled to Renmark to attend the March and Service.
30 April to 8 May Was absent from the District. Travelled to Glen Innes, NSW, to attend the annual Celtic Festival, which was attended by many thousands of people.
*Throughout the New England region there were huge billboards which Advocated the removal of the Murray Darling Basin Plan, quoting the
Member for New England, Barnaby Joyce, “Water for farms, not Adelaide”.

16 May  
Attended the Royal Flying Doctor Service bi-monthly meeting.

16 May  
Attended the special council meeting.

22 May  
Grants Committee meeting

**Cr Sindos:**

**Cr Centofanti:**

17 April  
With Cr Evans OAM attended the funeral of Dalmatia Cooper. Calma was a 
former employee of the Berri Council.

17 April  
Attended the UMGOM meeting held at the Garden also discussing any issues 
prior to ANZAC Day Service.

20 April  
Attended the 5RM and Rotary Club Easter Breakfast celebrations.

21 April  
Attended the Berri Barmera Combined dawn church service at the Barmera 
Lakefront.

21 April  
Attended the Barmera Easter Twilight Markets.

23 April  
Attended a CEO and Performance Review Committee meeting.

23 April  
Attended the Accolades - Berri Estates tour of the new facility.

23 April  
Attended the April Ordinary meeting of Council.

25 April  
Attended the ANZAC Day Service at the Upper Murray Garden of Memory 
assisting laying of wreaths for Berri Barmera Council, Riverland Suicide 
Prevention Network and the Loveday Internment Camp followed by attending 
both the Barmera and Berri RSLs.

30 April  
Attended a Citizenship Ceremony in the Council Chambers.

30 April  
Attended a Special meeting of Council.

2 May  
Attended the Barmera Improvement Committee meeting.

7 May  
Attended a photo shoot with Tony Pasin regarding the Murray Darling Basin 
Economic Development Program grant funding for our Caring for Country 
Project held on the Lake Bonney Foreshore.

8 May  
Attended a CEO Review and Performance Review meeting.

10 May  
With Mayor Hunt, Cr Fuller and some members of our neighbouring 2 Riverland 
Councils attended an Audit Committee training facilitated by John Comrie.

13 May  
Attended a Berri Barmera Council Audit Committee meeting.

14 May  
Attended the Environment and Sustainability Committee meeting.

15 May  
With Cr Winnall attended the Riverland Suicide Network Committee in the 
Loxton Hotel.

16 May  
On behalf of Mayor Hunt attended the Riverland Special Schools Biggest 
Morning tea. A special lady called Keran Villis from Loxton shared her very sad 
story of battling cancer.

16 May  
Attended a Special Meeting of Council.

17 May  
Attended the official opening of Waikerie Silo Art at Errol Mattchos Motors. The 
event was very well attended by over 200 people.

21 May  
Attended the presentation of the Cowra Breakout by Lawrance Ryan at the 
Barmera Visitor Information Centre. This year in August is the 75th Anniversary 
of the infamous event that took place in the Second World War.

22 May  
Attended the Berri Library as Guest Reader ‘National Simultaneous Story Time’ 
to students of River Gum Christian College.

24 May  
Attended the Murraylands and Riverland Local Government Association Special 
General Meeting at Karoonda.
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:

Annual Business Plan and Budget Preparation –
- A draft Annual Business Plan was presented to the Audit Committee on 13th May, 2019 and was endorsed to Council for review prior to public consultation.
- Council reviewed and adopted the draft Annual Business Plan (ABP) and draft Long Term Financial Plan (LTFP) at a Special Meeting on Thursday 16th May, 2019.
- The public consultation process for the draft ABP and LTFP commenced 17th May, 2019. Interviews with local media outlets have been conducted with plans to undertake additional consultation opportunities such as creating facebook/youtube videos (interviews with Elected Members and Community) and showcasing the Council district and project plans for the next year financial year. Council will this year link its public consultation activities with the Strategic Planning survey consultation mentioned below.
- An opportunity for the community to meet with Elected Members and Staff to discuss the draft ABP and LTFP has been diarised for the 4th June, 2019 at 5.30pm.
- The closing date for submissions regarding the draft ABP is 12 June 2019 with a meeting to consider any submissions being scheduled for 18th June 2109.

Strategic Plan
- The Berri Barmera’s strategic planning survey will be circulated on Monday 27th May utilising various networks such as website and facebook.
- Extensive public consultation will be carried out to encourage as many community members as possible to complete the survey.

Meetings/events attended –
- Accolade Wines, tour of the Facility
- Barmera Netball/Basketball Clubs
- Renmark Council – ICT Strategy
- Mr Tony Moro
- Audit Committee
- ICT Strategy Project Control Group (2 days)
Correspondence in -
South Australian Multicultural and Ethnic Affairs Commissions Act 1990, Legislative Review

- The Hon Steven Marshall MP, Premier of South Australia has written to advise Council that the Department of Premier and Cabinet is currently conducting a legislative review on the South Australian Multicultural and Ethnic Affairs Commissions Act 1980 – the state’s key piece of legislation specific to multicultural affairs.
- Significant changes have occurred in South Australia’s population and multicultural landscape since the Act came into effect prompting the development of a discussion paper titled Multicultural Legislative Review 2019.
- Community consultation is being carried out on the discussion paper and a community forum was held in Berri on 7th May 2019 at the Berri Hotel.
- Further information about the Review can be found at https://yoursay.sa.gov.au/decisions/multiculturalreview/about

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: Yes

Attachment 1 – Correspondence, The Hon Stephen Marshall MP, South Australian Multicultural and Ethnic Affairs Commissions Act 1990, Legislative Review
Dear Mayor Hunt,

The Department of the Premier and Cabinet is currently conducting a legislative review of the *South Australian Multicultural and Ethnic Affairs Commission Act 1980*, which is our state’s key piece of legislation specific to multicultural affairs.

Since the Act came into effect, South Australia’s population and multicultural landscape has changed significantly.

The Government is committed to multicultural legislative reform so that we can strengthen and expand the scope of the existing legislation to enshrine multicultural policy directions, address contemporary priorities and issues, and better support culturally and linguistically diverse communities.

Community input is critical to ensuring that the new legislation reflects their views and needs. A discussion paper, *Multicultural Legislative Review 2019*, has been developed to support the consultations with stakeholders and the community.

The engagement process involves an independent facilitator and includes a variety of methods for community participation. As we want to ensure a wide range of views are sought and heard, a series of community forums will be held in Adelaide and regional South Australia.

We are pleased to attach a schedule of dates and locations for your reference. In addition, a key stakeholder workshop will also be held by invitation for leading multicultural service providers.


The engagement process is open from Monday 15 April and closes Monday 3 June 2019.
We encourage you to support and promote this engagement opportunity within your community to help us build a stronger and more vibrant multicultural South Australia.

For any enquiries please contact Multicultural Affairs (Department of the Premier and Cabinet) on 8429 5961 or email multiculturalreview@sa.gov.au.

Yours sincerely,

Hon Steven Marshall MP  
PREMIER OF SOUTH AUSTRALIA  
15 / 04 / 2019

Hon Jing Lee MLC  
ASSISTANT MINISTER TO THE PREMIER  
15 / 04 / 2019
Multicultural Legislative Review 2019

Schedule of community forums

As part of the Multicultural Legislative Review 2019, a series of community forums will be held in Adelaide and regional areas. These forums are a chance for all members of the community to attend a face to face engagement session to hear about the review, ask questions and provide input through facilitated conversations based on the discussion paper, *Multicultural Legislative Review*.


<table>
<thead>
<tr>
<th>Community Forum</th>
<th>Date</th>
<th>Time</th>
<th>Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Pirie</td>
<td>Tuesday 30 April 2019</td>
<td>6:30pm-8:30pm</td>
<td>Port Pirie Sporting Precinct, Mary Elie Street, Port Pirie</td>
</tr>
<tr>
<td>Adelaide</td>
<td>Thursday 2 May 2019</td>
<td>6:30pm-8:30pm</td>
<td>Thebarton Community Centre, South Road and Ashwin Parade, Torrensville</td>
</tr>
<tr>
<td>Berri</td>
<td>Tuesday 7 May 2019</td>
<td>6:30pm-8:30pm</td>
<td>Berri Resort Hotel, Riverview Drive, Berri</td>
</tr>
<tr>
<td>Mount Gambier</td>
<td>Monday 20 May 2019</td>
<td>6:30pm-8:30pm</td>
<td>Main Corner Complex, 1 Bay Road, Mount Gambier</td>
</tr>
<tr>
<td>Adelaide</td>
<td>Thursday 23 May 2019</td>
<td>9:30am -- 11:30am</td>
<td>Nexus, Lion Arts Centre, Morphett Street, Adelaide</td>
</tr>
<tr>
<td>Murray Bridge</td>
<td>Thursday 30 May 2019</td>
<td>6:30pm-8:30pm</td>
<td>Murray Bridge Town Hall, 13-17 Bridge Street, Murray Bridge</td>
</tr>
</tbody>
</table>

For any enquiries contact Multicultural Affairs on 8429 5961 or email [multiculturalreview@sa.gov.au](mailto:multiculturalreview@sa.gov.au)
13.2 Letter of Appreciation – Berri Croquet Club Inc.

REPORT AUTHOR: EA
RESPONSIBLE MANAGER: ACEO
RECORDS REF: ENQ/REQ-COMM, I190417-615
STRATEGIC LINKS: Yes; Confident and Contributing Community; Objective 6
FINANCIAL IMPLICATIONS:
- Impact: Nil
- Budget Description: N/A
- Allocation: N/A
- Expenditure to Date: N/A

SUMMARY:
A letter of appreciation has been received from the Berri Croquet Club Inc. advising of their cessation.

REPORT:
Background: N/A
Discussion:
A letter outlining the history and assistance of Council to the Berri Croquet Club Inc. has been received by Council. The letter furthermore advises of the clubs cessation.

The club was formed in 1928 and due to member shortage and health of current members, the club has decided it is “no longer viable to successfully operate”, after 91 years.

The letter is attached for members’ information.

RECOMMENDATION:
That Council having considered Report 13.2 titled “Letter of Appreciation – Berri Croquet Club Inc.”, as presented to the ordinary council meeting, receive and note the report.

ATTACHMENTS:
Yes
List
Attachment 1 – Letter, Berri Croquet Club Inc.
Nancy Hart (Secretary)  
Berri Croquet Club Inc  
Box 776  
BERRI SA 5343  
Contact: 0429 121 060

16 April 2019

Karyn Burton  
Acting Chief Executive Officer  
Berri Barmera Council  
PO Box 229  
BERRI SA 5343

Dear Karyn

Re: Berri Croquet Club Inc

On the 25th February 1928 a group of Berri ladies convened a meeting and decided to form a Croquet Club which they named “The Berri Croquet Club”. With the assistance of the Berri Council at that time the grounds were formed for the new club. These grounds were between the Berri Hotel and the Old Berri Bowling Club on Riverview Drive.

The new club prospered with the Council’s help in various forms when needed and Council continued to do so until 2002. Due to a shortage of members, the club relinquished their lawns to play on D Green belonging to the bowling club who were also experiencing a lack of members. The Berri Croquet Club continued to use these lawns until 2005. The club then moved to C Green belonging to the Bowling Club and the croquet members used the newer Bowling Club Rooms. The old Croquet Clubhouse and the first Bowling Club Rooms were demolished at a later date.

The Berri Croquet Club used the C Green and existing Bowling Club Rooms on Riverview Drive until they finally moved to Glasse Park in 2015 where, with the assistance of the Berri Barmera Council, a shed was erected for storing Croquet Club equipment. The lawns have been mowed by Council staff since the move. The second Bowling Club rooms were demolished when the Bowling Club moved into the newly built clubrooms at Glasse Park and they were able to use the new covered bowling area.

Due to the club’s inability to attract new members and illness problems with current, ageing members the Croquet Club is no longer viable to successfully operate. With regret, it has been decided to close the club down and members are at present in the process of doing so.

The Croquet Club members would like to express their gratitude and thanks to the Berri Barmera Council for their ongoing assistance over the 91 years of their club’s existence. This has been greatly appreciated.

The green and the shed which the club has been using will no longer be required. The keys and lock on the shed have been handed into the Council reception.

On behalf of past and present members we thank you again for your assistance over the 91 years.

Yours sincerely

[Signature]

Nancy Hart

*KEYS PASSED ON TO DOROTHY*
13.3 Barmera Improvement Committee – Minutes from meeting held 2 May 2019

REPORT AUTHOR: EA
RESPONSIBLE MANAGER: ACEO
RECORDS REF: 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 $

SUMMARY:
The minutes of the meeting of the Barmera Improvement Committee held 2 May 2019.

REPORT:
Background: N/A

Discussion:
The minutes of the meeting of the Barmera Improvement Committee held 2 May 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 4 July 2019.

Conclusion: N/A

RECOMMENDATION:
That Council:
1. having considered report 13.3 “Barmera Improvement Committee – Minutes from meeting held 2 May 2019” as presented to the Ordinary Meeting of Council, receive and note the report.
2. receive the Minutes of the Barmera Improvement Committee Meeting held on 2 May 2019.
3. adopt the following recommendations of the Committee:
   Item 3 Confirmation of minutes
   MOTION (BAIC3/19)
   That the Minutes of the Barmera Improvement Committee held on 7 March 2019 be taken as read and confirmed.

   Item 8.1 Updated Outstanding Actions from Barmera Town Beautification Committee
   MOTION (BAIC 4/19)
   That the Large Versailles fountain be purchased.
   MOTION (BAIC 5/19)
   That the blue pond base be sealed or removed and pebble pave be installed.
   MOTION (BAIC 6/19)
   Dave Waterman to approach the Yacht Club to see if they would like the waves and sails currently located in the Main Street.

   Item 8.3 Barmera Community Fund
   MOTION (BAIC 7/19)
   Recommend that Council consider undertaking Master Planning for Barmera Foreshore Precinct in 2019/20 budget.
Item 10  Other Business:
MOTION (BAIC 8/19)
That the group attends the Date Palm area to look at options to improve the site.
MOTION (BAIC 9/19)
That the group spend up to $5000 to make improvements to the Date Palm area.

ATTACHMENTS: Yes
Attachment 1 – Barmera Improvement Committee Minutes – 2 May 2019
1: **PRESENT:**

For Information, Members are:
Cr Rhonda Centofanti, Cr Mike Fuller, Cr Metta Sindos, Mr Murray Harvey, Mr David Waterman, Mr Robert Drogemuller, Mrs Margaret Drogemuller, Ms Anne Berriman, Mrs Chris Wutke and Mr Graham Nitschke

Officers: Mr David Otto deGrancy (Acting Manager Infrastructure Services), Ms Tracey Alexander (Administration/Project Officer)

2: **APOLOGIES:** Mrs Peggy Germein, Mrs Karina Davis, Mrs Barb Scudds, Ms Anne Irwin, Mr Martin Bailey, Cr Adrian Little, Mayor Peter Hunt

3: **CONFIRMATION OF MINUTES:**

Minutes of the Barmera Improvement Committee meeting held 7 March 2019.

**MOTION** (BAIC 3/19):

That the Minutes of the Barmera Improvement Committee held on 7 March 2019 be taken as read and confirmed.

Anne Berriman/Chris Wutke Carried

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: **DEPUTATION:** Nil

7: **QUESTIONS/MOTIONS WITH NOTICE:** Nil

8: **FORWARD PLANS FOR THE COMMITTEE:**

8.1 Updated Outstanding Actions from Barmera Town Beautification Committee
The updated 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>Date</td>
<td>Motion</td>
<td>Decision</td>
<td>Notes</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------</td>
<td>-----------------------------------------------------------------------</td>
</tr>
<tr>
<td>9.2.17</td>
<td><strong>MOTION</strong>: (BATBC-148/16) The Committee recommends that a new fountain replace the existing sculpture on the Barwell Avenue roundabout. Cr Mike Fuller to provide options for discussion at meeting.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>8.6.17</td>
<td>Options are being sought. Possibly to retain the current artwork within the fountain or part of.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>10.8.17</td>
<td>Council has included an allocation for this project in the 17/18 budget.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>12.10.17</td>
<td>Fountain ideas to be discussed. <strong>MOTION</strong>: (BATBC – 167/17) That a date be sent out to Committee member to meet and discuss the roundabout fountain concept. Robert Drogemuller / Kevin Stead CARRIED</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>14.12.17</td>
<td>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. <strong>MOTION</strong>: (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 Berriman CARRIED</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>8.2.18</td>
<td>Waiting on a proposal from Hill Street Architects.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>12.4.18</td>
<td>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) <strong>MOTION</strong>: (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</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>14.6.18</td>
<td>All comments received from Councillors and Committee members on the proposed design were sent to Josh at Greenhill Aust - 5.6.18. Awaiting response.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>9.8.18</td>
<td>Report to August Strategic Governance &amp; Asset Management Committee for discussion.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>11.10.18</td>
<td>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.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>7.3.19</td>
<td><strong>MOTION</strong>: (SGAMC221/18) Strategic Governance and Asset Management Committee: 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.</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
### 2.5.19

Designs attached (attachment 2). Design to be chosen and moved then referred to next council meeting. Muse quote is approximately $12,000 (needs to be confirmed). The muse is a bronze fountain where as the other two are fibreglass/cement blend.

Luke Hampshire to investigate removing blue base and the installation of pipework

**MOTION (BAIC 4/19)**

That the Large Versailles fountain be purchased  
Cr Rhonda Centofanti/Chris Wutke  Carried

**MOTION (BAIC 5/19)**

That the blue pond base be sealed or removed and pebble pave be installed  
Crs Mike Fuller/Rhonda Centofanti  Carried

**MOTION (BAIC 6/19)**

Dave Waterman to approach the Yacht Club to see if they would like the waves and sails currently located in the Fountain space  
Robert Drogemuller/Cr Mike Fuller  Carried

<table>
<thead>
<tr>
<th>Date</th>
<th>Issue Description</th>
<th>Details</th>
</tr>
</thead>
</table>
| 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 programed 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. |
| 2.5.19  |  | Path completed but will need top dressing to encourage grass to spread.  
Shelter constructed but not completed. Pad under shelter to be completed  
Concrete pad by council to be constructed then 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.

Carr Michael 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.

Carr Mike 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. Completed Lions seat to be installed.

**2.5.19**

Path completed but will need top dressing to encourage grass to spread.

Shelter constructed but not completed. Pad under shelter to be completed

**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.

Carr 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.

**2.5.19**

Report (attached – attachment 3) went to council meeting held 23 April 2019 – Master Plan deferred until 20/21 FY.

**Council Motion 23/4/19**
**MOTION:** (5298/19) (Council Meeting)
That Council deliver a Coombe Street Master Plan in 2019/20, and a further review of scheduling of other precinct master Plans occur as part of 2020/21 Draft Budget deliberations.

Carrs Kassebaum/Scott  CARRIED

8.3 **Barmera Community Fund – Successful Application**
To be discussed – Master Plan deferred until 20/21 FY as per council motion.

**MOTION (BAIC 7/19)**
Recommend that Council consider undertaking Master Planning for Barmera Foreshore Precinct in 2019/20 budget

Carrs Mike Fuller/Meta Sindos  Carried

9: **OTHER BUSINESS:**

9.1 **Shed** – painting of the shed located between Barmera Club and Skate Park – Paint colour to be discussed and chosen. Colorbond colour – Shale Grey to be purchased

9.2 **Flag Pole (Lakefront)** – Flag Pole Policy attached (attachment 4)
9.3 **Date Palms** palms near caravan park are over 120 years old. Suggest group attend site to look at what can be done to improve area.

**MOTION (BAIC 8/19)**
That the group attends the Date Palm area to look at options to improve the site

Cr Mike Fuller/Murray Harvey Carried

**MOTION (BAIC 9/19)**
That the group spend up to $5000 to make improvements to the Date Palm area

Cr Mike Fuller/Graham Nitschke Carried

9.4 Dave to chase up with Paul Harrington when to tree trimming and reporting on the trees on Langdon Terrace will be completed

10:  **CLOSURE:** 18.55
13.4  Delegations Update – Q1 2019, Local Government Association Circular 19.7

REPORT AUTHOR: EA
RESPONSIBLE MANAGER: ACEO
RECORDS REF: N/A
STRATEGIC LINKS: No
FINANCIAL IMPLICATIONS:
- Impact: No
- Budget Description: N/A
- Allocation: N/A
- Expenditure to Date: N/A

SUMMARY:
This report provides the information for delegation updates to be adopted by Council as per advice via the Local Government Association SA Circular 19.7

REPORT:
Background:
N/A

Discussion:
The delegation templates have been updated for the Local Government Act 1999 and the Liquor Licensing Act 1997.

The Local Government Act 1999 has been amended to reflect commencement of the new boundary reform provisions.

The Liquor Licensing Act 1997 has been amended to reflect commencement of the Local Liquor Accords provisions.

A copy of the Table of Updates is available at Appendix along with the new templates.

It was recommended via the Circular that the new templates be adopted as soon as possible.

RECOMMENDATION:
That Council
1. having considered Report 13.4 titled “Delegations Update – Q1 2019, Local Government Association Circular 19.7” 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 and
      2.1.2 Liquor Licencing Act 1997
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 2-3 (each of which is individually identified as indicated below) are hereby delegated this 28 May 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 2)
3.1.4 Liquor Licencing Act 1997 (Appendix 3)

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.

ATTACHMENTS: Yes

List
Attachment 1 – Local Government Association – Table of updates Circular 19.7
Attachment 2 – Local Government Act 1999 Instrument of Delegation
Attachment 3 – Liquor Licencing Act 1997 Instrument of Delegation
**LOCAL GOVERNMENT ASSOCIATION**  
**UPDATES OF DELEGATION TEMPLATES ON WEBSITE**

(Note: Paragraph references below refer to updated version – As at 31 March 2019)

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Webpage entitled – ‘Delegations – Introduction’</td>
<td></td>
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<tr>
<td>Webpage entitled – ‘General Information’</td>
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<tr>
<td>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014</td>
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<tr>
<td>Instrument of Delegation under the Community Titles Act</td>
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<tr>
<td>Instrument of Delegation under the Dog &amp; Cat Management Act</td>
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<td>Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010</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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<td>Instrument of Delegation under the Expiation of Offences Act</td>
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<td>Instrument of Delegation under the Fences Act</td>
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<td>Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017</td>
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<td>Instrument of Delegation under the Fire &amp; Emergency Services Act</td>
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<td>Instrument of Delegation under the Freedom of Information Act</td>
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<td>Instrument of Delegation under the Heavy Vehicle National Law Act</td>
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<td>Instrument of Delegation under the Gas Act 1997</td>
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<td>Instrument of Delegation under the Land &amp; Business (Sale &amp; Conveyancing) Act</td>
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<tr>
<td>Instrument of Delegation under the Liquor Licensing Act</td>
<td>5A.1</td>
<td>128E(1)</td>
<td>Addition</td>
<td>Legislative amendment</td>
<td>31 March 2019</td>
<td>Adopt updated instrument as soon as possible</td>
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<td></td>
<td>5A.2</td>
<td>128E(2)</td>
<td>Addition</td>
<td>Legislative amendment</td>
<td>31 March 2019</td>
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<td></td>
<td>5B.1</td>
<td>128F</td>
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<td>Legislative amendment</td>
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<td>5C.1</td>
<td>128H(3)</td>
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<td>5C.2</td>
<td>128H(5)</td>
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<td></td>
<td>5C.3</td>
<td>128H(6)</td>
<td>Addition</td>
<td>Legislative amendment</td>
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<td></td>
<td>5C.4</td>
<td>128H(7)</td>
<td>Addition</td>
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<tr>
<td>Instrument of Delegation under the Local Government Act 1999</td>
<td>6.1</td>
<td>Previous 28(6) New 28(1)</td>
<td>Addition</td>
<td>Legislative amendment</td>
<td>31 March 2019</td>
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<td></td>
<td>6.2</td>
<td>Previous 28(23)(f) and (g) New 28(3)</td>
<td>Addition</td>
<td>Legislative amendment</td>
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<td></td>
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<td>6A.2</td>
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<td>Instrument of Delegation under the Natural Resources Management Act</td>
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<td>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016</td>
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<td>Instrument of Delegation under the Real Property Act</td>
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<td>Instrument of Delegation under the Roads (Opening &amp; Closing) Act</td>
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<td>Subdelegations to Chief Executive Officer under the Road Traffic Act 1961</td>
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<td>Authorisations under Road Traffic Act 1961</td>
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<td>Instrument of Delegation under the Safe Drinking Water Act 2011</td>
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<td>Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018</td>
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<td>Instrument of Delegation under the Strata Titles Act 1988</td>
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<td>Instrument of Delegation under the Supported Residential Facilities Act</td>
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<td>Instrument of Delegation under the Work Health Safety Act 2012</td>
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<td>Instrument of Delegation under the Unclaimed Goods Act 1987</td>
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<td>Webpage entitled – ‘Guide for use – Template Resolutions’</td>
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<td>Draft Resolutions for the making of Delegations</td>
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<td>Webpage entitled – ‘Documents for Making Subdelegations’</td>
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<td>Template Instrument of Subdelegation</td>
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<tr>
<td>Notification of Subdelegations for Council Officers</td>
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<td>Notification of delegations to Officers who are ‘acting’ in a position</td>
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<td>Webpage entitled – ‘Legislative Requirements’</td>
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<td>Webpage entitled – ‘Best Practice Recommendations’</td>
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</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. Composition and Wards</th>
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<tbody>
<tr>
<td><strong>1.1</strong> The power pursuant to Section 12(1) of the Local Government Act 1999 (<em>the Act</em>) to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,</td>
</tr>
<tr>
<td><strong>1.1.1</strong> alter the composition of the Council;</td>
</tr>
<tr>
<td><strong>1.1.2</strong> 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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<tr>
<td><strong>1.2</strong> 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><strong>1.2.1</strong> 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><strong>1.2.2</strong> alter the name of:</td>
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<tr>
<td><strong>1.2.2.1</strong> the Council;</td>
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<tr>
<td><strong>1.2.2.2</strong> the area of the Council;</td>
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<tr>
<td><strong>1.2.3</strong> give a name to, or alter the name of, a ward,</td>
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<td>(without the need to comply with Section 13 of the Act).</td>
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<tr>
<td><strong>1.3</strong> 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>
</tr>
<tr>
<td><strong>1.4</strong> The power pursuant to Section 12(4) of the Act to review a specific aspect of the</td>
</tr>
</tbody>
</table>
composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.

1.5 Deliberately left blank.

1.6 Deliberately left blank.

1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.

1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council’s area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.

1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).

1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:

1.10.1 provides information on the public consultation process undertaken by the Council and the Council’s or the Delegate’s response to the issues arising from the submissions made as part of that process; and

1.10.2 sets out:

1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and

1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and

1.10.3 sets out the reasons for the Council’s or the Delegate’s decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.

1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way
of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.

<table>
<thead>
<tr>
<th>1.12</th>
<th>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.</th>
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</thead>
<tbody>
<tr>
<td>1.13</td>
<td>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.</td>
</tr>
<tr>
<td>1.14</td>
<td>With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:</td>
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<tr>
<td>1.14.1</td>
<td>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</td>
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<td>1.14.2</td>
<td>to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.</td>
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<tr>
<td>1.15</td>
<td>Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:</td>
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<tr>
<td>1.15.1</td>
<td>prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and</td>
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<tr>
<td>1.15.2</td>
<td>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</td>
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<tr>
<td>1.15.3</td>
<td>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.</td>
</tr>
<tr>
<td>1.16</td>
<td>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.</td>
</tr>
<tr>
<td>1.17</td>
<td>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.</td>
</tr>
<tr>
<td>1.18</td>
<td>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.</td>
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</table>
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.

3. **Deliberately left blank**

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

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| 5.2.1 | Deliberately left blank |
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| 5.2.3 | Deliberately left blank |
| 5.2.4 | Deliberately left blank |
| 5.3 | Deliberately left blank |
| 5.3.1 | Deliberately left blank |
| 5.3.2 | Deliberately left blank |

6. **Commission to Receive Proposals**

| 6.1 | The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission. |
| 6.2 | The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act: |
| 6.2.1 | set out in general terms the nature of the proposal; and |
| 6.2.2 | comply with any requirements of the proposal guidelines. |

6A **Inquiries – General Proposals**

| 6A.1 | The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act. |
| 6A.2 | The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter. |

7. **General Powers and Capacities**

<p>| 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 |</p>
<table>
<thead>
<tr>
<th>7.3</th>
<th>The power pursuant to Section 36(2) of the Act to act outside the Council’s area:</th>
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<tbody>
<tr>
<td>7.3.1</td>
<td>to the extent considered by the Delegate to be necessary or expedient to the performance of the Council’s functions; or</td>
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<tr>
<td>7.3.2</td>
<td>in order to provide services to an unincorporated area of the State.</td>
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<tr>
<td>7.4</td>
<td>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.</td>
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</table>

**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:
### 14.1.2

Engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -

- **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

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### 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

15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and

15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and

15.2.4 are consistent with any requirement prescribed by the regulations.

15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).

15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.

16. Public Consultation Policies

16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:

16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and

16.1.2 in other cases involving Council decision making, if relevant.

16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.

16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:

16.3.1 the publication of a notice:

16.3.1.1 in a newspaper circulating within the area of the Council; and

16.3.1.2 on a website determined by the Chief Executive Officer,

describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
| 16.3.2 | the consideration of any submissions made in response to that invitation. |
| 16.4 | The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council’s public consultation policy, or substitute a new policy. |
| 16.5 | Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to: |
| 16.5.1 | prepare a document that sets out its proposal in relation to the matter; and |
| 16.5.2 | publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month; |
| 16.5.3 | consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act. |
| 16.6 | The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest. |
| 16.7 | The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours. |
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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:

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<td>34.4.1.1</td>
<td>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</td>
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<tr>
<td>34.4.1.2</td>
<td>that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council’s rates for the financial year; and</td>
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<th>34.4.2</th>
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<tr>
<td>34.4.2.1</td>
<td>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</td>
</tr>
<tr>
<td>34.4.2.2</td>
<td>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</td>
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| 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. |

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<th>35. Accounting Records to be Kept</th>
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<td>35.1.2.2</td>
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| 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. |

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<th>36. Internal Control Policies</th>
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<td>36.1</td>
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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: |
| 39.3.1 | information on the remuneration payable to the Council’s auditor for work performed during the relevant financial year, distinguishing between: |
| 39.3.1.1 | remuneration payable for the annual audit of the Council’s financial statements; and |
| 39.3.1.2 | other remuneration; |
| 39.3.2 | if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council’s auditor came to an end. |

### 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

42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.

42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.

42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.

42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:

42.4.1 the Presiding Member of both Houses of Parliament; and

42.4.2 to the persons or body prescribed by the Regulations,

on or before the date determined under the Regulations.

42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.

42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council’s annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

43. Access to Documents

43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:

43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and

43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.

43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).
43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:

| 43.3.1 | agendas for meetings of the Council or Council committees; |
| 43.3.2 | minutes of meetings of the Council or Council committees; |
| 43.3.3 | codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999; |
| 43.3.4 | the Council’s contract and tenders policies, public consultation policy and order-making policies; |
| 43.3.5 | the Council’s draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter; |
| 43.3.6 | the Council’s budget (as adopted by the Council for a particular year); |
| 43.3.7 | a list of fees and charges imposed by the Council under this Act; |
| 43.3.8 | by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act; |
| 43.3.9 | procedures for the review of decisions established by the Council under Part 2 of Chapter 13; |
| 43.3.10 | the audited financial statements of the Council; |
| 43.3.11 | the annual report of the Council; |
| 43.3.12 | the Council’s most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council. |

### 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 Council);

46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);

46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act).

46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:

46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and

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:

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<tr>
<td>48.3.1</td>
<td>the purposes of the investment;</td>
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<tr>
<td>48.3.2</td>
<td>the desirability of diversifying Council investments;</td>
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<tr>
<td>48.3.3</td>
<td>the nature of and risk associated with existing Council investments;</td>
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<tr>
<td>48.3.4</td>
<td>the desirability of maintaining the real value of the capital and income of the investment;</td>
</tr>
<tr>
<td>48.3.5</td>
<td>the risk of capital or income loss or depreciation;</td>
</tr>
<tr>
<td>48.3.6</td>
<td>the potential for capital appreciation;</td>
</tr>
<tr>
<td>48.3.7</td>
<td>the likely income return and the timing of income return;</td>
</tr>
<tr>
<td>48.3.8</td>
<td>the length of the term of a proposed investment;</td>
</tr>
<tr>
<td>48.3.9</td>
<td>the period for which the investment is likely to be required;</td>
</tr>
<tr>
<td>48.3.10</td>
<td>the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</td>
</tr>
<tr>
<td>48.3.11</td>
<td>the aggregate value of the assets of the Council;</td>
</tr>
<tr>
<td>48.3.12</td>
<td>the likelihood of inflation affecting the value of a proposed investment;</td>
</tr>
<tr>
<td>48.3.13</td>
<td>the costs of making a proposed investment;</td>
</tr>
<tr>
<td>48.3.14</td>
<td>the results of any review of existing Council investments.</td>
</tr>
</tbody>
</table>

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:

<p>| | |</p>
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<thead>
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<tbody>
<tr>
<td>48.4.1</td>
<td>the anticipated community benefit from an investment; and</td>
</tr>
<tr>
<td>48.4.2</td>
<td>the desirability of attracting additional resources into the local community.</td>
</tr>
</tbody>
</table>

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

55.1 Before the Council:

55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or

55.1.2 changes the basis on which land is valued for the purposes of rating; or

55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;

the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:

55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and

55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.

55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.

### 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

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

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

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 of historic significance;

63.2.4 where the land is being used for educational purposes;

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

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

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

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

63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;

63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;

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

63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:

63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council’s rates; or

63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:

63.2.13.1 liability to pay a rate or charge that is inconsistent with the
liabilities that were anticipated by the Council in its annual business plan; or

63.2.13.2 liability that is unfair or unreasonable;

63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or

63.2.15 where the rebate is contemplated under another provision of the Act.

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

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

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

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

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:

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

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

or a combination of both.

64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the 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.
<table>
<thead>
<tr>
<th>68. Alterations to Assessment Record</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>68.1</strong> 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.</td>
</tr>
<tr>
<td><strong>68.2</strong> 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>69. Inspection of Assessment Record</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>69.1</strong> 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>70. Liability for Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>70.1</strong> 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:</td>
</tr>
<tr>
<td><strong>70.1.1</strong> the principal ratepayer; or</td>
</tr>
<tr>
<td><strong>70.1.2</strong> any other person (not being a principal ratepayer) who is an owner or occupier of the land; or</td>
</tr>
<tr>
<td><strong>70.1.3</strong> any other person who was at the time of the declaration of the rates an owner or occupier of the land.</td>
</tr>
<tr>
<td><strong>70.2</strong> 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.</td>
</tr>
<tr>
<td><strong>70.3</strong> 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.</td>
</tr>
<tr>
<td><strong>70.4</strong> 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>71.1</strong> 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.</td>
</tr>
</tbody>
</table>
| **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

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>72.1</td>
<td>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:</td>
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<tr>
<td>72.1.1</td>
<td>the declaration of a rate; or</td>
</tr>
<tr>
<td>72.1.2</td>
<td>the imposition of a service charge; or</td>
</tr>
<tr>
<td>72.1.3</td>
<td>a change in the rates liability of land.</td>
</tr>
</tbody>
</table>

## 73. Payment of Rates – General Principles

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>73.1</td>
<td>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.</td>
</tr>
<tr>
<td>73.2</td>
<td>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).</td>
</tr>
<tr>
<td>73.3</td>
<td>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.</td>
</tr>
<tr>
<td>73.4</td>
<td>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:</td>
</tr>
<tr>
<td>73.4.1</td>
<td>the amount of the instalment; and</td>
</tr>
<tr>
<td>73.4.2</td>
<td>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.</td>
</tr>
<tr>
<td>73.5</td>
<td>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.</td>
</tr>
<tr>
<td>73.6</td>
<td>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.</td>
</tr>
<tr>
<td>73.7</td>
<td>The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:</td>
</tr>
<tr>
<td>73.7.1</td>
<td>the payment of instalments of rates in advance; or</td>
</tr>
<tr>
<td>73.7.2</td>
<td>prompt payment of rates.</td>
</tr>
</tbody>
</table>

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:
<table>
<thead>
<tr>
<th>77.2.1</th>
<th>stating the period for which the rates have been in arrears; and</th>
</tr>
</thead>
<tbody>
<tr>
<td>77.2.2</td>
<td>stating the amount of the total liability for rates presently outstanding in relation to the land; and</td>
</tr>
<tr>
<td>77.2.3</td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>77.3</th>
<th>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:</th>
</tr>
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<tbody>
<tr>
<td>77.3.1</td>
<td>to any owner of the land who is not the principal ratepayer; and</td>
</tr>
<tr>
<td>77.3.2</td>
<td>to any registered mortgagee of the land; and</td>
</tr>
<tr>
<td>77.3.3</td>
<td>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.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>77.4</th>
<th>If:</th>
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<tbody>
<tr>
<td>77.4.1</td>
<td>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</td>
</tr>
<tr>
<td>77.4.2</td>
<td>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,</td>
</tr>
</tbody>
</table>

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 land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act. |
| 77.11 | The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981. |

78. **Objection, Review or Appeal**

78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:

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

78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.

79. **Certificate of Liabilities**

79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:

79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and

79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.

80. **Investigation by Ombudsman**
80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman’s report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:

80.1.1 the Ombudsman; and

80.1.2 if relevant, the person who made the complaint.

80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.

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
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>86.1.1.4</td>
<td>an assessment of how implementation of the proposal would affect the area and the local community; and</td>
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<tr>
<td>86.1.1.5</td>
<td>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</td>
</tr>
<tr>
<td>86.1.2</td>
<td>follow the relevant steps set out in the Council’s public consultation policy.</td>
</tr>
<tr>
<td>86.2</td>
<td>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.</td>
</tr>
<tr>
<td>86.3</td>
<td>The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.</td>
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</tbody>
</table>

### 87. Effect of Revocation of Classification

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>87.1</td>
<td>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.</td>
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</table>

### 88. Management Plans

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>88.1</td>
<td>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:</td>
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<tr>
<td>88.1.1</td>
<td>identifies the land to which it applies; and</td>
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<tr>
<td>88.1.2</td>
<td>states the purpose for which the land is held by the Council; and</td>
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<tr>
<td>88.1.3</td>
<td>states the Council’s objectives, policies (if any) and proposals for the management of the land; and</td>
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<tr>
<td>88.1.4</td>
<td>states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</td>
</tr>
<tr>
<td>88.2</td>
<td>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:</td>
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<tr>
<td>88.2.1</td>
<td>identify the owner of the land; and</td>
</tr>
<tr>
<td>88.2.2</td>
<td>state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</td>
</tr>
<tr>
<td>88.2.3</td>
<td>contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</td>
</tr>
</tbody>
</table>
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

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
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<tr>
<th>93.1.2</th>
<th>vested in the Council as lessee.</th>
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<tbody>
<tr>
<td>93.2</td>
<td>The power pursuant to Section 201(2) of the Act to:</td>
</tr>
<tr>
<td>93.2.1</td>
<td>grant an easement (including a right of way) over community land; and</td>
</tr>
<tr>
<td>93.2.2</td>
<td>grant an easement (excluding a right of way) over a road or part of a road.</td>
</tr>
</tbody>
</table>

### 94. Alienation of Community Land by Lease or Licence

<table>
<thead>
<tr>
<th>94.1</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<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>
</tr>
<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>
<th>94.2</th>
<th>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:</th>
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<tbody>
<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>
</tr>
<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>
</tbody>
</table>

| 94.3    | The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years. |

| 94.4    | The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan. |

### 95. Register

<table>
<thead>
<tr>
<th>95.1</th>
<th>The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council’s area.</th>
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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>
</tr>
</tbody>
</table>
### 95.2.1 contains the information required by the Regulations; and
### 95.2.2 contains copies of current management plans.

### 95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.

### 95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council’s area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.

### 96. Ownership of Public Roads

#### 96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.

### 97. Ownership of Fixtures and Equipment Installed on Public Roads

#### 97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.

### 98. Conversion of Private Road to Public Road

#### 98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.

#### 98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:

- **98.2.1** if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and

- **98.2.2** if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and

- **98.2.3** give public notice of the proposed declaration.

#### 98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.

#### 98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.

### 99. Highways
99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.

### 100. Power to Carry Out Roadwork

100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council’s area or, by agreement with another Council, in the area of another Council.

100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:

   100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and

   100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and

   100.2.3 the roadwork in relation to a private road is only carried out if:

       100.2.3.1 the owner agrees; or

       100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or

       100.2.3.3 the identity or whereabouts of the owner is unknown; and

   100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).

### 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:

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<tr>
<td><strong>103.1.1</strong></td>
<td>ensure that adjoining properties have adequate access to the road; and</td>
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<tr>
<td><strong>103.1.2</strong></td>
<td>construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.</td>
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</table>

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:

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<tr>
<td><strong>103.2.1</strong></td>
<td>there is no significant risk of damage to the adjoining property; or</td>
</tr>
<tr>
<td><strong>103.2.2</strong></td>
<td>the road work does not significantly increase the risk of damage to adjoining property.</td>
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</table>

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:

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<td><strong>104.2.1</strong></td>
<td>any proposal to make an order; and</td>
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<tr>
<td><strong>104.2.2</strong></td>
<td>if an order is made, any order,</td>
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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)
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>105.1.1</td>
<td>to carry out specified work by way of maintenance or repair; or</td>
</tr>
<tr>
<td>105.1.2</td>
<td>to move the structure or equipment in order to allow the Council to carry out roadwork.</td>
</tr>
<tr>
<td>105.2</td>
<td>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.</td>
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**106. Power to Require Owner of Adjoining Land to Carry Out Specific Work**

<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>106.1</td>
<td>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.</td>
</tr>
<tr>
<td>106.2</td>
<td>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:</td>
</tr>
<tr>
<td>106.2.1</td>
<td>any proposal to make an order; and</td>
</tr>
<tr>
<td>106.2.2</td>
<td>if an order is made, any order under Section 218(1) of the Act.</td>
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**107. Power to Assign a Name, or Change the Name, of a Road or Public Place**

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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>107.1</td>
<td>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.</td>
</tr>
<tr>
<td>107.2</td>
<td>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.</td>
</tr>
<tr>
<td>107.3</td>
<td>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:</td>
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<tr>
<td>107.3.1</td>
<td>give the adjoining council at least 2 months notice of the proposed change; and</td>
</tr>
<tr>
<td>107.3.2</td>
<td>consider any representations made by the adjoining council in response to that notice.</td>
</tr>
<tr>
<td>107.4</td>
<td>The duty pursuant to Section 219(3) of the Act to:</td>
</tr>
<tr>
<td>107.4.1</td>
<td>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</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>107.5</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>107.6</td>
<td>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.</td>
</tr>
<tr>
<td>107.7</td>
<td>The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.</td>
</tr>
<tr>
<td>107.8</td>
<td>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:</td>
</tr>
<tr>
<td>107.8.1</td>
<td>in the Gazette; and</td>
</tr>
<tr>
<td>107.8.2</td>
<td>in a newspaper circulating in the area of the council; and</td>
</tr>
<tr>
<td>107.8.3</td>
<td>on a website determined by the Chief Executive Officer.</td>
</tr>
</tbody>
</table>

108. Numbering of Premises and Allotments

<table>
<thead>
<tr>
<th>108.1</th>
<th>The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>108.2</td>
<td>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.</td>
</tr>
<tr>
<td>108.3</td>
<td>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.</td>
</tr>
<tr>
<td>108.4</td>
<td>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.</td>
</tr>
<tr>
<td>108.5</td>
<td>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.</td>
</tr>
<tr>
<td>108.6</td>
<td>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.</td>
</tr>
<tr>
<td>108.7</td>
<td>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.</td>
</tr>
</tbody>
</table>

109. Alteration of Road
| 109.1 | The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as: |
| 109.1.1 | altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or |
| 109.1.2 | erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or |
| 109.1.3 | changing or interfering with the construction, arrangement or materials of the road; or |
| 109.1.4 | changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or |
| 109.1.5 | planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road. |
| 109.2 | Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will: |
| 109.2.1 | unduly obstruct the use of the road; or |
| 109.2.2 | unduly interfere with the construction of the road; or |
| 109.2.3 | have an adverse effect on road safety. |
| 109.3 | The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act: |
| 109.3.1 | for a particular act or occasion; or |
| 109.3.2 | for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal. |

### 110. Permits for Business Purposes

| 110.1 | The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so. |
| 110.2 | Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road. |
| 110.3 | The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit. |

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

111.1.1 that confers a right of exclusive occupation; or

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

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

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

112. Conditions of Authorisation or Permit

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

113. Cancellation of Authorisation or Permit

113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:

113.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or

113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.

113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:

113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and

113.2.2 consider any representations made in response to the notice.

113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.

113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not
exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.

### 113A Location Rules – General

<table>
<thead>
<tr>
<th>Section</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>
</tbody>
</table>

### 114. Register

<table>
<thead>
<tr>
<th>Section</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>Section</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>
</tbody>
</table>
115.1.3 road safety matters; and

115.1.4 other matters (if any) considered relevant by the Delegate; and

115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.

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 post,
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.

### 125. Power to Make By-Laws

125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.

### 126. Passing By-Laws

126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:

126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and

126.1.2 by notice in a newspaper circulating in the area of the Council:

126.1.2.1 inform the public of the availability of the proposed by-law; and

126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law’s nature and effect.

126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:

126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and

126.2.2 the by-law is not in conflict with the Act.

126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.

126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.
### 127. Model By-Laws

- **127.1** The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.

- **127.2** The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.

### 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:
  - 130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and
  - 130.1.2 stating the reasons for the proposed action; and
  - 130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).

- **130.2** If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.

- **130.3** The power pursuant to Section 255(3) of the Act after considering representations...
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>130.3.1</td>
<td>to make an order in accordance with the terms of the original proposal; or</td>
</tr>
<tr>
<td>130.3.2</td>
<td>to make an order with modifications from the terms of the original proposal; or</td>
</tr>
<tr>
<td>130.3.3</td>
<td>to determine not to proceed with an order.</td>
</tr>
<tr>
<td>130.4</td>
<td>The power pursuant to Section 255(5) of the Act to:</td>
</tr>
<tr>
<td>130.4.1</td>
<td>include two or more orders in the same instrument;</td>
</tr>
<tr>
<td>130.4.2</td>
<td>direct two or more persons to do something specified in the order jointly.</td>
</tr>
<tr>
<td>130.5</td>
<td>The duty pursuant to Section 255(6) of the Act to ensure that the order:</td>
</tr>
<tr>
<td>130.5.1</td>
<td>subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</td>
</tr>
<tr>
<td>130.5.2</td>
<td>states the reasons for the order.</td>
</tr>
<tr>
<td>130.6</td>
<td>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.</td>
</tr>
<tr>
<td>130.7</td>
<td>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.</td>
</tr>
<tr>
<td>130.8</td>
<td>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.</td>
</tr>
<tr>
<td>130.9</td>
<td>If the Delegate, in the circumstances of a particular case, considers:</td>
</tr>
<tr>
<td>130.9.1</td>
<td>that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or</td>
</tr>
<tr>
<td>130.9.2</td>
<td>that an emergency situation otherwise exists,</td>
</tr>
<tr>
<td></td>
<td>the Delegate has the power pursuant to Section 255(12) of the Act to:</td>
</tr>
<tr>
<td>130.9.3</td>
<td>Proceed immediately to make an order under this Section without giving notice under Section 255(1); and</td>
</tr>
<tr>
<td>130.9.4</td>
<td>require immediate compliance with an order despite Section 255(6)(a).</td>
</tr>
</tbody>
</table>

### 131. Rights of Review

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>131.1</td>
<td>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.</td>
</tr>
</tbody>
</table>
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.

132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.

132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:

132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

132.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.

133. Councils to Develop Policies

133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.

133.2 The power and duty pursuant to Section 259(2) of the Act to:

133.2.1 prepare a draft of a Policy; and

133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).

133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.

133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.

133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of
133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.

133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any 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
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 | the Council; |
| 135.1.2 | employees of the Council; |
| 135.1.3 | other persons acting on behalf of the Council, |

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. |

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. |

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.

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

142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.

142.2 The duty pursuant to Section 294(3) of the Act:

142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and

142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and

142.2.3 within 6 months of ceasing to occupy the land:

142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and

142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;

142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner 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.

## 143. Reclamation of Land

143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work
has added to the land.

| 143.2 | The power pursuant to Section 296(2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act. |
| 143.3 | The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act. |
| 143.4 | The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act. |

**144. Property in Rubbish**

| 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. |

**145. Power of Council to Act in Emergency**

| 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. |

**146. Deliberately left blank**

| 146.1 | Deliberately left blank. |
| 146.2 | Deliberately left blank. |

**147. Costs of Advertisements**

| 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. |

**148. Whistleblowing**

| 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. |

**148A Use of Facilities**

| 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. |

**149. Deliberately left blank**
### Preparation of Stormwater Management Plans by Councils

**151A.1** The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:

(a) complies with the guidelines issued by the Authority; and

(b) is prepared in consultation with the relevant regional NRM board or boards; and

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

### 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).

### 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

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<tr>
<td>159.1.6</td>
<td>any prescribed matters.</td>
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<tr>
<td>159.2</td>
<td>The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:</td>
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<td>159.2.1</td>
<td>provide for the early repayment of any amount payable under the agreement; and</td>
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<td>159.2.2</td>
<td>include and agree to other provisions.</td>
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### 160. Declaration of Building Upgrade Charge *(May only be delegated to CEO)*

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<td>160.1</td>
<td>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).</td>
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<tr>
<td>160.2</td>
<td>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:</td>
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<td>160.2.1</td>
<td>the name and address of the building owner; and</td>
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<td>160.2.2</td>
<td>a description of the relevant land in respect of which the building upgrade charge is being levied; and</td>
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<td>160.2.3</td>
<td>the building upgrade agreement under which the building upgrade charge is being levied; and</td>
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<td>160.2.4</td>
<td>the amount for which the building owner is liable; and</td>
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<td>160.2.5</td>
<td>the manner of payment of the amount; and</td>
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<tr>
<td>160.2.6</td>
<td>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</td>
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<td>160.2.7</td>
<td>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</td>
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<td>160.2.8</td>
<td>any prescribed matters.</td>
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<tr>
<td>160.3</td>
<td>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.</td>
</tr>
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</table>
### 161. Payment of Building Upgrade Charge

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

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

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

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

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

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

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

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

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

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

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,

...to refund the building owner the excess amount paid.

### 164. Register of Building Upgrade Agreements

164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.

164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of 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).
### SCHEDULE OF CONDITIONS

**CONSIDITIONS 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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</thead>
<tbody>
<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>
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</table>
APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE
LIQUOR LICENSING ACT 1997

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></th>
<th>Application for Review of Commissioner’s Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.</td>
<td>The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner’s decision.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Extension of Trading Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Rights of Intervention</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).</td>
</tr>
<tr>
<td>3.2</td>
<td>The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.</td>
</tr>
<tr>
<td>3.3</td>
<td>The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).</td>
</tr>
</tbody>
</table>
### 4. Disciplinary Action Before the Court

**4.1** The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.

### 5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action

**5.1** The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.

### 5A Preparation of Draft Local Liquor Accords

**5A.1** The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval.

**5A.2** The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:

- **5A.2.1** the name of each party to the draft;
- **5A.2.2** the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);
- **5A.2.3** the proposed accord area;
- **5A.2.4** any other details prescribed by the regulations.

### 5B Terms of Local Liquor Accords

**5B.1** The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to authorising or requiring any licensees who are parties to it to do one or more of the following:

- **5B.1.1** to cease or restrict either or both of the following on their licensed premises:
  - **5B.1.1.1** the sale of liquor on those premises (including the sale of liquor for consumption off premises);
  - **5B.1.1.2** allowing the consumption of liquor on those premises;
- **5B.1.2** to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;
- **5B.1.3** to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.

### 5C Approval of Local Liquor Accords

**5C.1** The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary
the accord (including the accord area).

<table>
<thead>
<tr>
<th>5C.2</th>
<th>The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5C.3</td>
<td>The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator.</td>
</tr>
<tr>
<td>5C.4</td>
<td>The power pursuant to Section 128H(7) of the Act to:</td>
</tr>
<tr>
<td>5C.4.1</td>
<td>only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord; or</td>
</tr>
<tr>
<td>5C.4.2</td>
<td>consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.</td>
</tr>
</tbody>
</table>

### 6. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action

| 6.1 | The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice. |
| 6.2 | The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police. |
| 6.3 | The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette. |
## 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>
</tr>
</thead>
<tbody>
<tr>
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13.5 Policy Review – Public Consultation and Community Engagement

REPORT AUTHOR: EA
RESPONSIBLE MANAGER: ACEO
RECORDS REF: N/A
STRATEGIC LINKS: Yes; Strong Internal Capability and Capacity; Objective 2
FINANCIAL IMPLICATIONS:
- Impact: No
- Budget Description: N/A
- Allocation: N/A
- Expenditure to Date: N/A

SUMMARY:
This report provides to members a policy review of the “Public Consultation and Community Engagement” Policy.

REPORT:
Background:
N/A

Discussion:
Following a motion at the March 2019 Council meeting and in line with the review requirements of the Local Government Act 1999 the ‘Public Consultation and Community Engagement Policy’ is presented for endorsement by Council.

Following endorsement, the Policy will be required to be released for public consultation and feedback. On conclusion of the public consultation period, the policy will be returned to Council for final adoption.

RECOMMENDATION:
That Council:
1. having considered Report 13.5 titled “Policy Review – Public Consultation and Community Engagement” as presented to the ordinary Council meeting, receive and note the report.
2. endorse the Public Consultation and Community Engagement ready for release for community consultation in accordance with Section 50 of the Local Government Act 1999.

ATTACHMENTS:
Yes
- Attachment 1 – Public Consultation and Community Engagement Policy with track changes
Public Consultation and Community Engagement Policy

Keywords: Public Community Consultation Engagement

<table>
<thead>
<tr>
<th>Corporate Plan:</th>
<th>Links with goals, direction and intent of the Corporate Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classification:</td>
<td>Executive Services – Statutory Policies – Public Consultation</td>
</tr>
<tr>
<td>First Issued/Approved:</td>
<td>27th August 2002</td>
</tr>
</tbody>
</table>
| Review Frequency: | Regulatory Requirement: Within 12 months of a General Election  
Good Governance Practice: Annually |
| Last Reviewed: | May 2019 |
| Next Review Due: | 2020 |
| Responsible Officer(s): | CEO / EA |
| Council File Reference: | COUNCIL POLICIES (PI) 6.3.1 |
| Applicable Legislation: | Section 50 Local Government Act 1999 (SA) – Public Consultation Policies |
| Relevant Policies: | Access to Meetings - Code of Practice; Order Making Policy |
| Related Procedures: | Sec. 50(4) – Public Consultation required prior to adoption of the “Public Consultation Policy” and/or alteration/amendment thereto unless (Pt. 6) alteration is determined to be of minor significance. Requires notification in the “Advertiser” for significant changes. |
| Delegations: | Berri Barmera Council Delegations Register |

Purpose

The Public Consultation and Community Engagement Policy has been developed in accordance with the intent and requirements of Section 50 of the Local Government Act 1999. The policy provides a basis for involving the community in planning and decision making processes to ensure effective community engagement and participation in the management of community resources, and to foster a partnership with the local community.

Objectives

The objectives of this Policy are:
(a) to fulfil the statutory requirements of the Local Government Act 1999 Sec 50;
(b) to enable the community to contribute to the Council’s decision making through open and accountable processes;
(c) to promote equity through optimal access to consultation opportunities;
(d) to provide a framework for the administration’s implementation of the Council’s principles for community engagement, including community consultation.
Interpretation

For the purposes of this Policy, the following definitions apply:

(a) **Community** means “the public”. The community includes ratepayers, residents and all people who live, work, study, conduct business or use the services, facilities and public places in the Berri Barmera Council. These people are often referred to as “stakeholders” in the affairs of the Council.

(b) **Communication** in this Policy, means conveying information to another party.

(c) **The Act** means the Local Government Act 1999, as amended.

(d) **Community Engagement** is any process that involves the community in problem solving or decision-making and uses community input to make decisions. Community engagement can include communicating with the community about decisions made; consulting on specific ideas or proposals; involving the community in planning processes; and collaborating with the community to make decisions.

(e) **Community Consultation is part of community engagement and** means a planned process by which the Council formally invites its constituents and stakeholders to comment about matters upon which Elected Members are to deliberate. This means providing information to the community and eliciting opinions and comments from members of the public, for the Council to consider. The final decision regarding such matters rests with the Council. The Administration may also consult the community regarding specific aspects of programs to be implemented, within the framework of the Council’s decisions and the provisions of the Local Government Act or other legislation. The final decision regarding these operational matters, rests with the Chief Executive Officer.

(f) **Council** means the Elected Members of the Berri Barmera Council. The **Council Administration** refers to the employees and contractors engaged by the organisation.

Principles

The council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between the council and the community.

The Council has adopted the following principles as central to effective community engagement and public consultation:

(a) The community has a right to contribute to and to be informed about key decisions and issues affecting the local area.

(b) The community is to be provided with adequate information in order to make informed opinions. Information is to be provided to identified stakeholders so that it:

   (i) is clearly presented and relevant;
   (ii) is readily accessible;
   (iii) clearly defines the aspects of the matter which are subject to community comment;
   (iv) is provided with due regard to the resources available and to relevant legislation, Council Policies and Codes of Practice;
   (v) clearly states that submissions received will become public documents;
   (vi) provides contact details for further enquiries; and
   (vii) outlines the decision making process of which the consultation is a part.
Appropriate and timely opportunities are to be provided for people to gain access to information and to be involved in community engagement programs and should result in greater confidence in the Council and responsive decision making.

Presentations by members of the public at formal Council meetings are governed by Local Government (Procedures at Meetings) Regulation number 11 (Deputations).

The Council has a responsibility to consider all submissions in a balanced way, and recognises that community opinion is one aspect of the decision making process. The Council will strive to make decisions for the good governance of the district as a whole, over the long term, taking account of all the influences and factors relevant to any particular matter. The Council is required to make decisions that are equitable, economically, socially, culturally and environmentally appropriate, timely and in accord with legislation.

Community engagement processes will be open, transparent and accountable and within resource constraints. The level and style of engagement with the community will vary depending on the community interest in the matter, the number of people potentially affected by the Council’s decision, the resources available, and legislative requirements. An appropriate period of time is to be provided for consideration of, response to and collation of input on the matter.

The community will be advised of significant decisions which have involved a community engagement process, and there will be readily available public access to the outcomes of all community engagement programs. Consultation and engagement methods may include:

- Publication in a regular newsletter
- Letters to residents and other stakeholders
- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups
- Community forums and stakeholder meetings
- Direct consultation with community representative groups
- Active and passive use of Council’s website and social media
- Use of a community email database
- Customer Surveys
- Fixed displays, e.g. community notice boards
- Community group representations to Council workshops

Statutory Requirements

The preparation and adoption of this policy fulfils the council’s obligations under section 50(1) of the Local Government Act 1999. Where there are statutory requirements for consultation, these will take precedence over this policy where there is any inconsistency. Section 50 provides that:

- The council must set out the steps that the council will follow in cases where the Local Government Act requires consultation on a matter, and
- The council may set out the steps that council will follow in other cases involving the council’s decision-making.

Where there are statutory requirements for consultation, these will take precedence over this policy where there is any inconsistency.
In addition, under the Local Government Act the council has the following obligations where it is required by law to follow its public consultation policy:

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice in a newspaper circulating in the area and on the council’s website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, the council must submit the proposal to a public consultation process.

(b) Where the Local Government Act 1999 requires that the Council follows this policy, and the legislation does not specify steps to the contrary, the Council will:

- publish in the local newspaper, a notice describing the matter under consideration and inviting interested people to make written submissions within a period of no less that 21 (twenty one) calendar days, which will be stated in the notice; and
- consider any submissions made in response to the newspaper notice.

(c) The Local Government Act 1999 requires that community consultation be undertaken in relation to the following matters. Legislative requirements must be followed with regard to:

- Composition and wards of the Council Section 12(7)
- Status of Council or change of names Section 13(2)
- Principal office of the Council Section 45(3)
- Prudential requirements for certain activities Section 48 (2)(d) (5) & (6)
- Public consultation policy Section 50(6)
- Access to meetings and documents - code of practice Section 92(5)
- Strategic management plans Section 122(6)
- Annual Business Plans & Budgets Section 123(3)(b)
- Basis of rating Section 151(5)
- Basis of differential rates Sec 156(14a) to (14f)
- Community land: classification Section 193(2)
- Community land: revocation of classification Section 194(2)
- Community land: proposed management plans Section 197(1)
- Community land: amendment or revocation of management plan Section 198
- Community land: alienation by lease or licence Sec. 202(2)& (3)
- Permits for business purposes (on roads) Section 223(1)
- Planting of vegetation on roads Section 232
- Vehicles - Removal Section 237
- Passing by-laws Section 249
- Order making policies Section 259

Additional Matters For Consultation

Where there are legislative requirements for consultation under other legislation applicable to the council, such as the Development Act 1993, these specific processes take precedence over this policy.
should there be any inconsistency. This policy does not apply to Development Applications under the Development Act 1993.

In addition to the matters set out in the Local Government Act 1999, the Council may choose to follow this policy in regard to other matters. Without limiting the extent of the operation of this policy, issues warranting community consultation may include:

- Major public infrastructure developments - an extended public consultation period of 28 days be undertaken for major public infrastructure developments. Council also take into consideration delivery methods of public consultation and community engagement for major projects.
- The provision of services and facilities
- Traffic management
- Proposals for change

Implementation Of This Policy

The Chief Executive Officer is responsible for implementing community engagement and consultation programs in accordance with this policy. This policy applies to Council Members sitting as the elected body, council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

ACKNOWLEDGMENT:

This Policy has been sourced from the Unley City Council whose permission has been granted to use as a template by the Berri Barmera Council. Additional text has been sourced from the LGA SA Public Consultation Policy template.
Public Consultation and Community Engagement Policy

Keywords: Public Community Consultation Engagement

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Good Governance Practice: Annually |
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| Next Review Due: | 2020 |
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   (v) clearly states that submissions received will become public documents;
   (vi) provides contact details for further enquiries; and
   (vii) outlines the decision making process of which the consultation is a part.

(c) Appropriate and timely opportunities are to be provided for people to gain access to information and to be involved in community engagement programs and should result in greater confidence in the Council and responsive decision making.
(d) Presentations by members of the public at formal Council meetings are governed by Local Government (Procedures at Meetings) Regulation number 11 (Deputations).

(e) The Council has a responsibility to consider all submissions in a balanced way, and recognises that community opinion is one aspect of the decision making process. The Council will strive to make decisions for the good governance of the district as a whole, over the long term, taking account of all the influences and factors relevant to any particular matter. The Council is required to make decisions that are equitable, economically, socially, culturally and environmentally appropriate, timely and in accord with legislation.

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Statutory Requirements
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Section 50 provides that:

- The council must set out the steps that the council will follow in cases where the Local Government Act requires consultation on a matter, and
- The council may set out the steps that council will follow in other cases involving the council’s decision-making.

(a) In addition, under the Local Government Act the council has the following obligations where it is required by law to follow its public consultation policy.

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
• Council must publish a notice in a newspaper circulating in the area and on the council’s website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice.
• Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, the council must submit the proposal to a public consultation process.

(c) The Local Government Act 1999 requires that community consultation be undertaken in relation to the following matters. Legislative requirements must be followed with regard to:

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- Prudential requirements for certain activities Section 48 (2)(d) (5) & (6)
- Public consultation policy Section 50(6)
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- Strategic management plans Section 122(6)
- Annual Business Plans & Budgets Section 123(3)(b)
- Basis of rating Section 151(5)
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- Passing by-laws Section 249
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Additional Matters For Consultation

Where there are legislative requirements for consultation under other legislation applicable to the council, such as the Development Act 1993, these specific processes take precedence over this policy, should there be any inconsistency.

In addition to the matters set out in the Local Government Act 1999, the Council may choose to follow this policy in regard to other matters. Without limiting the extent of the operation of this policy, issues warranting community consultation may include:

- Major public infrastructure developments - an extended public consultation period of 28 days be undertaken for major public infrastructure developments. Council also take into consideration delivery methods of public consultation and community engagement for major projects.
The provision of services and facilities
• Traffic management
• Proposals for change

Implementation Of This Policy
This policy applies to Council Members sitting as the elected body, council employees, contractors, agents and consultants acting on behalf of Council.
The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

ACKNOWLEDGMENT:
This Policy has been sourced from the Unley City Council whose permission has been granted to use as a template by the Berri Barmera Council. Additional text has been sourced from the LGA SA Public Consultation Policy template.
13.6 Status of Resolutions, May 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 13.6 titled “Status of Resolutions, May 2019” as presented to the Council meeting, receive and note the report.

ATTACHMENTS:
- Yes
- List
  Attachment 1 – Status of Resolutions – May 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>
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<tr>
<td>22 November 2016</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>
</tbody>
</table>
|                 | CEO     | Exec  | 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             | Painting completed. Final sealing coat being investigated and storyboard to be ordered and installed.                                      |
| 22 May 2018     | CEO / MCD| Infra  | 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 | 4990/18    | 13.4             | Needs investigation underway, Stakeholder workshop planned in August delayed subject to SAPOL/risk services availability. Preliminary Legislative |

Resolution completed
<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>28 August 2018</td>
<td>CEO</td>
<td>Exec</td>
<td>Strategic Planning and Asset Management – Cr Centofanti&lt;br&gt;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.</td>
<td>5060/18</td>
<td>10.1</td>
<td>To remain active as per Motion 5222/19 February 2019 Council meeting&lt;br&gt;Budget meetings and Strategic Planning workshop conducted with Strategic Matters 16/4. COMPLETED</td>
</tr>
<tr>
<td></td>
<td>MES/MP</td>
<td>Exec</td>
<td>Council Accommodation Review&lt;br&gt;Council identifies a preferred solution to its short-term office accommodation needs as remodelling existing accommodation and instructs staff to engage a suitable architectural or interior design firm to develop scope, plans and cost estimates for further consideration by Council prior to progressing.</td>
<td>5075/18</td>
<td>16.2</td>
<td>Grieve 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 during May 2019. See Deputation and Report</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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</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 with disabled parking included has been approved for Council to be included in DRAFT 2019/20 Budget</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 October 2018. Waiting on availability of volunteer to erect shelters. Shelters currently being erected</td>
</tr>
<tr>
<td>27 November 2018</td>
<td>CEO</td>
<td>Executive</td>
<td>Governance and Management Structure</td>
<td>5138/18</td>
<td>5.9</td>
<td>EOI for Friends of Bonney Theatre to be released prior to the end of March 2019. COMPLETED, first meeting has been held.</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. 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.</td>
<td>5139/18</td>
<td></td>
<td>The EOI for: Cemetery Advisory and Lake Bonney Caring for Country Management</td>
</tr>
<tr>
<td></td>
<td>CEO</td>
<td></td>
<td>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.</td>
<td></td>
<td></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 No. etc.)</td>
<td>Status</td>
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</tr>
<tr>
<td>27 November 2018</td>
<td>MCD</td>
<td>Community</td>
<td>MOTIONS WITHOUT NOTICE: Council area image library – Cr Kassebaum</td>
<td>5158/18</td>
<td>12.2</td>
<td>2. Initial Administrative discussions have been held in relation to the image requests from the public.</td>
</tr>
<tr>
<td>18 December 2018</td>
<td>MIS</td>
<td>Infrastructure</td>
<td>Seating Request for Link SA Bus users</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 Shelter has been ordered</td>
</tr>
</tbody>
</table>

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.

That Council:
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.
<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>Officer</th>
<th>Dept.</th>
<th>Subject</th>
<th>Motion No.</th>
<th>(Report etc.) No.</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18 December 2018</strong></td>
<td>MESMP</td>
<td>Environmental</td>
<td>Riding For The Disabled Association SA Inc., Riverland Branch</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><strong>21 December 2018</strong></td>
<td>MCD</td>
<td>Community</td>
<td>Citizen and Community Awards Selection Panel</td>
<td>5182/18</td>
<td>3.1</td>
<td>Initial Costings reviewed. Small project of less than $3000 depending on final material. Can be funded from existing Australia Day and Events budget lines. Concepts to be compiled and submitted to Council for direction.</td>
</tr>
<tr>
<td><strong>22 January 2019</strong></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>Support Letter provided and Expression of Interest submitted by RPC to funding body. Budget Allocation in DRAFT Budget 19/20 Council contribution. State funding announcement Pending.</td>
</tr>
<tr>
<td><strong>26 March 2019</strong></td>
<td>CEO</td>
<td>Exec</td>
<td>Riverfront Development – Cr Sindos</td>
<td>5242/19</td>
<td>10.1</td>
<td>See Report 13.5 Updated Policy presented for adoption. COMPLETED</td>
</tr>
</tbody>
</table>

Berri Barmera Council-Agenda for Ordinary Council Meeting to be held 28 May 2019

121
<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>Officer</th>
<th>Dept.</th>
<th>Subject</th>
<th>Motion No.</th>
<th>(Report etc.) No.</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 March 2019</td>
<td>MES/MP</td>
<td>Envi</td>
<td>Motions Without Notice – Riverland Regional Innovation and Sports Precinct; Air Conditioning – Cr Winnall</td>
<td>5264/19</td>
<td>18.3</td>
<td>Report tabled to Special meeting of Council 16th May-progressing actions to meet deadlines</td>
</tr>
<tr>
<td>23 April 2019</td>
<td>MES/MP</td>
<td>Env. Serv</td>
<td>Environment and Sustainability Committee – Minutes from meeting held 12 March 2019</td>
<td>5396/19</td>
<td>16.2</td>
<td>COMPLETED</td>
</tr>
<tr>
<td>23 April 2019</td>
<td>MES/MP</td>
<td>Env. Serv</td>
<td>South Australian Planning System Reforms 2 That Elected Member Workshops are arranged for May to provide a summary of Joint Planning Board Pilot Program / Business Case and revisit objectives for joint planning arrangements.</td>
<td>5397/19)</td>
<td>16.4</td>
<td>Workshop will be held in June to coincide with DCLW and RPC meetings (separate sessions for each Council)</td>
</tr>
<tr>
<td>23 April 2019</td>
<td>MES/MP</td>
<td>Env. Serv</td>
<td>Coombe Street Masterplanning – Cr Kassebaum That Council deliver a Coombe Street Master Plan in 2019/20, and a further review of scheduling of other precinct master Plans occur as part of 2020/21 Draft Budget deliberations.</td>
<td>5399/19</td>
<td>18.2</td>
<td>Coombe Tce Master Plan quotes being obtained.</td>
</tr>
</tbody>
</table>
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
No additional requests have been received this month, other than those forwarded for consideration to the Grants Selection Panel.

Community Grants applications for Round 2 2018/19 have been considered and approved via the Grant Selection Panel and are the subject of another report in this agenda.

Community Activities
Staff have been working on
- NAIDOC Week displays
- Working with Morris Club of Australia regarding their Annual Rally to be held in Berri during Easter 2021
- Country Music Hands of Fame Civic reception
- Attending consultations for the State and National Disability and Inclusion Plans/Strategies

Berri VIC
We have been operating with casual and back up staff for a number of months and these staff are to be congratulated with their efforts over this time.

Aside from regular business, we have been preparing for the biennial VIC Accreditation Audit which was completed last week. A special mention to Cathy LeMaistre who has undertaken a lion’s share of this work and also to our casual pool and customer service staff who have been fill rostered rolls with in the centre.

HR are currently in the process of recruiting a fulltime Visitor Information Officer, and it is hoped that this role should commence some time in June.
The current Visitor Centre display, celebrating History month focuses on Grant Park, the original Monash Adventure Playground. The display has been well received by visitors and locals and thanks to the efforts of casual team member Sue John.

April visitor numbers continue the gradual drop off from peak summer visitor season but remain consistent with last year’s attendance data.

![VIC Comparisons March/April 2019](image)

The core purpose ratios of each visitor interaction, remain similar to March 2019 data, however there are some changes compared to the annual statistics. There have been some moderate percentage increases in retail (and toilet access only) visits, these were expected and relate to the reduction in bus enquiries after the new Stateliner agency was established.

![VIC April 2019](image)
Council Electronic Communications

- Facebook postings for the month of April.
  - Council’s primary Facebook page has 2,707 followers (only a minor increase from last month). The site recorded 42 posts last month which is in line with proposed monthly target.
  - Lost & Found Pet’s has 982 followers; an increase of 1% (11 individuals) since last month which is consistent with recent monthly growth.
  - The combined Library Services page continues to grow with a following of 285.
- The highest engagement posts for the month of April from Council’s Facebook Page were:

  Berri Barmera Council
  Published by Council Information Team on April 20 at 2:13 PM

  FLASHBACK FRIDAY - who remembers crossing over the punts at Berri? This image from the 1950s is courtesy of the State Library of South Australia, Crossing the Murray, Berri (© 42097)

  Get More Likes, Comments & Shares
  This post is performing better than 95% of other posts on your Page. Boost it to get more great results.

  1,316
  People Reached
  171
  Engagements

  Most Relevant

  Write a comment...
  "Robyn Schulte I remember the old wooden ones at Kingston..."
  Like · Reply · Message · 5d
  "Janet Rowe Berri, Kingston on Murray, Blanchminster, very slow trip to Adelaide. My Uncle worked on them..."
  Like · Reply · Message · 4d
  "Shelley Robinson Wasn’t that many years ago..."
  Like · Reply · Message · 4d

  FLASHBACK FRIDAY - Celebrating month in playground back in the 50's. If you pop into the farm corner information centre they have a display of old photos and memorabilia to bring back those special memories.
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:
No
14.2 Friends of Bonney Theatre Working Group – Minutes from meeting held 7 May 2019

REPORT AUTHOR: MCD
RESPONSIBLE MANAGER: MCD
RECORDS REF: MEET-COM
STRATEGIC LINKS: Yes; Confident and Contributing Community: Objectives 1, 6; Smart Infrastructure: Objective 2
FINANCIAL IMPLICATIONS:
- Impact: Nil
- Budget Description: Friends of Bonney Theatre
- Allocation: $10,000
- Expenditure to Date: $454

SUMMARY:
The minutes of the meeting of the Friends of Bonney Theatre Working Group held 7 May 2019.

REPORT:
Background
N/A.

Discussion:
The meeting of the Friends of Bonney Theatre Working Group was held 7 May 2019, the minutes of the sub-committee are attached to be received by Council. The Committee put forward several recommendations for Council decision.

The next meeting is scheduled for Tuesday 6th August 2019.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered Report 14.2 titled “Friends of Bonney Theatre Working Group – Minutes from meeting held 7 May 2019” as presented to the ordinary council meeting, receive and note the report.
2. receive the Minutes of the Friends of Bonney Theatre Working Group Meeting held on the 7 May 2019.
3. adopt the following recommendations of the Committee:
   Item 4 Nomination for Position of Chairman
   MOTION (FOBWG 1/19):
   That Friends of Bonney Theatre Working Group Chairperson be David Waterman.
Item 5  Time/Place/Day of Meeting
MOTION (FOBWG 2/19):
That the Friends of Bonney Theatre Working Group meetings be held the first Tuesday of March, August and November at the Soldiers Memorial Hall in Barmera at 5.30pm.

Item 6  CONFIRMATION OF MINUTES
MOTION (FOBWG 3/19):
That the minutes of the Friends of Bonney Theatre Complex Committee Meeting held on 2 October 2018 are taken as read and confirmed.

Item 12.5  Membership
MOTION (FOBWG 4/19):
That it is recommended to Council that Kent Barney is endorsed as a committee member as the representative of the National Trust

ATTACHMENTS:  Yes  List
Attachment 1 - Minutes for Friends of Bonney Theatre Working Group Meeting held 7th May
THE BERRI BARMERA COUNCIL
MINUTES FOR A MEETING OF THE FRIENDS OF BONNEY THEATRE COMPLEX COMMITTEE TO BE HELD ON TUESDAY MAY 7th 2019 AT 5.30 P.M. AT THE SOLDIERS MEMORIAL HALL BONNEY THEATRE COMPLEX BARMERA

1: **WELCOME** (A Haigh)

2: **PRESENT:**
   
   (NOTE): Committee Members are:
   
   **Council:** Cr Centofanti, Cr Fuller, Cr Sindos and Mayor P Hunt
   
   **Riverland Musical Society:** J Dawes
   
   **National Trust Barmera Branch:** Kent Barney (to be endorsed)
   
   **Bonney Theatre Art & Craft Gallery:** J Cottam, G Rickard
   
   **Community:** D Waterman
   
   **Non Voting members**
   
   **Staff:** A Haigh and C LeMaistre
   
   **Guests:** Nil

3: **APOLOGIES:** D Freer and T Scott

4. **NOMINATION FOR POSITION OF CHAIRMAN**

   Note: the Terms of Reference: that the Chair does not have to be an elected member – D Waterman nominated by J Dawes and Seconded by R Centofanti.

   **MOTION (FOBWG 1/19):**
   
   That Friends of Bonney Theatre Working Group Chairperson be David Waterman.

   J Dawes/Cr Centofanti Carried

5. **TIME/PLACE/DAY OF MEETING**

   **MOTION (FOBWG 2/19):**
   
   That the Friends of Bonney Theatre Working Group meetings be held the first Tuesday of March, August and November at the Soldiers Memorial Hall in Barmera at 5.30pm.

   Crs Fuller/Sindos Carried

6: **CONFIRMATION OF MINUTES:**

   **MOTION (FOBWG 3/19):**
   
   That the minutes of the Friends of Bonney Theatre Complex Committee Meeting held on 2 October 2018 are taken as read and confirmed.

   J Dawes/Cr M Fuller Carried

7. **MEMBERS DECLARATION OF INTEREST:** Nil

8. **CONFIDENTIAL ITEMS CONSIDERATION:** Nil

9. **DEPUTATION:** Nil
10. QUESTIONS/MOTION WITH NOTICE: Nil

11: FORWARD PLANS FOR THE COMMITTEE:

11.1 Goals of Committee Members

11.1.1 Power Upgrade – provision of funds have been allocated in the 2019/2020 budget, also waiting on the outcome of Commonwealth Government’s Drought Communities Project as will look at packaging this project. Query whether the heating will be working during the Country Music Festival.

ACTION: A Haigh to follow up status of theatre heating and advise members.

11.1.2 Use of Theatre – generate more interest in utilising the building as a venue space. Proposed activities include:

- Movies: The Theatre is equipped with a screen and projector. With the assistance of Barmera Central and other community groups including Riverland Musical Society could hold “themed” movie nights/matinees which could include decorations and sets.
- Sporting/Community groups: AGM’s, gala/balls, dances, fundraisers.
- Weddings/Engagement parties: a reception venue.
- Private functions: birthday parties.
- Exhibitions.

Promotion/Marketing – suggest that community groups/advocates are enlisted to assist with marketing activities and social media.

- Cr Fuller advised that Barmera Central have the capacity to assist.
- A Haigh advised that he is meeting with two potential groups to talk about activity generation for the space but also assist with marketing the venue.

11.2 Outstanding Action from Friends of Bonney Complex Committee Meetings

11.2.1 Quote for Screen Skirting – at the October 2018 meeting D Waterman was to obtain a quote. D Waterman advised that it will cost $500 to purchase the block out material for skirting.

11.2.2 Lead lighting - Bronte Heuzenroder is to continue to work on the final product and it has been requested for the project to be completed by end of this financial year. Check on the lighting proposed and that it will be activated by main light switches. Request to get indicative cost for the high level windows to have lead-lighting installed.

ACTION:

- D Waterman to follow up Christina to finalise a quote for the Screen Skirting
- Requested that D Freer ask Centofanti’s to move the theatre screen as far forward as possible to allow for projection size to be increased
- A Haigh to email Bronte’s final design to the group and also to obtain an indicative cost for lighting of the window.

11.3 Bookings and Activities Update

11.3.1 Riverland Musical Society
Bonney Theatre and Soldiers Memorial from 30 June to 29 July

11.3.2 Riverland Country Music Festival
Bonney Theatre from 31 May to 10 June 2019.
11.3.2 **SALA Festival**
Soldiers Memorial Hall from 11 August to 2 September 2019

11.3.3 **St Josephs Primary School**
Bonney Theatre from 26 August to 30 August 2019 for their school performance.

11.3.4 **Country Musical Committee**
A Haigh advised he will remind the group regarding them vacating the office space by the end of July. Discussions regarding any opportunity to pursue Rocky’s Hall of Fame and Pioneer Museum as an alternative venue will have to be recommenced. The office space currently occupied by the committee is to be utilised as a small meeting room.

11.3.5 **Hawdon Chambers**
A Haigh advised that A Hermann has taken over the space at Hawdon Chambers with the group “Part of Things”. They have held 5 planning workshops and are currently surveying young professionals within the area to see what they would like incorporated into the program. They are about to launch “Thinker in Residence” pushing out to people around getting ideas. A Hermann plans to have the facility open and operational by 22 June 2019.

11.4 **Maintenance and Building Activities**

**Hand Rail** - J Cottam advising they have been waiting for a hand rail for entry into the gallery from the front door for nearly 18 months. It was suggested that D Freer has received quote of approximately $1,000, which was deemed expensive, the high cost due to the hand rail having to be heritage style.

**ACTION:** Requested that D Freer provide a copy of the design and specifications of the proposed art gallery handrail to Cr Fuller who will pursue alternative quotes.

**Supper Room:**
Upgrades for the Supper room and adjacent toilets are budgeted for next year
- The installation of a curtain divider, to replace the old slide partition will be undertaken by RMS
- Query whether the ceiling in the kitchen is going to be replaced or repainted
- Query whether the kitchen will be upgraded so that it can be registered for commercial use.

**ACTION:** Property Team to advise:
- whether the ceiling in the kitchen is going to be replaced or repainted
- whether there are plans for the kitchen to be upgraded so that it can be registered for commercial use.

**Art rail lighting**
J Cottam requested an update of the lighting for the art rails that have been installed in the hall from the Theatre Foyer.

**ACTION:** D Freer to be asked to follow up on status of lighting for Art rail.

12: **OTHER BUSINESS:**

12.1 J Cottam (Gallery) would like a key to the sound room as they would like to store some item in that space.

**ACTION:** D Freer be asked to provide a key that allows access to sound room and SMH for the Gallery
12.2 G Rickard (Gallery): currently event notices are being stuck on the windows and this is time consuming to clean. Also poses the risk of scratching the coating on the glass. Recommended that a Notice Board be put up outside of the building in the space adjacent to the female toilets.

**ACTION:** Property team to investigate Notice Board options, including the concept of using the old Window frame adjacent to female toilets

12.3 G Rickard (Gallery): advised that some of the windows do not close property, the lights on the outside of the building attract bugs which then get inside their office.

**ACTION:** Solutions to allow upstairs Gallery windows to be closed are to be investigated by property team.

12.4 Cr Centofanti advised that the Riverland Suicide Prevention group have been contacted by RUOK group and would like a space for them to meet and engage with the community on 17 and 18 August 2019.

**ACTION:** A Haigh to look at hall availability, other events and/or alternative options like marquee in main street.

12.5 **Membership**

**MOTION (FOBWG 4/19):**
That it is recommended to Council that Kent Barney is endorsed as a committee member as the representative of the National Trust

Cr M Fuller/J Dawes    Carried

13: **CLOSURE:** at 6.20 pm

Next meeting 6 August at 5.30pm
SUMMARY:
To provide an update of Berri Barmera Library Services with statistics for the last 3 months, and activities and projects for the month of April 2019.

REPORT:

Discussion:

<table>
<thead>
<tr>
<th>BERRI LIBRARY</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door Count</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of customers entering and exiting via the front &amp; side doors</td>
<td>32072</td>
<td>30731</td>
</tr>
<tr>
<td>Internet Bookings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 &amp; 1/2 hour internet bookings on the 6 Public PC’s</td>
<td>1157</td>
<td>796</td>
</tr>
<tr>
<td>Room Bookings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GHS &amp; Public Library Room Bookings</td>
<td>243</td>
<td>398</td>
</tr>
<tr>
<td>Website Sessions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visits to out BBLS website</td>
<td>2634</td>
<td>2189</td>
</tr>
<tr>
<td>Baby Rhyme Time</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of attendees at our weekly sessions</td>
<td>220</td>
<td>168</td>
</tr>
<tr>
<td>Children’s Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of attendees at our weekly sessions</td>
<td>43</td>
<td>110</td>
</tr>
<tr>
<td>Holiday Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of attendees at school holiday activities (only 1 session)</td>
<td>110</td>
<td>20</td>
</tr>
<tr>
<td>In-Transit Holds - Outgoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit hold items sent to other One Card System SA Public Libraries</td>
<td>2308</td>
<td>2419</td>
</tr>
<tr>
<td>In-Transit Holds - Incoming</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit hold items received from other One Card System SA Public Libraries</td>
<td>1683</td>
<td>1129</td>
</tr>
<tr>
<td>eBooks, Audiobooks &amp; eMags</td>
<td></td>
<td></td>
</tr>
<tr>
<td>eBooks etc. borrowed from SA Public Libraries eResources collection by Berri users</td>
<td>1008</td>
<td>1241</td>
</tr>
<tr>
<td>Loans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total loans made on system (counting renewals)</td>
<td>12930</td>
<td>11352</td>
</tr>
<tr>
<td></td>
<td>2018 Feb - Apr</td>
<td>2019 Feb - Apr</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------</td>
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<tr>
<td>Door Count</td>
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<td>10650</td>
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<td>Council Services</td>
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<td>379</td>
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<td>3677</td>
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<td>Baby Rhyme Time</td>
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<td>390</td>
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<tr>
<td>Children's Activities</td>
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<td></td>
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<tr>
<td>Holiday Activities</td>
<td>76</td>
<td>82</td>
</tr>
<tr>
<td>In-Transit Holds -</td>
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<tr>
<td>Outgoing</td>
<td>1330</td>
<td>1123</td>
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<tr>
<td>In-Transit Holds -</td>
<td></td>
<td></td>
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<tr>
<td>Incoming</td>
<td>1554</td>
<td>1134</td>
</tr>
<tr>
<td>eBooks, Audiobooks &amp;</td>
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<td></td>
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<td>eMags</td>
<td>735</td>
<td>1235</td>
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<tr>
<td>Loans</td>
<td>9165</td>
<td>8200</td>
</tr>
</tbody>
</table>

**Special Events & Displays**

- **Easter Raffles** - Barmera and Berri Libraries both held a free Easter raffle for anyone who borrowed in the weeks leading up to Easter. At Barmera 139 entries were received and Patrice Porcellar-Calvo and Mason Thomas correctly picked that there were 99 eggs in the jar to both win jars full of chocolate eggs. At Berri, congratulations go to Karen Richards who won our first prize basket of Easter eggs and to Enid McGovin who won our second prize.

- **Seed Library** - Calling all green thumbs, the Berri Library now has a Seed Library! Every month customers can come and collect a variety of FREE seeds, including vegetables and flowers. They take them home and watch them grow and kids can be involved too! We hope to build up our seed library by receiving seeds back – they may be some that our members have grown themselves or their favourite vegetable or flower that they would love to share. Thanks go to Cynthia Harvey, our Community Library Officer for the idea and all her hard work in establishing our new seed library during April. Early indications are that it is going to be very successful.

- **SA History Month Preparation** – Staff at both Berri and Barmera libraries have been very busy getting ready for the SA History Festival in May. The SA History Festival (historyfestival.sa.gov.au) released an extensive program of events in April and it is really impressive to see that 9 of the total 19 Riverland advertised events/activities in this guide are by the Berri Barmera Council!
**Children’s Holiday Activities**

- Miriam from Relationships Australia held a Brain Sprouts session at Barmera Library during the first week of the April school holidays, featuring garden yoga, calming colouring and craft activities.
- Easter rabbits were made in the first week of the holidays at Barmera, with the Easter Bunny making a surprise visit to give all the children an egg and stay for a quick chat. Pencil holders from recycled tins were made in the second week.
- At Berri Library we had a great turnout for our Thursday Easter craft activity that involved decorating Easter biscuits and making colourful Easter baskets. The ANZAC Day public holiday on the second week of the holidays meant we did not hold the follow-up Thursday craft session.

**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 May 2019

REPORT AUTHOR: AO
RESPONSIBLE MANAGER: A/MIS
RECORDS REF: -
STRATEGIC LINKS: Goal 1: Confident and Contributing Community; Objectives 2, 6 & 7
Goal 2: Diverse Economy; Objectives 6 and 7
Goal 5: Strong Internal Capability and Capacity; Objective 2

FINANCIAL IMPLICATIONS: Impact No
Budget Description -
Allocation $-
Expenditure to Date $-

SUMMARY:
A brief overview of works undertaken since the previous Ordinary Meeting of Council.

REPORT:
Discussion
Capital Projects
- Berri Riverfront Retrofit Consultation –
  - 54 submissions have been sent to HDS engineers. The information from these submissions will be used to create several concepts for consideration.
  - A full report to Council will be provided once all submissions have been considered and reviewed by external traffic experts providing Council with options, costings and assurance of compliance.
- Kerbing Replacement 2018/19 – Fairway Ave has been resealed.
- Berri Riverfront Wharf –
  - Final two pours of concrete to be undertaken.
  - Fenders and sheet pile cap currently being installed.
  - Existing ramp at VIC to be modified to go from wharf to the pontoon adjacent to the Hotel.
- Jury Road Upgrade – Landbrokers, Herron White and Todd are continuing negotiations on Council’s behalf for land acquisitions.
- Vaughan Terrace Power Upgrade – Works have commenced for this upgrade.
- Berri Oval Grandstand Viewing Mound upgrade – This project has been deferred due to the commencement of the football season.
- 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 due to delays.
- Roads – Lock 3 Road rubble pits are to be rehabilitated.
- Reseals – Resealing of Riverview Drive was scheduled to commence on the 20th of May but will be rescheduled due to wet weather conditions.
- Plant Replacement – 6 tonne tipper replacement and 3.5 tonne truck replacement have been delayed due to the body builder and they are now expected to arrive on the 26th of June.

General Projects /Maintenance
- Parks and Gardens:
  - Manifold Park has been remulched.
  - General tree maintenance – trees around the district are currently being shaped.
  - A tree in Spriggs Street has been removed by Riverland High Works for garbage truck and bus access.
  - Spindly trees in Wade Street Park have been swapped with trees of a higher quality.
• 85 trees have been purchased and are currently in the plant house ready to replace stumps around the district.
• Street tree requests have been ongoing.

**Playgrounds:**
• Monash Adventure Park – installation of the rubber softfall under the Burmese bridge has been completed by contractors.
• A contractor has been sourced to assist with the management of the duck population and we are awaiting permitting from the relevant authorities.
• Replacement parts for the Skywalker in Barmera have arrived and been fitted.
• General playground maintenance

**Irrigation** - Mainline blowouts have been repaired at Berri Hospital and Glassey Park.

**Cemeteries** – Ground penetrating radar – results to be received sometime this week.

**Community Events** – Bins provided for Tour Riverland, Berri Easter, Hotel Cinema Night and Barmera Twilight Markets.

**Line Marking:**
• Lines have been marked at the Bluebird Café in Barmera.
• Quote has been received to line mark Lock 3 Road.

**Sign Maintenance** – Maintenance staff member has been taking photographs of signs within the district that require replacing.

**Waste** – Green waste Investigations continuing.

**Road Maintenance**
• Final trim of Woolmer Road has been completed.
• General patching.
• Roadside tree trimming is still ongoing.
• District grading has commenced.

**RECOMMENDATION:**
That Council, having considered Report 15.1 titled “Works Status May 2019” as presented to the 28 May 2019 Council meeting, receive and note the report.

**ATTACHMENTS:**
No
15.2 Berri Senior Citizen Carpark

REPORT AUTHOR: AO, A/MIS
RESPONSIBLE MANAGER: A/MIS
RECORDS REF: -
STRATEGIC LINKS: Yes; Confident and Contributing Community; Objective 7
FINANCIAL IMPLICATIONS:
<table>
<thead>
<tr>
<th>Impact</th>
<th>Nil</th>
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</thead>
<tbody>
<tr>
<td>Budget Description</td>
<td>Kerb Maintenance</td>
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<tr>
<td>Allocation</td>
<td>$67,552</td>
</tr>
<tr>
<td>Expenditure to Date</td>
<td>$56,190</td>
</tr>
</tbody>
</table>

SUMMARY:
To provide safer access to vehicles by Senior Citizens and general carpark users.

REPORT:
Background: N/A

Discussion:
At a recent meeting with Council I was asked to place “cut through paths” through the three median strips in the Senior Citizen car parks. This project is estimated to cost around $2730 and will come under our maintenance budget line.

Upon inspection of the site it was noted that there will be a loss of six car parks to allow access and egress to our newly cut through paths. These six parks would be “hashed” out by line marking to prevent cars from parking there.

It was suggested that these paths be constructed to allow the safe passageway for the Senior members of our community so they don’t have to navigate over the high kerbing to get around the median strips when accessing their vehicles.

Conclusion:
N/A
RECOMMENDATION:
That Council:
1. having considered Report 15.2 titled “Berri Senior Citizen Carpark” as presented to the Council meeting, receive and note the report.
2. That the removal of six carparks be approved to create a safe access to vehicles for Senior Citizens as shown below:

ATTACHMENTS: No
16: ENVIRONMENTAL SERVICES:

16.1 Environmental Services and Major Projects – April/May 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:

<table>
<thead>
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<td>Budget Description</td>
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<td>Allocation</td>
<td>$ various</td>
</tr>
<tr>
<td>Expenditure to Date</td>
<td>$ multiple</td>
</tr>
</tbody>
</table>

SUMMARY:
The following represents key activities being undertaken by Environmental Services and Major Projects Team over the April and May 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:

Berri Solar Farm
- Continued dialogue with PPA customer’s consultant and other parties.
- Negotiated extension to SA Power Networks connection offer execution to 30 June 2019 allowing additional time for customer advice and subsequent reporting to Council in June.

Riverland Regional Innovation & Sports Precinct
- Air Conditioning issues investigations and costings.

Lake Bonney Caring for Country Management Plan
- Liaison Murray Darling Basin Authority regarding grant conditions and preparatory work.
- Meeting RMMAC to update and provide advice regarding project timing, communications and key issues.
- Significant project delivery planning activity including reviewing schedules, budgets and allocated responsibilities.

Fire Season close
- Inspections of piles of materials on properties ready for burning to advise owners of any unsuitable materials and other appropriate advice.
Building Rules Consents:
The following table provides statistics for development approvals to the end of April 2019.

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>No.</th>
<th>Value $</th>
<th>YEAR TO DATE</th>
</tr>
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<tbody>
<tr>
<td>Dwellings</td>
<td>1</td>
<td>250,312</td>
<td>4</td>
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<tr>
<td>Dwelling Extensions/Renovations</td>
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<td>197,156</td>
<td>2</td>
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<td>Commercial</td>
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<tr>
<td>Commercial Extensions/Renovations</td>
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<td>Health Services</td>
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<tr>
<td>Industrial &amp; Wine Storage</td>
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<td>-</td>
<td></td>
</tr>
<tr>
<td>Industrial Extensions/Renovations</td>
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<td>-</td>
<td></td>
</tr>
<tr>
<td>Verandah/Carports</td>
<td>7</td>
<td>39,649</td>
<td>16</td>
</tr>
<tr>
<td>Verandah/Carport Extensions</td>
<td>0</td>
<td>-</td>
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<tr>
<td>Garages/Sheds</td>
<td>6</td>
<td>85,316</td>
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<tr>
<td>Garage/Shed Extensions</td>
<td>1</td>
<td>4,000</td>
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</tr>
<tr>
<td>Swimming/Spa Pools</td>
<td>0</td>
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</tr>
<tr>
<td>Signs</td>
<td>0</td>
<td>-</td>
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<td>Churches</td>
<td>0</td>
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<tr>
<td>Special</td>
<td>0</td>
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<tr>
<td>Demolition</td>
<td>4</td>
<td>30,000</td>
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<tr>
<td><strong>TOTAL:</strong></td>
<td>10</td>
<td>$699,198</td>
<td><strong>38</strong></td>
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Development Plan Consents:
The following applications were granted development plan consent in April 2019.

<table>
<thead>
<tr>
<th>Code</th>
<th>Applicant</th>
<th>Address</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>752/024/19</td>
<td>STRATCO PTY LTD</td>
<td>FLAT 7/24 LAKE AVENUE BARMERA SA</td>
<td>Freestanding Carport</td>
</tr>
<tr>
<td>752/021/19</td>
<td>ROCKFORD HOMES LTD</td>
<td>5 VAUGHAN TERRACE BERRI</td>
<td>Change of use (part of building) from shop to offices and consulting rooms.</td>
</tr>
<tr>
<td>752/043/19</td>
<td>STRATCO PTY LTD</td>
<td>34 WARNECKE ROAD MONASH</td>
<td>Outbuilding (Shed)</td>
</tr>
<tr>
<td>752/034/19</td>
<td>STRATCO PTY LTD</td>
<td>167 BROWN ROAD MONASH</td>
<td>Outbuilding (Shed)</td>
</tr>
<tr>
<td>752/035/19</td>
<td>ROY REGINALD SCADDEN</td>
<td>17307 STURT HIGHWAY BARMERA</td>
<td>Carport</td>
</tr>
<tr>
<td>752/032/19</td>
<td>CENTOFANTI DESIGN &amp; CONSTRUCT PTY LTD</td>
<td>222 WINKIE ROAD WINNIE</td>
<td>Dwelling alterations and additions</td>
</tr>
<tr>
<td>752/020/19</td>
<td>GJ GARDNER HOMES RIVERLAND</td>
<td>1 MANALLACK COURT BARMERA</td>
<td>Single-storey detached dwelling with garage (under main roof) alfresco and portico solar panels and associated driveway and landscaping.</td>
</tr>
<tr>
<td>752/039/19</td>
<td>CHRISTOS HRONOPOULOS PAUL</td>
<td>32 LOBBAN ROAD MONASH</td>
<td>Verandah attached to dwelling</td>
</tr>
<tr>
<td>752/036/19</td>
<td>STRATCO PTY LTD</td>
<td>164 WHITELAW ROAD MONASH</td>
<td>Verandah attached to single-storey dwelling</td>
</tr>
<tr>
<td>752/033/19</td>
<td>TIMOTHY IAN ROLHE</td>
<td>28 FULLER ROAD BERRI</td>
<td>Outbuilding (Shed)</td>
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</table>

RECOMMENDATION:
That Council
having considered Report 16.1 titled Environmental Services and Major Projects – April/May Activity Report as presented to the ordinary Council meeting, receive and note the report

ATTACHMENTS: No
16.2 Camping, Caravanning and Recreational Vehicle Policy Update

SUMMARY:
Feedback from the Martin Bend campgrounds suggests that the Camping, Caravanning and Recreational Vehicle Policy would benefit from an update to define permitted camping durations. Concerns have been raised that intent of the current policy which seeks to limit stays to a fair duration for bona fide visitor needs, is not being met.

REPORT:
The policy is utilised at the Martin Bend camping grounds which is popular with many tourists and campers. Some users stay 21 days, vacate for 1 day and then return to Martin Bend to camp for a further 21 days. As this facility is focussed primarily on the casual camping tourist visitor on a first come first served basis, the following changes will better reflect the intent of the policy and allow for a more fair-minded system.

The current policy identifies the duration of stays as below;

Council shall provide access to accommodation on Local Government Land for a duration of up to twenty-one (21) days. Any person who wishes to extend their stay longer than this limit shall submit their request in writing to Council prior to the completion of their time at the facility for consideration.

It is recommended that the clause be amended to;

Where formal camping is permitted, Council shall provide access to accommodation on Local Government Land for duration of up to twenty-one (21) days within a 6 month period. Any person who wishes to extend their stay longer than this limit shall submit their request in writing to Council prior to the completion of their time at the facility for consideration.

Recommended amendments to the policy have been tracked for the information of members in the attached update.

RECOMMENDATION:
That Council,
1 having considered Report 16.2 titled “Camping, Caravanning and Recreational Vehicle Policy Update” as presented to the ordinary Council meeting, receive and note the report
2 adopts the Camping, Caravanning and Recreational Vehicle Policy with the changes

ATTACHMENTS: Yes

Attachment 1 - Camping, Caravanning and Recreational Vehicle Policy
Keywords:

<table>
<thead>
<tr>
<th>Corporate Plan:</th>
<th>Environmental Services - Caravan, Camping and RV Policy</th>
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<tbody>
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<td>Classification:</td>
<td>Environmental Services - Caravan, Camping and RV Policy</td>
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<td>First Issued/Approved:</td>
<td>May 2013</td>
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<td>Review Frequency:</td>
<td>Annually</td>
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<td>Last Reviewed:</td>
<td>11 September 2018 (SGAMC)28 May 2019</td>
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<td>Next Review Due:</td>
<td>September 2019 May 2020</td>
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<td>Responsible Officer(s):</td>
<td>MES/MP, GICO, PO</td>
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<td>Council File Reference:</td>
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<td>Applicable Legislation:</td>
<td>Local Government Act 1999</td>
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<td>Relevant Policies:</td>
<td>Council By-law Number 3</td>
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<td>Related Procedures:</td>
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<td>Delegations:</td>
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Purpose

The Berri Barmera Council is a significant tourist destination for regional travellers and the Council seeks to utilise this opportunity to support local business. Tourists to our region seek many forms of accommodation, including camping, caravans and the use of Recreational Vehicles (RV’s). There are also back packers and seasonal workers who typically pursue low cost accommodation while staying within our region. There is an opportunity for Council to provide the low cost facilities that these forms of travellers look for without competing with existing commercial operations.

It is also acknowledged that tourist development at inappropriate locations can detrimentally impact on our environment and this is to be avoided by establishing facilities in suitable areas.

Within our region there are other locations provided for camping purposes, both public and private. The purpose of this policy is not to compete with the commercial operations that exist within our area, rather to supplement these activities. The areas provided by Council can also assist with providing opportunities for accommodating the homeless population. Local agencies have utilised Council facilities to place people in urgent need of housing when other facilities are not available.

This policy shall guide Council in the establishment of any Local government land for camping and the appropriate fees and charges that would be applicable. Council can then identify land which it believes is suitable for camping, caravanning and RV use.

Principles

To provide low cost camping as a supplement to the other camping opportunities within our area. Under Council By-law No 3 – Local Government Land, camping or staying on Local Government land is prohibited unless otherwise identified.
POLICY

RV Friendly Locations
It is Council's desire to provide RV Friendly status to the townships of Barmera, Berri and Monash.

Council will seek to provide day use only areas for vehicles in the townships to allow the parking of vehicles towing either a trailer or caravan, as well as RV’s. These areas will not allow for overnight stays to occur but will provide travellers access to the services provided within the towns. These locations will not require a fee once established.

Council may identify sites where overnight stays shall be permitted. Sites may specifically be chosen for RV’s and a charge will be incorporated based on the level of facilities provided as described in the later section of this policy.

For the purposes of this policy, a RV shall be defined as the following:

A vehicle that is fully self-contained with respect to shower, toilet, washing, cooking and sleeping facilities and must have holding tanks for all toilet waste and sullage water, sufficient for at least 48 hours use by the occupants.

Any such locations shall be clearly identified with signage acknowledging that a permit is required for a stay and any regulations. Permits shall be collected with payment of any associated fees.

Traditional Camping
Council may establish areas on Local Government Land for day use only in out of town areas. These areas shall provide safe access and egress from the road and will provide only minimal rest facilities. No overnight stays shall be permitted and no charges shall be incorporated.

Council may identify land in out of town areas that are suitable for traditional camping as well as caravans and RV’s if desired. These locations will provide minimum facilities to cater for overnight stays with fees to be charged based on the facilities provided as defined in the table below.

Any such locations shall be clearly identified with signage acknowledging that a permit is required for a stay and any regulations. Permits shall be collected with payment of any associated fees.

Facilities
Council may choose to include a various range of facilities at any location identified to provide overnight accommodation to visitors. These will generally include a range from the following:

- Toilets;
- Dump point; and
- Water.

Duration of stays
Council shall provide access to accommodation on Local Government Land for a duration of up to twenty-one (21) days within a 6 month period. Any person who wishes to extend their stay longer than this limit shall submit their request in writing to Council prior to the completion of their time at the facility for consideration.

Limit on Numbers
Council shall determine the number of sites at any given location. Once the limit on numbers is reached then no further sites shall be provided. Occupation will be based on a “first come, first served” basis only with no bookings taken in advance.
For the duration of large events that are based within the region, Council may determine that the provision of overflow sites may be appropriate. These shall only be established after consultation with commercial providers and event organisers to determine the nature and scale of any overflow area.

**Nature of Accommodation**

Council shall determine what sort of accommodation is provided and may nominate an area for one or more forms of stay only. Any other form of stay would not be permitted. For example, if an area is identified as an “RV only site” then no camping shall be permitted. This shall be clearly identified with signage at any site.

Council may also choose to utilise land for accommodation purposes during large local events. These sites shall be established immediately prior to and during events only and shall only be considered where there is determined to be a significant visitor influx that local facilities will not sufficiently cater for.

**Charges**

Any fees and charges will be listed in Council’s Fees and Charges Register, which is available for viewing at www.berribarmera.sa.gov.au

These fees are as determined in the following table:

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Facilities</th>
<th>Cost per night</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Day use only</td>
<td>Short duration stays only with one or a combination of the following: • Waste disposal • Toilets • Dump point • BBQ</td>
<td>N/A</td>
</tr>
<tr>
<td>B</td>
<td>Caravanning/RV Reserve</td>
<td>Shall provide for overnight stays</td>
<td>As listed in Council’s Fees and Charges Register</td>
</tr>
</tbody>
</table>

Council land has been used by agencies to provide housing for homeless persons within our region. In order to allow this to continue, Council may allow for a person to be accommodated free of charge at any facility if placed through any recognised care agency. The agencies shall notify Council to arrange accommodation prior to placing any person on site and shall be provided with a voucher for the free accommodation.

**First People**

The Council acknowledges the connection of the first people with the land and water. All efforts shall be made to ensure that the application of this policy is in accord with any agreements between First Peoples and Council, the Aboriginal Heritage Act 1988 and other relevant legislation, with specific consideration given to Native Title.

**Enforcement**

Council staff are responsible for the enforcement of the policy. Those who breach the rules prescribed for any location may be fined as appropriate. Council shall place signage at each location stating the rules of occupancy. Any person staying in conflict to Council’s By-law No. 3 in areas that are not identified for overnight stays may also be subject to appropriate enforcement action.

*Electronic version on the Intranet is the controlled version.  
Printed copies are considered uncontrolled.  
Before using a printed copy, verify that is the current version.*
Purpose
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It is also acknowledged that tourist development at inappropriate locations can detrimentally impact on our environment and this is to be avoided by establishing facilities in suitable areas.

Within our region there are other locations provided for camping purposes, both public and private. The purpose of this policy is not to compete with the commercial operations that exist within our area, rather to supplement these activities. The areas provided by Council can also assist with providing opportunities for accommodating the homeless population. Local agencies have utilised Council facilities to place people in urgent need of housing when other facilities are not available.

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It is Council’s desire to provide RV Friendly status to the townships of Barmera, Berri and Monash.

Council will seek to provide day use only areas for vehicles in the townships to allow the parking of vehicles towing either a trailer or caravan, as well as RV’s. These areas will not allow for overnight stays to occur but will provide travellers access to the services provided within the towns. These locations will not require a fee once established.

Council may identify sites where overnight stays shall be permitted. Sites may specifically be chosen for RV’s and a charge will be incorporated based on the level of facilities provided as described in the later section of this policy.

For the purposes of this policy, a RV shall be defined as the following:

* A vehicle that is fully self-contained with respect to shower, toilet, washing, cooking and sleeping facilities and must have holding tanks for all toilet waste and sullage water, sufficient for at least 48 hours use by the occupants.*

Any such locations shall be clearly identified with signage acknowledging that a permit is required for a stay and any regulations. Permits shall be collected with payment of any associated fees.

Traditional Camping
Council may establish areas on Local Government Land for day use only in out of town areas. These areas shall provide safe access and egress from the road and will provide only minimal rest facilities. No overnight stays shall be permitted and no charges shall be incorporated.

Council may identify land in out of town areas that are suitable for traditional camping as well as caravans and RV’s if desired. These locations will provide minimum facilities to cater for overnight stays with fees to be charged based on the facilities provided as defined in the table below.

Any such locations shall be clearly identified with signage acknowledging that a permit is required for a stay and any regulations. Permits shall be collected with payment of any associated fees.

Facilities
Council may choose to include a various range of facilities at any location identified to provide overnight accommodation to visitors. These will generally include a range from the following:

- Toilets;
- Dump point; and
- Water.

Duration of stays
Council shall provide access to accommodation on Local Government Land for a duration of up to twenty-one (21) days within a 6 month period. Any person who wishes to extend their stay longer than this limit shall submit their request in writing to Council prior to the completion of their time at the facility for consideration.

Limit on Numbers
Council shall determine the number of sites at any given location. Once the limit on numbers is reached then no further sites shall be provided. Occupation will be based on a “first come, first served” basis only with no bookings taken in advance.
For the duration of large events that are based within the region, Council may determine that the provision of overflow sites may be appropriate. These shall only be established after consultation with commercial providers and event organisers to determine the nature and scale of any overflow area.

**Nature of Accommodation**
Council shall determine what sort of accommodation is provided and may nominate an area for one or more forms of stay only. Any other form of stay would not be permitted. For example, if an area is identified as an “RV only site” then no camping shall be permitted. This shall be clearly identified with signage at any site.

Council may also choose to utilise land for accommodation purposes during large local events. These sites shall be established immediately prior to and during events only and shall only be considered where there is determined to be a significant visitor influx that local facilities will not sufficiently cater for.

**Charges**
Any fees and charges will be listed in Council’s Fees and Charges Register, which is available for viewing at www.berribarmera.sa.gov.au

These fees are as determined in the following table:

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Facilities</th>
<th>Cost per night</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Day use only</td>
<td>Short duration stays only with one or a combination of the following: Waste disposal, Toilets, Dump point, BBQ</td>
<td>N/A</td>
</tr>
<tr>
<td>B</td>
<td>Caravanning/RV Reserve</td>
<td>Shall provide for overnight stays</td>
<td>As listed in Council’s Fees and Charges Register</td>
</tr>
</tbody>
</table>

Council land has been used by agencies to provide housing for homeless persons within our region. In order to allow this to continue, Council may allow for a person to be accommodated free of charge at any facility if placed through any recognised care agency. The agencies shall notify Council to arrange accommodation prior to placing any person on site and shall be provided with a voucher for the free accommodation.

**First People**
The Council acknowledges the connection of the first people with the land and water. All efforts shall be made to ensure that the application of this policy is in accord with any agreements between First Peoples and Council, the Aboriginal Heritage Act 1988 and other relevant legislation, with specific consideration given to Native Title.

**Enforcement**
Council staff are responsible for the enforcement of the policy. Those who breach the rules prescribed for any location may be fined as appropriate. Council shall place signage at each location stating the rules of occupancy. Any person staying in conflict to Council’s By-law No. 3 in areas that are not identified for overnight stays may also be subject to appropriate enforcement action.

*Electronic version on the Intranet is the controlled version.*
*Printed copies are considered uncontrolled.*
*Before using a printed copy, verify that is the current version.*
16.3 Cat Management and Registration

REPORT AUTHOR: AO
RESPONSIBLE MANAGER: MES/MP, CO
RECORDS REF: ENQ/REQ-ANIMAL
STRATEGIC LINKS: No
FINANCIAL IMPLICATIONS:

<table>
<thead>
<tr>
<th>Budget Description</th>
<th>Allocation</th>
<th>Expenditure to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cat Management Establishment</td>
<td>$ 15,000</td>
<td>$ 4,442.96</td>
</tr>
</tbody>
</table>

SUMMARY:
Information received via Council’s public consultation of Cat Management By-law in 2017 and 2018, identified community interest to introduce cat management provisions within the Berri Barmera Council. The By Law allows for the registration of cats; however a decision on registration has been deferred as Council allowed for the introduction of mandatory micro-chipping and desexing of new generation cats and dogs. In addition Council has allowed for the introduction of Dogs and Cats Online (DACO) to build up a database of micro-chipped cats in the district thus more efficiently facilitating cat registration if introduced by Council.

The purpose of this report is to provide Council with an indication of resource implications in introducing a cat registration scheme including potential fee options and to discuss community consultation and potential timing.

REPORT:
As reported at the Ordinary meeting of Council on 27 February 2018 public consultation was carried out during late January and early February 2018 of the redrafted Cat Management By Law. A total of 13 submissions were made, all of which were generally supportive of the proposed provisions. A summary of outcomes is provided as follows:

- 7 submissions support proposal.
- 4 submissions support proposal but advocate for containment at all hours.
- 1 submission supports the proposal but not registration of cats noting they have indoor cats.
- 1 submission focussed on “breeders” to be registered and have limit placed on litters produced annually to 3-4.

In addition two of the submissions queried policing of the containment provisions.

The By Law was introduced during a time when there were a number of significant state wide reforms introduced by the Dog and Cat Management Board which include the mandatory microchipping of all dogs and cats.

Dogs and Cats Online System (DACO) will be commencing its second year as at 1 July 2019. The first year of DACO has provided councils and animal owners with challenges and has met with some resistance but has overall been positively received. Issues and requested changes are being updated and continually addressed to deliver better service. The DACO system was developed as self service system with animal owners being able to register, change details and renew registrations online. Currently only 50% of owners are accessing the system independently with the other 50% relying on council staff for assistance. This second year should see a considerable increase for independent access.
Council's Animal Management function is currently resourced through registration fees and other fees for dog management activities only, and has limited capacity to undertake any meaningful cat management activities, including education and enforcement of the proposed nuisance provisions within the current budget provisions. The cat management establishment budgetary line has been utilised for the purchases of additional cat traps and veterinary bills for unidentified stray cats.

The following cat management activities could be undertaken in the 2019/2020 financial year:

- Targeted education of cat owners in regard to their responsibility under the Dog and Cat Management Act and the Councils Cat By-Law
- Community wide educational programs targeted at schools and community group presentations and the distribution of educational literature and material
- Request cat owner input their animal and information into the DACO system
- Cat microchipping days. Previously council has held Chipblitz for discounted microchipping but has largely targeted dog owners.
- Impounding unidentified restrained cats (when possible)
- Investigating and enforcing nuisance allegations

It is important that any the introduction of cat registration is signalled to the community and it is highly advised that the community is consulted prior to a decision being made by Council to ensure widespread support. Followed by the Community consultation and subject to Council consideration of outcomes introduction of cat registration in the 2020/2021 financial year. In line with Councils currently requiring registration of cats suggested fees could be as follows;

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Cat Registration</td>
<td>$5.50</td>
</tr>
<tr>
<td>Non-standard Cat Registration</td>
<td>$11.00</td>
</tr>
</tbody>
</table>

**Conclusion**

It is recommended that Council staff focus on public education over the coming 12 months and request cat owners input their cat’s details into the DACO system with council supplying combined information and help sessions at both the Berri and Barmera Libraries to assist.

This will allow for the database for cats to be increased and would provide a launching point for future registration of cats.

**RECOMMENDATION:**

That Council,

1. having considered Report 16.3 titled “Cat Management and Registration” as presented to the ordinary Council meeting, receive and note the report
2. endorse the proposed action to conduct a community education program over the next 12 months including promoting the input of cat ownership details into the Dogs and Cats online system.

**ATTACHMENTS:**

Yes

List

Attachment 1 – Cat By Law
THE BERRI BARMERA COUNCIL

By-law made under the Dog and Cat Management Act 1995 and
the Local Government Act 1999

By-Law No. 6 – Cats

A by-law to limit the number of cats kept on premises and for the management and control of
cats in the Council’s area.

1. Definitions

In this by-law unless the contrary intention appears:

1.1 authorised person means a person appointed as such pursuant to Section 260 of the
Local Government Act 1999;

1.2 cattery means a building, structure, premises or area approved by the relevant
authority pursuant to the Development Act 1993 for the keeping of cats on a
temporary or permanent basis;

1.3 except for the purposes of clauses 4 and 5, cat, means an animal of the species
‘Felis catus’ that is over 3 months of age;

1.4 Council means the Berri Barmera Council;

1.5 keep includes the provision of food or shelter; and

1.6 for the purposes of clause 4, a cat (or cats) causes a nuisance if it:

1.6.1 unreasonably interferes with the peace, comfort or convenience of a person,
including but not limited to by displaying aggressive nature or creating
unpleasant noise or odour; or

1.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or

1.6.3 acts in a manner that is injurious to a person’s real or personal property; or

1.6.4 wanders onto land without the consent of the owner or occupier of that land;
or

1.6.5 defecates or urinates on land without the consent of the owner or occupier of
that land; and

1.7 premises includes any land (whether or not it is used or occupied for domestic or non-
domestic purposes) and any part of the land.
2. **Limit on Cat Numbers**

2.1 Subject to subclauses 2.3 - 2.5, the limit on the number of cats to be kept on any premises is two.

2.2 Subject to subclauses 2.3 - 2.5 (inclusive), a person must not without permission from the Council keep or cause, suffer or permit to be kept, more than two cats on any premises.

2.3 Permission under subclause 2.2 may be given if an authorised person is satisfied that:

2.3.1 no insanitary condition exists on the premises as a result of cats being kept thereon; and

2.3.2 a nuisance is not caused to any neighbour as a result of cats being kept on the premises.

2.4 The limit in subclause 2.1 and subclause 2.2 do not apply to:

2.4.1 a cattery; or

2.4.2 any other business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

2.5 The limit in subclause 2.1 and the requirement in subclause 2.2 do not apply to those cats being kept on premises on the date that this by-law comes into effect, however, the limit does apply if the number of cats kept on those premises increases after that date.

3. **Registration**

3.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.

3.2 The requirement in subclause 3.1 of this by-law will commence 6 months after the date that the Council resolves to adopt a registration scheme for cats (if it chooses to do so) unless the Council resolves otherwise.

3.3 An application for registration of a cat:

3.3.1 must be made to the Council in the manner and form (if any) and accompanied by the fee (if any) as prescribed by the Council; and

3.3.2 must nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and

3.3.3 must identify, with reference to an address, the premises at which the cat is kept.

3.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

3.5 This clause 3 does not apply to the owner or operator of a cattery.
4. **Cats not to be a nuisance**

4.1 An owner or occupier of premises is guilty of an offence under this By-law if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.

4.2 Without limiting liability under clause 4.1, the owner or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.

4.3 For the purposes of this clause 4, *cat* means an animal of the species *Felis catus* (of any age).

5. **Effective Containment of Cats**

5.1 The owner or person responsible for the control of a cat must ensure that the cat is contained on the premises occupied by that person between the hours of 10pm and 6am daily.

5.2 For the purposes of this clause 5, *cat* means an animal of the species *Felis catus* (of any age).

6. **Orders**

6.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:

6.1.1 if the conduct is still continuing – to stop the conduct; and

6.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

6.2 A person to whom an order under this clause is directed must comply with that order.

6.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

6.4 However, an authorised person may not use force against a person under this section.

**Note** - For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling cats.

This by-law was duly made and passed at a meeting of The Berri Barmera Council held on 27 March 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr David Beaton  
Chief Executive Officer
16.4 Environment and Sustainability Committee – Minutes from meeting held 14 May 2019

REPORT AUTHOR: AO
RESPONSIBLE MANAGER: MES/MP
RECORDS REF: MEET-ESC, N190408-3
STRATEGIC LINKS: Yes; Confident and Contributing Community; Objective 1
FINANCIAL IMPLICATIONS:
- Impact: No
- Budget Description:
- Allocation: $
- Expenditure to Date: $

SUMMARY:
The minutes of the meeting of the Environment and Sustainability Committee held 14 May 2019.

REPORT:
Background:
N/A

Discussion:
The minutes of the meeting of the Environment and Sustainability Committee held 14 May 2019 are attached for information, to be received by Council. The Committee put forward a recommendation for Council decision.

The next meeting is scheduled for Tuesday 9 July 2019.

Conclusion:
N/A

RECOMMENDATION:
That Council:
1. having considered report 16.4 “Environment and Sustainability Committee – Minutes from meeting held 14 May 2019” as presented to the Ordinary Meeting of Council, receive and note the report.
2. receive the Minutes of the Environment and Sustainability Committee meeting held 14 May 2019.
3. adopt the following recommendation of the Committee:
   Item 9.5 Business: MOTION (ESC 4/19)
   Endorse Steve Rodley to continue as a member on his return.

ATTACHMENTS:
Yes

Attachment 1 – Environment and Sustainability Committee Minutes – 14 May 2019
1: **WELCOME (Cr Fuller)**
Special welcome to Glossop High School Representatives

2: **PRESENT:**

*(NOTE)*: Committee Members are:

**Council:** Cr Fuller (Chair), Cr Mayor P Hunt, Cr M Fuller, Cr R Centofanti, Cr A Little

Centofanti, Cr Little, Cr Winnall, Mr M Somers, Mr D Otto de Grancy, Ms T Alexander

*MES/MP and MIS*

Ex-Officio Mayor P Hunt

**DEW:**

*BB Landcare:* S Schrapel

*Crown Lands:* M May

*Community:* S Rodley, D Waterman, Dr M Bailey

*Observers*:

Crystal Ridley (Teacher), Deepkiran Kaur, Accacia Verco (GHS)

Mr L Gore, Cr T Scott

3: **APOLOGIES:** Cr E Winnall, Mr S Rodley

4: **CONFIRMATION OF MINUTES:**

*MOTION (ESC 3/19)*

That the Minutes of the Environment and Sustainability Meeting held on 12 March 2019 be taken as read and confirmed.

D Waterman/Cr A Little Carried

5: **MEMBERS DECLARATION OF INTEREST:**

6: **CONFIDENTIAL ITEMS CONSIDERATION:** Nil

7: **DEPUTATION:** Glossop High School Representatives - item 9.1

8: **QUESTIONS/MOTIONS WITH NOTICE:** Nil

9: **BUSINESS:**

9.1 **Glossop High School Representatives – views on Environment and Sustainability**

E & S committee has been established at the middle campus, school environmental sustainability initiative – implementing recycling & school clean up days

Important issues – public awareness & understanding – community involvement

9.2 **Environment and Sustainability Strategy**

9.3 **Lake Bonney Caring for Country Management Plan**

9.4 **Drought funding and potential projects**
9.5 Correspondence from Steve Rodley regarding attendance over next 12 months

MOTION (ESC 4/19)
Endorse Steve Rodley to continue as a member on his return.

Mayor P Hunt/S Scharpel Carried

10: OTHER ITEMS:
DEW – upcoming changes including establishment of Landscape Board. Can offer a range of support and linkages – technical aspect.

11: NEXT MEETING: 9 July 2019

12: CLOSURE: 6.55pm
17: QUESTIONS WITHOUT NOTICE:

18: MOTIONS WITHOUT NOTICE:
19: **CONFIDENTIAL ITEMS:**

19.1 Confidential Minute Book – Release of Confidential Minutes – “Request for Loan – Berri War Memorial Community Centre Inc.”

**RECOMMENDATION (EXCLUSION):**

That pursuant to Sections 90(2) and 90(3)(d) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Acting Chief Executive Officer, Acting Manager Infrastructure Services, Manager Environmental Services/Major Projects, Manager Community Development and Executive Assistant on the basis that it will receive, consider and discuss correspondence relating to the “Council Accommodation Review” 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)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which-
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest.

19.1.1 Confidential Minute Book – Release of Confidential Minutes – “Request for Loan – Berri War Memorial Community Centre Inc.”

**CONFIDENTIAL REPORT**

**RECOMMENDATION (ORDER):**

1: That having considered Agenda Item 19.1.1 “Confidential Minute Book – Release of Confidential Minutes – “Request for Loan – Berri War Memorial Community Centre Inc.” in confidence under section 90(2) and (3)(d)(i)(ii) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that a portion of the documents remain confidential for a period of 12 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.

**RESUMPTION OF OPEN COUNCIL:**
The Council Meeting resumed open Council after considering Confidential Report Item 19.1.1
RECOMMENDATION (EXCLUSION):
That pursuant to Sections 90(2) and 90(3)(b)(i)(ii) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Acting Chief Executive Officer, Acting Manager Infrastructure Services, Manager Environmental Services/Major Projects, Manager Community Development and Executive Assistant on the basis that it will receive, consider and discuss correspondence relating to the “Council Accommodation Review” 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 provided to Council that is “confidential” and therefore will be treated as such at this time.

19.2.1 Council Accommodation Review

CONFIDENTIAL REPORT

RECOMMENDATION (ORDER):
1: That having considered Agenda Item 19.2.1 “Council Accommodation Review” in confidence under section 90(2) and (3)(b)(i)(ii) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that a portion of the documents remain confidential for a period of 12 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.

RESUMPTION OF OPEN COUNCIL:
The Council Meeting resumed open Council after considering Confidential Report Item 19.2.1
20: CLOSURE: