

Council Meeting Agenda & Reports

8 October 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

3 October 2024

To all Members of the Council

NOTICE OF MEETING

I wish to advise that pursuant to Sections 83 and 87 of the *Local Government Act 1999*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Tuesday 8 October 2024, commencing at 7.00pm.

Please advise Tina Zullo on 8366 4545 or email tzullo@npsp.sa.gov.au, if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES

ABSENT

1. **KAURNA ACKNOWLEDGEMENT**
2. **OPENING PRAYER**
3. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 2 SEPTEMBER 2024**
4. **MAYOR'S COMMUNICATION**
5. **DELEGATES COMMUNICATION**
6. **QUESTIONS WITHOUT NOTICE**
7. **QUESTIONS WITH NOTICE**
Nil
8. **DEPUTATIONS**

8.1 DEPUTATION - GIFTING OF LAND - LOT 14, COLLEGE ROAD, KENT TOWN - PREVIOUS SITE OF THE BUREAU OF METEOROLOGY

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4568
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Ms Kate Eatts

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Kent Town Residents Association.

COMMENTS

Ms Kate Eatts has written to the Council requesting that she be permitted to address the Council in relation to the Bureau of Meteorology site in Kent Town.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Ms Kate Eatts has been given approval to address the Council.

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

10.1 WRITTEN NOTICE OF MOTION - GIFTING OF LAND - LOT 14, COLLEGE ROAD, KENT TOWN - PREVIOUS SITE OF THE BUREAU OF METEOROLOGY – SUBMITTED BY CR GRANT PIGGOTT

NOTICE OF MOTION: Gifting of Land - Lot 14, College Road, Kent Town - Previous Site of the Bureau of Meteorology
SUBMITTED BY: Cr Grant Piggott
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Grant Piggott.

NOTICE OF MOTION

That the Council:

1. fully supports the request by the Kent Town Residents Association to Senator the Hon. Katy Gallagher, Minister for Finance to transfer Lot 14, College Road, Kent Town to the City of Norwood Payneham & St Peters; and
2. in the event that the request is agreed, undertakes to assume ownership and care of the land as a community park.

REASONS IN SUPPORT OF MOTION

Kent Town has only one small piece of public green space - Hardman Gardens, located on the corner of The Parade & Fullarton Road. The suburb has, in recent years, been the location for significant growth in apartment living and is destined to continue to be so and the need for open space for resident enjoyment will continue to grow.

Lot 14 College Road, Kent Town is approximately 1,000 sqm of green space. It has sat unused since 2021 when the Bureau of Meteorology vacated the site and is currently in the hands of the Commonwealth Disposals Office, identified as surplus to Federal Government requirements.

Under the Commonwealth Property Disposal Policy, the Federal Minister for Finance has the ability to transfer land at below market value *“to another level of government where it facilitates or optimises broader government outcomes”*.

Members of the Kent Town Residents Association intend to request that the Minister for Finance transfer the land, at no cost, to the ownership and care of the City of Norwood Payneham & St Peters to allow the land to act as a community park.

To achieve this outcome, they require:

- demonstrated public support - they have achieved, to date, 475 signatures on a petition in support of the community park, together with support from relevant members of Federal and State Parliament; and
- support from the City of Norwood Payneham & St Peters, together with confirmation that the Council will assume ownership and care of the land as a community park.

The need for open space in Kent Town is clear. The land in question is arguably the last opportunity for Council to achieve community land in Kent Town as the transition of the suburb drives land values and development.

The agreement to assume ownership and care of this land from the Federal Government is an excellent opportunity to secure open space for the residents of Kent Town. There is no request or expectation of significant investment in the land by Council should it be gifted to us. The Members of the Kent Town Residents Association are highly engaged and have undertaken to be actively involved in the park's upkeep and use.

The Council's agreement to assume ownership and care of the land will provide great weight to the Kent Town Resident's Association approach to the Minister for Finance to provide the land to facilitate the broader government outcome of valuable open space in a growing inner-city suburb.

STAFF COMMENT
PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS

The Council has considered the purchase and/or gifting of this property on a number of previous occasions.

Whether the Council wishes to accept ownership of this land is a matter for the Council to determine, taking into account the following:

- purchase and development of this land has not been identified as a priority and is not contained in the recently adopted 2023-2024 to 2033-2034 Long Term Financial Plan;
- if the Council is to accept transfer of the land, it must be at no cost (including all associated transfer fees) to the Council.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance

Reports

11.1 2023-2024 WORKS IN PROGRESS

REPORT AUTHOR: Finance Business Partner
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE:
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to present for the Council's consideration the 2023-2024 Works in Progress which are continuing in 2024-2025.

BACKGROUND

At its meeting held on 1 July 2024, the Council adopted the 2024-2025 Annual Business Plan and Budget. The 2024-2025 Budget included funding for new projects, services and programs and the Annual Capital Works Program.

At that time, the Council was advised that the adoption of the 2024-2025 Annual Business Plan and Budget, did not include provisions for those Works in Progress (WIPs), often referred to as Carried Forwards. These projects were funded as part of the 2023-2024 Budget and as such the Council had allocated funding as part of the 2023-2024 Annual Business Plan and Budget.

The Council was also advised that details of the 2023-2024 Works in Progress would be provided to the Council at a later date, following the finalisation of the 2023-2024 year end results.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Not Applicable

FINANCIAL AND BUDGET IMPLICATIONS

Based on the status of the 2023-2024 Works in Progress, a total for Operational and Capital Projects of \$18,551,232 will be Carried Forward to the 2024-2025 financial year.

This will ensure the successful completion of these projects, maintain fiscal responsibility and capitalise on emerging opportunities that have been identified.

DISCUSSION

A comprehensive review of the 2023-2024 Works in Progress projects, including their financial status of the respective Projects, has been undertaken based on progress of the Projects. The review has considered the impact on unspent grant funding and other factors affecting the delivery of these projects.

During 2024-2025, the Council was advised of the progress of WIPs over the course of the year and the status of the allocated budgets was considered as part of the Quarterly Budget Reviews.

In addition, potential variations to both WIP budgets and the scope of the respective project, was presented to the Council at Council Meetings as required.

The 2023-2024 Works in Progress – Capital projects total of \$17,940,485 to be carried forward to the 2024-2025 financial year, with the details set out in Table 1 below.

TABLE 1: 2023-2024 WORKS IN PROGRESS - CAPITAL

Project	Amount to be Carried Forward
BURCHELL RESERVE UPGRADE Project is completed. Carry forward balance is required to cover final minor works such as signage and 12 months maintenance by the contractor.	\$95,634
CRUICKSHANK RESERVE FACILITY UPGRADE Project is completed. Carry forward balance is required to cover final minor works such as signage and internal fittings.	\$40,000
DUNSTAN ADVENTURE PLAYGROUND REDEVELOPMENT Project is completed. Budget allocation is required for 12-month defects liability period and maintenance by contractor.	\$9,100
GEORGE STREET STORMWATER Stakeholder engagement has resulted in delays to the Project.	\$600,000
GEORGE STREET UPGRADE Stakeholder engagement has resulted in delays to the Project.	\$800,000
RIVER TORRENS LINEAR PARK PATH UPGRADE Majority of works were completed before end of June 2024. Final construction works (defect rectifications, site tidy-up) were not completed until July 2024.	\$47,433
PAYNEHAM MEMORIAL SWIMMING CENTRE UPGRADE This Project is being undertaken over multiple financial years.	\$9,271,841
PRIVATE LANEWAY Design works have been delayed due to complexity of the Project (including stormwater management, significant trees and constrained sites). Construction works scheduled to commence in early 2025.	\$295,933
SMART PARKING PROJECT Project is completed. Carry forward balance is required to cover minor electrical defects and sensor replacement, if required.	\$23,095
THE PARADE MASTER PLAN DETAILED DESIGN This Project is being undertaken over multiple financial years.	\$71,821
RENEWAL PROGRAM - RECREATION & OPEN SPACE Construction works delayed to enable strategic alignment with the proposed major projects (e.g. Scott Street Reserve Upgrade and St Morris Reserve Upgrade).	\$660,947
RENEWAL PROGRAM - ROAD RESEALING Some components of the Program have been delayed, largely due to contractor experiencing resourcing challenges in 2023-2024, which have been addressed with the contractor. Most of the Carry Forward works have now been completed.	\$1,161,337
RENEWAL PROGRAM - KERB Some components of the Program have been delayed, largely due to the contractor experiencing resourcing challenges in 2023-2024, which Council staff has addressed with the contractor. Most of the Carry Forward works have now been completed.	\$399,532
RENEWAL PROGRAM - FOOTPATHS Construction works delayed to enable strategic alignment with the proposed major Projects (such as George Street, St Morris Bikeway).	\$416,462
RENEWAL PROGRAM - DRAINAGE (incl Trinity Valley) Design work has resulted in delays in undertaking the Trinity Valley Stage 4 and Stage 1 works.	\$3,131,927

TABLE 1: 2023-2024 WORKS IN PROGRESS – CAPITAL *continued/...*

Project	Amount to be Carried Forward
RENEWAL PROGRAM - BUILDINGS	\$642,448
Projects are still in the design phase (e.g. Norwood Townhall office refurbishment, Council Depot minor works) and awaiting notification of matching grant funding (i.e. St Peters Town Hall PV Solar and Battery).	
RENEWAL PROGRAM - CIVIL CAPITAL UPGRADE	\$149,039
Design works have been delayed to enable strategic alignment with the proposed bikeway projects (e.g. Richmond Street and St Morris).	
STANDBY POWER FOR ST PETERS LIBRARY	\$78,550
This funding was initially provided to install “back-up” power etc. at the St Peters Library in the event of power failures at the Council’s principal office. The decision has been made to use a cloud-based solution to store and retrieve data.	
UPGRADE OF MEETING ROOMS	\$15,948
Delay in project due to time alignment with Norwood Town Hall lower offices renovation timeframe the will occur in 2024-2025	
RENEWAL PROGRAM - OTHER	\$29,438
Carry Forward due to timing of purchase of Depot equipment.	

The **2023-2024** Works in Progress - Operating total of \$610,747 to be carried forward to the **2024-2025** financial year, as set out in Table 2 below.

TABLE 2: 2023-2024 WORKS IN PROGRESS - OPERATING

Project	Amount to be Carried Forward
Dog and Cat Management Plan	\$27,928
Work on plan has been delayed and has commenced and is to be completed in 2024/25	
Public Art Strategy	\$25,089
Strategy has been finalised later than expected, however, the implementation budget to be utilised in 2024-2025	
40kph Evaluation Marden to Hackney	\$11,374
Delay due to pending approval from the Department of Infrastructure & Transport	
Food Secrets of Glynde	\$31,850
Project expected to be delivered in 2024-2025	
Representation Review	\$16,566
Consultants have been engaged and work is currently in progress.	
Feasibility of an Additional Level on the Webbe Street Park	\$25,000
The next stage of this feasibility will be completed in 2024-2025	
Marryatville Precinct Master Plan	\$29,196
A report on this Project is currently being prepared for consideration at the November 2024 Council meeting.	

TABLE 2: 2023-2024 WORKS IN PROGRESS – OPERATING *continued/...*

Project	Amount to be Carried Forward
Signalised Pedestrian Activated Crossing on Magill Road Delayed due to late approval from Department of Infrastructure & Transport. Approval has now been received and construction is scheduled to be completed early 2024-2025.	\$160,000
Heritage Protection Opportunities Funds to be allocated across a number of years.	\$58,781
40kph in Glynde, Payneham, Firle, TG & St Morris Delayed due to pending approval from Department of Infrastructure & Transport.	\$104,964
HR Information System Preliminary work on the purchase has commenced.	\$120,000

CONCLUSION

The 2023-2024 Works in Progress are scheduled for completion by the end of the 2024-2025 financial year with exception of projects budget for multiple years.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

11.2 2024-2025 FIRST BUDGET UPDATE

REPORT AUTHOR: Finance Business Partner
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4568
FILE REFERENCE:
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2025, following the First Budget Update.

BACKGROUND

Pursuant to Section 123 (13) of *the Local Government Act 1999*, the Council must, as required by the Regulations, reconsider its Annual Business Plan or its Budget during the course of a financial year and if necessary or appropriate, make any revisions.

The Budget Reporting Framework set out in Regulation 9 of the *Local Government (Financial Management) Regulations 2011* ("the Regulations") comprises two (2) types of reports, namely;

1. Budget Update; and
2. Mid-year Budget Review.

1. Budget Update

The Budget Update Report sets out a revised forecast of the Council's Operating and Capital investment activities, compared with the estimates for those activities which are set out in the Adopted Budget. The Budget Update Report is required to be presented in a manner which is consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

The Budget Update Report must be considered by the Council at least twice per year between 30 September and 31 May (both dates inclusive) in the relevant financial year, with at least one (1) Budget Update Report being considered by the Council prior to consideration of the Mid-Year Budget Review Report.

The Regulations require that a Budget Update Report must include a revised forecast of the Council's Operating and Capital investment activities compared with estimates set out in the Adopted Budget, a

2. Mid-Year Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (both dates inclusive), in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. This report must also include revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*.

The Mid-year Budget Review is a comprehensive review of the Council's Budget and includes the four principal financial statements, as required by the Model Financial Statement, detailing:

- the year-to-date result;
- any variances sought to the Adopted Budget; and
- a revised full year forecast of each item in the budgeted financial statements compared with estimates set out in the Adopted budget.

The Mid-year Budget Review Report should also include information detailing the revised forecasts of financial indicators compared with targets established in the Adopted Budget and a summary report of operating and capital activities consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The First Budget Update for the 2024-2025 Financial Year, provides an opportunity to amend the 2024-2025 Adopted Budget, to reflect any changes in projections based on;

- audited results to 30 June 2024; and
- new decisions by the Council, subsequent to the adoption of the Budget on 1 July 2024.

Details of material movements in the forecast from the Adopted Budget are contained in the Discussion section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2025 and has no direct external economic impact.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

There are no resource implications arising from this issue.

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not Applicable.

DISCUSSION

Budget Update

In determining the Adopted Operating Surplus, the Council considers the financial resources which are required to provide the ongoing Council services (Recurrent Operating Budget) that the Council provides and which encompass the basic responsibilities, the Council is required to provide under the *Local Government Act 1999* and other relevant legislation plus ongoing services and programs as a result of community interest and expectation.

The extensive range of ongoing services that are provided by the Council include, but are not limited to Regulatory Services (animal management/parking management), street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council could consider the funding requirements for the introduction of new services or initiatives or the enhancement to existing services (Operating Projects).

As Elected Members may recall, 2024–2025 Adopted Operating Budget reflects an Operating Surplus of \$0.229 million. The proposed Carry Forward amounts from the 2023–2024 financial year are \$610,747 associated with Operational Projects and \$17,940,485 associated with Capital Projects. Following the First Budget Update, the Operating Surplus is projected to be an Operating Deficit of \$381,329, representing a decrease of \$610,747.

Considering that the majority of Recurrent and Operating Projects expenditure are in their early stages (as the 2024-2025 Budget was only adopted on 1 July 2024), with the exception of Carried Forward Operating Projects, no cost variances have been recommended to be made to the 2024–2025 Adopted Project Budget during the First Budget Review. A further reassessment will be conducted during the Mid-Year Review.

A. Recurrent Operating Budget Changes to the Adopted Budget – none required

The 2024-2025 Recurrent Operating Budget Surplus of \$ 1.14 million is to remain unchanged. No additional funds request proposed.

B. Operating Projects Budget Changes to the Adopted Budget - \$610,747

The Adopted Budget includes an estimate of Operating Projects expenditure for the year under review in addition to previously approved and Carried Forward Projects from the prior financial years.

Carried Forward Operating Projects expenditure from 2023-2024 amount to \$610,747.

Details of the Operating Projects that proposed to be Carried Forward to the 2024-2025 Financial Year, are contained in **Attachment A**.

Following the First Budget Update, the total expenditure for the 2024-2025 Adopted Operating Projects Budget, originally set at \$0.911 million, has been increased by \$610,747 due to Carry Forwards from the 2023-2024 financial year. As a result, the revised total estimated expenditure for Operating Projects now \$1.522 million.

Change to the adopted Operational Projects budget is provided in Table 1 below.

TABLE 1: MOVEMENT IN OPERATING PROJECTS BUDGET FROM THE ADOPTED BUDGET

Service Initiative	Increase/ (Decrease) \$
Work in progress (Carry Forwards from 2023- 2024)	610,747

C. Capital Projects - Changes to the Adopted Budget - \$17,940,485

The Council approved a Capital Expenditure Budget of \$59.79 million for the 2024-2025 fiscal year, encompassing funding for new capital projects (\$39.368 million) and upgrades to existing assets (\$20.424 million). Subsequent to the First Budget Update, the forecasted capital expenditure has risen to \$77.73 million, representing an increase of \$17.940 million attributable to Carry Forward WIP from 2023-2024. A summary is provided in Table 2 below.

For details of the Capital Projects which have been carried forward from the 2023-2024 Financial Year, are contained in **Attachment B**.

TABLE 2: SIGNIFICANT MOVEMENT IN CAPITAL PROJECTS EXPENDITURE FROM THE ADOPTED BUDGET

Capital Project	Increase/ (Decrease) \$
Work in progress (Carry forwards from 2023-2024)	17,940,485

While there is a proposed increase in Capital Expenditure, this is due to timing of projects that have been previously approved, hence no additional borrowings will be required to fund capital expenditure. The unused funds from last year’s borrowings, will be utilised to fund Carry Forwards. The borrowing requirements will be re-assessed when a review of projected project completions is undertaken as part of the Mid-Year Budget Review.

Regulation 9 (1) (a) of the Regulations states the Council must consider

“at least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year..... a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances”

The revised budgeted Uniform Presentation of Finances resulting from the First Budget Update is included in **Attachment C**.

OPTIONS

Not Applicable.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the First Budget Update Report be received and noted.

That project progress reports contained in **Attachments A** and **B** be received and noted.

That pursuant to Regulation 9 (1) (a) of the *Local Government (Financial Management) Regulations 2011*, the Budgeted Uniform Presentation of Finances as contained within **Attachment C**, be adopted.

Attachments – Item 11.2

Attachment A

2024-2025 First Budget Update





City of
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FINANCIAL YEAR 2024-2025 FIRST BUDGET REVIEW OPERATING PROJECTS PROGRESS

Project Name	2024-2025 Budget	First Budget Review Carry Forward Budget	2024-2025 First Budget Update Request	2024-2025 First Budget Update	YTD Spending by August 2024	Has Project Commenced? (Y/N)	If Not, When will Commence?
TOUR DOWN UNDER	60,000	-		60,000	470	Y	
EASTSIDE BUSINESS AWARDS	40,000	-		40,000	3,500	Y	
DOG & CAT MANAGEMENT PLAN EDUCATION CAMPAIGN	-	27,928		27,928	400	Y	
RAISING THE BAR ADELAIDE	25,000	-		25,000	17,428	Y	
URBAN GREENING PROGRAM	10,000	-		10,000	396	Y	
PUBLIC ART STRATEGY	-	25,089		25,089	6,132	Y	
40KPH EVALUATION MARDEN TO HACKNEY	-	11,374		11,374	639	Y	
GATHER ROUND	200,000	-		200,000	1,173	Y	
ART & CULTURE PLAN	68,874	-		68,874	-	N	Feb-25
MUSIC MONTH IN THE LIBRARIES	4,300	-		4,300	-	N	Nov-24
CULTURALLY DIVERSE EARLY LITERACY PROJECT	3,300	-		3,300	-	N	Sep-24
FIRSTVAL FESTIVAL	4,000	-		4,000	5,814	Y	
VERGE UPGRADE	20,000	-		20,000	-	N	
IS PROJECT SUPPORT	40,000	-		40,000	-	N	Oct-24
AUTHORITY APP	43,862	-		43,862	-	N	Oct-24
IT STRATEGY	180,000	-		180,000	-	N	Oct-24
ST PETERS BILLABONG	100,000	-		100,000	-	N	
DEVELOPMENT OF TREE INVENTORY	20,000	-		20,000	-	N	Jan-25
GLYNDE HEAVY VEHICLE TRAFFIC STUDY	25,000	-		25,000	-	N	Jan-25
ELECTRONIC PERMITS	20,000	-		20,000	-	N	
FOOD SECRETS OF GLYNDE	-	31,850		31,850	-	N	Oct-24
REPRESENTATION REVIEW	-	16,566		16,566	-	N	Oct-24
ADDITIONAL LEVEL ON THE WEBBE ST PARKING	-	25,000		25,000	-	N	Jan-25
MARRYATVILLE PRECINCT MASTER PLAN	-	29,196		29,196	-	N	Oct-24
SIGNALISED PAC MAGILL ROAD	-	160,000		160,000	-	N	Sep-24
HERITAGE PROTECTION OPPORTUNITIES	-	58,781		58,781	-	N	
40KPH IN GLYNDE, PAYNEHAM, FIRLE, TG & ST MORRIS	-	104,964		104,964	-	N	
HR INFORMATION SYSTEM	-	120,000		120,000	-	N	Mar-25
	864,336	610,747	-	1,475,083	35,951		
ADDITIONAL ADMIN STAFF 0.6 FTE- REGULATORY SERVICES*	47,336			47,336			
	911,672	610,747	-	1,522,419			

* Reallocated to Recurring Budget in line with the actual cost reporting as part of payroll

Attachment B

2024-2025 First Budget Update





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& St Peters

FINANCIAL YEAR 2024-2025 FIRST BUDGET REVIEW CAPITAL PROJECTS PROGRESS

Project Name	2024-2025 Budget	First Budget Review Carry Forward Budget	2024-2025 First Budget Update Request	2024-2025 First Budget Update	YTD SPENDING as at Aug 2024	HAS PROJECT COMMENCED (Y/N)	IF NOT, WHEN WILL IT COMMENCE?
RENEWAL PROGRAMM - ROAD RESEALING	4,176,766	1,161,337		5,338,103	231,385	Y	
RENEWAL PROGRAMM - KERB	1,515,862	399,532		1,915,394	110,970	Y	
RENEWAL PROGRAMM - FOOTPATH	951,400	416,462		1,367,862	7,550	Y	
RENEWAL PROGRAMM - DRAINAGE (incl Trinity Valley)	11,426,234	3,131,927		14,558,161	30,815	Y	
RENEWAL PROGRAMM - BUILDING	1,503,500	642,448		2,145,948	54,656	Y	
RENEWAL PROGRAMM - REC & OPEN SPACE	690,500	660,947		1,351,447	237,375	Y	
RENEWAL PROGRAMM - CIVIL CAPITAL UPGRADE	30,000	149,039		179,039	467,390	Y	
RENEWAL PROGRAMM - OTHER	130,000	29,438		159,438	369,416	Y	
CAPITALISATION OF PROJECT MANAGEMENT ON-COST	1,101,342			1,101,342	175,816	Y	
LINEAR PARK PATH UPGRADE	-	47,433		47,433	49,593	Y	
GEORGE STREET UPGRADE	1,560,000	800,000		2,360,000	-	N	Mar-25
DUNSTAN ADVENTURE PLAYGROUND		9,100		9,100	9,100	Y	
CRUICKSHANK RESERVE FACILITY UPGRADE		40,000		40,000	12,157	Y	
PAYNEHAM MEMORIAL SWIMMING CENTRE UPGRADE	35,000,000	9,271,841		44,271,841	2,564,061	Y	
QUADRENNIAL ART PROJECT	9,000			9,000	-	N	Nov-24
TRAFFIC MANAGEMENT MARDEN & ROYSTON PARK	280,000			280,000	-	N	Dec-24
TRAFFIC MGMT PAYNEHAM SOUTH, FIRLE & TRINITY GDNS	70,000			70,000	-	N	Jan-25
RICHMOND ST, HACKNEY & EIGHTH AVE, ST PETERS	50,000			50,000	-	N	Jan-25
40KM SPEED LIMIT HACKNEY TO MARDEN	70,000			70,000	-	N	Jan-25
STAFF BIKE PARKING WEBB ST	30,000			30,000	-	N	Jan-25
LANGMAN GROVE SPEED CUSIONS	150,000			150,000	-	N	Jan-25
UPGRADE OF IT EQUIPMENT	47,500			47,500	-	N	Dec-24
IMPLEMENTATION PARADE MASTER PLAN	1,000,000	71,821		1,071,821	17,379	Y	
BURCHELL RESERVE UPGRADE	-	95,634		95,634	20,927	Y	
PRIVATE LANEWAY	-	295,933		295,933	3,600	Y	
GEORGE STREET STORMWATER	-	600,000		600,000	-	N	Mar-25
SMART PARKING PROJECT	-	23,095		23,095	-	N	Feb-25
STANDBY POWER FOR ST PETERS LIBRARY	-	78,550		78,550	-	N	Oct-24
MEETING ROOMS UPGRADE	-	15,948		15,948	2,365	Y	
	59,792,104	17,940,485	-	77,732,589	4,364,555		

Attachment C

2024-2025 First Budget Update





City of
Norwood
Payneham
& St Peters

City of Norwood Payneham & St Peters
UNIFORM PRESENTATION OF FINANCES - GENERAL FUND

	Adopted Budget 2024/25 \$	Carry Forwards 2023/24 \$	New Recurring budget requests 2024/25 \$	New Operational projects requests 2024/25 \$	New Capital projects requests 2024/25 \$	1st budget revision 2024/25 \$
Income						
Rates	47,230,089					47,230,089
Statutory Charges	2,180,953					2,180,953
User Charges	4,006,554					4,006,554
Grants, Subsidies and Contributions - operating	2,676,675					2,676,675
Grants, Subsidies and Contributions - capital	444,393					444,393
Investment Income	77,965					77,965
Other Income	461,434					461,434
Net gain - equity accounted Council businesses	-					-
Total Income	57,078,063	-	-	-	-	57,078,063
Expenses						
Employee Costs	19,485,196					19,485,196
Materials, Contracts & Other Expenses	21,646,858	610,747				22,257,605
Depreciation, Amortisation & Impairment	13,078,887					13,078,887
Finance Costs	2,375,037					2,375,037
Net loss - Equity Accounted Council Businesses	262,666					262,666
Total Expenses	56,848,645	610,747	-	-	-	57,459,392
Operating Surplus / (Deficit)	229,418	(610,747)	-	-	-	(381,329)
Timing adjustment for grant revenue						-
Adjusted Operating Surplus / (Deficit)	229,418	(610,747)	-	-	-	(381,329)
Net Outlays on Existing Assets						
Capital Expenditure on Renewal and Replacement of Existing Assets	(20,424,262)	(6,591,130)				(27,015,392)
add back Depreciation, Amortisation and Impairment	13,078,887					13,078,887
add back Proceeds from Sale of Replaced Assets	36,000					36,000
Total Net Outlays on Existing Assets	(7,309,375)	(6,591,130)	-	-	-	(13,900,505)
Net Outlays on New and Upgraded Assets						
Capital Expenditure on New and Upgraded Assets (including Investment Property & Real Estate Developments)	(39,367,842)	(11,349,355)				(50,717,197)
add back Amounts Received Specifically for New and Upgraded Assets	5,924,000					5,924,000
add back Proceeds from Sale of Surplus Assets (including Investment Property, Real Estate Developments & non-current assets held for sale)						-
Total Net Outlays on New and Upgraded Assets	(33,443,842)	(11,349,355)	-	-	-	(44,793,197)
Annual Net Impact to Financing Activities -surplus / (deficit)	(40,523,799)	(18,551,232)	-	-	-	(59,075,031)

11.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 4 PROJECTS

REPORT AUTHOR: Manager, City Projects
GENERAL MANAGER: General Manager, Infrastructure & Major Projects
CONTACT NUMBER: 8366 4506
FILE REFERENCE: qA140260
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to present the capital works projects that will be delivered as part of the Federal Government's *Local Roads and Community Infrastructure Program Phase 4 Program*.

BACKGROUND

In May 2020, the Federal Government announced details of its *Local Roads and Community Infrastructure (LRCI) Program*, as part of the Federal Government's economic response to the COVID-19 Pandemic.

The purpose of the *LRCI Program*, was to support Local Government in the delivery of priority local road and community infrastructure projects across Australia by supporting and creating jobs and building the resilience of local economies to assist communities to "bounce back" from the COVID-19 Pandemic.

Through the 2020-2021 Federal Budget, the Federal Government announced an extension of the *LRCI Program*, now more commonly referred to as *LRCI Program Phase 2*.

On 11 May 2021, as part of the 2021-2022 Federal Budget, the Federal Government announced an additional \$1 billion for *LRCI Program Phase 3*. Similar to the previous two (2) phases, the intent of *LRCI Program Phase 3*, was to assist a community-led recovery from COVID-19 by supporting job creation and retention, businesses and procurement.

In accordance with its 2023 election promise, the Federal Government also committed \$750 million to *LRCI Program Phase 4*, which includes \$250 million for road projects in rural, regional and outer urban areas. The remaining \$500 million has been distributed to all Councils across Australia, based on the formula that is used to calculate the funding allocations under the Federal Government *Roads to Recovery Program*.

In total, the Federal Government has allocated \$3.25 billion to the *LRCI Program* over the four (4) phases to support Local Government. To be eligible to receive funding from the *LRCI Program*, the project/s which are submitted must be new projects, (i.e., in addition to projects which have already been committed to and funds allocated to by the Council). This means that the Council cannot use the grant funding to offset the cost of projects which have already been identified and funded by Councils.

As part of *LRCI Program Phase 1*, the Council was successful in securing \$444,000 to complete the reconstruction of the total length of Langman Grove, Felixstow from Pembury Grove through to Briar Road, Felixstow.

As part of *LRCI Program Phase 2*, the Council received \$1.27 million and this funding was allocated to the construction of the St Peters Streetscape Upgrade Project.

As part of *LRCI Program Phase 3*, the Council received \$888,876, which was allocated to the construction of the Cruikshank Reserve Multi-Purpose Building and Unisex Toilets Project.

The Council has received a *LRCI Program Phase 4* funding allocation of \$444,393. The Council's *LRCI Program Phase 4* project(s) is required to be physically completed by 30 June 2025.

At its meeting held on 6 March 2023, the Council resolved "that the Briar Road and Turner Street – Road Reconstruction Project in Felixstow, be submitted for funding under the Federal Government's Local Road and Community Infrastructure Program Phase 4."

Recently, the Council was made aware that its submission of *LRCI Program Phase 4* projects to the funding body for assessment had not occurred and was advised that a short extension of time would be provided to allow for the submission to be made.

Unfortunately, the Briar Road and Turner Street – Road Reconstruction Project nominated for *LRCI Program Phase 4*, was not submitted formally for approval by the funding body. The Briar Road and Turner Street Road Reconstruction Projects were however, included in the Council's Capital Works Program with Briar Road completed in the 2023-2024 financial year.

Briar Road is no longer eligible for *LRCI* funding as it has already been completed. Turner Street has been strategically delayed to allow for the construction of Payneham Memorial Swimming Centre to be completed and potential partnership opportunities for future development of the adjacent Aldersgate Residential Care facility. As a result, Council staff have identified new capital works projects that are eligible for *LRCI Program Phase 4 Program* funding and will be delivered in lieu of the Briar Road and Turner Street Road Reconstruction Project this financial year.

Three (3) footpath reconstruction projects will now be delivered for *LRCI Program Phase 4*, which are:

- Battams Road in Royston Park (between Payneham Road and Ninth Avenue);
- Devitt Avenue in Payneham South (between Aveland Avenue and Gage Street); and
- Marian Road in Firlie (Avenue Road and Glynburn Road).

These projects have been submitted within the extension of time and have now been approved by the funding body.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The projects presented for consideration will deliver on the following strategies set out in the Council's Strategic Management Plan, *CityPlan 2030: Shaping the Future – Update 2024*.

Social Equity: An inclusive, connected, accessible and friendly community.

Strategy 1.2.1 Provide pleasant, safe, accessible, green and well signed walking and cycling routes.

Environmental Sustainability: A leader in environmental sustainability.

Strategy 4.2.1 Improve the amenity and safety of streets for all users including reducing the impact of urban heat island effect.

FINANCIAL AND BUDGET IMPLICATIONS

The financial and budget implications are addressed in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

The purpose of the Federal Government's *LRCI Program* is to create jobs and stimulate the local economy by supporting Local Government to deliver local road and community infrastructure construction projects. The intent is for the Council to undertake construction projects, which include "*local content*" to ensure that the funding supports local businesses and creates short term employment opportunities within the local community, therefore supporting local communities in their recovery from the impact of the COVID-19 Pandemic.

SOCIAL ISSUES

The desired outcome of the *LRCI Program* is to provide social benefits to the local communities such as improved road safety, accessibility and visual amenity. In evaluating the projects presented, these factors were taken into consideration.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The proposed alternative capital works projects can be managed by the Council's Infrastructure & Major Projects unit and delivered by the Council's approved footpath paving contractors.

RISK MANAGEMENT

The risk ratings for the top risks associated with *LRCI Program Phase 4* are summarised in **Table 1** below.

TABLE 1: KEY RISKS ASSOCIATED WITH LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 4

Risk ID	Risk Event	Impact Category	Risk Rating	Primary Mitigation	Impact Category	Residual Rating
1	Total cost exceeding the cost estimate.	Financial	Medium 17	Council staff have applied current contractor rates to determine estimated cost.	Financial	Low 22
		Reputation	Low 21		Reputation	Low 22
2	Not completing the project within the grant program timeframe.	Financial	Medium 17	Schedule the works to be undertaken as first priority as part of the Council's footpath renewal program. This will provide sufficient lead time and ensure the project is delivered within the required timeframe. These works are intended to be undertaken by contractors already engaged by Council through the Capital Works Program, and hence removes the risk of the project being delayed by the contractor procurement process	Financial	Low 22
		Services/Programs	Low 21		Services/Programs	Low 22
		Reputation	Low 21		Reputation	Low 22

CONSULTATION

- **Elected Members**
 Consultation with Elected Members has been previously undertaken regarding the projects to be delivered in *LRCI Program Phases 1, 2, 3 and 4*.
- **Community**
 Not Applicable
- **Staff**
 General Manager, Infrastructure & Major Projects
 Project Manager, Assets
 Project Officer, Civil
- **Other Agencies**
 The Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts is administering the *LRCI Program*. The Department has accepted the Council's Work Schedule for the new capital works projects which are discussed below.

DISCUSSION

Briar Road has been completed as part of the Council's Capital Renewal Program. However, given the final approval of the funding body was not sought or received prior to construction commencing, the project is not eligible for *LRCI Program* funding.

When the Council endorsed the reconstruction of Turner Street to be submitted for *LRCI Program* funding in March 2023, the Payneham Memorial Swimming Centre Redevelopment Project had not yet been tendered. At that time, it was anticipated that the construction of Payneham Memorial Swimming Centre Redevelopment Project would be completed prior to June 2025, and that the timing of the Briar Road and Turner Street – Road Reconstruction Project, would fit in well with this timeframe. It was also not known or anticipated that Turner Street would be required for access for the Payneham Memorial Swimming Centre Redevelopment construction works.

The Payneham Memorial Swimming Centre Redevelopment Project construction is scheduled to be completed in early to mid-2026. The final stage of construction works, scheduled to occur in late 2025, will require heavy vehicle access to the site via Turner Street to construct the water slide tower and expand the Payneham Library carpark. If Turner Street is reconstructed prior to the completion of the Payneham Memorial Swimming Centre Redevelopment Project, there is a risk of damage to the new road infrastructure. For this reason, it is recommended to delay the reconstruction of Turner Street until construction access to site is no longer required.

Additionally, the Council is now aware that the Aldersgate Residential Aged Care may be redeveloped in the next few years. If Aldersgate is redeveloped, there is potential that existing services (e.g. sewer, gas, electrical) and infrastructure (e.g. kerbs, footpaths) on Turner Street will be affected. More should be known about the potential plans for this redevelopment over the next year or two. Therefore, it would be prudent to also delay the reconstruction of Turner Street until the scope and timing of the potential Aldersgate Residential Aged Care redevelopment is known.

To ensure better strategic alignment with the Payneham Memorial Swimming Centre Upgrade Project and the potential Aldersgate Residential Aged Care redevelopment, the delivery of the Turner Street – Road Reconstruction Project, will be rescheduled to a future financial year. Hence, alternative projects will now be delivered as part of the *LRCI Program Phase 4* allocation in the 2024-2025 financial year.

In determining the new capital works projects for which the grant funding could be allocated, consideration has been given to the extension (increasing the scope) of existing projects, timing and strategic alignment of future planned projects, and the condition of various assets which have been identified to be renewed in the Council's *Long Term Financial Plan* and *Civil Infrastructure Asset Management Plan*. As a result, staff identified three (3) new footpath reconstruction projects that best align with the Council's *Long Term Financial Plan* and *Civil Infrastructure Asset Management Plan*, the Council's *Footpaths and Driveway Crossovers Policy*, and the 2024-2025 Annual Business Plan.

The three (3) footpath reconstruction projects are:

- Battams Road in Royston Park (between Payneham Road and Ninth Avenue);
- Devitt Avenue in Payneham South (between Aveland Avenue and Gage Street); and
- Marian Road in Firle (Avenue Road and Glynburn Road).

The purpose of the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects is to provide safer and a more connected transport infrastructure system in high-traffic areas. Each of the three (3) footpath sections to be reconstructed, have been chosen due to their aged footpath infrastructure, a high volume of vehicle traffic and/or pedestrian movement, and strategic alignment with the scope and timing of other planned capital works.

For example, Battams Road is scheduled for road reconstruction and traffic control device improvement works during the 2025-2026 financial year. Therefore, footpath reconstruction in 2024-2025 financial year will contribute to enhancing the whole street.

Trinity Gardens School and Trinity Gardens Children Centre are located on Devitt Avenue. Marion Road is a bus route and with a mix of residential and local businesses. These facilities and services attract and support a relatively large number of people on these streets.

The proposed Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects are estimated to cost \$469,700 based on the Council's contractor rates. The *LRCI Program Phase 4* grant funding allocation is \$444,393. Therefore, the Council will likely need to fund the difference of approximately \$25,000 through value management savings from its 2024-2025 Capital Works Program. This is very possible to be achieved considering that \$25,000 is a very small amount with respect to the total Capital Works Program budget.

OPTIONS

The footpath reconstruction projects for Battams Road, Devitt Avenue and Marian Road have been submitted and approved for *LRCI Program Phase 4* funding. If the Council does not proceed with these projects, it will not receive its *LRCI Program Phase 4* funding allocation.

CONCLUSION

The *LRCI Program* provides the Council with an opportunity to bring forward capital expenditure which will deliver benefits to the community and offset the actual costs of the various projects.

To ensure strategic alignment with the Payneham Memorial Swimming Centre Upgrade Project and the potential future redevelopment of the Aldersgate Residential Aged Care facility, the Turner Street – Road Reconstruction Project has been delayed to a future year.

The Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects that are now proposed to be delivered for the *LRCI Program Phase 4* are projects which have been identified in the Council's *Long Term Financial Plan* and *Civil Infrastructure Asset Management Plan*. The projects will benefit the community and be completed prior to 30 June 2025 in accordance with the *LRCI Program Phase 4* requirements and.

For these reasons, the *LRCI Program Phase 4* funding will be allocated to the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council notes that the Briar Road and Turner Street – Road Reconstruction Project was not submitted for funding under the Federal Government's *Local Road and Community Infrastructure Program Phase 4*.
2. That the Council endorses the actions taken by staff in submitting the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects for delivery with the Federal Government's *Local Road and Community Infrastructure Program Phase 4* funding allocation.
3. That the Council notes that the Projects have been approved for funding as part of the Federal Government's *Local Road and Community Infrastructure Program Phase 4*.

**Section 3 – Governance & General
Reports**

11.4 ELECTION FOR THE POSITION OF PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2219
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the postal ballot that is required to be undertaken for the position of President of the Local Government Association of South Australia (LGA) and determine the Council's preferred candidate for the position.

BACKGROUND

In August 2024, the LGA called for nominations for the position of President of the LGA. The LGA has now forwarded correspondence to the Council, advising that the LGA has received five (5) nominations for the position of President of the LGA.

In accordance with the LGA Constitution, the LGA is required to conduct a postal ballot to determine the successful candidate for the position.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

The role of the President of the LGA is to:

- provide leadership to the LGA Board of Directors;
- chair meetings of the LGA Board of Directors;
- preside at meetings of the LGA (ie Ordinary Meetings, Annual General Meetings; etc);
- to act as the principal spokesperson of the LGA; and
- represent the LGA externally to government, stakeholders, etc.

The term of Office for the new President is a two (2) year term, commencing from the 2022 LGA Annual General Meeting (ie 28 October 2022) and concluding at the 2024 LGA Annual General Meeting.

The LGA *Constitution and Rules* stipulate a long-standing protocol that the position of President alternates between metropolitan councils (now referred to as GAROC), and rural councils (now referred to as SAROC), every two (2) years.

As the current President, Mayor Dean Johnson is from an eligible rural Council (ie, District Council of Kimba), nominees were invited from eligible metropolitan Councils, (ie Members of GAROC).

The five (5) nominees for the Position, in the order as set out on the Ballot Paper, are:

- Lord Mayor Jane Lomax-Smith, City of Adelaide;
- Mayor Michael Coxon, City of West Torrens;
- Mayor Kris Hanna, City of Marion;
- Mayor Heather Holmes-Ross, City of Mitcham; and
- Mayor Claire Boan – City of Port Adelaide Enfield.

A copy of the Ballot Paper and Candidate Information for each Candidate is contained within **Attachment A**.

In accordance with the LGA Constitution, the Council must determine its preferred Candidate by marking the Ballot Paper with a cross, ie “X”, in the square opposite the name of the Candidate the Council wishes to elect.

Three (3) of the five (5) Candidates have written to the Council seeking the Council's support of their nomination for the position of President of the LGA:

- Lord Mayor Jane Lomax-Smith, City of Adelaide;
- Mayor Michael Coxon, City of West Torrens;
- Mayor Claire Boan – City of Port Adelaide Enfield.

A copy of the correspondence received, as listed above, is contained within **Attachment B**.

The Ballot Paper must be forwarded to the Local Government Association to be received by the Returning Officer no later than 5.00pm on Monday, 4 November 2024.

RECOMMENDATION

The Council determines the following candidate for the position of President of the Local Government Association of South Australia:

- -----

Attachments – Item 11.4

Attachment A

Election for the Position of President of the Local Government Association of South Australia



Helping local government
build stronger communities.

Ballot Paper

Election for LGA President 2024-2026

1 Person Required

Ballot closes: 5:00pm Monday 4 November 2024

Important Note: In accordance with Clause 29.5.4 of the LGA Constitution, the Delegate of a Member Council (or in the Delegate's absence, the chair of the meeting for that Member Council) shall mark the ballot paper with an "X" next to the candidate that the Member Council wishes elected, then seal the ballot paper in the envelope marked "Ballot Paper" and place it inside the envelope marked "Returning Officer". The name of the Member Council must be indicated on the inside flap of the envelope marked "Returning Officer" and the envelope must then be sealed and delivered to the Returning Officer.

LOMAX-SMITH, Jane Lord Mayor City of Adelaide

COXON, Michael Mayor City of West Torrens

HANNA, Kris Mayor City of Marion

HOLMES-ROSS, Heather Mayor City of Mitcham

BOAN, Claire Mayor City of Port Adelaide Enfield


Issuing
Officer Initial

2024 LGA Elections

LGA President – Candidate Information

1. Lord Mayor Jane Lomax-Smith – City of Adelaide
2. Mayor Michael Coxon – City of West Torrens
3. Mayor Kris Hanna – City of Marion
4. Mayor Heather Holmes-Ross – City of Mitcham
5. Mayor Claire Boan – City of Port Adelaide Enfield

LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

Name	Lord Mayor, Dr Jane Lomax-Smith AM
Council	City of Adelaide
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • <i>Elected Lord Mayor of Adelaide in 2022.</i> • <i>Previously elected and served as Lord Mayor of Adelaide between 1997 and 2000.</i> • <i>Served as a Ward Councillor in the City of Adelaide in between 1991 and 1997.</i> • <i>Member of various committees and working groups of Council.</i> • <i>Member, Patawalonga Catchment Board.</i>
Local Government Policy Views & Interests	<p><i>I will strive for better acknowledgement by State and Federal Governments of the critical role councils play in the wellbeing of communities and the economy. I am therefore a strong advocate for:</i></p> <ul style="list-style-type: none"> • <i>a more equitable share and distribution of our national tax income for local government.</i> • <i>developing tools and supporting frameworks for consistent approaches to long term strategic thinking and sound financial management of ratepayer dollars, particularly the management of our assets on behalf of the community.</i> • <i>easing the pressures on regional councils who have limited rate revenue and little opportunity for generating other income yet must maintain critical infrastructure assets which not only service local communities but facilitate support for significant sectors of our state economy such as agriculture, mining and regional tourism.</i> • <i>establishing more partnering and collaborative arrangements between</i> • <i>councils with capacity and councils Who lack critical mass which acts as constraint on their ability to attract full time professional employees in disciplines such as planning.</i> • <i>partnering with State Government to create strategies for targeted programs to address rural health challenges, progressively dealing with housing shortages, and fast-tracking funding for jetty renewal and maintenance.</i>

	<p><i>I am of the view that often, councils are best placed to deliver services and infrastructure that have the most positive impact for their communities because they are tailored to local need. The bargain with the state must be transparent and funding certainty non-negotiable. To achieve this the sector must be unified about when to say yes, when to negotiate an outcome, and when to say no.</i></p>
<p>Other Information</p>	<ul style="list-style-type: none"> • <i>A pathologist, variously working as a lecturer, clinical pathologist, medical researcher, hospital administrator, director of private pathology practice.</i> • <i>2002 state election - elected to the South Australian House of Assembly for the seat of Adelaide.</i> • <i>Between 2002 and 2010 served in the South Australian Government as:</i> <ul style="list-style-type: none"> • <i>Minister for Education,</i> • <i>Minister for Tourism,</i> • <i>Minister for Mental Health & Substance Abuse, and</i> • <i>Minister for the City of Adelaide.</i> • <i>Former Chair, Teacher's Registration Board.</i> • <i>Former Chair, South Australian Museum Board.</i> • <i>2013 - appointed a Member of the Order of Australia for significant service to the community and the Parliament of South Australia.</i> • <i>2015 - commissioned to examine options for the post coal-mining future of the township of Leigh Creek and wrote the Leigh Creek Futures report.</i>

This form must accompany the Nomination Form

LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

Name	MAYOR Michael Coxon
Council	City of West Torrens
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • 2018 – current - Mayor of the City of West Torrens • 2022 - current – LGASA Board Director • 2022 - current – LGASA Representative – Audit and Risk Committee • 2022 – current – LGASA Representative – Adelaide Coastal Councils Network (ACCN) • 2022 – current – GAROC Member • 2018 - current - Member of Road Safety Group - City of West Torrens • 2018 - 2023 – Vice President – Australian Mayoral Aviation Council • 2012 – 2014 - Chairperson of the Urban Services Committee - City of West Torrens • 2010 - 2012 - Chairperson of the Corporate & Regulatory Committee - City of West Torrens • 2006 - 2014 - Councillor for the City of West Torrens • 2018 – 2022 – Member – Global Covenant of Mayors on Climate Change • 2018 – 2022 Member - Australian Local Government Women's Association of SA
Local Government Policy Views & Interests	<p>As LGA President, I will provide a non-partisan voice for local government at the State and Federal level on current and emerging matters such as a review of the Financial Assistance Grants (FAGS) funding model, climate adaptation and the environment, Financial Sustainability and ESCOSA, cybersecurity, asset and infrastructure, artificial intelligence (AI) and emerging technology, community wellbeing and engagement and climate change.</p> <p>I look forward to working alongside current LGASA President Dean Johnson and the Secretariat to ensure continuity of leadership and collaboration on all current projects.</p> <p>Whilst the LGASA's remit is to identify issues of state-wide significance to local government and to land on a consensus view for the sector, I will ensure there is support and collaboration between regional and metropolitan Councils, partnering and advocating with the ALGA and other professional associations to enhance relationships and strengthen our advocacy to achieve the best outcome for the sector. Finally, I am excited by the opportunity to contribute to the future success of local government in South Australia and see the need for LGASA to positively promote the sector.</p>

<p>Other Information</p>	<p>Since 2018, I have served the City of West Torrens as Mayor. I have worked hard to create a cohesive and united Council and have overseen the redevelopment of many major Council assets, secured the relocation of the Adelaide Football Club from West Lakes to the Thebarton Oval / Kings Reserve Precinct, championed the introduction of a Section 41 – Youth Advisory Committee and strategically positioned our City for ongoing sustainability.</p> <p>I have also worked collaboratively with neighbouring Mayors across the Western region with a recent example being 'AdaptWest' our regional response to Climate Change.</p> <ul style="list-style-type: none"> • Post Graduate Diploma of Business (UniSA) • Bachelor of Arts Degree (Adelaide University) • 28 years - Corporate Executive Leadership Roles • 10 years - Board Member West Beach Trust (SA Gov) • 7 years - Board Member Camden Community Centre • 7 years - School Council Member – Plympton International College • 6 years - Member of Governing Body – Thebarton Senior College • 6 years - Member of Lions Club of Adelaide Hellenic • 5 years - Member Airport Over 50's Community Group • 5 years - Patron of West Adelaide Football Club
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This form must accompany the Nomination Form

LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

Name	<i>Mayor Kris Hanna</i>
Council	<i>City of Marion</i>
Local Government Experience & Knowledge	<p>Mayor of City of Marion since 2014</p> <p>GAROC 2023-2024</p> <p>Councillor, City of Marion 1995-1997</p>
Local Government Policy Views & Interests	<p>When I became Mayor of Marion in 2014, I was fortunate to have the support of Marion councillors in questioning and reviewing every aspect of council operations. It led to a long journey of improvement, placing Marion in a position to complete major projects every year, with ample state and federal government support, while keeping rate rises relatively low.</p> <p>Admittedly, I was critical of the LGA at that time, and it has been pleasing to see improvements in LGA benefits over the years. If councils agree with me that it is time to extensively review the LGA budget and operations, to ensure value for money, then I would be glad to apply myself conscientiously to the task. Of course, I realise such a challenge means working constructively as part of a team with fellow board members and the CEO; I look forward to it.</p> <p>How can we ensure the LGA truly listens to the member councils?</p> <p>I have some quick learning to do about how well SAROC is working. In theory, a unified voice from country Councils would compel improved services from the LGA.</p> <p>I know GAROC hasn't worked well; I'm committed to regularly gathering Metro Mayors around the table, with a simple formula: short briefing(s) on hot topics, questions on those topics, then general discussion of topics raised by the Mayors. When we meet together informally, our collective common sense and wisdom can be expressed and transformed into action.</p> <p>The LGA could be more effective by emphasising practical help more than policy formulation.</p>

The LGA could be offering practical management consultancy help in the many areas where regional councils either cannot attract or cannot afford to pay for necessary expertise, in a range of areas including financial, environmental, governance and human resources.

I'm very conscious that a council like Marion (with about 400 employees) has the luxury of being able to employ specialists in so many areas: project management, water resources, playground design, and so on. The small rate-payer base in many regional councils simply cannot fund the ideal range of professional staff for the many problems facing regional areas. The LGA should provide practical help with these problems.

LGA **advocacy** can be more effective.

The strategic goal goes beyond the individual issues raised by Councils: it is to have local government truly respected at the State and Federal level. From my experience as an MP, I know very well how the lobbying process works and how to maximise success. Understanding the legislative process, and being able to read and understand legislation itself, are advantages. I would be able to step into this aspect of the role "on day one".

Probably the most important single issue requiring continual advocacy is the **constant shifting of costs** from State to local government.

Every council is aware of the continuing cost impositions of state government onto local government. We need to gather the evidence and lobby more strenuously against this.

An example affecting every council is the imposition of the ESCOSA audit. The larger Metro Councils already have an external auditor, and an internal auditor and a highly competent audit committee of independent professionals. They don't need ESCOSA. For the many smaller regional councils, they need practical help, not an invoice for \$40,000+ for a report telling them they need more practical help!

Another example is the collection and distribution of the Landscape Levy – the money collected in each council area in no way correlates to the need in each council area.

Yet another example, especially pertinent for Metro councils, is the need for another dog/cat detention facility. We can't keep relying on non-government organisations (which councils end up paying) when they cannot always meet demand as it is.

	<p>Motions about a range of social and political issues regularly turn up at LGA General Meetings – is that the right place for these worthy and noble aspirations? We wouldn't be in local government if we didn't want to make the world a better place in some way. At Marion Council we have developed a culture in the chamber of not getting into debates about the many shortcomings of State and Federal Governments and the international scene – this has left us with more time to properly deal with our own local problems.</p> <p>Of course, the LGA must respond to concerns raised by every Council raised, but I would be encouraging all of us to focus on the issues where we can readily and powerfully make a positive difference, in the areas under our direct control; at the same time, encouraging the State and federal Governments to do what they are meant to be doing for us all.</p>
<p>Other Information</p>	<p>Over 30 years as a lawyer, including a period of running and managing a small legal practice. Helped ordinary people with extraordinary problems, particularly with employment disputes. I also developed expertise helping nonprofit associations with management issues, including drafting/revising over 200 constitutions.</p> <p>Law degree with Honours.</p> <p>In the past served on boards of diverse organisations such as the Victim Support Service, the Multifaith Association and school councils.</p> <p>In State Parliament (Member of the House Assembly) 1997–2010.</p>

This form must accompany the Nomination Form

LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

Name	<i>Dr Heather Holmes-Ross</i>
Council	<i>City of Mitcham</i>
Local Government Experience & Knowledge	<p>I have served as Mayor of Mitcham since 2018 and as a GAROC representative for the past four years, currently holding the position of GAROC Chair. Since April 2022, I have also been a member of the LGA board. I see my role as Mayor as one of listening and advocacy, which has driven me to establish strong relationships with councillors, our CEO, council staff, local MPs, and community members. By proactively engaging with community groups, schools, universities, and businesses, I have been able to understand and address their diverse needs, facilitating partnerships that benefit all parties involved.</p> <p>I have successfully advocated for my community, securing grant funding and policy changes that directly benefit our residents. At the sector level, I have worked diligently to build strong relationships with fellow Mayors, councillors, LGA staff, and government MPs. My election as LGA board member and GAROC Chair reflects the trust my peers place in my abilities. I have also proudly represented the sector in several occasions including on panels at the 2022 and 2023 ALGA National General Assemblies.</p> <p>Through my role on GAROC, I have developed a comprehensive understanding of the common issues and concerns faced by metropolitan councils. Through my role on the LGA board, I have gained an excellent understanding of the workings of the LGA and broadened my knowledge of the regions. Having spent my childhood (Alice Springs) and teen years (Deniliquin, NSW) in regional Australia, I am aware of the joy of country living and the harsh realities of rural life. I have recently travelled to a number of regional LGA board meetings to further expand my knowledge of the regions and better understand the concerns of rural councils.</p>
Local Government Policy Views & Interests	<p>Like many of us in local government my passion lies in building happy, resilient, and empowered communities. I believe collaboration is key, whether among stakeholder groups within local government areas or across the sector as a whole. The LGA is uniquely positioned to strengthen the long-term financial, environmental, and social sustainability of the sector through advocacy, promotion, and facilitation. My goal is to</p>

	<p>support the LGA in being as effective as possible in these endeavours.</p> <p>Financial sustainability is a pressing issue for the sector, particularly in the face of rising living costs, the state government oversight through ESCOSA and the federal government's shift to tied grant funding. The challenge is to become more efficient, delivering more with less and exploring opportunities for additional revenue generation. The LGA can play a crucial role in facilitating the spread and adoption of innovative solutions being trialed by councils across the sector.</p> <p>For example, last year, the LGA supported the District Council of Murray Bridge and City of Mitcham in a joint power procurement trial, which resulted in Murray Bridge saving upwards of \$350k per annum, while Mitcham is set to save \$10 million over the next ten years. Opportunities like this can be expanded to benefit other councils, with the LGA leading the way in facilitating such initiatives.</p> <p>Similarly, several councils are currently involved in programs with Adelaide's universities for graduates who would probably not have considered a career in local government. These programs are very successful in attracting and retaining talented and enthusiastic young people, helping address skills shortage and positioning local government as employers of choice. I am keen to see the LGA support and extend these opportunities.</p> <p>Additionally there are opportunities for cost savings through shared services, and collaborations with the private sector. There is also interest by member councils in working together to tackle or advocate on common issues such as the Adelaide freight by-pass or eliminating childcare deserts.</p> <p>It is my wish help the LGA be more clear with its purpose, play a leadership role in facilitating collaborations, and advocate effectively on behalf of the sector.</p>
<p>Other Information</p>	<p>I came to local government from a background in business and academia. I have a PhD in chemistry from Flinders Uni which means I am trained to investigate, problem solve and collaborate. In turns out that these are handy skills for navigating the intricacies of local government. I have an excellent understanding of finances and business management. The hospitality business, the Artisan Cafe, which my chef husband and I founded and managed for 10 years was recognised for excellence several times, with a highlight our being awarded the Australian Cafe of the Year in 2017 by our industry body. Our latest venture, The Lost Dice, is a board</p>

game cafe located in the Adelaide CBD which services a wonderfully diverse community.

I believe small businesses play a pivotal role in community development, and supporting local economies leads to better outcomes for everyone. I previously founded a "shop local" and social inclusion movement in our area, which resulted in both economic and social benefits for the community. I am deeply interested in finding the best ways to support our business communities, allowing them to thrive and give back to the communities that support them.

Since early 2019, I have served as a director on the East Waste board, a subsidiary of eight councils responsible for waste transport. Additionally, our council has chaired Region 7 of the Murray Darling Association, representing the Adelaide metropolitan area. Waste and water management present significant challenges for the sector, but there are also opportunities for local government to lead the way through best practices and embracing the circular economy.

I am the Local Government Representative on the Australia Day Council SA board. I take great pride in the council's work celebrating Australians who exemplify our nation's best qualities. Shining a spotlight on ordinary Australians doing extraordinary things inspires hope for a respectful and inclusive future.

This form must accompany the Nomination Form

LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

Name	Claire Boan
Council	City of Port Adelaide Enfield
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • Councillor Parks Ward (PAE) 2010 - 2014 • Councillor Port Ward (PAE) 2014 - 2018 • Mayor of PAE 2018 - current • GAROC member 2020 - current • LGA Board of Directors 2020 - current • Chair LGR&DS Advisory Committee 2022 - current • Member LGA Nominations Committee 2022 - current • Previous member of: <ul style="list-style-type: none"> ○ PAE Council Assessment Panel ○ PAE Audit Committee Chair
Local Government Policy Views & Interests	<p>As the Mayor of PAE, I have been part of leading strategic plans and pivotal projects within our council area. Ensuring our assets are effectively maintained is a priority, along with providing places people love to live in and visit. Councils must first look to ensure our key responsibilities are successfully managed and provided for our rate payers.</p> <p>With 14 years of experience in local government, I have developed a deep understanding of the challenges and opportunities we face. My background in education has equipped me with the skills to navigate complex issues and find innovative solutions. Of late, I'm particularly interested in good governance and that strategic direction support is provided for effective Local Government outcomes. Community connectedness is also threaded in all that we do; through engagement, services and relationships with those we represent.</p> <p>The LGA Board is an opportunity to collaborate with the wider network of councils, ensuring effective communication and common Local Government knowledge. Advocacy for Local Government concerns, to both State and Federal Government, alongside a strong focus on Local Government core business, is critical in effective management of the matters raised with the LGA. I support the LGA of SA and its role within the Australian Local Government sector.</p> <p>I believe clear and strong leadership is essential, alongside maintaining and developing respectful relationships within our sector and those we work with. This is something I have demonstrated over my past six years as Mayor and four years</p>

	representing councils on GAROC and the LGA Board. I am committed to bringing continued dedication to this role.
Other Information	<ul style="list-style-type: none"> • Bachelor of Primary Education (teaching and coordinator roles 2005-18) • Justice of the Peace 2020 - current • Green Adelaide (SA Gov) Board Member 2020 - 2024 • Green Adelaide Audit and Risk Committee 2023 - 2024 • CAWRA MRF Board Member 2020 - current • Patron of Local Clubs

This form must accompany the Nomination Form

Attachment B

Election for the Position of President of the Local Government Association of South Australia



**OFFICE OF THE LORD MAYOR**

23 August 2024

Dear Colleague,

You will be aware that I seek election to be President of the Local Government Association of South Australia (LGA). I have been an elected member, advocate and partner of Local Government projects for three decades.

Being local is the core of Council activity. The cries of cost savings and efficiency that are often the backbone of arguments calling for a rationalisation of Councils are a distraction from the real and much more significant costs that challenge every Council across our state: the costs of delivering the infrastructure and services that make local communities function and prosper.

Every Council across our state is different, but all share many of the same challenges. We facilitate and provide for:

- community health and wellbeing,
- ease of movement on our public thoroughfares and infrastructure,
- economic activity in our main streets and industrial zones,
- visitor attractions, and
- public infrastructure and community amenities.

The role of the LGA is to strive and help all Councils to best deal with our common challenges, providing frameworks and tools for consistent approaches.

But it does not end there. The LGA must articulate our collective vision to State and Federal Governments. We must do better to convince the other spheres of government that, given greater capacity through fairer distribution of funding, our capacity to partner and deliver more to our common constituency will grow exponentially.

Councils are often best placed to deliver services, using local businesses and providers where possible, but we are hampered by a lack of fair funding for our enterprise. There is tremendous potential for us to do more but the negotiations must be fair and equitable.

Councils are constantly subjected to cost-shifting, having to deliver policy initiatives from State and Federal Governments, and yet failing to be given sufficient funding.

Regional Councils in particular strain under the pressure of managing limited rate revenues while managing significant infrastructure that not only sustains their region and townships but supports sectors critical to our State economy, such as agriculture, mining and tourism.

The cost of maintaining thousands of kilometres of roads that play a significant role in the transport of freight vital to our export growth and the State economy is overwhelming for our Regional Councils.

I want to lead the LGA in order to be part of a systemic approach to negotiating with State and Federal Governments to recognise that these are not just local roads but arteries for the economic success of South Australia.

In this era of greater government transparency, our sector is well placed to garner public support for our cause because the services and the infrastructure we deliver have the most immediate and most visible impact.

As this election will appoint a metro-Adelaide Mayor, I offer myself for election knowing I am one of the few metropolitan Mayors who has visited every township, school, visitor information centre, jetty, regional museum and gallery in our state. I ask you to consider giving me your support when your Council makes its decision about casting a vote.

My background, my experience and my record of public service, I believe, shows that I have the requisite experience, work ethic, negotiating skills, and the leadership qualities to sit at the table with Government and articulate a case for change.

To do this I need your support and the vote of your Council to elect me President of the LGA.

Kind regards,



Dr Jane Lomax-Smith
LORD MAYOR



OFFICE OF THE LORD MAYOR

26 September 2024

Dear Colleague,

Voting has well and truly begun for the next President of the Local Government Association of South Australia.

I have had the chance to meet with and speak to many of you, Mayors and Councillors alike. Thank you for answering my phone calls and thank you for calling me directly. If I haven't spoken directly with you, I provide a short personal message:

<https://www.youtube.com/watch?v=5Olb8gZndA4>.

While I don't want to elaborate too much, I did want to use this letter to encapsulate simply the messages contained in my previous correspondence to you – I am an experienced advocate and campaigner, a policy "wonk" who can articulate the argument for change, and a leader who is prepared to listen to many voices.

Most of all I want to change the same old tired perceptions of Councils and reassert the positive role we play in our communities.

We are a force for good. Our elected representatives and hard-working administrations unite to deliver a suite of services to our community, whether that be fixing footpaths or caring for our parks and gardens.

We are their best representatives. We deliver value for money to provide infrastructure and services of quality, yet many Councils face the uncertainty of being financially unsustainable.

That must change.

We must meet the moment, show unity and focus on a shared goal: making other tiers of government aware that we are a force critical to ensuring the future prosperity of our State.

If I am elected in November, I'll make that argument for all of us.

Thank you all for considering my nomination, giving me the opportunity to explain why I have thrown my hat in the ring and what I can offer should I be elected to represent the local government sector.

Kind regards,

A handwritten signature in blue ink that reads "Jane".

Dr Jane Lomax-Smith
LORD MAYOR

From the Office of the Mayor



3 September 2024

Dear Mayors, Councillors and CEOs

Local Government Association SA (LGASA) President Nominations

I am formally seeking your support for my nomination to the position of **President of the Local Government Association of South Australia (LGASA)**.

As the current Mayor of the City of West Torrens, I have the privilege of leading a vibrant and diverse community, and I am enthusiastic about the opportunity to contribute to the broader local government sector at a 'State-wide' level.

Throughout my 14 years on Council (6 years as Mayor), I have demonstrated a strong commitment to effective governance, community engagement, and sustainable development. Under my leadership, the City of West Torrens has achieved many significant milestones, including improved infrastructure, enhanced community services, and strengthened local businesses. Most recently, securing the relocation of the Adelaide Football Club (AFC) from West Lakes to our Thebarton Oval / Kings Reserve Precinct. My ability to foster collaboration among my councillors, community organisations, and local businesses has been instrumental in driving these achievements.

One of my key priorities has been advocating for the interests of our community at both State and Federal levels. I have actively engaged with Government Ministers, Local MPs and key stakeholders to secure funding for vital projects, ensuring that our community's needs are met. An example of this is the current project to upgrade the West Torrens Council-owned Thebarton Theatre.

In addition to my role as Mayor, I have served on various committees and boards, including 2 years as a Board Director of LGASA with 2 years as a member of the Audit and Risk Committee, 2 years as a Board representative on the Adelaide Coastal Councils Network (ACCN) and 2 years as a member of the Greater Adelaide Region of Councils (GAROC).

This experience has provided me with a broad understanding of the complexities and challenges faced by all of our 68 local councils across South Australia, as well as the importance of advocating for equitable policies and resources and, has honed my ability to navigate complex policy landscapes and build consensus among stakeholders while maintaining respectful relationships.

I am confident that my leadership experience, dedication to community service, and passion for local government ensures my strong candidacy for the position of President of the LGASA. I am excited by the opportunity to contribute to the future success of local governments in South Australia and to work collaboratively with **all councils** to achieve our shared goals.

As President of the LGASA, I will be committed to promoting the interests of all councils in South Australia, fostering collaboration, and advocating for policies that support sustainable and resilient communities. My focus areas for the LGASA include:

Strengthening advocacy efforts: ensuring that the voices of **all councils** are heard and that their needs are effectively represented at both the State and Federal levels. **Politically, I am non-partisan.**

I have respect for all leaders in our political system and am professional in all my undertakings with them. I am committed to advocacy for both regional and metropolitan council key issues including (but not limited to) addressing the current housing crisis, a review of the formula for the determination of Financial Assistance Grants (FAGS), blackspot funding, aged care funding, and community development funding.

Positively promoting the Local Government sector: I am fully committed to LGASA actively promoting the 'good news' stories of Councils and the positive role we play in our communities.

Promoting innovation and best practices: facilitating knowledge sharing and collaboration among **all councils** to continually drive innovation and the adoption of best practices in local governance to address ongoing infrastructure delivery, financial sustainability (ESCOSA), cybersecurity threats, asset and infrastructure maintenance, cultural awareness, and artificial intelligence and emerging technologies.

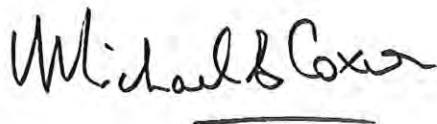
Enhancing community engagement: developing tools for **all councils** to support the continued engagement with their communities in meaningful ways to ensure that local government actions reflect the aspirations and needs of their residents.

Supporting sustainable development: advocating for policies and initiatives that promote environmental sustainability, economic growth, and social well-being across all communities with a continued focus on our sector's response to climate change and local government responsibilities of waste management.

Thank you for considering my application and, should you wish to discuss any aspect of the information provided, please feel free to contact me on 0402 212 002 or at mayorcoxon@wtcc.sa.gov.au.

In closing, I respectfully request this letter be included in your council agenda with my nomination information.

Yours sincerely



Michael Coxon B.A., Grad. Dip. Prop.
Mayor
City of West Torrens

19 August 2024

Dear Mayor Bria and Councillors of the City of Norwood Payneham & St Peters

Letter of Support - LGA President Nomination

I'm writing to share with you my desire to represent our sector as President of the Local Government Association of South Australia, and to seek your support in my nomination.

I've been an elected member with the City of Port Adelaide Enfield for fourteen years, six of those as Mayor. I spent my early years in the Adelaide Hills on a dairy farm and continue to have close family connections to the area, was then educated in the Lower Lakes and Coorong region as my family continued their farming journey, before moving to Adelaide and Perth for my tertiary education. My qualifications led me into teaching for over fifteen years and living across Adelaide in various metropolitan regions. With this varied life background I have an understanding of the vastly different needs of our rural, regional and suburban regions.

As a current sitting member of the Board of Directors, I have been clear in my position that local government should remain true to our core responsibilities. Too often, we are loaded with expectations from other levels of government and our communities, creating distractions and responsibilities which are difficult to meet and maintain.

Councils have shared their priorities for the LGA to turn their focus to, to provide future direction to the board and administration. Besides this, we must also remain agile in our response to Councils as support is required. Recently, the LGA has supported Councils through campaigns focussed on the vital importance jetties place on our regional communities, the need for state funding to our library services as they play a crucial part of our connection and service to our communities, and assistance for councils through the current changes of the LG Act and Election period.

To understand more about my range of experiences supporting Local Government, I share the following:

- Mayor Port Adelaide Enfield (2018-current)
- Councillor Port Adelaide Enfield Council (2010-2018)
- Member of the LGA Board of Directors (2020-current)
- Chair of the LG Research and Development Schemes Advisory Committee (2022-current)
- Committee member of the Local Government Association Nominations Committee (2022-current)
- Committee Member Greater Adelaide Region Organisation of Councils (GAROC) (2020-current)
- Green Adelaide Board Member (Landscape Board) (June 2020 – June 2024)
- CAWRA Board Member (Material Recovery Facility – City of Port Adelaide and City of Charles Sturt) (2020-current)
- Audit and Risk Committee for Green Adelaide (2023-2024)

As President, I will continue to advocate for Local Government across South Australia and look forward to working alongside you in this role. I care deeply for Local Government and know that I will be an honest voice for all of us who work and serve in our roles, representing our communities through our councils.

I encourage you to reach out to discuss any matters you would like to raise with me or questions you have about my nomination for this position.

Kind regards,



Claire Boan
Mayor

Email: claire.boan@cityofpae.sa.gov.au

11.5 LOCAL GOVERNMENT FINANCE AUTHORITY - ELECTION FOR THE POSITIONS OF REPRESENTATIVE MEMBERS OF THE BOARD OF TRUSTEES

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2181
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the election process and candidates, who have nominated for election to the positions of Representative Members of the Board of Trustees of the Local Government Finance Authority.

Local Government Finance Authority Board

As Elected Members will recall, in August 2024, the Local Government Finance Authority (LGFA) called for nominations from Councils to fill the two (2) Representative Member positions of the Board of Trustees of the Local Government Finance Authority Board.

The LGFA has received five (5) nominations for the two (2) Representative Member positions on the Board. An election therefore will now be conducted, by postal ballot, to determine the positions.

The five (5) nominees for the two (2) positions, in the order as set out on the Ballot Paper, are:

- Cr Michael Phillips-Ryder, Light Regional Council;
- Cr Jonathan Pietzsch, Coorong District Council;
- Cr Grant Piggott, City of Norwood Payneham & St Peters;
- Mr Michael Sedgman, Chief Executive Officer, City of Adelaide; and
- Cr John Smedley, City of Holdfast Bay.

A copy of the Ballot Paper and Candidate information is contained within **Attachment A**.

In order to comply with the Rules of the Authority, the casting vote of the Council must be conducted as follows:

1. The voting must be on the official ballot paper; and
2. The Council, must by resolution, determine which candidates (being not more than two (2)) they wish to vote for.

All votes are to be forwarded to the Returning Officer by Friday, 11 October 2024.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

That the Council determines:

1. _____; and
2. _____

as its preferred candidates for the Representative Members for the Board of Trustees of the Local Government Finance Authority.

Attachments – Item 11.5

Attachment A

Local Government Finance Authority Election for the Positions of Representative Members of the Board of Trustees





LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA

BALLOT PAPER

REPRESENTATIVE BOARD MEMBER

Two (2) Required:-

Place "X" next to two names you wish to vote for.

PHILLIPS-RYDER, M

PIETZSCH, J

PIGGOTT, G

SEDGMAN, M

SMEDLEY, J

CLOSING DATE: 5.00 PM at the office of the LGFA, Friday 11 October 2024

NAME	MICHAEL PHILLIPS-RYDER
OCCUPATION	Operations Manager - Construction (SA/WA/NT)
QUALIFICATIONS & AWARDS	Bachelor of Construction Management & Economics (Hons.) Bachelor of Laws Graduate Diploma in Legal Practice Barrister and Solicitor of the Supreme Court of South Australia
CURRENT POSITION IN LOCAL GOVERNMENT	Councillor Light Regional Council
PERIOD IN LOCAL GOVERNMENT	2 years
OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT	

Past**Light Regional Council**

- CEO Selection Committee

Present**Light Regional Council**

- Audit and Risk Committee

Gawler River Floodplan Management Authority

- Board Member

NAME

JONATHAN PIETZSCH

OCCUPATION

Primary Producer and Agricultural Contractor

QUALIFICATIONS & AWARDS

Diploma in Agriculture

CURRENT POSITION IN LOCAL GOVERNMENT

Councillor
Coorong District Council

PERIOD IN LOCAL GOVERNMENT

2 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT

Past

Tilly Swamp CFS

- Captain

Coonalpyn Lutheran Parish

- Chairman

Culburra Tennis Club

- President

Tintinara Hall- Section 41 Committee

- Community Member

Present

Tintinara Regional Area Development Enterprises

Laneway Assets Pty Ltd

- Chairman

Colebatch CFS

- 2nd Leutenant,

Tintinara Golf Club

- Treasurer

Tintinara Hall - Section 41 Committee

- Councillor

Family Agricultural companies.

- Director

Various Section 41 committees of council

NAME**GRANT PIGGOTT****OCCUPATION**

Business & Financial Management Consultant

QUALIFICATIONS & AWARDS

Bachelor of Economics, University of Adelaide
 Qualified Chartered Accountant
 Graduate of Institute of Company Directors
 Graduate Diploma of Financial Planning

CURRENT POSITION IN LOCAL GOVERNMENT

Councillor
 City of Norwood Payneham & St Peters

PERIOD IN LOCAL GOVERNMENT

14 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT*Past***Eastern Waste Services**

- Board Member, 2010 —2019

City of Burnside

- Council Member, 2010 — 2022
- Development Assessment Panel 2011-2014,2016
- Audit & Risk Committee 2015-2016, 2021
- CEO Performance & Appraisal Committee 2013-2014, 2017, 2019

*Present***City of Norwood Payneham & St Peters**

- Council Member, 2022 - Current
- Audit & Risk Committee, 2022 — Current
- Business & Economic Development Advisory Committee, 2022 – Current

ERA Water

- Board Member, 2022- Current

Highbury Landfill Authority

- Present Board Member, 2022 - Current

NAME

MICHAEL SEDGMAN

OCCUPATION

Chief Executive Officer

QUALIFICATIONS & AWARDS

Master of Commercial Law (Deakin) 2007
 Master of Business Administration (Deakin) 2005
 Bachelor of Commerce (Deakin) 1987
 Fellow of CPA Australia - FCPA
 Fellow of Governance Institute of Australia - FGIA
 Fellow of Chartered Governance Institute - FCG

CURRENT POSITION IN LOCAL GOVERNMENT

Chief Executive Officer
 City of Adelaide

PERIOD IN LOCAL GOVERNMENT

25 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT

Past

- Local Government Professionals SA 2019-2023
- Local Government Association Workers Compensation Scheme 2011-15
- Local Government Association Mutual Liability Scheme 2009-2015
- Waste Care SA 2010-2013
- South Australian Local Government Consulting 2006-2009
- Inner Northern Group Training Limited 2000-2004
- Yarra-Melbourne Regional Library Corporation 1999-2004 and 2006

Present

Local Government Finance Authority of South Australia

- Board Trustee since January 2019
- Audit and Risk Committee member 2019-20
- Board/Chair/Presiding Member since February 2021

Overview Committees of

- LGFA Asset Mutual Fund since 2017, Chair since 2019
- LG Income Protection Fund since 2017

NAME	JOHN SMEDLEY
OCCUPATION	<p>Elected Member Somerton Ward, City of Holdfast Bay</p> <p>Smedley Finance Solutions Pty Ltd Self Employed Corporate/Property Finance Specialist Previously 40+ years in Senior Business/Corporate Banking and Finance roles with various Bank and Non-Bank institutions, including NAB, Westpac, Citibank and Bendigo Adelaide Bank, Angas Securities Ltd. & Turner Securities Ltd.</p>
QUALIFICATIONS & AWARDS	<p>Master of Business Administration (University of Adelaide) Fellow of Financial Services Institute of Australasia Diploma in Banking & Finance Diploma in Accounting Diploma in Mortgage & Finance Broking</p>
CURRENT POSITION IN LOCAL GOVERNMENT	Councillor Somerton Ward
PERIOD IN LOCAL GOVERNMENT	10 years
OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT	

Past**Somerton Ward at City of Holdfast**

- Deputy Mayor & Councillor

Adelaide Airport Consultative Committee

- Member

Glenelg Oval Consultative Committee

- Member

Present**Holdfast Bay Audit and Risk Committee**

- Presiding Member

Southern Regional Waste Resource Authority

- Board Member

Executive Committee

- Member

Adelaide Coastal Councils Network

- Member

Transforming Jetty Road Committee

- Member

11.6 ELECTION OF MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA59226
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the postal ballot that is now required to be undertaken in order to determine the membership of the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils (the GAROC).

BACKGROUND

In August 2024, the Local Government Association of South Australia (LGA), forwarded correspondence to all Councils inviting nominations for appointment of Members to the Greater Region of Adelaide Organisation of Councils (GAROC), which is represented by the following councils:

- Adelaide Hills Council;
- City of Burnside;
- Campbelltown City Council;
- City of Charles Sturt;
- Town of Gawler;
- City of Holdfast Bay;
- City of Marion;
- City of Mitcham;
- City of Norwood Payneham & St Peters;
- City of Onkaparinga;
- City of Playford;
- City of Port Adelaide Enfield;
- City of Prospect;
- City of Salisbury;
- City of Tea Tree Gully;
- City of Unley;
- Town of Walkerville; and
- City of West Torrens.

The LGA has received four (4) nominations for the two (2) positions allocated to the East Regional Grouping of Councils for appointment to the GAROC.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

The role of the GAROC is to provide regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

At the close of nominations, the LGA received a total of four (4) nominations from Councils within the East Regional Grouping of Councils for the two (2) positions. In accordance with the Terms of Reference for the GAROC an election now needs to be conducted to determine the successful candidates to be appointed to the GAROC. The two (2) candidates with the highest number of votes will be appointed to the GAROC.

The term of the GAROC members will commence at the conclusion of the 2024 LGA Annual General Meeting which will be held in November 2024.

The Council must determine by resolution which two (2) candidates it wishes to elect and the voting must be recorded on the Ballot Paper. The Ballot Paper must be returned to the LGA by Monday, 4 November 2024.

A copy of the Ballot Paper and the Candidate Information for each Candidate is contained within **Attachment A**.

The nominees, as they appear on the Ballot Paper are as follows:

- Mayor Michael Hewitson AM, City of Unley;
- Mayor Anne Monceaux, City of Burnside;
- Councillor Anna Leombruno, Campbelltown City Council; and
- Councillor Jason Nelson, City of Prospect.

The Candidates have also written to the Council seeking the Council's support of their nomination for appointment to the GAROC:

A copy of the correspondence received from the four (4) Candidates is contained within **Attachment B**.

RECOMMENDATION

The Council determines the following candidates in order of preference for appointment to the Greater Region of Adelaide Organisation of Councils:

1. -----
2. -----

Attachments – Item 11.6

Attachment A

**Election of Members
of the Local Government Association of South Australia
Greater Adelaide Region Organisation of Councils (GAROC)**



Ballot Paper

Election for GAROC 2024-2026 East Regional Grouping

2 Persons Required

Ballot closes: 5:00pm Monday 4 November 2024

Important Note: The chair of the meeting for that Member Council shall mark the ballot paper with an "X" next to the **two (2)** candidates that the Member Council wishes elected, then seal the ballot paper in the envelope marked "Ballot Paper" and place it inside the envelope marked "Returning Officer". The name of the Member Council must be indicated on the inside flap of the envelope marked "Returning Officer" and the envelope then sealed and delivered to the Returning Officer.

HEWITSON, Michael Mayor City of Unley

MONCEAUX, Anne Mayor City of Burnside

LEOMBRUNO, Anna Councillor Campbelltown City Council

NELSON, Jason Councillor City of Prospect



Issuing
Officer Initial

Greater Adelaide Regional Organisation of Councils (GAROC) 2024 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>Mayor Michael Hewitson</i>
Council:	<i>City of Unley</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • <i>Currently serving second term as the Mayor of the City of Un/ey.</i> • <i>Before being elected as Mayor, was a Councillor for the Un/ey Ward for 12 years.</i>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> • <i>Local Government is a foundation of our democracy and good local governance matters. Unley has developed a unique and workable model of governance.</i> • <i>Collectively Local Government can be the springboard for new ideas and innovation.</i> • <i>Addressing environmental, liveability, and social cohesion ... indeed looking after the individual citizen</i>
Other information	<ul style="list-style-type: none"> • <i>Taught year 8-12 Maths and All Sciences across SA both State and Independent schools.</i> • <i>1975 - Appointed Director of the Salisbury Education Centre.</i> • <i>Established Radio Station 5PBA</i> • <i>Appointed foundation Principal and Chief Executive Officer of Trinity College Gaw/er from 1984 to 2002.</i> • <i>1998 recognised as Fellow of the Australian College of Education</i> • <i>Author of "How will our children learn?" Published Connor Court 2012</i> • <i>January 2013 made a Member of the Order of Australia for significant service to education, Anglican Church of Australia and the City of Unley.</i> • <i>Board Member Rostrevor College 2014-2017</i> • <i>Former Member of the Australian Board of Education 2015-2021</i> • <i>Former Chair of the Australian Curriculum Assessment and Reporting Authority 2021</i>

This form must accompany the Nomination Form

Greater Adelaide Regional Organisation of Councils (GAROC) 2024 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>Mayor Anne Monceaux Nominated by City of Burnside Council</i>
Council:	<i>City of Burnside</i>
Local Government Experience & Knowledge	<i>I have served the Burnside Community for 14 years, for 8 years as a councillor and for 6 years as Mayor of the City of Burnside. In my role as Mayor I have represented my council at LGA meetings, chaired the ERA group of councils' meetings with Mayors and CEOs, met with ERA Mayors, State and Federal Government representatives regularly and contributed to the LGA review and to the needs for electoral reform. I have also been an ALGWA member for a number of years.</i>
Local Government Policy Views & Interests	<p>Removing Heavy Freight from Metropolitan Adelaide: <i>For 14 years I have lobbied to improve the safety of the freight route along the South Eastern Freeway. A major concern is the movement of interstate freight through residential suburbs in eight metropolitan council areas. Safety, productivity, liveability and resilience are important in this. Environmental factors (air quality and noise pollution) are also critical in creating a freight bypass that serves this need.</i></p> <p>Climate Change: <i>Burnside Council was one of the first councils to declare a climate emergency in 2019 and has been proactive in Climate Change initiatives, becoming a Tree City of the World and working collaboratively with Green Adelaide and Resilient East to bring about change. I addressed the State Planning Review Panel on the importance of changing tree legislation, planning rules to protect the environment and heritage, the need for demolition controls and to seek support for access to more open space. Increasing canopy cover will remain a challenge as our urban environment warms and alternative energy sources need constant monitoring and appropriate action.</i></p> <p>Code Amendments and State Planning: <i>I understand the uniqueness of each of the council areas in the eastern region and indeed the metropolitan area at large and know that different aspects of the Planning Code and their application need constant review and appeals to State Government for changes. Code amendments and Planning rules require vigilance and as councils we need to continue to work collaboratively on these where practicable to lobby for change, particularly in the areas of heritage, open space, tree protection and pressures on urban infill. Affordable housing is also an issue of concern.</i></p>

	<p>Council Member Behaviour/Governance: <i>I have been advocating with others (and will continue to do so) for greater support for Mayors and Council Members who are subject to bullying and harassment. This has been formally identified in Victoria's local government sector and there are similarities here in SA. The Act does not provide sufficient guidance, the processes are ill-defined, are difficult to implement, and most of all, there is little support or protection provided for those elected to roles of leadership.</i></p> <p>Health and Well-being: <i>I am focused on the health and well-being of my community, which includes being part of reference groups that relate to diversity, inclusivity, reconciliation and heritage preservation. I am also concerned about supporting the needs of our aging populations and for action on social/emotional health. Inner City councils are also concerned about the need for more open space and sporting grounds to cater for the growing needs of our communities as well as the need for bicycle connectivity across council areas. Nearness to parks and reserves is necessary for good mental and physical health for everyone and opportunities for performing arts add to the quality of life. Homelessness is another issue that we all need to find solutions for.</i></p> <p>Access and Inclusion: <i>I am committed to making our council area inclusive of all; recognising and respecting our past history and Kaurna culture, ensuring all our ethnic groups have a voice, feel that they belong and have some ownership of what happens to them. I listen to the concerns of young people through to older persons, no matter what their abilities or difficulties and have concern for the homeless, those who are disconnected and those who are suffering from domestic violence and loneliness. Our communities need to be doing more to ensure inclusion.</i></p>
<p>Other information</p>	<p>Experience: <i>As a councillor, I was on the Boards of BRSI (Pineview Village Retirement Homes) for 9.5 years, and on Eastern Health Authority for 8 years, with the latter 4 as Deputy Chair. As a councillor, As such I contributed to the first Eastern Regional Health Plan. I was one of three local government representatives working collaboratively with SA Health for a year on the review of the first State Public Health Plan and contributing to the creation of the second iteration. After my first election as Mayor, I was on a panel for a year with a few other Mayors and CEOs, (as selected by the previous State Government) to commence review work of the behavioural standards.</i></p> <p>Future Focus: <i>I am particularly focused on the role that libraries, community centres, social, sport and recreation groups play in fostering community development. In this time of economic hardship we also need to support our small and local businesses and help them to overcome obstacles.</i></p> <p><i>I see the need for councils to continue to work collaboratively toward outcomes for our communities. We must continue to work with both State and Federal representatives to ensure that our voices are heard and action is taken for the sake of our communities. I am also concerned that the gap</i></p>

between councils and the Local Government Association has widened and this fracture needs healing.

GAROC needs to change to be more responsive to the needs of its constituent councils otherwise "If you always do what you always did, you always get what you always got". I would like to play a part in that change.

This form must accompany the Nomination Form

Greater Adelaide Regional Organisation of Councils (GAROC) 2024 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>Cr Anna Leombruno</i>
Council:	<i>Campbelltown City Council</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • 2024 to present Deputy Mayor, Campbelltown City Council • 2023 to 2024 GAROC, Committee Member (Eastern Representative) • 2022 to present Chair, Ageing Well Advisory Committee • 2022 to present President, Campbelltown Historical Society Inc. • 2022 to 2023 Climate Solutions Advisory Committee • 2021 to present Chair, Service Clubs Advisory Committee • 2018 to 2020 Deputy Mayor Campbelltown Council • 2017 to present Member of Council Assessment Panel • 2014 to 2017 Member of Development Assessment Panel • 2015 to 2016 Campbelltown Child Friendly Committee • 2014 to 2016 CEO Panel Review Committee • 2014 to 2018 Sesquicentennial Advisory Committee • 2011 to present Community Rep, Charles Campbell College Governing Council • 2011 to 2013 (Chair 2013) St Francis of Assisi School Governing Council • 2010 to 2016 (Chair from 2014) Campbelltown Leisure Centre Redevelopment Committee • 2010 to 2014 Outlook Publication Committee • 2010 to 2014 Campbelltown Service Club Advisory Committee • 2010 to 2014 Strategic Planning and Policy Development Committee • 2010 to 2014 Sister City Committee • 2010 to present Councillor Campbelltown City Council
Local Government Policy Views & Interests	<p>Gone are the days where Councils are merely responsible for roads, rates, and rubbish.</p> <p>Local Government has an important responsibility to our constituents to provide and maintain its many services such as waste management, roads, footpaths, libraries, assets, infrastructure, sports, and arts facilities and to also deliver various programs that assist and are of interest to both our young, elderly, disabled and vulnerable.</p> <p>We should encourage Councils to work collaboratively together in sharing knowledge and resources with the intent to reducing our running costs and to benefit our communities which includes our many volunteers and local community groups.</p> <p>In recent times Local Government has come under increased scrutiny regarding development, in particular what has been viewed as the over development and urban infill and the impact it has had on the community. The most notable impact has been the loss of tree canopy and the flow on effect has led to environmental issues such as heat mapping.</p>

	<p>When it comes to matters relating to commitment to climate change issues, environmental issues, and significant tree protection, all these weigh heavily on Councils and it is imperative that Local Government are making decisions that best serve the community.</p> <p>Environment issues and sustainability: Covid has brought its fair share of challenges for everyone, both personally and professionally. Many families and businesses have felt the impact of Covid and Councils were not immune to this either. This, along with other recent world events, has seen the escalating costs to many of our goods and services. The increase in building materials has been particularly noticeable as Council's looks to balance the need to continue providing vital services to our residents along with maintaining our current assets and delivering on new initiatives. Considering these and other recent changes seen around the world, it is important that we are also prepared and have policies in place to cope with the current changes in climate and the ongoing challenges faced around the world.</p> <p>It is vital that Local Government continues to build strong relationships with the Councils and both the State and Federal Governments. Stronger relationships will lead to stronger voices and better outcomes.</p>
<p>Other information</p>	<p>I am a current serving member of GAROC, being one of the eastern representatives since 2023 and have served as both Councillor and Deputy Mayor of the Campbelltown City Council since 2010.</p> <p>During my 14 years I have achieved my Diploma in Local Government and I have built an extensive experience in Planning and Development. In 2023 I was elected as the Eastern Representative on GAROC and have worked well with and have the full confidence and support of both my Mayor and of my Council.</p> <p>I have over 20 years' experience in the Insurance industry, and I am also well versed in matters pertaining to Liability and Negligence.</p> <p>I understand the importance of regional initiatives such as the Eastern Health Authority (EHA), waste management and circular economies and the benefits that o with our Councils supporting each other.</p> <p>Besides bringing a balance between Mayors and Councillors, I will continue to take my role on GAROC as an opportunity to be a strong advocate for our combined communities, in achieving a greater influence for local government in matters that are impacting us all.</p> <p>My commitment as a returning member of GAROC will be to continue working collaboratively with our stakeholders and to consider all issues raised so that our decisions are based on best case scenarios for ALL our Councils and our community.</p> <p>Thank you for our consideration.</p>

This form must accompany the Nomination Form

Greater Adelaide Regional Organisation of Councils (GAROC) 2024 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	Cr Jason Nelson
Council:	City of Prospect
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <i>I am a first term Councillor and I am passionate about local government and serving the community. In my first term, I have served on the Council Assessment Panel, Audit & Risk Committee, CEO Performance & Review Committee and various other community groups. I advocate for truth, honesty and openness with our community through regular meetings and various forms of community consultation. I am constantly meeting with and advocating to local Ministers and Senators and I have attended the National General Assembly in Canberra in both 2023 and 2024. I have proven negotiating and advocacy skills that will benefit my role as a member of GAROC.</i>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <i>As a true independent, I believe Local Government is in place to genuinely serve our community. To advocate to State and Federal Governments and politicians for real world improvements in legislation and sensible policies. I believe GAROC gives us that voice and authority to action change that will have long term positive impacts for our communities.</i>
Other information	<ul style="list-style-type: none"> <i>As a seasoned CEO with real world leadership experience, I have led many companies through change and developed strong cultures for the betterment and growth of the organisations I lead. Currently serving as CEO of an ASX listed company, I have served on various boards both private and not-for-profit including Volleyball SA, Australian Standards and I currently serve as Chairman of Lincoln College. I am a member of The Australian Institute of Company Directors, have completed the Company Directors Course and I am a current Fellow of the Governance Institute of Australia.</i>

This form must accompany the Nomination Form

Attachment B

**Election of Members
of the Local Government Association of South Australia
Greater Adelaide Region Organisation of Councils (GAROC)**



Lisa Mara

From: Robert Bria
Sent: Thursday, 5 September 2024 10:45 AM
To: Lisa Mara; Jenny McFeat
Subject: Fwd: Michael Hewitson - Candidate for Election to GAROC (East Grouping)

Hi Lisa and Jenny

FYI

Robert Bria
MAYOR

Begin forwarded message:

From: Michael Hewitson <mhewitson@unley.sa.gov.au>
Date: 5 September 2024 at 10:25:57 AM ACST
To: Michael Hewitson <mhewitson@unley.sa.gov.au>
Subject: Michael Hewitson - Candidate for Election to GAROC (East Grouping)

Dear Council Member,

As a candidate for election to GAROC (East Regional Grouping), I ask for your support to be appointed as one of two ERA delegates. I do so in the hope that every metropolitan Council is directly represented on GAROC.

Given my twelve years on Council and six years as Mayor along with my support for the change in the LGA's constitution / GAROC's Terms of Reference, I was encouraged to nominate by current member of GAROC, Cr Don Palmer. My nomination was unanimously supported by Unley Council.

My wider experience includes membership of numerous boards, most notably ACARA which is responsible for NAPLAN, the Australian Curriculum and the review and reporting on schools across Australia. I also Chaired the ACARA Audit and Risk Committee, and was a member of the National Curriculum Committee reporting to the Board. At a Local Government level, I have presented at national and international conferences and symposiums on local government matters. In December 2023, I was invited to participate and contribute to the COP28 United Nations Climate Change Conference in Dubai.

If you are interested to know more about me, please see [Home | michaelhewitsonmayor](#)

*With my best wishes,
Michael*

Mayor Michael Hewitson AM



City Of Unley 8271 9731 0439752867
<https://www.michaelhewitsonmayor.org/>
[Mayor Michael's blog](#)

Lisa Mara

From: Robert Bria
Sent: Thursday, 5 September 2024 4:41 PM
To: Lisa Mara; Jenny McFeat
Subject: Fwd: GAROC Nomination

Hi Lisa and Jenny

FYI

Robert

Begin forwarded message:

From: Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>
Date: 5 September 2024 at 4:26:38 PM ACST
To: Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>
Subject: **GAROC Nomination**

Dear Mayors and Councillors

I am writing to you to ask for your vote as one of your representatives for the east on GAROC.

I am your current serving member of GAROC, being one of the eastern representatives since 2023 and have served as both Councillor and Deputy Mayor for the Campbelltown City Council since 2010.

During my 14 years I have achieved my Diploma in Local Government, and I have also built an extensive experience in Planning and Development.

In 2023 I was elected as the Eastern Representative on GAROC and have worked well with and have the full confidence and support of both my Mayor and of my Council.

I have over 20 years' experience in the Insurance industry, and I am also well versed in matters pertaining to Liability and Negligence.

I understand the importance of regional initiatives such as the Eastern Health Authority (EHA), waste management and circular economies and the benefits that go with our Councils supporting each other.

Besides bringing a balance between Mayors and Councillors, I will continue to take my role on GAROC as an opportunity to be a strong advocate for our combined communities, in achieving a greater influence for local government in matters that are impacting us all.

Please find below my summary for your consideration.

Cr Anna Leombruno, Campbelltown City Council Local Government Experience & Knowledge:

Local Government Experience:

- * 2024 to present Deputy Mayor, Campbelltown City Council
- * 2023 to 2024 GAROC, Committee Member (Eastern Representative)
- * 2022 to present Chair, Ageing Well Advisory Committee
- * 2022 to present President, Campbelltown Historical Society Inc.
- * 2022 to 2023 Climate Solutions Advisory Committee
- * 2021 to present Chair, Service Clubs Advisory Committee
- * 2018 to 2020 Deputy Mayor Campbelltown Council
- * 2017 to present Member of Council Assessment Panel
- * 2014 to 2017 Member of Development Assessment Panel
- * 2015 to 2016 Campbelltown Child Friendly Committee
- * 2014 to 2016 CEO Panel Review Committee
- * 2014 to 2018 Sesquicentennial Advisory Committee
- * 2011 to present Community Rep, Charles Campbell College Governing Council
- * 2011 to 2013 (Chair 2013) St Francis of Assisi School Governing Council
- * 2010 to 2016 (Chair from 2014) Campbelltown Leisure Centre Redevelopment Committee
- * 2010 to 2014 Outlook Publication Committee
- * 2010 to 2014 Campbelltown Service Club Advisory Committee
- * 2010 to 2014 Strategic Planning and Policy Development Committee
- * 2010 to 2014 Sister City Committee
- * 2010 to present Councillor, Campbelltown City Council

Other Information:

With over 20 years in the Insurance industry, I am also well versed in matters pertaining to Liability and Negligence.

- * 2024 Women of Campbelltown Award - in recognition for services and achievement
- * 2017 Diploma Local Government Association (LGA50712EM)
- * 2011 ALGWA Inaugural Metropolitan Winner Grace Benny Award (recognising females in LG)
- * 2010 Certificate IV Community Services
- * 2009 Certificate III Community Services
- * 2008 Certificate IV Business (Frontline Management) BSB41004
- * 2005 Certificate III Financial Services (FNB30199)
- * 2003 People's Choice Award Regional Winner South Australia - Insurance Australia Group
- * 1987 General Insurance Principals A & B (Business Law, Communications)

Local Government Policy Views & Interests:

Gone are the days where Councils are merely responsible for roads, rates, and rubbish.

* Local Government has an important responsibility to our constituents to provide and maintain its many services such as waste management, roads, footpaths, libraries, assets, infrastructure, sports, and arts facilities and to also deliver various programs that assist and are of interest to both our young, elderly, disabled and vulnerable.

* We should encourage Councils to work collaboratively together in sharing knowledge and resources with the intent to reducing our running costs and to benefit our communities which includes our many volunteers and local community groups.

* In recent times Local Government has come under increased scrutiny regarding development, in particular what has been viewed as the over development and urban infill and the impact it has had on the community. The most notable impact has been the loss of tree canopy and the flow on effect has led to environmental issues such as heat mapping.

* When it comes to matters relating to commitment to climate change issues, environmental issues, and significant tree protection, all these weighs heavily on Councils and it is imperative that Local Government are making decisions that best serve the community.

* Environment issues and sustainability: Covid has brought its fair share of challenges for everyone, both personally and professionally. Many families and businesses have felt the impact of Covid and Councils were not immune to this either. This, along with other recent world events, has seen the escalating costs to many of our goods and services. The increase in building materials has been particularly noticeable as Council's looks to balance the need to continue providing vital services to our residents along with maintaining our current assets and delivering on new initiatives. Considering these and other recent changes seen around the world, it is important that we are also prepared and have policies in place to cope with the current changes in climate and the ongoing challenges faced around the world.

* It is vital that Local Government continues to build strong relationships with the Councils and both the State and Federal Governments. Stronger relationships will lead to stronger voices and better outcomes.

My commitment as a returning member of GAROC will be to continue working collaboratively with our stakeholders and to consider all issues raised so that our decisions are based on best case scenarios for ALL our Councils and our Community.

I am available to answer any questions you may have and thank you for your consideration.

Kind regards

Get [Outlook for iOS](#)

Anna Leombruno
Councillor - Newton Ward



CAMPBELLTOWN
CITY COUNCIL

M +61 418806118
E cr.leombruno@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

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Lisa Mara

From: Robert Bria
Sent: Tuesday, 3 September 2024 9:10 PM
To: Lisa Mara; Jenny McFeat
Subject: Fwd: Nomination for GAROC
Attachments: image001.gif; GAROC Candidate Information Sheet 2024.docx

Hi Lisa and Jenny

FYI

Robert

Begin forwarded message:

From: Anne Monceaux <amonceaux@burnside.sa.gov.au>
Date: 3 September 2024 at 5:43:10 PM ACST
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srypp@walkerville.sa.gov.au

Cc: Chris Cowley <ccowley@burnside.sa.gov.au>

Subject: Nomination for GAROC

Dear Mayors and Councillors,

Please find attached a copy of my nomination for the Eastern Region of GAROC. I would like you to consider my nomination and my experience in local government to represent you. Sorry if I already sent this to some of you, but I was having some technical problems. Please contact me directly if you have any questions about my nomination and how I may be able to represent your council.

Kind regards

Mayor Anne Monceaux

Anne Monceaux | Mayor

City of Burnside | 401 Greenhill Road Tasmore SA 5065

P: 08 8366 4200 | 0455 336 599

www.burnside.sa.gov.au



Jason Nelson is seeking your support to represent ERA Councils on GAROC.

I am a highly experienced leader with proven success growing businesses in high-value, complex and competitive markets both locally and internationally. I have extensive knowledge and experience across multiple market segments including construction, engineering, manufacturing, distribution, logistics, FMCG and other sectors.

As the CEO of an ASX-listed company, I have over 25 years of corporate experience in leadership, negotiation, startups, company turnarounds, growth, change management and mergers & acquisitions which my expertise in strategy, leadership, corporate governance, marketing and organisational change has helped me achieve.

I currently serve in the following positions:

- Councillor for the City of Prospect
 - Member of the Audit & Risk Committee
 - Member of the Council Assessment Panel (CAP)
 - Member of the CEO Performance Review Committee
 - Member of the Strategic Planning and Development Policy Committee
 - Member of the Community Reference Group for Prospect PLP
- CEO of an ASX listed company
- Chairman of Lincoln College
- Member of Prospect & Blair Athol Lions Club
- Member of the Australian Institute of Company Directors
- Fellow of the Governance Institute of Australia

With exceptional, communication, interpersonal and tactical negotiation skills, I am confident liaising with multinational clients, the 3 tiers of government and stakeholders at all levels. I have attended the last 2 ALGA National General Assemblies in Canberra as the delegate representing the City of Prospect to advocate for key projects supporting our Community with great success.

A hands-on leader, with a passion for our community, I enjoy listening to our residents and community groups, working alongside other Councils to develop strategic plans, empower, support and inspire them towards success, whilst maintaining a positive and safe environment.

I believe local Government is the most important level of Government, acting as the key liaison between our communities and legislators. My knowledge across various sectors paired with my advocacy, networking and negotiation skills position me perfectly to support our ERA Councils on GAROC and I would very much appreciate your support. I can be contacted at any time to discuss any thoughts or answer any questions by phone on 0409 875 499 or via email on jason.nelson@prospect.sa.gov.au

11.7 ERA WATER – REVIEW OF CHARTER

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA87866
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the proposed amendments to the ERA Water Charter and to seek the Council's position on the proposed amendments, to assist in finalising the review of the Charter.

BACKGROUND

ERA Water is a Regional Subsidiary which has been established pursuant to Section 43 of the *Local Government Act 1999*, for the primary purpose of implementing the Waterproofing Eastern Adelaide Project (the Scheme), which involves the establishment of wetland bio-filters, aquifer recharge and recovery, pipeline installations and water storage facilities. ERA Water manage the Scheme on behalf of the Constituent Councils and provide recycled stormwater for the irrigation of parks and reserves to Constituent Councils. The City of Norwood Payneham & St Peters, together with the City of Burnside and the Town of Walkerville make up the Constituent Councils of ERA Water.

Pursuant to Clause 19 of Schedule 2 of the *Local Government Act 1999*, a Regional Subsidiary is required to have a Charter which is prepared by the Subsidiary's Constituent Councils. The Charter is required to be reviewed every four (4) years. The last review of the ERA Water Charter was undertaken in May 2020.

At its meeting held on 25 July 2024, the ERA Water Board considered the proposed amendments to the Charter and subsequently resolved the following:

1. *That the report be received and noted.*
2. *That the Board consider the proposed priority changes to the ERA Water Charter (as outlined in Attachment A of this report) and recommend proposed changes to the Charter be forwarded to Constituent Councils in order to seek their unanimous approval.*

Clause 7.6.4 of the Charter sets out that "*Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board*".

In accordance with Clause 7.6.4 of the Charter, ERA Water has written to the Council seeking the Council's endorsement of the proposed amendments to the Charter.

A copy of the letter dated 29 July 2024 from Mr Andrew Aitken, General Manager ERA Water, is contained within **Attachment A**.

A copy of the ERA Water Charter is contained within **Attachment B**.

A summary of the proposed amendments to the Charter is contained in **Attachment C**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The review of the Charter ensures compliance with the provisions of the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**
Cr Grant Piggott is a Member of the ERA Water Board.
- **Community**
Not Applicable.
- **Staff**
Nil
- **Other Agencies**
Not Applicable.

DISCUSSION

ERA Water have provided the Council with a document which sets out the proposed amendments to the Charter (Attachment C and highlighted in red). These proposed amendments have been considered by the Board of ERA Water as the highest priority and are specifically related to clauses under the 'Duties', 'Budget' and 'Audit Committee' sections of the Charter.

The proposed amendments which relate to the 'Audit Committee' have been recommended to the ERA Water Board by the ERA Water Audit & Risk Committee.

A summary of the proposed amendments to the Charter is set out below.

Clause 2.2 – Duties

One of the key objectives of ERA Water is to “*develop, implement, oversee and manage practical solutions to provide water supply diversity within and outside the Region*”.¹

Notwithstanding the above, the ERA Water Charter sets out that ERA Water must obtain approval from the Constituent Councils prior to entering into arrangements with other agencies and organisations outside the ERA Water region.

¹ ERA Water Strategic Plan 2022-2025

This provision within the Charter is understandable as the Constituent Councils should be made aware of the implications (if any and particularly financial), of such arrangements for each Council, prior to those arrangements being finalised.

However, the ERA Water Board is requesting an amendment to this Clause within the ERA Water Charter (Clause 2.2.2), for these type of situations in the future to allow for a more expedient process for ERA Water when negotiating new arrangements with external agencies and/or organisations, subject to an exemption in terms of the volume of water required and ensuring the water supply to Constituent Councils is not compromised.

This request is quite reasonable on the basis that ERA Water is required to “*recapitalise ERA Water to provide scope to increase sales to build financial sustainability*”.²

At the same time, as the shareholders, the Constituent Councils need to have assurance that any such arrangements (ie new connections to Third Party entities), will not have a financial impact on the Constituent Councils.

Clause 5.1 – Budget

Clause 5.1.5 of the Charter sets out that ‘*Monthly reports summarising the financial position and performance of the Subsidiary against the annual Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils*’.

The ERA Water Board has proposed an amendment to Clause 5.1.5 to require financial reports to be prepared and presented to the Board at no less than every three (3) months which aligns with the schedule of Board Meetings, which are held every two (2) months.

Clause 6.4 – Audit Committee

This proposed amendment to the Charter seeks to ensure the correct name of the Audit Committee (ie *Audit & Risk Committee*) is reflected in the Charter and proposes a change to the membership arrangements of the Audit & Risk Committee to ensure that employees of the Subsidiary and Members of the Board can not be appointed to the Audit & Risk Committee.

In addition, the Board has proposed a limit on the number of terms a person appointed to the Audit & Risk Committee can serve. The amendment aims to limit the number of terms to no more than three (3) two (2) year terms.

In summary, on the basis that the objective of the proposed amendments is to improve the operational efficiency and governance functions of ERA Water there is no reason for the Council not to support the proposed amendments.

Next Steps

As set out above, it is a requirement of the ERA Water Charter, that any amendments to the Charter are unanimously agreed to by all Constituent Councils.

The City of Burnside and the Town of Walkerville have endorsed the proposed amendments to ERA Water Charter as set out above.

OPTIONS

The Council can either resolve to approve or reject the proposed changes to the ERA Water Charter.

The proposed changes to the Charter are not controversial and as both the City of Burnside and the Town of Walkerville have agreed to the proposed changes, it is recommended that the Council endorses the proposed amendments to the Charter.

² ERA Water Strategic Plan 2022-2025

CONCLUSION

The requirement for the ERA Water Charter to be reviewed is a legislative requirement in accordance with the *Local Government Act 1999*.

The proposed changes provide clarity around a number of matters that will enhance ERA Water's ability to carry out its responsibilities and activities and associated governance functions.

COMMENTS

Nil

RECOMMENDATION

The Council advises ERA Water that the Council endorses the proposed amendments to the ERA Water Charter.

Attachments – Item 11.7

Attachment A

**ERA Water
Review of Charter**





31 July 2024

Mr Mario Barone PSM
Chief Executive Officer
City of Norwood Payneham St Peters
175 The Parade,
NORWOOD SA, 5067

Via email: mbarone@npsp.sa.gov.au

Dear Mr Barone

Re: Proposed ERA Water Charter Amendments

At its 25 July 2024 ordinary meeting, the ERA Water Board, having considered proposed priority changes to the ERA Water Charter, resolved to have a suite of priority changes forwarded to the Constituent Councils in order to seek their unanimous approval for these amendments.

Attached is the report presented to the Board for that meeting as well as the updated attachment to that report (updated following that meeting and final resolution of the Board).

I respectfully request that these proposed amendments to the ERA Water Charter be presented to your Council at the earliest opportunity, seeking its approval for these changes.

Please contact me should you wish to clarify or discuss any element of this correspondence and/or this request.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Aitken', written over a light blue grid background.

Andrew Aitken
General Manager

Ph. 0414 363 140

Encl: Report titled 'ERA Water Charter Review' and updated report attachment

Attachment B

ERA Water
Review of Charter



LOCAL GOVERNMENT ACT 1999
NOTICE OF APPROVAL OF A REGIONAL SUBSIDIARY
Eastern Region Alliance Water

THE CITY OF BURNSIDE, THE CITY OF NORWOOD, PAYNEHAM & ST PETERS AND THE CORPORATION OF THE TOWN OF WALKERVILLE, have resolved to establish a subsidiary pursuant to Section 43 of the Local Government Act 1999, to develop, implement, oversee and manage practical solutions to provide water supply diversity within and outside the Region; to supply water to the Constituent Councils and other persons for irrigation purposes within and outside the Region except that priority shall be given to the supply of water for irrigation within the Region.

Pursuant to Clause 17 of Part 2 of Schedule 2 of the Local Government Act 1999, I approve the establishment of the Eastern Regional Alliance (ERA) Water.

The charter of the Eastern Regional Alliance (ERA) Water is set out below.

Dated 21 July 2015.

GEOFF BROCK, Minister for Local Government

**ERA WATER
REGIONAL SUBSIDIARY
CHARTER 2015**



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Adelaide SA 5000
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1. INTRODUCTION

1.1 Name

The name of the subsidiary is ERA Water (referred to as **the Subsidiary** in this Charter).

1.2 Definitions

1.2.1 In this Charter, unless the contrary intention appears:

1.2.1.1 **the Act** means the Local Government Act 1999 and includes all regulations made thereunder;

1.2.1.2 **the Subsidiary** means ERA Water;

1.2.1.3 **the Board** means the Board of Management of the Subsidiary set out at Clause 3;

1.2.1.4 **Annual Business Plan** means the annual business plan adopted by the Subsidiary pursuant to Clause 6.1;

1.2.1.5 **Board Member** means a member of the Board appointed pursuant to Clause 3.4, and unless the context requires otherwise or it is expressly stated otherwise, a reference to a Board Member includes a Deputy Board Member;

1.2.1.6 **Budget** means the annual budget adopted by the Subsidiary pursuant to Clause 5.1;

1.2.1.7 **Chairperson** means the member of the Board appointed pursuant to Clause 3.4.1.2;

1.2.1.8 **Constituent Councils** means those councils identified at Clause 1.5;

1.2.1.9 **Council** means a council constituted under the Act;

1.2.1.10 **Date of Withdrawal** means the date a Constituent Council's withdrawal from the Subsidiary becomes effective pursuant to Clause 7.2.2;

1.2.1.11 **Deputy Board Member** means a person appointed to act as a deputy to a Board Member in accordance with Clause 3.5;

1.2.1.12 **Financial Statements** has the same meaning as in the Act;

1.2.1.13 **Financial Year** means 1 July in each year to 30 June in the subsequent year;

1.2.1.14 **General Manager** means the person appointed pursuant to Clause 4 as the General Manager of the Subsidiary;

1.2.1.15 **Long Term Financial Plan** means the long term financial plan prepared by the Subsidiary and approved by the Constituent Councils pursuant to Clause 5.5;

1.2.1.16 **Net Assets** means total assets (current and non-current) less total liabilities (current and non-current) of the Subsidiary as reported in the annual audited Financial Statements of the Subsidiary;

1.2.1.17 **Project** means the collaborative long term joint undertaking of the Constituent Councils to implement a stormwater capture, treatment and distribution system in eastern Adelaide through, amongst other things, the linking and aggregation of small aquifers and storages via a regional aquifer storage and recovery system and the development of a cross-catchment, cross-council stormwater supply pipeline around eastern Adelaide;

1.2.1.18 **Region** means the collective geographical area of the Constituent Councils;

1.2.1.19 **Water** does not include mains water.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

1.3.1 headings do not affect interpretation;

1.3.2 singular includes plural and plural includes singular;

1.3.3 words of one gender include any gender;

1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;

1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

1.3.6 an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;

1.3.7 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and

1.3.8 a reference to a 'Clause' means a clause of this Charter.

1.4 Establishment

The Subsidiary is a regional subsidiary established under Section 43 of the Act by the Constituent Councils.

1.5 Constituent Councils

The Constituent Councils are:

1.5.1 City of Burnside;

1.5.2 City of Norwood, Payneham & St Peters; and

1.5.3 Corporation of the Town of Walkerville.

1.6 Local Government Act 1999

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Subsidiary shall conduct its affairs in accordance with Parts 2 and 3 of Schedule 2 to the Act except as modified by this Charter in a manner permitted by the Act.

1.7 National Competition Policy

If the Subsidiary is at any time involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy, it will implement the principles of competitive neutrality by way of annual review of its business operations in the market place and application of the relevant principle(s) where that is appropriate to do so, unless the benefits to be realised

through the application of the principles of competitive neutrality outweigh the costs associated with implementation as provided for in Part 4 of the Government Business Enterprises (Competition) Act 1996.

1.8 **Objects and Purposes of the Subsidiary**

The Subsidiary is established for the following objects and purposes:

- 1.8.1 to implement, oversee and manage the Project;
- 1.8.2 to develop, implement, oversee and manage practical solutions to provide water supply diversity within and outside the Region;
- 1.8.3 to supply water to the Constituent Councils and other persons for irrigation purposes within and outside the Region except that priority shall be given to the supply of water for irrigation within the Region;
- 1.8.4 to manage and oversee the distribution of water captured as part of the Project;
- 1.8.5 to provide strategic direction for the Project;
- 1.8.6 to fund, lease or own physical infrastructure required to undertake the Project;
- 1.8.7 to meet all legislative requirements for the Subsidiary;
- 1.8.8 to be responsible for the ongoing maintenance, replacement and other capital requirements of all physical infrastructure owned by the Subsidiary;
- 1.8.9 to utilise proven water management planning principles and technologies;
- 1.8.10 to manage, operate and control the necessary infrastructure for the Project;
- 1.8.11 to maximise economic, environmental and social benefits to the community by developing and implementing innovative water management principles and techniques;
- 1.8.12 to identify, develop and implement water recycling and supply opportunities for the Constituent Councils;
- 1.8.13 to provide technical and other expert services and advice to the Constituent Councils in the area of water management and recycling including identifying emerging issues and opportunities;
- 1.8.14 to represent the Constituent Councils and liaise with State government regarding the implementation or alteration of legislation in relation to water and licensing;
- 1.8.15 to be financially self-sufficient as far as possible.

1.9 **Liability Guarantee**

- 1.9.1 Pursuant to Clause 31 of Schedule 2 to the Act the liabilities incurred or assumed by the Subsidiary are guaranteed by the Constituent Councils.

2. **FUNCTIONS, POWERS AND DUTIES OF THE SUBSIDIARY**

The functions, powers and duties of the Subsidiary are to be exercised in the performance and furtherance of the Subsidiary's objects and purposes.

2.1 **Functions and Powers**

In addition to those specified in the Act, the Subsidiary has the following functions and powers:

- 2.1.1 to establish and maintain a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Subsidiary or meeting any deferred liability of the Subsidiary;
- 2.1.2 subject to Clause 2.5 to enter into any kind of contract or arrangement;
- 2.1.3 subject to Clauses 2.5 and 2.6 to purchase, lease, hire, rent or otherwise acquire or dispose of (other than by sale) any real property or interests therein;
- 2.1.4 subject to Clauses 2.5 and 2.6 and to obtaining the prior approval of the Constituent Councils, to sell any real property or interests therein;
- 2.1.5 to borrow funds and incur expenditure in accordance with Clause 2.5;
- 2.1.6 subject to Clause 2.5 to employ, engage, determine conditions of employment/engagement, remunerate, remove, suspend or dismiss/terminate the General Manager and other staff of the Subsidiary;
- 2.1.7 subject to Clause 2.5 to employ, engage or retain professional advisers to the Subsidiary;
- 2.1.8 subject to Clause 2.5 to purchase, sell, lease, hire, rent or otherwise acquire or dispose of any personal property or interests therein;
- 2.1.9 to directly market and promote the skills and expertise of its employees and its products and services for the benefit of the Subsidiary and the Constituent Councils;
- 2.1.10 to charge whatever fees the Subsidiary considers appropriate for services rendered or goods provided to any person, body or council including a Constituent Council;
- 2.1.11 subject to Clause 2.5 to institute, initiate and carry on legal proceedings;
- 2.1.12 to adopt and use a trading name provided that the Subsidiary must first register the trading name with Consumer and Business Services in accordance with the Business Names Act 1996;
- 2.1.13 subject to Clause 2.5 to agree to undertake a project in conjunction with any council or government agency or authority and in doing so to participate in the formation of a trust, partnership or joint venture with any council or government agency or authority to give effect to the project;
- 2.1.14 to open and operate bank accounts;
- 2.1.15 to make submissions for and accept grants, subsidies and contributions to further its objects and purposes;
- 2.1.16 subject to Clause 2.2 to undertake and exercise such powers and functions as specified in this Charter outside the areas of the Constituent Councils;
- 2.1.17 subject to obtaining the prior approval of the Constituent Councils, to participate in a trust, including by becoming and exercising the powers of a trustee, not inconsistent with this Charter or the objects and purposes of the Subsidiary;
- 2.1.18 to grant a rebate of fees and charges for services rendered or goods provided to the Constituent Councils in such amount as determined by the Subsidiary provided that any rebate granted to the Constituent Councils is in proportion to the fees and charges paid by the Constituent Councils;
- 2.1.19 to compromise, compound, abandon or settle a debt/claim owed to the Subsidiary;

- 2.1.20 to make any election for tax;
- 2.1.21 to do anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers, functions or duties or the attainment of its objects and purposes.
- 2.2 **Duties**
The Subsidiary has the following duties:
- 2.2.1 to exercise the functions and powers of the Subsidiary in the performance and furtherance of the Subsidiary's objects and purposes;
- 2.2.2 to, notwithstanding any other Clause or provision in this Charter, only act outside the area of the Constituent Councils with the prior approval of the Constituent Councils whose approval is granted on the basis that the Constituent Councils consider it necessary or expedient to the performance of the Constituent Councils' or the Subsidiary's functions.
- 2.3 **Other Powers, Functions and Duties**
The Subsidiary may exercise such other functions, powers and duties as are delegated to the Subsidiary from the Constituent Councils from time to time.
- 2.4 **Common Seal**
- 2.4.1 The Subsidiary will have a common seal.
- 2.4.2 The common seal of the Subsidiary must not be affixed to a document except to give effect to a resolution of the Board.
- 2.4.3 The affixation of the common seal of the Subsidiary must be attested by two Board Members or the General Manager and one (1) Board Member.
- 2.4.4 The General Manager must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of the persons who witnessed the fixing of the common seal and the date that the seal was affixed.
- 2.4.5 The Subsidiary may by instrument under common seal authorise a person to execute documents on behalf of the Subsidiary subject to any limitations specified in the instrument of authority.
- 2.5 **Borrowings and Expenditure**
- 2.5.1 The Subsidiary has the power to incur expenditure as follows:
- 2.5.1.1 in accordance with a Budget adopted by the Subsidiary and approved by the Constituent Councils as required by the Act or this Charter; or
- 2.5.1.2 with the prior approval of all of the Constituent Councils; or
- 2.5.1.3 in accordance with the Act, and in respect of expenditure not contained in a Budget adopted by the Subsidiary and approved by the Constituent Councils, for a purpose of genuine emergency or hardship.
- 2.5.2 Subject to Clause 2.5.3 the Subsidiary has the power to borrow money as follows:
- 2.5.2.1 in accordance with a Budget adopted by the Subsidiary and approved by the Constituent Councils as required by the Act or this Charter; or
- 2.5.2.2 with the prior approval of all of the Constituent Councils.
- 2.5.3 Unless otherwise approved by all of the Constituent Councils any and all borrowings taken out by the Subsidiary must be from the Local Government Financial Authority or a registered bank or financial institution within Australia.
- 2.6 **Property**
- 2.6.1 All property held by the Subsidiary is held by it on behalf of the Constituent Councils.
- 2.6.2 No person may sell, encumber or otherwise deal with any real property of the Subsidiary without the approval of the Subsidiary by way of, and evidenced by, a resolution of the Board.
- 2.7 **Delegation by the Subsidiary**
- 2.7.1 The Subsidiary may, in accordance with this Charter and the Act, by resolution, delegate to a committee, an employee of the Subsidiary or of a Constituent Council or to a person for the time being occupying a particular office or position any of its powers, functions and duties under this Charter but may not delegate:
- 2.7.1.1 the power to borrow money or obtain any other form of financial accommodation not being a draw down of an approved overdraft facility;
- 2.7.1.2 the power to approve the reimbursement of expenses or payment of allowances to Board Members;
- 2.7.1.3 the power to adopt Budgets;
- 2.7.1.4 the power to adopt or revise financial estimates and reports;
- 2.7.1.5 the power to make any application or recommendation to the Minister; and
- 2.7.1.6 the power to approve expenditure of money not contained in a Budget adopted by the Subsidiary in accordance with this Charter.
- 2.7.2 A delegation is revocable at will and does not prevent the Subsidiary from acting in a matter.
3. **BOARD OF MANAGEMENT**
- 3.1 **Structure**
- 3.1.1 The Subsidiary is a body corporate and is governed by the Act and this Charter.
- 3.1.2 The Board is the Subsidiary's governing body and has the responsibility for the administration of the affairs of the Subsidiary ensuring that the Subsidiary acts in accordance with this Charter and all relevant legislation including the Act.
- 3.1.3 All meetings of the Subsidiary shall be meetings of the Board.
- 3.2 **Role of the Board**
The Board is responsible for the administration of the affairs of the Subsidiary and ensuring that the Subsidiary acts in accordance with this Charter and all relevant legislation including the Act.

3.3 **Functions of the Board**

In addition to the functions of the Board set out in the Act, the functions of the Board include:

- 3.3.1 providing professional input and policy direction to the Subsidiary;
- 3.3.2 ensuring strong accountability and stewardship of the Subsidiary;
- 3.3.3 monitoring, overseeing and measuring the performance of the General Manager of the Subsidiary;
- 3.3.4 ensuring that ethical behaviour and integrity is established and maintained by the Subsidiary, the Board and Board Members in all activities undertaken by the Subsidiary;
- 3.3.5 subject to Clause 3.11.5, ensuring, where appropriate, that the business of the Subsidiary is undertaken in an open and transparent manner;
- 3.3.6 developing and adopting such policies and procedures as give effect to good governance and administrative practices;
- 3.3.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons;
- 3.3.8 avoiding investments that are speculative or hazardous by nature.

3.4 **Membership of the Board**

3.4.1 The Board shall consist of four (4) members appointed as follows:

3.4.1.1 Constituent Council Board Members

Each Constituent Council must appoint for a maximum period of two (2) years and on such other conditions as the Constituent Council may determine one (1) person (who may be the Chief Executive Officer of that Constituent Council), to be a Board Member and may at any time terminate or revoke that appointment and appoint another person to be a Board Member;

3.4.1.2 Independent Chairperson

(a) Following the receipt of a recommendation from the Chief Executive Officers of the Constituent Councils in accordance with Clause 3.4.3, the Constituent Councils must appoint a person to be a Board Member and Chairperson (not being an elected member or employee of a Constituent Council) for a maximum period of two (2) years and on such other conditions as the Constituent Councils may determine and the Constituent Councils may at any time terminate or revoke that appointment and appoint another person to be a Board Member and Chairperson.

3.4.2 Each Constituent Council must give notice in writing to the Subsidiary of the appointment of a Board Member, the term of appointment, any other conditions, and of any termination or revocation of that appointment.

3.4.3 The Chief Executive Officers of the Constituent Councils shall invite applications for the position of Chairperson and assess such applications through such process as they consider appropriate and make recommendations to the Constituent Councils on the appointment of the Chairperson including the fee to be paid to the Chairperson and other terms and conditions to attach to such appointment.

3.5 **Deputy Board Members**

3.5.1 Each Constituent Council must appoint a person to be a Deputy Board Member for such term as determined by that Constituent Council who may act in place of that Constituent Council's Board Member if the Board Member is unable for any reason to be present at a meeting of the Board and may at any time revoke or terminate that appointment and appoint another person to be a Deputy Board Member.

3.6 **Office of Board Member**

3.6.1 Subject to Clause 3.6.2, at the conclusion of a Board Member's term of office such Board Member will be eligible for re-appointment.

3.6.2 The office of a Board Member will become vacant:

3.6.2.1 if any of the grounds or circumstances set out in the Act as to when a Board Member's office becomes vacant arises; or

3.6.2.2 where applicable, the Board Member ceasing to be an elected member or employee of the Constituent Council that appointed him or her;

3.6.2.3 if the Constituent Council who appointed the Board Member terminates or revokes the Board Member's appointment in the event of any behaviour of that Board Member which in the opinion of the Constituent Council amounts to:

- (a) impropriety;
- (b) serious neglect of duty in attending to the responsibilities as a Board Member;
- (c) breach of fiduciary duty to the Board;
- (d) breach of any of the legislative obligations and duties of a Board Member including the conflict of interest provisions in the Act;
- (e) breach of the duty of confidentiality to the Board and/or the Constituent Councils; or
- (f) any other behaviour which may discredit the Board, the Subsidiary or the Constituent Councils;

3.6.2.4 if the Constituent Council who appointed the Board Member ceases to be a Constituent Council.

3.6.3 The office of a Deputy Board Member will become vacant in the same way as the office of a Board Member will become vacant as set out in Clause 3.6.2 of this Charter or if the Constituent Council who appointed the Deputy Board Member terminates or revokes the Deputy Board Member's appointment.

- 3.6.4 Where, for any reason, the office of a Board Member becomes vacant the Constituent Council which appointed the Board Member will be responsible for appointing a replacement Board Member, and in the case of the office of the Chairperson becoming vacant the Constituent Councils will be responsible for appointing a replacement Board Member and Chairperson.
- 3.6.5 Where any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment and the person appointed to fill the vacancy will be appointed for the balance of the term of the original appointment and at the expiry of that term shall be eligible for reappointment.
- 3.7 **Remuneration and Reimbursement of Expenses of Chairperson**
- 3.7.1 The Subsidiary will pay the Chairperson a fee as determined by the Constituent Councils following the receipt of a recommendation from the Chief Executive Officers of the Constituent Councils having regard to the Guidelines for Agencies and Board Directors published from time to time by the Department of Premier and Cabinet for Government Boards and Committees or such publication as may succeed such Guidelines).
- 3.7.2 The Chairperson will receive from the Subsidiary reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Subsidiary and set out in a policy adopted by the Subsidiary for the purposes of this clause.
- 3.7.3 The Chief Executive Officers of the Constituent Councils will review the annual fee to be paid to the Chairperson and make recommendations to the Constituent Councils of the outcome of the review and any alteration to such annual fee.
- 3.8 **Insurance**
- 3.8.1 The Subsidiary must take out a suitable policy of insurance insuring Board Members including Deputy Board Members, against risks associated with the performance or discharge of their official functions and duties or on official business of the Subsidiary.
- 3.9 **Propriety of Members of the Board**
- 3.9.1 Board Members will not be required to submit returns under Chapter 5, Part 4, Division 2 of the Act.
- 3.9.2 The provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a council and the Subsidiary were a council.
- 3.9.3 Board Members must at all times act in accordance with their duties of confidence and confidentiality and other legal and fiduciary duties to the Subsidiary at all times while acting in their capacity as a Board Member including honesty and the exercise of reasonable care and diligence as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.
- 3.9.4 The Subsidiary must adopt a Code of Conduct approved by the Constituent Councils to be observed by Board Members.
- 3.10 **Chairperson of the Board**
- 3.10.1 The Chairperson will cease to hold office as Chairperson in the event:
- 3.10.1.1 the Chairperson resigns as Chairperson; or
- 3.10.1.2 the Chairperson ceases to be a Board Member; or
- 3.10.1.3 the Constituent Councils terminate the Chairperson's appointment as Chairperson.
- 3.10.2 The Chairperson must preside at all meetings of the Board and, in the event the Chairperson is absent from a meeting, the Board must appoint one of the Board Members present to preside at that meeting only.
- 3.10.3 In the event that the Chairperson is to be absent for an extended period (being a period in excess of two months), then the Board must appoint a Board Member to act as Chairperson for the period of the absence of the Chairperson.
- 3.11 **Proceedings of the Board**
- 3.11.1 Subject to Clause 3.11.6 ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.
- 3.11.2 An ordinary meeting of the Board will constitute an ordinary meeting of the Subsidiary. The Board shall administer the business of the Subsidiary at the ordinary meeting.
- 3.11.3 For the purpose of this Clause 3.11, the contemporaneous linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members is deemed to constitute a meeting of the Board provided that:
- 3.11.3.1 notice of the telecommunications meeting is given to all Board Members in the manner determined by the Board for that purpose; and
- 3.11.3.2 each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present; and
- 3.11.3.3 at least a quorum is present during the telecommunications meeting; and
- 3.11.3.4 at the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting; and
- 3.11.3.5 a Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 3.11.4 A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board and will constitute a valid decision of the Subsidiary where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the General Manager or otherwise giving written notice of their consent and setting out the terms of the resolution to the General Manager. The resolution will be deemed a

- resolution of the Board and will be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 3.11.5 Subject to Chapter 6 Part 3 of the Act meetings of the Board will be open to the public unless the Board resolves otherwise and Chapter 6 Part 3 of the Act extends to the Subsidiary.
- 3.11.6 The first ordinary meeting of the Board following the establishment of the Subsidiary will be determined and called by the Chief Executive Officers of the Constituent Councils at which meeting the time, date and place of ordinary meetings of the Board shall be determined.
- 3.11.7 Subject to Clause 3.11.11, notice of an ordinary meeting of the Board will be given by the General Manager to each Board Member not less than three (3) clear days prior to the holding of the meeting.
- 3.11.8 The General Manager must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Subsidiary, provide the notice to all Board Members at least four (4) months before the date of the meeting.
- 3.11.9 A notice of meeting of the Board must:
- 3.11.9.1 be in writing; and
 - 3.11.9.2 set out the date, time and place of the meeting; and
 - 3.11.9.3 be signed by the General Manager; and
 - 3.11.9.4 contain, or be accompanied by, the agenda for the meeting.
- 3.11.10 Any Constituent Council, the Chairperson or three (3) Board Members may, by delivering a written request to the General Manager require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Subsidiary. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.
- 3.11.11 On receipt of a written request pursuant to Clause 3.11.10, the General Manager and Chairperson must determine the date and time of the special meeting and the General Manager must give notice to all Board Members at least four (4) hours prior to the commencement of the special meeting.
- 3.11.12 The General Manager must, insofar as is reasonably practicable:
- 3.11.12.1 ensure that items on an agenda given to Board Members are described with reasonable particularity and accuracy; and
 - 3.11.12.2 supply to each Board Member at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 3.11.13 Notice of a meeting of the Board may be given to a Board Member:
- 3.11.13.1 personally; or
 - 3.11.13.2 by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
 - 3.11.13.3 by a means authorised in writing by the Board Member as being an available means of giving notice.
- 3.11.14 A notice that is not given in accordance with Clause 3.11.13 is taken to have been validly given if the General Manager considers it impracticable to give the notice in accordance with that Clause and takes action the General Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Board Member.
- 3.11.15 The General Manager must maintain a record of all notices of Board meetings given under Clause 3.11.9 to Board Members.
- 3.11.16 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise three (3) Board Members in office.
- 3.11.17 All matters for decision at a meeting of the Board will be decided by a simple majority of the Board Members present and entitled to vote on the matter. All Board Members including the Chairperson present and entitled to vote on a matter are required to vote. All Board Members including the Chairperson are entitled to a deliberative vote and if the votes are equal the Chairperson or other Board Member presiding at the meeting does not have a second or casting vote.
- 3.11.18 All Board Members must at all times keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board except that this clause does not prevent a Board Member from disclosing documents and information to the elected members or employees of a Constituent Council where necessary.
- 3.11.19 The General Manager must cause minutes to be kept of the proceedings of every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation. Where the General Manager is absent or excluded from attendance at a meeting of the Board, the person presiding at the meeting shall cause the minutes to be kept.
- 3.11.20 The General Manager must, within five (5) days after a meeting of the Board provide to each Board Member and the Constituent Councils a copy of the minutes of the meeting of the Board in a form agreed to by the Board.
- 3.11.21 Subject to the Act, this Charter and a direction of the Constituent Councils, the Board may determine its own procedures.
- 3.11.22 The Board may establish Committees as it considers necessary, and determine the membership of, terms of reference for and meeting procedures of such committees as it sees fit.
4. **GENERAL MANAGER AND APPOINTMENT OF OTHER STAFF**
- 4.1 The Subsidiary may employ staff and may appoint a General Manager on a fixed term performance based employment contract, which does not exceed five years in duration and on such other conditions as determined

- by the Subsidiary. The Subsidiary may at the end of the contract term enter into a new contract not exceeding five years in duration with the same person.
- 4.2 The General Manager is responsible for appointing, managing, suspending and dismissing the other employees of the Subsidiary on behalf of the Subsidiary.
- 4.3 In the absence of the General Manager for any period exceeding one week, the General Manager must appoint a suitable person as Acting General Manager. If the General Manager does not make, or is incapable of making, such an appointment a suitable person must be appointed by the Subsidiary.
- 4.4 The Subsidiary delegates responsibility for day to day management of the Subsidiary to the General Manager, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Subsidiary.
- 4.5 The functions of the General Manager include:
- 4.5.1 ensuring that the decisions of the Subsidiary are implemented in a timely and efficient manner;
- 4.5.2 providing information to assist the Subsidiary to assess the Subsidiary's performance against its Strategic and Business Plans;
- 4.5.3 providing advice and reports to the Subsidiary on the exercise and performance of its powers and functions under this Charter or any Act;
- 4.5.4 co-ordinating and initiating proposals for consideration of the Subsidiary including but not limited to continuing improvement of the operations of the Subsidiary;
- 4.5.5 ensuring that the assets and resources of the Subsidiary are properly managed and maintained;
- 4.5.6 ensuring that records required under the Act or any other legislation are properly kept and maintained;
- 4.5.7 advise the Subsidiary on all relevant legislative changes;
- 4.5.8 exercising, performing or discharging other powers, functions or duties conferred on the General Manager by or under the Act or any other Act, and performing other functions lawfully directed by the Subsidiary;
- 4.5.9 achieving financial outcomes in accordance with adopted plans and Budgets; and
- 4.5.10 establishing policies and procedures relating to work, health and safety.
- 4.6 The General Manager may delegate or sub-delegate with the consent of the Subsidiary to an employee of the Subsidiary or a committee comprising employees of the Subsidiary, any power or function vested in the General Manager. Such delegation or sub-delegation may be subject to conditions or limitations as determined by the General Manager.
- 4.7 Where a power or function is delegated to an employee of the Subsidiary, the employee is responsible to the General Manager for the efficient and effective exercise or performance of that power or function.
- 4.8 A written record of delegations and sub-delegations must be kept by the General Manager at all times.
- 4.9 In the event the Subsidiary does not appoint a General Manager, the Board shall undertake the responsibilities and functions of the General Manager set out in this Charter.
5. **FINANCIALS**
- 5.1 **Budget**
- 5.1.1 The Subsidiary must before 31 March of each year prepare and submit a draft Budget to the Constituent Councils for the ensuing Financial Year (or, if appropriate, part Financial Year in relation to the first Budget of the Subsidiary after it is established) in accordance with the Act for approval by the Constituent Councils.
- 5.1.2 The Subsidiary must adopt by 30 June in each year, a Budget in accordance with the Act for the ensuing Financial Year as approved unanimously by the Constituent Councils pursuant to Clause 5.1.1.
- 5.1.3 The Subsidiary may in a Financial Year, after consultation with the Constituent Councils, incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.
- 5.1.4 The Subsidiary must provide a copy of its adopted annual Budget to the Constituent Councils within five (5) business days after the adoption of the annual Budget by the Subsidiary.
- 5.1.5 Monthly reports summarising the financial position and performance of the Subsidiary against the annual Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
- 5.1.6 The Subsidiary must reconsider its annual Budget in accordance with the Act at least (3) times at intervals of not less than three (3) months between 30 September and 31 May (inclusive) in the relevant Financial Year and may with the unanimous approval of the Constituent Councils amend its annual Budget for a Financial Year at any time before the year ends.
- 5.1.7 The annual Budget must be in accordance with the Act.
- 5.2 **Financial Contributions**
- 5.2.1 Any financial contributions to the Subsidiary by the Constituent Councils will be in equal amounts unless the Constituent Councils agree otherwise.
- 5.2.2 Each of the Constituent Councils must contribute funds in equal amounts to the Subsidiary as set out in the Budget adopted by the Subsidiary and approved by the Constituent Councils.
- 5.2.3 The Constituent Councils may unanimously agree to provide the Subsidiary with additional funds at any time on such terms and conditions, if any, as determined by the Constituent Councils.
- 5.3 **Financial Standards and Reporting**
- 5.3.1 The Subsidiary must ensure that the Financial Statements of the Subsidiary for each Financial Year are audited by the Subsidiary's auditor.
- 5.3.2 The Financial Statements must be finalised and audited in sufficient time to be included in the Annual Report to be provided to the Constituent Councils pursuant to Clause 6.2.

- 5.4 **Financial Transactions**
- 5.4.1 The Subsidiary must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Subsidiary.
- 5.4.2 The Subsidiary must develop and maintain appropriate policies for all financial transactions.
- 5.4.3 The General Manager must act prudently in the handling of all financial transactions for the Subsidiary.
- 5.5 **Long Term Financial Plan**
- 5.5.1 The Subsidiary must prepare and submit to the Constituent Councils for their unanimous approval a Long Term Financial Plan covering a period of at least three (3) years.
6. **MANAGEMENT FRAMEWORK**
- 6.1 **Annual Business Plan**
- The Subsidiary:
- 6.1.1 must prepare an Annual Business Plan for unanimous approval by the Constituent Councils;
- 6.1.2 must adopt an Annual Business Plan as approved unanimously by the Constituent Councils in accordance with Clause 6.2.1;
- 6.1.3 may, with the unanimous approval of the Constituent Councils amend its Annual Business Plan at any time; and
- 6.1.4 must ensure the content of the Annual Business Plan is in accordance with the Act.
- 6.2 **Annual Report**
- 6.2.1 The Subsidiary must each year, produce an Annual Report summarising the activities, achievements and financial performance of the Subsidiary for the preceding Financial Year.
- 6.2.2 The Annual Report must incorporate the audited Financial Statements of the Subsidiary for the relevant Financial Year.
- 6.2.3 The Annual Report must be provided to the Constituent Councils by 30 September each year.
- 6.3 **Audit**
- 6.3.1 The Subsidiary must cause adequate and proper books of account to be kept in relation to all the affairs of the Subsidiary and must establish and maintain effective auditing of its operations.
- 6.3.2 The Subsidiary must appoint an Auditor in accordance with the Act on such terms and conditions as determined by the Subsidiary.
- 6.3.3 The audited Financial Statements of the Subsidiary, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.
- 6.4 **Audit Committee**
- 6.4.1 Subject to Clause 6.4.2 the Subsidiary must establish an Audit Committee to be comprised of between three (3) and five (5) persons determined or approved unanimously by the Constituent Councils.
- 6.4.2 The Audit Committee must include at least two (2) members who are not employees or Board Members of the Subsidiary, or employees or elected members of a Constituent Council.
- 6.4.3 The Members of the Audit Committee must be appointed for a two (2) year term and at the expiry of their term of office are eligible for reappointment.
- 6.4.4 The Chairperson of the Audit Committee must not be an employee or Board Member of the Subsidiary or employee or elected member of a Constituent Council.
- 6.4.5 The Subsidiary may only pay a sitting fee to the members of the Audit Committee who are not employees or Board Members of the Subsidiary or employees or elected members of a Constituent Council as determined by the Subsidiary.
- 6.5 **Insurance and Superannuation Requirements**
- 6.5.1 The Subsidiary shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the rules of the schemes.
- 6.5.2 The Subsidiary shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Subsidiary.
- 6.5.3 The Subsidiary shall register with the Local Government Superannuation Scheme and comply with the rules of the Scheme.
7. **MISCELLANEOUS PROVISIONS**
- 7.1 **Equitable Interests**
- 7.1.1 The Constituent Councils have an equal equitable interest in the Subsidiary which may be varied by unanimous agreement of all the Constituent Councils.
- 7.2 **Withdrawal of a Constituent Council**
- 7.2.1 A Constituent Council may with the Minister's consent withdraw from the Subsidiary by giving not less than two years (24 months) written notice of its intention to do so, subject to Clause 7.2.2, to the Board and to the other Constituent Councils.
- 7.2.2 In any event, a withdrawal will not become effective until 30 June following the expiry of the two years (24 months) written notice period referred to in Clause 7.2.1. Until a withdrawal becomes effective the Constituent Council proposing withdrawal from the Subsidiary will remain liable for all financial contributions up to the Date of Withdrawal, and through its Board Members retains responsibility for ensuring the continued proper conduct of the affairs of the Subsidiary during that time.
- 7.2.3 Upon a withdrawal taking effect a Constituent Council will be entitled to payment of such amounts and on such conditions as determined by unanimous agreement of the Constituent Councils and failing unanimous agreement the matter will be resolved in accordance with Clause 7.7.

- 7.2.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the Net Assets of the Subsidiary at the end of the Financial Year in which such withdrawal occurs.
- 7.2.5 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Subsidiary at any time before or after the Date of Withdrawal in respect of any act or omission by the Subsidiary prior to such date.
- 7.3 **New Members**
Subject to the provisions of the Act, and in particular to obtaining the Minister's approval a council may become a Constituent Council by unanimous agreement of all the Constituent Councils and this Charter may be amended to provide for the admission of a new constituent council or councils, with or without conditions.
- 7.4 **Winding-Up**
- 7.4.1 The Subsidiary may be wound up in accordance with the Act.
- 7.4.2 Should the Board request the Constituent Councils to consider winding up the Subsidiary or should one of the Constituent Councils request the other Constituent Council(s) to consider winding up the Subsidiary then the Council, or Councils as the case may be, must call a special meeting in accordance with Clause 3.11.10.
- 7.4.3 On a winding-up of the Subsidiary, the surplus assets or liabilities of the Subsidiary, as the case may be, must be distributed between or become the responsibility of the Constituent Councils as agreed unanimously by the Constituent Councils and failing unanimous agreement the matter will be resolved in accordance with Clause 7.7.
- 7.5 **Non-derogation and Direction by Constituent Councils**
- 7.5.1 The establishment of the Subsidiary does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Subsidiary.
- 7.5.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Subsidiary.
- 7.5.3 Where the Subsidiary is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils that approval must only be granted and must be evidenced by a resolution of the Constituent Council granting such approval.
- 7.5.4 Unless otherwise stated in this Charter where the Subsidiary is required to obtain the consent or approval of the Constituent Councils this means the unanimous consent or approval of all of the Constituent Councils.
- 7.5.5 For the purpose of this Clause 7.5, any direction, approval or consent given by the Constituent Councils must be communicated by notice in writing provided to the General Manager of the Subsidiary together with a copy of the relevant resolutions of the Constituent Councils.
- 7.6 **Review of Charter**
- 7.6.1 The Subsidiary must review this Charter at least once in every four (4) years.
- 7.6.2 This Charter may be amended with the unanimous approval of all of the Constituent Councils.
- 7.6.3 The General Manager must ensure that the amended Charter is published in the *Gazette* in accordance with the Act and a copy of the amended Charter provided to the Minister.
- 7.6.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.
- 7.7 **Disputes Between Constituent Councils**
- 7.7.1 General
- 7.7.1.1 Where a dispute arises between the Constituent Councils which relates to this Charter or the Subsidiary, **(the Dispute)** the Constituent Councils will use their best endeavours to resolve the Dispute and to act at all times in good faith.
- 7.7.2 Mediation
- 7.7.2.1 A Constituent Council is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this Clause 7.7.2.
- 7.7.2.2 If the Constituent Councils are unable to resolve the Dispute within thirty (30) days, the Constituent Councils must refer the Dispute for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, within seven (7) days of a written request by any Constituent Council to the other Constituent Councils that the Dispute be referred for mediation, to:
- (a) a mediator agreed unanimously by the Constituent Councils; or
- (b) if the Constituent Councils are unable to agree unanimously on a mediator at the time the Dispute is to be referred for mediation, a mediator nominated by the then President of the Law Society or the President's successor.
- 7.7.2.3 In the event the Constituent Councils fail to refer the matter for mediation in accordance with Clause 7.7.2.2, one or more Constituent Councils may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.
- 7.7.2.4 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a Constituent Council unless that Constituent Council has so agreed in writing.
- 7.7.2.5 If mediation does not resolve the Dispute within 28 days of referral of the Dispute for mediation or such longer period agreed unanimously by the Constituent Councils as evidenced by resolutions of each of the Constituent Councils, any Constituent Council may then refer the Dispute to Arbitration in accordance with Clause 7.7.3.

- 7.7.3 Arbitration
- 7.7.3.1 An arbitrator may be appointed by unanimous agreement between the Constituent Councils.
- 7.7.3.2 Failing agreement as to an arbitrator the then Chairperson of the South Australian Chapter of the Institute of Arbitrators or their successor shall nominate an Arbitrator pursuant to these conditions.
- 7.7.3.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the Commercial Arbitration Act 1985.
- 7.7.3.4 Upon serving a notice of arbitration the Constituent Council serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.
- 7.7.3.5 Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.
- 7.7.4 Whenever reasonably possible performance of the obligations of the Constituent Councils pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by a Constituent Council to the Subsidiary or to a Constituent Council by the Subsidiary shall be withheld on account of the mediation and arbitration proceedings.

Dated 20 July 2015

Mr Paul Deb, Chief Executive Officer, City of Burnside
Mr Mario Barone, Chief Executive Officer, City of Norwood, Payneham & St Peters
Ms Kiki Magro, Chief Executive Officer, Corporation of the Town of Walkerville

Attachment C

**ERA Water
Review of Charter**



31 July 2024

Proposed ERA Water Charter Amendments



Charter Section	Current Wording	Proposed Wording	Comment
2.2 Duties 2.2.2	to, notwithstanding any other Clause or provision in this Charter, only act outside the area of the Constituent Councils with the prior approval of the Constituent Councils whose approval is granted on the basis that the Constituent Councils consider it necessary or expedient to the performance of the Constituent Councils' or the Subsidiary's functions.	to, notwithstanding any other Clause or provision in this Charter, only act outside the area of the Constituent Councils, where the estimated annual volume of water required for a specific site exceeds 20 megalitres and does not adversely impact the agreed and ongoing supply of water to Constituent Councils , with the prior approval of the Constituent Councils whose approval is granted on the basis that the Constituent Councils consider it necessary or expedient to the performance of the Constituent Councils' or the Subsidiary's functions.	Feedback was sought from each Constituent Council on a possible exemption to this clause following a resolution of the Board in March 2024. In receiving feedback, two of the Councils indicated a willingness to review this clause in order to create greater expediency for the Subsidiary when seeking and agreeing potential additional external sales. One Council provided mixed feedback from a portion of its elected members. As a result, a parameter or exemption related to the volume of water required at a potential site, coupled with ensuring the maintenance of required water supply to Constituent Councils, is proposed.
5.1 Budget 5.1.5	Monthly reports summarising the financial position and performance of the Subsidiary against the annual Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.	No less than every three months , reports summarising the financial position and performance of the Subsidiary against the annual Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils in a form agreed to by the Board .	Consistent with clause 3.11.1, ordinary Board meetings are generally held every two months. Providing monthly reports separate to the established two monthly practice at ordinary Board meetings is not considered efficient governance and administration. It is also proposed that the provision of such reports be provided consistent with clause 3.11.20 and the provision of Board meeting minutes.

31 July 2024

Charter Section	Current Wording	Proposed Wording	Comment
6.4 Audit & Risk Committee 6.4.1	Subject to Clause 6.4.2 the Subsidiary must establish an Audit Committee to be comprised of between three (3) and five (5) persons determined or approved unanimously by the Constituent Councils.	Each Constituent Council must appoint for a maximum period of two (2) years and on such other conditions as the Constituent Council may determine one (1) person to be an Audit & Risk Committee Member and may at any time terminate or revoke that appointment and appoint another person to be an Audit & Risk Committee Member.	Consistent with clause 3.4.1.1 and the appointment of Board Members by each Constituent Council. It also removes the onerous, time consuming and inefficient requirement whereby each Audit & Risk Committee Member has to be unanimously approved by the Constituent Councils. The change to the title of this committee to include 'Risk' reflects the committee's revised terms of reference that were endorsed by the Board in Sept 2023.
6.4 Audit & Risk Committee 6.4.2	The Audit Committee must include at least two (2) members who are not employees or Board Members of the Subsidiary, or employees or elected members of a Constituent Council.	The Audit & Risk Committee must not include members who are employees or Board Members of the Subsidiary, but may include one (1) member who is an elected member of a Constituent Council	At its 21 September 2023 meeting, following a recommendation from the Audit & Risk Committee, the Board agreed to consider this change to clause 6.4.2 when it next reviewed the Charter.
6.4 Audit & Risk Committee 6.4.3	The Members of the Audit Committee must be appointed for a two (2) year term and at the expiry of their term of office are eligible for reappointment.	The Members of the Audit & Risk Committee must be appointed for a two (2) year term and at the expiry of their term of office are eligible for reappointment, notwithstanding each member must not serve more than three (3) two (2) year terms.	At its 21 September 2023 meeting, following a recommendation from the Audit & Risk Committee, the Board agreed to consider this change to clause 6.4.3 when it next reviewed the Charter.

11.8 HOLMESDALE MEMORIAL TENNIS CLUB - DRAFT LEASE AGREEMENT

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE:
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the draft Lease Agreement for the Holmesdale Memorial Tennis Club tenancy at the John Horrocks Memorial Green for the Council's consideration and endorsement, for the purposes of undertaking community consultation.

BACKGROUND

The John Horrocks Memorial Green is approximately 3550 m² in area and is located at the rear of 58 Breaker Street, St Morris. The Holmesdale Memorial Tennis Club (the Club) was incorporated in 1935 and has been using the tennis clubrooms and courts since its incorporation.

At its meeting on 7 March 2022, the Council resolved the following:

1. *That the Council agrees to grant a lease to Holmesdale Memorial Tennis Club for the facilities located at the John Horrocks Memorial Green for a period of 20 years (10+10 years).*
2. *That the Council notes that a draft Lease will be prepared and presented to the Council for consideration.*

The draft Lease has been prepared on the basis of the above decisions and a copy is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Details regarding the financial arrangements between the Council and Tennis Clubs are set out in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Written legal agreements must be in place for Council owned facilities that are used by third parties, to ensure legislative compliance and reduce exposure to claims from third parties who suffer injury or loss, whilst using Council facilities.

The conditions of the Lease therefore contain provisions requiring the Lessee (the Club) to:

- indemnify the Council against claims arising from the Lessee's negligence; and
- take out and maintain appropriate insurance covers.

The draft Lease that has been prepared, also clearly outlines the relevant legal, governance and risk management requirements to ensure that the Council's and the Club's responsibilities are met.

CONSULTATION

- **Elected Members**

Not applicable.

- **Community**

Whilst the proposed Lease period is authorised in the relevant Community Land Management Plan, given the period is greater than five (5) years community consultation is required to be undertaken in accordance with the *Local Government Act 1999*.

Community consultation will be undertaken in accordance with the Council's Community Consultation Policy.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

The previous Lease between the Council and the Club for the tenancy at John Horrocks Green had a term of twenty (10 + 10) years commencing on 24 November 2002 and expiring on 31 March 2023. The current Lease has been in a holding over a period since that time whilst discussions have been taking place with the Club.

The Club has used the facilities since the 1930's and has continued to meet their obligations as a Lessee and maintained the site in accordance with the provisions of the Lease. Aside from meeting all repayments for the Club's 50% contribution to the cost of constructing the tennis courts (as per the previous Lease), the Club also recently paid approximately \$50,000 to resurface the courts.

The Club currently has approximately 70 members, with a loyal group of Volunteers ensuring that the courts are well maintained and the ongoing operation of the Club remains sustainable. This is managed by conducting a range of activities which includes social tennis, fund raisers, quiz nights, hire of the courts for competition use and special events such as Tennis Australia tournaments and exploring alternate forms of tennis such as wheelchair and pickleball. This is quite an achievement as the courts do not have the benefit of lighting and therefore, any activities conducted by the Club are conducted during daylight hours only.

The Club is also committed to providing public access to the courts and this is managed via a booking system with the Club or via the Club's website. The courts are available for hire by members of the public during daylight hours, apart from the days and times when the Club is using the courts.

The draft Lease has been prepared based on the terms of the previous Lease and the Council's Tennis Facilities Policy. An improved and updated format of the Lease has been used which is simple and easy to read while still containing all necessary elements.

Tennis Facilities Policy – Lease Fee Structure

The Tennis Facilities Policy requires Tennis Clubs that are using Council owned tennis facilities, to contribute funds based on a formula of recovering 50% of the capital reconstruction cost of tennis courts, based on the expected life cycle of the courts.

The 50% of the capital reconstruction costs are recovered from the club via an annual payment over the expected life of the courts (which is approximately 20 years).

In addition, the Clubs are responsible for the costs associated with the resurfacing of the courts (plexi-pave or similar approved surface), every 7-8 years following the reconstruction.

Both the timeline for reconstruction and resurfacing of the courts may vary depending upon site specific factors.

The Holmesdale Memorial Tennis Club has repaid its contribution of the costs for the last reconstruction of the courts and therefore, its schedule of repayments towards 50% of the costs has been removed from the Lease, however the requirement to resurface the courts every 7-8 years (and cover the associated costs) has been included. The Club resurfaced the courts in November 2022.

In terms of the next reconstruction of the courts, a condition assessment will be undertaken in the next 18 months or so to determine the required timing, seek an estimate of the costs and then schedule the work accordingly. At that time, an addendum to the Lease will be sought to cover the Club's repayments of the 50% contribution of the cost of the courts reconstruction in accordance with the Tennis Facilities Policy.

The John Horrocks Memorial Green is classified as *Community Land* and therefore, in accordance with Section 202 of the *Local Government Act 1999*, as the proposed Lease term is greater than five (5) years, the Council must undertake community consultation prior to granting the proposed Lease.

OPTIONS

From an administrative point of view, the current Lease arrangements have worked well, with the Club meeting the various obligations which are set out in the Lease.

As the Council determined to enter into a Lease for a period of twenty years (10 +10) on 7 March 2022, endorsing the draft Lease for community consultation is giving effect to that decision. Notwithstanding this, the Council could determine not to enter into a Lease for the premises.

However, as the Council does not have an alternative use for the premises and the Club has been a good tenant to date, it is recommended that the Council proceed to community consultation to progress finalising the Lease arrangement with the Club.

CONCLUSION

The Lease arrangements between the Council and the Club will be finalised following the conclusion of the community consultation.

The views obtained from the community through the public consultation process will be included in the Council's final deliberations before granting the Lease.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft Lease for the Holmesdale Memorial Tennis Club, as contained in Attachment A to this report, be endorsed for the purposes of community consultation, in accordance with the Council's Community Consultation Policy.
2. The Council notes that the results of the community consultation be presented to the Council for consideration.

Attachments – Item 11.8

Attachment A

Holmesdale Memorial Tennis Club Draft Lease Agreement





City of
**Norwood
Payneham
& St Peters**

LEASE AGREEMENT

Sporting & Community (Not for Profit)

between

THE CORPORATION OF THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

and

HOLMESDALE MEMORIAL TENNIS CLUB INC

JOHN HORROCKS MEMORIAL GREEN

Schedule

Item 1 Premises	That portion of the Land being the Clubroom Buildings, Toilets and Tennis Courts at John Horrocks Memorial Green as shown on the plan attached as Annexure A
Item 2 Land	The whole of the land comprised in Certificate of Title Volume 5700 Folio 559, otherwise known as the John Horrocks Memorial Green
Item 3 Initial Term	Ten (10) years commencing on 1 April 2023 (Commencement Date) and expiring at midnight on 31 March 2033
Item 4 Renewal(s)	One right of renewal for a further term of ten (10) years commencing 1 April 2033 and expiring at midnight on 31 March 2043
Item 5 Rent	\$0.00 per annum (exclusive of GST) Certain costs will be payable in accordance with Special Condition 1
Item 6 Outgoings	Outgoings means the total of all amounts paid or payable by the Council in connection with the ownership, management, administration and operation of the Land and/or Building, excluding building insurance
Item 7 Permitted Use	Conducting sporting and social club activities
Item 8 Public risk insurance	\$20,000,000.00

PARTIES

THE CORPORATION OF THE CITY OF NORWOOD PAYNEHAM AND ST PETERS of
175 The Parade, Norwood SA 5067 (**Council**)

and

HOLMESDALE MEMORIAL TENNIS CLUB INC. of PO Box 214 Marden, SA 5070 (**Lessee**)

BACKGROUND

- A. The Council is the registered proprietor, or has the care, control and management, of the Land.
- B. The Lessee has requested a lease to occupy the Premises for the Permitted Use.
- C. The Council has resolved to grant the Lessee a lease of the Premises and (if necessary) undertaken public consultation in accordance with the *Local Government Act 1999* (SA).
- D. The Council and Lessee wish to record the terms of their agreement in this lease.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this lease:

Agreed Consideration means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Council under this lease (other than tax payable under clause 17).

Building means the interior and exterior of all present and future improvements on the Land and includes all Building Services and Common Areas and all other conveniences, services, amenities and appurtenances of in or to the Building.

Building Services includes all services (including gas, electricity, water, sewerage, lifts, escalators, communications, fire control, air-conditioning, plumbing and telephone and all plant, equipment, pipes, wires and cables in connection with them) to or of the Building or any premises in or on the Land supplied by any authority, the Council or any person the Council authorises.

Business Day means a day which is not a Saturday, Sunday or public holiday in Adelaide.

Commencement Date means the commencement date described in Item 3 of the Schedule .

Common Areas means all areas of the Land which are not licenced or tenanted and which are for common use by tenants and lessees of the Land or Building and their invitees and customers including driveways, car parks, walkways, washrooms, toilets and stairways.

Council means the party described as 'Council' in this lease and where the context permits includes the employees, contractors, agents and other invitees of the Council.

Council's Equipment means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Premises and available for use by the Lessee.

GST has the meaning given to that term in the GST Legislation.

GST Legislation means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any ancillary or similar legislation.

GST Rate means 10% or the rate of GST imposed from time to time under the GST Legislation.

Institute means the South Australian Division of the Australian Property Institute.

Initial Term means the initial term of this lease commencing on the Commencement Date and described in Item 3 of the Schedule .

Land means the land described in Item 2 of the Schedule and includes any part of the Land.

Legislation includes any relevant Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.

Lessee means the party described as 'Lessee' in this lease and where the context permits includes the employees, contractors, agents, customers and other invitees of the Lessee.

Lessee's Equipment means any and all fixtures and fittings and other equipment installed in or brought on to or kept in the Premises by the Lessee.

Lessee's Share means the proportion the lettable area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the Institute's guidelines current as at the Commencement Date or such other Institute method of measurement as the Council notifies the Lessee.

Outgoings means the outgoings described in Item 6 of the Schedule .

Payment Date means the Commencement Date and the first day of each month during the Term.

Permitted Use means the use described in Item 7 of the Schedule .

Premises means the premises described in Item 1 of the Schedule including all present and future improvements thereon and the Council's Equipment.

Rates and Taxes means all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority, department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Land or Premises and includes water and sewer charges, council rates, emergency services levy.

Renewal Term/s means the term/s (if any) of renewal or extension in Item 4 of the Schedule .

Rent means the rent described in Item 5 of the Schedule .

Statutory Authorities means any government or authorities created by or under any relevant Legislation.

Statutory Requirements means all relevant Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation or by any Statutory Authorities.

Term means the Initial Term, the Renewal Term/s and any period during which the Lessee holds over or remains in occupation of the Premises.

1.2 Interpretation

In this lease, unless the context otherwise requires:

- 1.2.1 a reference to a party includes its executors, administrators, successors and permitted assigns;
- 1.2.2 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.2.3 a reference to this lease includes any schedules and annexures to this lease;
- 1.2.4 a reference to any document (including this lease) is to that document as varied, novated, ratified or replaced from time to time;
- 1.2.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.2.6 an unenforceable provision or part of a provision may be severed, and the remainder of this lease continues in force; and
- 1.2.7 the special conditions in Annexure B prevail over the terms in the body of this lease to the extent of any inconsistency.

1.3 Background

The Background forms part of this lease and is correct.

2. GRANT OF LEASE

The Council grants and the Lessee accepts a lease of the Premises for the Term as set out in this lease.

3. RENT

The parties acknowledge that there is no Rent payable under this lease, however the Lessee will be required to make other payments and pay other costs as set out under Special Condition 1.

4. RATES AND TAXES AND OUTGOINGS

4.1 Liability for Rates and Taxes

- 4.1.1 The Lessee must pay or reimburse the Council all Rates and Taxes levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises, with the exception of Council Rates.
- 4.1.2 The applicable Rates and Taxes must be adjusted between the Council and the Lessee as at the Commencement Date and the end or termination date of this lease.

4.2 Payment of Outgoings

- 4.2.1 The Lessee must pay or reimburse the Council all Outgoings levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.
- 4.2.2 The Outgoings must be adjusted between the Council and the Lessee as at the Commencement Date and the end or termination date of this lease.

4.3 Lessee's Share

If there are Rates and Taxes and/or Outgoings payable under this lease and any of those Rates and Taxes and/or Outgoings are not separately assessed or charged in respect of the Premises, then the Lessee must pay the Lessee's Share of any such Rates and Taxes or Outgoings assessed or charged in respect of the Land.

4.4 Power and other utilities

- 4.4.1 The Lessee must pay, when due, all costs for the use of telephone, light and other facilities and the consumption of electricity, gas, and any and all other services and utilities supplied to or used from the Premises.
- 4.4.2 If there is no separate meter for a service or utility used on or from the Premises and if the Council so requires, then the Lessee must install the meter at its own cost.

- 4.4.3 Without limiting this subclause, the Lessee must comply with the *Electricity (General) Regulations 1997 (SA)* and any other applicable electricity laws.

5. USE OF PREMISES

5.1 Permitted Use

The Lessee may use the Premises only for the Permitted Use and must not use or allow the Premises to be used for any other use without the Council's consent.

5.2 Offensive activities

The Lessee must not carry on any offensive or dangerous activities on or from the Premises or create a nuisance or disturbance on the Premises at any time, and must ensure at all times that activities conducted on or from the Premises do not discredit the Council.

5.3 Use of facilities

5.3.1 The Lessee must ensure that the Building Services are used carefully and responsibly and in accordance with any directions given by the Council from time to time.

5.3.2 The Lessee must repair or correct any damage or malfunction which results from any misuse or abuse of the Building Services by the Lessee.

5.4 Statutory Requirements

The Lessee must comply with all Statutory Requirements (including the *Work Health and Safety Act 2012 (SA)*) relating to the Lessee's use and occupation of the Premises, as well as the Permitted Use.

5.5 No alcohol

5.5.1 The Lessee must not:

5.5.1.1 serve, sell or provide to persons; or

5.5.1.2 consume or allow persons to consume;

alcoholic beverages on the Premises without the Council's consent, which may be granted by Council subject to whatever conditions it sees fit.

5.5.2 Further, the Lessee must not allow any other activities to be carried out on the Premises that would require a liquor licence under the *Liquor Licensing Act 1997 (SA)* without the Council's consent, which may be granted by Council subject to whatever conditions it sees fit.

5.6 Gaming Machines

Under no circumstances will Council approve the use of gaming machines upon the Premises.

5.7 Signs

The Lessee must not place any sign or advertisement on the outside or inside (if they can be seen from outside) of the Premises, except a sign or advertisement which is approved by the Council and complies with any relevant Statutory Requirements and policies of the Council.

5.8 Dangerous equipment and installations

The Lessee may only install or use within the Premises equipment and facilities which are reasonably necessary for and normally used in connection with the Permitted Use and must not install or bring onto the Premises:

- 5.8.1 any electrical, gas powered or other machinery or equipment that may pose a danger, risk or hazard;
- 5.8.2 any chemicals or other dangerous substances that may pose a danger, risk or hazard; or
- 5.8.3 any heavy equipment or items that may damage the Premises or Building.

5.9 Fire precautions

The Lessee must comply with all Statutory Requirements relating to fire safety and procedures including carrying out any structural works or modifications or other building works which are required as a consequence of the Lessee's use of the Premises.

5.10 Security

The Lessee must keep the Premises securely locked at all times when the Premises are not occupied and must provide a key to the Premises to the Council (or if the Council has engaged a manager, then to the manager) to be used only in emergencies.

5.11 No warranty

The Council makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.

6. INSURANCE

6.1 Lessee must insure

The Lessee must keep current during the Term:

- 6.1.1 public risk insurance for at least the amount in Item 8 of the Schedule (or any other amount the Council reasonably requires) for each claim;
- 6.1.2 all insurance in respect of the Lessee's Equipment for its full replacement value; and
- 6.1.3 other insurances required by any Statutory Requirement or which the Council reasonably requires.

6.2 Requirements for policies

Each policy must:

- 6.2.1 be with an insurer and on terms reasonably approved by the Council;
- 6.2.2 be in the name of the Lessee and note the interest of the Council and any other person the Council requires;
- 6.2.3 cover events occurring during the policy's currency regardless of when claims are made; and
- 6.2.4 note that despite any similar policies of the Council, the Lessee's policies will be primary policies.

6.3 Evidence of insurance

The Lessee must give the Council certificates evidencing the currency of each policy. During the Term the Lessee must:

- 6.3.1 pay each premium before it is due for payment;
- 6.3.2 give the Council certificates of currency each year when the policies are renewed and at other times the Council requests;
- 6.3.3 not vary, allow to lapse or cancel any insurance policy without the Council's consent;
- 6.3.4 notify the Council immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy.

6.4 Insurance affected

- 6.4.1 The Lessee must not do anything which may:
 - 6.4.1.1 prejudice any insurance of the Premises or the Building; or
 - 6.4.1.2 increase the premium for that insurance.
- 6.4.2 If the Lessee does anything (with or without the Council's consent) that increases the premium of any insurance the Council has in connection with the Premises or the Building, the Lessee must on demand pay the amount of that increase to the Council.

7. REPAIR AND MAINTENANCE

7.1 Repair and Maintenance

- 7.1.1 The Lessee must, at its cost, maintain the Premises in good condition and free from hazards and must:
 - 7.1.1.1 keep the Premises clean, tidy and free from dirt, rubbish, pests and vermin;

- 7.1.1.2 keep the Premises in good repair (fair wear and tear and damage by fire, storm, tempest, act of god, war, riot, civil commotion and earthquake excepted);
 - 7.1.1.3 paint any buildings and other improvements in the Facility to the Council's satisfaction;
 - 7.1.1.4 keep all sinks, drains, pipes and other plumbing that directly relate to the Premises in good repair and free from blockages and ensure that no part of the Premises becomes insanitary;
 - 7.1.1.5 keep all of the Lessee's property in good condition so as to prevent any hazard to any person or any deterioration in the condition of the Premises;
 - 7.1.1.6 repair any damage to the Premises caused by the Lessee or its visitors;
 - 7.1.1.7 notify the Council as soon as it becomes aware of any defects in the Premises or anything which could present a hazard or cause harm to any person or the Premises.
- 7.1.2 Any repairs of a structural nature will be the responsibility of the Council, except if specified otherwise or if relating to any alterations to the Premises made by the Lessee in accordance with clause 7.2.
- 7.1.3 In addition to its broader maintenance and repair obligations, the Lessee must also maintain the courts within the Premises in accordance with the Tennis/Netball Court Maintenance Schedule provided in Annexure C.
- 7.1.4 The Council may update or amend the Tennis/Netball Court Maintenance Schedule at its discretion, and must provide the Lessee with a copy of the updated or amended Tennis/Netball Court Maintenance Schedule.
- 7.1.5 For the avoidance of doubt, the Lessee will be responsible for the repair and maintenance of Council's Equipment during the Term, and must replace any damaged (through misuse) or missing Council's Equipment during the Term, to the same standard and value as the original.
- 7.1.6 If the Council so requires, the Lessee must promptly repair any damage to the Building or the Land caused or contributed to by the act, omission, negligence or default of the Lessee.
- 7.2 Alterations by Lessee**
- 7.2.1 The Lessee must not carry out any alterations or additions to the Premises without the Council's consent.
- 7.2.2 The Lessee must provide full details of the proposed alterations and additions to the Council.

- 7.2.3 The Council may impose any conditions it considers necessary if it gives its approval, including requiring the Lessee to obtain the Council's consent to any agreements that the Lessee enters into in relation to the alterations or additions.
- 7.2.4 Unless otherwise agreed in writing between the parties, all alterations and additions to the Land or the Premises made pursuant to this clause become the property of the Council.
- 7.2.5 The Lessee must pay all of the Council's costs (including consultant's costs and legal costs) as a result of the Lessee's alterations and additions.

7.3 **Refurbishment**

The Lessee must refurbish the Premises on or before the expiration of the Initial Term to the following specification:

- 7.3.1 clean and repair all surfaces to be painted;
- 7.3.2 paint or wallpaper, stain, varnish or polish each surface to be redecorated according to the previous treatment of that surface; and
- 7.3.3 comply with all Lessee responsibilities listed in the Tennis/Netball Court Maintenance Schedule provided at Annexure C.

7.4 **Cleaning**

The Lessee must:

- 7.4.1 keep the Premises clean and tidy;
- 7.4.2 at its cost, arrange for an annual pest inspection to be carried out with respect to the Premises by a licensed pest control company, and must provide the Council with a copy of the annual pest inspection report within 14 days of receiving the report from the relevant company; and
- 7.4.3 not cause the Common Areas to be left untidy or in an unclean state or condition.

8. **ASSIGNMENT, SUBLETTING AND HIRING OUT**

8.1 **Assignment and Subletting**

The Lessee may only assign or sublease or otherwise part possession with the Premises with the consent of the Council, which consent may be granted at the Council's discretion and subject to any conditions that the Council sees fit.

8.2 Hiring out Premises

The Lessee may hire out the Premises without the Council's consent provided that hiring the Premises is consistent with Special Condition 2.3.

8.3 Costs

The Lessee must pay all costs reasonably incurred by the Council (including the costs of any consultant or any legal fees) in relation to any dealing with the Premises, including in considering whether or not to grant consent under this clause.

9. LESSEE GOVERNANCE

If requested, the Lessee must provide to the Council a copy of the Lessee's constitution and any other documents that regulate its governance and operations.

10. COUNCIL'S OBLIGATIONS AND RIGHTS

10.1 Quiet enjoyment

Subject to the Council's rights and to the Lessee complying with the Lessee's obligations under this lease, the Lessee may occupy the Premises during the Term without interference from the Council.

10.2 Right to enter

The Council may (except in an emergency when no notice is required) enter the Premises after giving the Lessee reasonable notice:

- 10.2.1 to see the state of repair of the Premises;
- 10.2.2 to do repairs to the Premises or the Building or other works which cannot reasonably be done unless the Council enters the Premises;
- 10.2.3 to do anything the Council must or may do under this lease or must do under any Legislation or to satisfy the requirements of any Statutory Authority; and
- 10.2.4 to show prospective lessees through the Premises.

10.3 Emergencies

In an emergency the Council may:

- 10.3.1 close the Premises or Building; and
- 10.3.2 prevent the Lessee from entering the Premises or Building.

10.4 Works and restrictions

- 10.4.1 The Council may:
 - 10.4.1.1 install, use, maintain, repair, alter, and interrupt Building Services;

10.4.1.2 carry out works on the Building (including extensions, renovations and refurbishment); and

10.4.1.3 close (temporarily or permanently) and restrict access to the Common Areas.

10.4.2 The Council must (except in an emergency) take reasonable steps to minimise interference with the Lessee's use and occupation of the Premises.

10.5 **Right to rectify**

The Council may at the Lessee's cost do anything which the Lessee should have done under this lease but which the Lessee has not done or which the Council reasonably considers the Lessee has not done properly.

11. **TERMINATION FOR DAMAGE OR DESTRUCTION**

If the Premises are destroyed or are damaged so that they are unfit for the Lessee's use then, if within three months that damage or destruction has not been repaired, either party may terminate this lease with one (1) months' notice.

12. **REDEVELOPMENT, ASSET RATIONALISATION AND DEMOLITION**

If as part of any redevelopment, asset rationalisation or other project conducted by the Council that includes the Land, or for any other reason, the Council wishes to demolish or acquire vacant possession of the Premises or any part of the Premises, then the Council may terminate this lease with six (6) months' notice to the Lessee.

13. **RENEWAL**

13.1 If a right of renewal or first right of renewal is specified in Item 4 of the Schedule and the Lessee wishes to exercise that right of renewal, then the Lessee must give a written notice to the Council not less than 6 months and not more than 12 months before the expiry of the Initial Term stating it wishes to renew this lease for the period specified in Item 4 of the Schedule . If such notice is given the Council must renew this lease for the first Renewal Term on the terms in this lease (except this subclause) commencing immediately after the Initial Term expires.

13.2 If a second right of renewal is specified in Item 4 of the Schedule and the Lessee wishes to exercise that right of renewal, then the Lessee must give a written notice to the Council not less than 6 months and not more than 12 months before the expiry of the Renewal Term stating it wishes to renew this lease for the period specified in Item 4 of the Schedule . If such notice is given the Council must renew this lease for the second Renewal Term on the terms in this lease (except this subclause and the previous subclause) commencing immediately after the first Renewal Term expires.

13.3 The Lessee is not entitled to renew this lease if:

13.3.1 the Lessee has been in breach of this lease at any time before giving notice of exercise of the right of renewal;

13.3.2 the Lessee is in breach of this lease at the time of giving that notice; or

- 13.3.3 the Lessee is in breach or commits a breach of this lease after giving that notice but before commencement of the first or second Renewal Term (as applicable).

14. RIGHTS AND OBLIGATIONS ON EXPIRY

14.1 Expiry

This lease comes to an end at midnight on the last day of the Term unless it is terminated earlier by the Council or the Lessee under this lease.

14.2 Handover of possession

Before this lease comes to an end, the Lessee must:

- 14.2.1 remove all of the Lessee's Equipment and repair any damage caused by such removal;
- 14.2.2 remove and reinstate any alterations or additions made to the Premises by the Lessee;
- 14.2.3 paint the Premises as required under clause 77.3.2; and
- 14.2.4 complete any repairs which the Lessee is obliged to carry out under this lease.

14.3 Abandoned goods

If, when this lease comes to an end, the Lessee leaves any goods or equipment at the Premises, then the Council may deal with and dispose of those goods at its discretion.

14.4 Holding over

If, with the Council's consent, the Lessee continues to occupy the Premises after the end of this lease, the Lessee does so under a monthly tenancy which:

- 14.4.1 either party may terminate on one month's notice given at any time; and
- 14.4.2 is on the same terms as this lease.

15. BREACH

15.1 Council's rights on breach

- 15.1.1 The Council may come onto the Premises and remedy a breach of this lease without notice:
- 15.1.1.1 in an emergency; or
- 15.1.1.2 if the Lessee breaches any provision of this lease and fails to remedy the breach within 14 days after receiving notice requiring it to do so.

15.1.2 The Lessee must pay or reimburse the Council on demand for all costs of remedying the breach.

15.2 Breach and re-entry

If:

15.2.1 the Lessee fails to pay a sum of money when due and fails to remedy that failure within seven days after receiving notice requiring it to do so; or

15.2.2 the Lessee breaches any other provision of this lease and fails to remedy the breach within 14 days after receiving notice requiring it to do so;

then despite any other clause of this lease, the Council:

15.2.3 may terminate this lease and re-enter and repossess the Premises, without prejudice to its other rights; and

15.2.4 is discharged from any claim by or obligation to the Lessee under this lease.

15.3 Rights of Council not limited

A power or right of the Council under this lease or at law resulting from a breach or repudiation of this lease by the Lessee, or the exercise of such power or right, does not limit the Council's powers or rights.

16. INDEMNITY AND RELEASE

16.1 Risk

The Lessee occupies and uses the Premises at the Lessee's risk.

16.2 Indemnity

The Lessee is liable for and must indemnify the Council against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

16.2.1 any act or omission of the Lessee;

16.2.2 the use of the Premises by the Lessee or otherwise relating to the Premises; or

16.2.3 a breach of this lease by the Lessee.

16.3 Release

The Lessee releases the Council from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Premises or the Building except to the extent that they are caused by the Council's negligence.

16.4 **Indemnities are independent**

Each indemnity is independent from the Lessee's other obligations and continues during this lease and after this lease ends.

17. **GOODS AND SERVICES TAX**

17.1 If the Council is liable to pay GST in connection with a supply under this lease then:

17.1.1 the Agreed Consideration for that supply is exclusive of GST;

17.1.2 the Council may increase the Agreed Consideration or the relevant part of the Agreed Consideration by the GST Rate; and

17.1.3 the Lessee must pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.

17.2 Where the Agreed Consideration is increased under this clause, the Council must, on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.

17.3 If the Lessee breaches this clause and as a result the Council becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Council on demand an amount equal to the penalties and interest.

18. **RESUMPTION**

The Council may terminate this lease by giving at least three months' written notice to the Lessee if the Council receives notice of resumption or acquisition of the Premises or the Building or Land (or any part of the Building or Land affecting the Premises) from or by any Statutory Authority governmental or semi-governmental body.

19. **MISCELLANEOUS**

19.1 **Entire agreement**

This lease constitutes the entire agreement between the parties about the Premises and supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about the Premises.

19.2 **Waiver**

If the Council accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this lease.

19.3 **Exercise of power**

19.3.1 The failure, delay, relaxation or indulgence by a party in exercising a power or right under this lease is not a waiver of that power or right.

19.3.2 An exercise of a power or right under this lease does not preclude a further exercise of it or the exercise of another right or power.

20. NOTICE

A notice, demand, consent, approval or communication under this lease (**Notice**) must be in writing and will be sufficiently given if sent via email to either parties' nominated email address or if posted by pre-paid post to the last known address of either party.

21. COSTS

On request, the Lessee must pay or reimburse to the Council:

- 21.1 one half of all costs incurred by the Council in connection with the preparation, negotiation and registration of this Lease;
- 21.2 all of the legal costs incurred by the Council in connection with any extension of this lease; and
- 21.3 all legal and other costs incurred by the Council in consequence of any actual or threatened breach by the Lessee under this lease or in exercising or enforcing (or attempting to do so) any rights or remedies of the Council under this lease or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

EXECUTED as an agreement on this day (date)

EXECUTED by an authorised representative of **THE CORPORATION OF THE CITY OF NORWOOD PAYNEHAM AND ST PETERS** under delegation pursuant to section 44 of the Local Government Act 1999:

.....
Signature of Authorised Representative

.....
Signature of Witness

.....
Name of Authorised Representative (print)

.....
Name of Witness (print)

.....
Position of Authorised Representative (print)

SIGNED on behalf of **HOLMESDALE MEMORIAL TENNIS CLUB INC.** in accordance with its constitution or articles of association:)
)
)

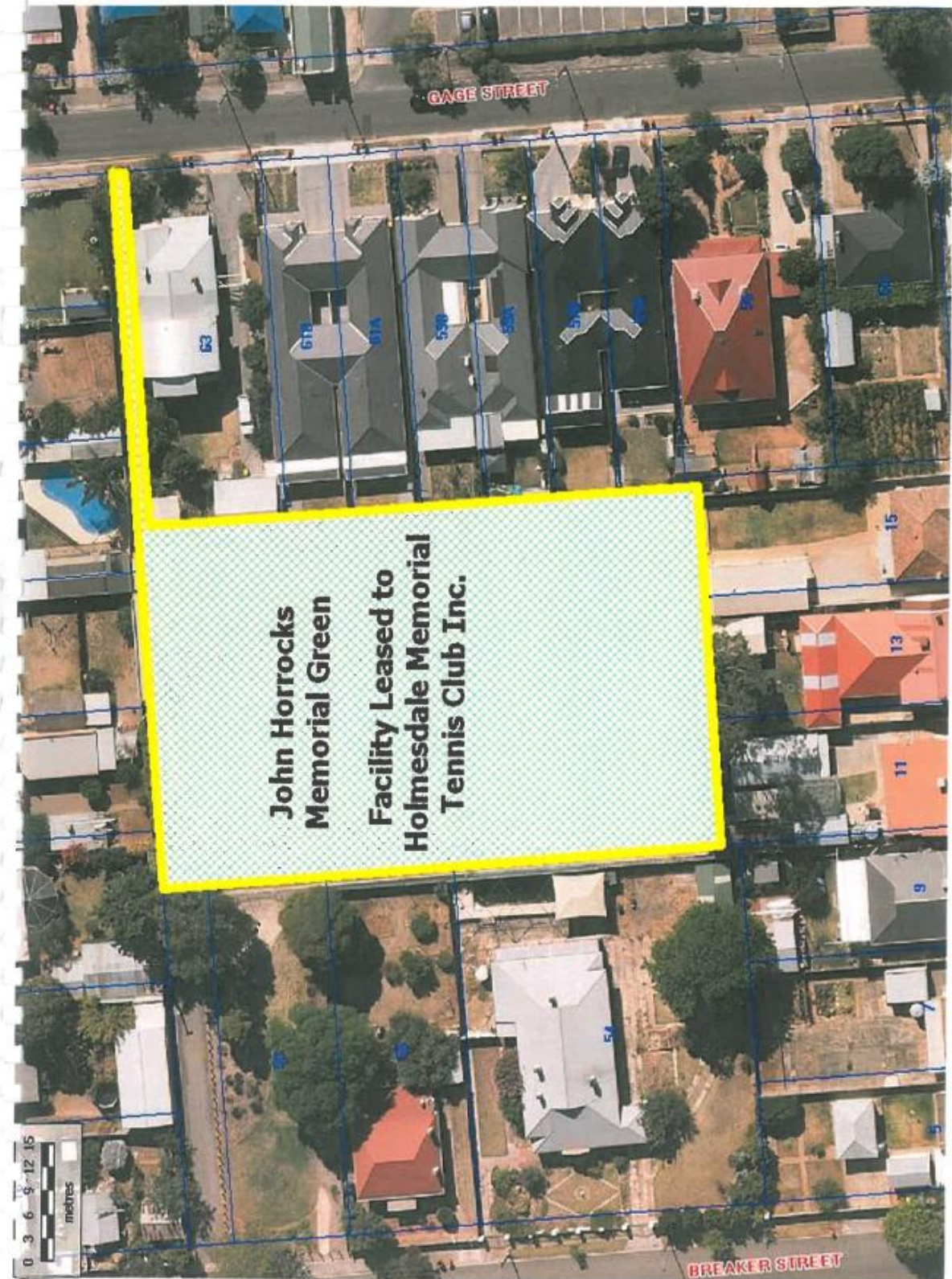
.....
Signature of President

.....
Signature of Secretary

.....
Name

.....
Name

Annexure A Plan



Annexure B Special Conditions

1. TENNIS FACILITIES POLICY

- 1.1 The Lessee acknowledges that it has read and understood the Council's Tennis Facilities Policy current as at the time of entering into this lease, and acknowledges the rights and obligations set out thereunder as applicable to this lease.
- 1.2 The Lessee acknowledges that the Council's Tennis Facilities Policy may undergo reasonable amendments and updates during the Term, or possibly be amalgamated into a broader leasing policy, and the Lessee will be bound by and comply with any such reasonable changes during the Term.
- 1.3 The Lessee acknowledges that in accordance with the Council's Tennis Facilities Policy, it will be responsible for the costs associated with resurfacing the tennis courts within the Premises (plexipave or similar approved surface) every 7 – 8 years during the Term, and failure to do so will be a breach of this lease.

2. PUBLIC ACCESS

- 2.1 Notwithstanding any other provisions of this lease, the Lessee acknowledges that it is a condition of this lease that the public be granted access to the Premises.
- 2.2 Public access to the Premises is to be provided for at all reasonable times that the Premises are not required for the Lessee's purposes in conducting tennis training or playing competition matches.
- 2.3 The Lessee may set and charge an hourly hire fee of an amount comparable to the hourly hire fee imposed by similar facilities. The Council has the right to review and impose a fee if it is considered that the fee proposed by the Lessee is inappropriate in that it is unreasonably high or low compared to that charged by other similar facilities.
- 2.4 The revenue raised from the hourly hire of the Premises belongs to the Lessee and may be expended by the Lessee in accordance with its constitution.
- 2.5 The Lessee will supply to the Council information on the availability of the Premises for public use, along with relevant contact details of the person or persons from the Lessee's organisation who will facilitate public access.
- 2.6 Upon request, the Lessee must provide the Council with any information relating to the hiring out of the Premises to the public.
- 2.7 A sign must be erected and maintained at all times at the Premises detailing that the Premises is available for public hire and must state the contact telephone details for the person or persons who the public may contact to arrange for the hire of the Premises. Signage must include the Council's name and logo to acknowledge that the Premises is owned by the Council.

Annexure C

TENNIS/NETBALL COURT MAINTENANCE

Asset	Responsible Party	Issue	Task Description	Timeliness
Chainmesh fencing	Lessee	Maintenance	Inspect, tighten strainer lines and repair/replace fencing if bulging and/or damaged.	Ongoing
Court lighting	Lessee	Installation	Lessee to install subject to Council approval and development authorisation	As required
	Lessee	Maintenance	General maintenance as required including: maintain light poles and wires in a safe condition all electrical circuitry and wiring to comply with relevant legislation, codes and standards at all times replace globes when required	Ongoing, with a formal inspection by a qualified electrician at least once a year
Court line marking	Lessee	Maintenance	Inspect and professionally line mark as required	Ongoing
Posts & on court furniture	Lessee	Maintenance	Maintain in good condition and repair/replace as necessary. Any uprooting of the posts or cracking of the pavement caused by the posts are to be made good at the Lessee's expense	As required
Playing surface (including run-off areas bounded by the chainmesh fencing)	Lessee	Cleaning, care and maintenance	Comply with the instructions/guidelines issued by the surface contractor. Ensure that the playing surface is swept and cleaned regularly and that players wear the correct type of footwear (in good condition) to minimise slips and potential damage to the playing surface. Debris and dirt are to be removed and properly disposed of, not merely swept to one side. Leaves and other materials likely to stain and/or corrode the surface to be washed off with a gentle cleaning liquid.	Ongoing care and sweeping/ cleaning at least weekly
	Lessee	Resurfacing	Resurface the courts with acrylic sealer and re-line mark	As required, and in any case within 7-8 years of the previous resurfacing
Court pavement	Council	Replace pavement	If required replace pavement, re-profile, reseal with bitumen, resurface with acrylic sealer and line mark. Exact timing of works to be mutually agreed between the parties.	As required, (expected to be within 20 years of the previous reconstruction)

11.9 REPRESENTATION REVIEW - COMMUNITY CONSULTATION

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE:
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the draft *City of Norwood Payneham & St Peters Representation Report* (the Representation Report), to the Council for endorsement for the purpose of undertaking community consultation in accordance with the requirements of Section 12(7) of the *Local Government Act 1999* (the Act).

BACKGROUND

The Council currently comprises an elected Mayor, representing the City as a whole and thirteen (13) Councillors representing six (6) Wards as follows:

- Torrens Ward – two (2) Councillors;
- Payneham Ward – two (2) Councillors;
- St Peters Ward - two (2) Councillors;
- Maylands / Trinity Ward – three (3) Councillors;
- West Norwood / Kent Town Ward - two (2) Councillors; and
- Kensington / East Norwood Ward - two (2) Councillors.

The Council is required to conduct a review of its representation, at least once in each '*relevant period*' in accordance with Chapter 3 (Constitution of Councils), Part 1 (Creation, structuring and restructuring of councils), Division 2 (Powers of Councils and representation reviews) of the Act. This process is referred to as a Representation Review.

As prescribed by Regulation 4 of the *Local Government (General) Regulations 2013* and as determined by the Electoral Commissioner of South Australia, the '*relevant period*' for the Council's Representation Review is April 2024 - April 2025.

As Elected Members are aware, Craig Rowe & Associates have been engaged to undertake the Representation Review process for the Council, in accordance with Section 12(5) of the Act. Mr Craig Rowe is qualified to address the representation and governance issues that need to be considered and which may arise when undertaking a Representation Review.

On 29 April 2024, an Information Briefing Session was held with Elected Members to provide an overview of the prescribed Representation Review process and key legislated considerations. Elected Members were advised of the following:

- requirements of Section 11A(1) of the Act which require that Councils must not comprise more than thirteen (13) Elected Members;
- prescribed process and planned schedule for the Representation Review;
- role of the Electoral Commissioner in the process;
- principles prescribed in Section 26(1)(c) that need to be analysed as part of any proposal for the Council's structure; and
- Ward Quota matters prescribed in Section 33 of the Act.

An Information Briefing Session with Elected Members was subsequently held on 22 May 2024, at which Elected Members were presented with information to facilitate a discussion of their prospective options in respect to the number of Councillors and the Ward structure. Following the Information Briefing Session a Supplementary Discussion Paper was prepared which contained four (4) options for the Council's consideration. The four (4) options were refined from those presented in the initial Discussion Paper.

At the Council Meeting held on 5 August 2024, the Council determined by resolution its preferred structure based on the options presented in the Supplementary Discussion Paper. The preferred structure provides for a Mayor and eleven (11) Councillors with four (4) Wards and has Wards 1,3, and 4 each being represented by three (3) Councillors and the proposed Ward 2 being represented by two (2) Councillors. This structure retains all suburbs in their entirety within Wards.

The Council's preferred structure, including the number of Councillors, number and distribution of Wards and the names of these Wards, forms the basis for the Representation Report which is contained as **Attachment A**. The draft Representation Report is required to be prepared, consulted on, finalised and then submitted to the Electoral Commissioner of South Australia for consideration and approval. The Electoral Commissioner will determine whether the requirements of Section 12 of the Act have been satisfied and then certify the structure prior to gazettal.

In addition, to finalise the Representation Report for community consultation, the Council needs to resolve the names of the Wards for the preferred Council structure which was selected by the Council at the Meeting on 5 August 2024.

Any new structure will take effect at the next Local Government Election to be held in November 2026.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
This matter has been considered at various Information Briefing Sessions and Council Meetings.
- **Community**
Community consultation will be undertaken in accordance with the Council's Community Consultation Policy.
- **Staff**
Not Applicable.
- **Other Agencies**
The Council will submit the final Representation Report to the Electoral Commissioner of South Australia in accordance with Section 12(12) of the Act.

DISCUSSION

In accordance with the requirements of Section 12(6) of the Act the Representation Report includes:

- an examination of the advantages and disadvantages of various structure options that are available to the Council and in particular, examines a reduction in the number of Elected Members and whether the division of the Local Government Area into Wards should be retained or abolished; and
- the proposed structure that the Council considers should be in place based on an analysis of how the proposal relates to the principles in Section 26(1)(c) and the matters referred to in Section 33 of the Act (which are summarised below).

The principles of Section 26(1)(c) of the Act can be summarised as follows:

- Resources available to local communities should be used as economically as possible while recognising the desirability of avoiding divisions within a community.
- Proposed changes to the Council's structure should, wherever practicable, benefit ratepayers.
- The Council should have a sufficient resource base to fulfill functions fairly, effectively and efficiently, and offer a reasonable range of services on an efficient, flexible, equitable and responsive basis.
- Council should facilitate effective planning and sustainable development within its area, and the protection of the environment.
- Council should have a structure that reflects communities of interest of an economic, recreational, social, regional or other kind and be consistent with community structures, values, expectations and aspirations.
- Ensure local communities can participate effectively in decisions about local matters.
- Residents should receive adequate and fair representation, while over-representation in comparison with Councils of a comparable size and type should be avoided.

Section 33 of the Act relates to *Ward Quotas* which is the number of electors within a Ward, divided by the number of Ward Councillors. The '*elector ratio*' for a Local Government Area is the total number of electors divided by the number of Councillors (the Mayor is excluded from this calculation). Section 33(2) of the Act, requires that any proposal which relates to the formation or alteration of Wards must observe the principle that the number of electors represented by a Councillor must not vary from the Ward quota by more than +/- 10%.

Section 33(1) provides the following matters which must also be considered in the preparation of a proposal that relates to Wards:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

The first two (2) Information Briefing Sessions that were held with Elected Members, provided a comprehensive overview of the above matters with the support of information presented by Craig Rowe. The third Information Briefing Session which was held with Elected Members on 12 August 2024, provided the opportunity to discuss various naming options for the Council's preferred Ward structure, which included the following options:

- generic Ward naming such as Wards 1 – 4 or North, West, Central and South Wards;
- names based on parks and/or location e.g. Torrens, Linde, Koster and Parade Wards;
- minimal change from current Ward names – i.e. Payneham Ward; St Peters Ward; Trinity Ward and Norwood Ward; and
- a combination of the above.

Once the Council has determined the preferred Ward names via resolution and endorsed the draft Representation Report for community consultation, the draft Representation Report will be updated with this information prior to commencing community consultation.

At the conclusion of the community consultation period, the Council will receive a report summarising the outcomes of the community consultation process which will be considered as part of the final Representation Report. That final Representation Report must include any written submissions received through the consultation period and which relate to the subject matter of the proposed structure.

OPTIONS

The Council must determine the names of the Wards as part of the process associated with the proposed new Council structure. The Council's preferred structure incorporating the number of Councillors, the number and names of the Wards represented by the Councillors and the Ward boundaries must be included in the draft Representation Report.

It is a mandatory requirement of the Representation Review process that the Council consults with the community on the preferred structure via the draft Representation Report.

CONCLUSION

Having determined the Council's preferred number of Councillors and Ward structure, the Council now needs to resolve the name of these Wards.

To expedite the process the draft Representation Report (Attachment A) has been prepared based on the Council's decision of 5 August 2024 and will be updated once the Council has determined the preferred Ward names. The updated draft Representation Report will be released for community consultation from Monday, 14 October 2024.

COMMENTS

Nil

RECOMMENDATION

1. That the four (4) Wards, which were determined by the Council as the preferred Ward Structure at the Council Meeting held on 5 August 2024, be named as follows and included in the draft *City of Norwood Payneham & St Peters Representation Report* provided as Attachment A:
 - Ward 1 to be known as _____ Ward.
 - Ward 2 to be known as _____ Ward.
 - Ward 3 to be known as _____ Ward.
 - Ward 4 to be known as _____ Ward.
2. That the draft *City of Norwood Payneham & St Peters Representation Report* as contained in Attachment A be endorsed for the purpose of undertaking community consultation.

Attachments – Item 11.9

Attachment A

Representation Review Community Consultation





Draft Representation Report 2024–2025

(Section 12(5) – 12(7) of the *Local Government Act 1999*)



City of
Norwood
Payneham
& St Peters

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1. Introduction

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a “representation review” to determine whether the community would benefit from an alteration to Council’s composition and/or ward structure.

Section 12(4) of the Act states: “A review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally – but a council must 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 under this section at least once in each relevant period that is prescribed by the regulations”.

Representation reviews are generally undertaken every eight (8) years, and the Minister for Local Government has specified that the City of Norwood Payneham & St Peters (Council) is required to undertake and complete a review during the period April 2024 – April 2025. The review outcome must be published in the Government Gazette by 1 January 2026, and any changes will come into effect at the next Local Government elections in November 2026.

This report has been prepared in accordance with the requirements of Sections 12(5) and 12(6) of the Act. It sets out the elector representation proposal that Council believes should be carried into effect at the next Local Government elections; provides information pertaining to matters relevant to the composition and structure of Council; and presents an analysis of how Council’s proposal relates to the relevant provisions and principles prescribed under Sections 26(1)(c) and 33 of the Act.

The key issues that need to be addressed during the review include:

- the number of elected members of Council that are required to provide fair and adequate representation to the community;
- the division of the Council area into Wards, or alternatively the abolition of Wards; and
- if applicable, the preferred future Ward structure, the level of ward representation and the name/title of any proposed future Wards.

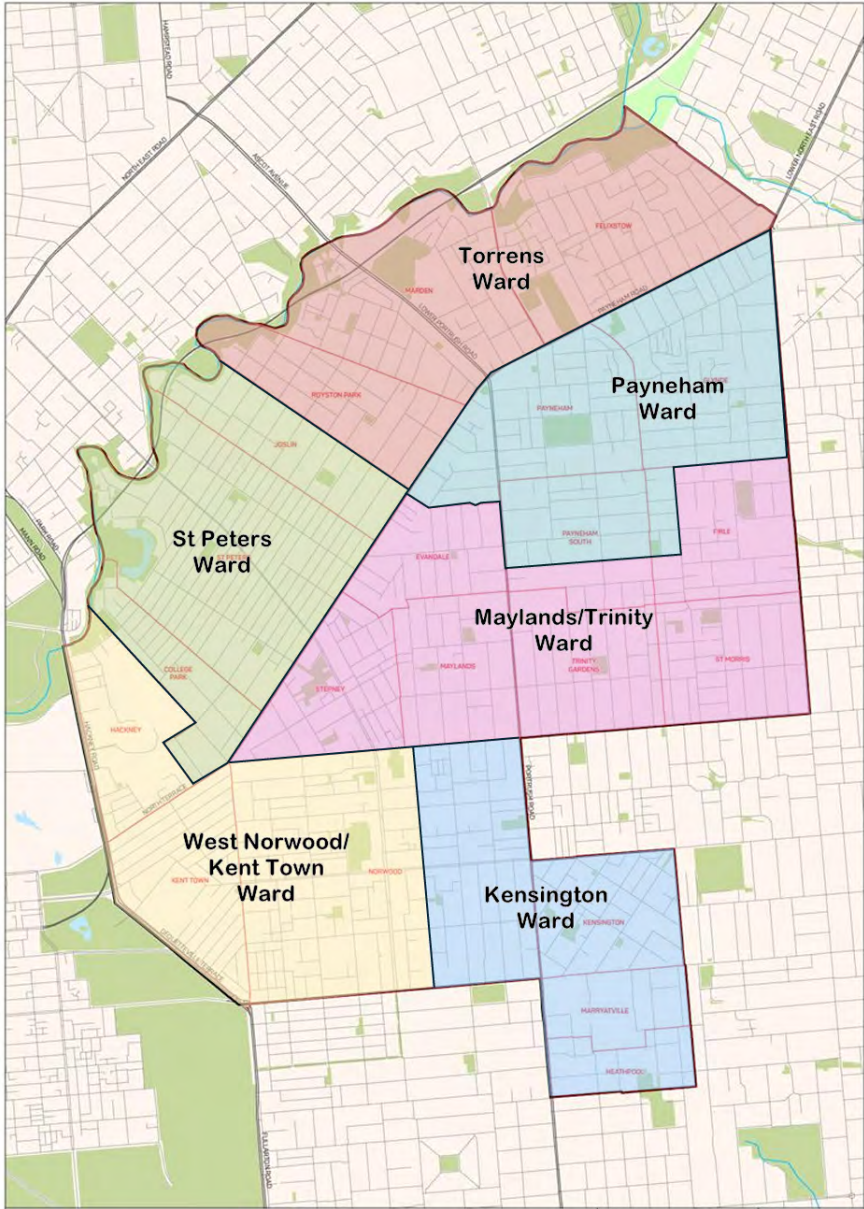
Whilst the proposal presented herein reflects the current position of the Council, no final decision will be made in respect to Council’s future composition and/or structure until consideration has been given to any and all public submissions which may be received during the prescribed public consultation stage.

2. Background

The City of Norwood Payneham & St Peters covers approximately 15.1km²; and had an estimated resident population of 39,312 as at 30 June 2023. According to the Electoral Commission SA, there were 26,260 eligible electors within the Council area as at 24 April 2024, this equates to an elector ratio (i.e. the average number of electors represented by a councillor) of 1:2,020.

The Council area is currently divided into six (6) Wards, as described hereinafter and depicted on Map 1. One Ward (Maylands/Trinity) is represented by three (3) Ward Councillors, and each of the remaining five (5) Wards are represented by two (2) Ward Councillors. The Mayor is the fourteenth and Principal Member of Council. This arrangement formally came into effect at the Local Government elections in November 2018.

Map 1: Current ward structure



The St Peters Ward comprises the suburbs of Joslin, St Peters and College Park.

The Torrens Ward comprises the suburbs of Felixstow, Marden and Royston Park.

The Payneham Ward comprises the suburbs of Payneham and Glynde, and parts of the suburbs of Firle and Payneham South.

The Maylands/Trinity Ward comprises the suburbs of the Stepney, Maylands, Evandale, St Morris and Trinity Gardens, and parts of the suburbs of Firle and Payneham South.

The West Norwood/Kent Town Ward comprises the suburbs of Hackney and Kent Town, and part of the suburb of Norwood

The Kensington/East Norwood Ward comprises the suburbs of Kensington, Marryatville and Heathpool, and part of the suburb of Norwood.

The distribution of electors between the existing Wards is detailed in Table 1.

Table 1: Elector numbers and ratios for the existing wards.

Ward	Crs	H of A Roll	Council Roll	Electors	Ratio	% Variance
St Peters	2	3,836	0	3,836	1:1,918	- 5.05
Torrens	2	4,264	4	4,268	1:2,134	+5.64
Payneham	2	3,942	4	3,985	1:1,993	- 1.36
Maylands/Trinity	3	6,040	3	6,043	1:2,014	- 0.28
West Norwood/Kent Town	2	4,308	10	4,318	1:2,159	+6.88
Kensington/East Norwood	2	3,841	8	3,849	1:1,925	- 4.73
Total	13	26,231	29	26,260		
Average					1:2,020	

Source: Electoral Commission SA, 24th April 2024

Whilst the elector ratios in each of the existing Wards still lay within the specified quota tolerance limits (refer 8.3 Quota, page 18), the existing composition of Council is at odds with the “members cap” specified under Section 11A of the Act (refer 4.4 Number of Councillors, page 9).

Council commenced its review on 29 April 2024 with an Elected Member Information Briefing Session on matters relevant to the review. A subsequent Information Briefing Session was conducted on 22 May 2024 at which time the Elected Members further discussed matters relevant to the review supported by a Discussion Paper which provided further information, including potential Ward structure options. Key issues of discussion have included:

- the “member cap” specified under Section 11A of the Act;
- the continued division of the Council area into Wards, as opposed to the abolition of Wards;
- the number of Elected Members required to provide adequate and fair representation;
- the provisions of Sections 26(1)(c) and 33 of the Act, in particular the requirement to avoid over-representation in comparison with councils of a similar size and type; and
- the anticipated population growth over coming years, and the likely impacts thereof upon elector representation across the Council area.

At its meeting on 5 August 2024 Council identified the preferred (in principle) option in respect to its future composition and Ward structure.

3. Proposal

Having duly considered all relevant provisions of the Act and considerable information in relation to the primary issues pertaining to the review, Council proposes the following in respect to its future composition and structure.

- The Principal Member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council will comprise the Mayor and eleven (11) Ward Councillors.
- The Council area will be divided into four (4) Wards, as depicted in Map 2 and described as follows:

Ward 1: Comprising the suburbs of Marden, Felixstow, Royston Park, Payneham and Glynde.

Ward 2: Comprising the suburbs of Joslin, St Peters, College Park, Hackney and Kent Town.

Ward 3: Comprising the suburbs of Firle, Payneham South, Evandale, Stepney, Maylands, Trinity Gardens and St Morris.

Ward 4: Comprising the suburbs of Norwood, Kensington, Marryatville and Heathpool.

- The proposed wards will be identified as:

Ward 1 - _____.

Ward 2 - _____

Ward 3 - _____

Ward 4 - _____

- Proposed Wards 1, 3 and 4 (i.e. proposed _____ Ward, _____ Ward and _____ Ward) will each be represented by three (3) Ward Councillors, whilst proposed Ward 2 (_____ Ward) is to be represented by two (2) Ward Councillors.

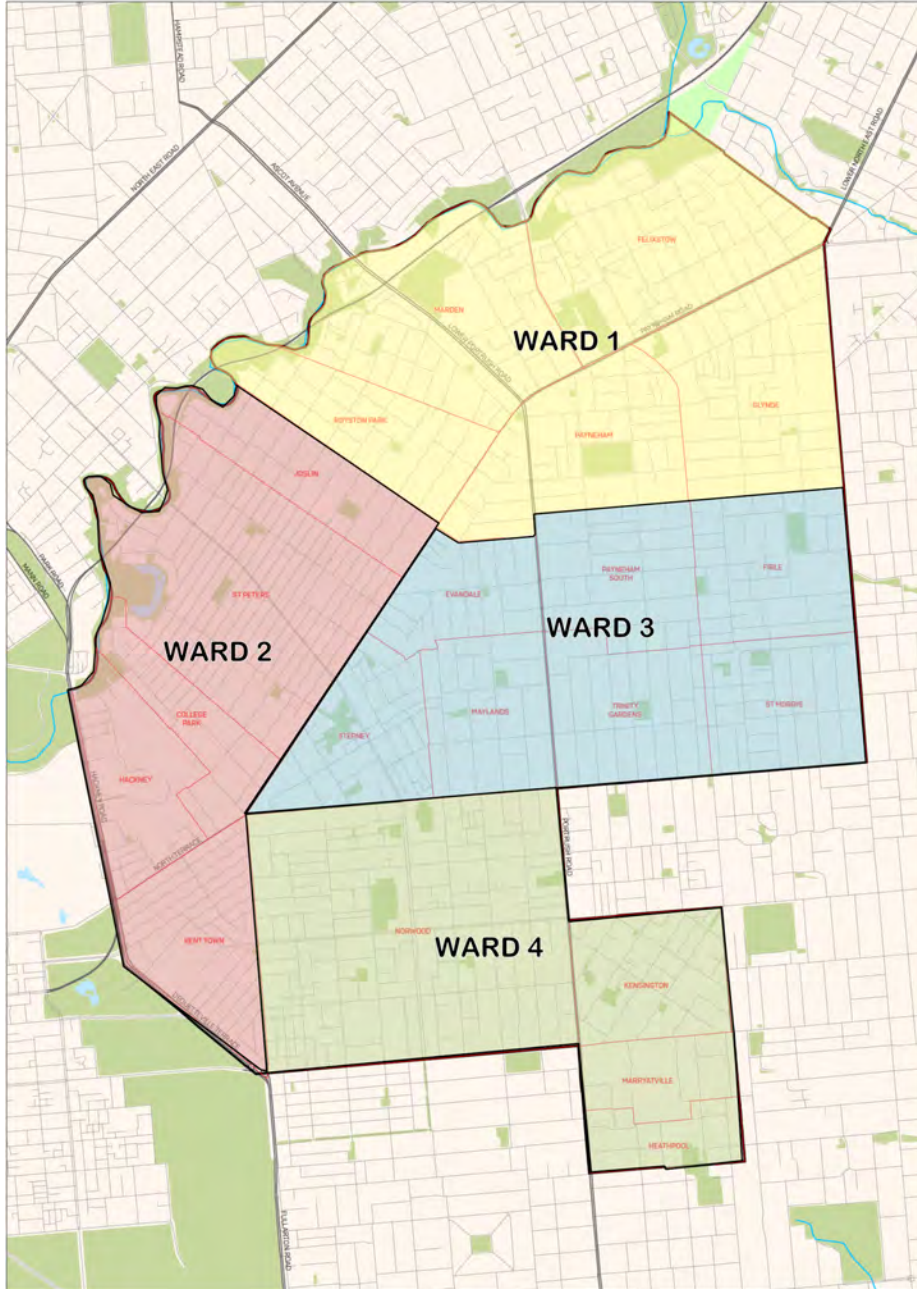
The distribution of electors between the proposed Wards is detailed in Table 2, and the reasons for Council's "in principle" decisions, together with an analysis of compliance with the relevant provisions and requirements of the Act, are provided hereinafter.

Table 2: Elector distribution between proposed wards.

Ward	Councillors	Electors	Ratio	% Variance
Ward 1	3	7,212	1:2,404	+2.84
Ward 2	2	4,993	1:2,497	+6.80
Ward 3	3	6,780	1:2,260	-3.32
Ward 4	3	6,728	1:2,243	-4.06
Total	11	25,713		
Average			1:2,338	

Source: Electoral Commission SA, House of Assembly Roll (March 2024)
Council Voter's Roll (March 2024)

Map 2: Proposed ward structure



4. Proposal Rationale

4.1 Composition

Section 51 of the Act stipulates that the Principal Member of Council must be elected by the electors of for the Council area as a representative of the area as a whole (or appointed by the Governor under circumstances prescribed under Section 10 of the Act); and is to be called Mayor. The Act no longer affords any alternative.

Section 52(1) of the Act specifies that all Members of Council, other than the Principal Member, shall have the title of Councillor.

Section 52(2) states that a Councillor will (depending on how the Council is constituted):

- be elected by the electors of the Council area, as a representative of the area as a whole (whether or not the area is divided into Wards); or
- if the area is divided into Wards, be elected by the electors of a particular Ward, as a representative of the Ward.

4.2 Wards/No Wards

The Council area has been divided into Wards since it was established in November 1997.

Currently two (2) of the nineteen (19) metropolitan councils (i.e. the Towns of Gawler and Walkerville) have no Wards, as do thirty-five (35) of the forty-nine (49) regional councils.

The Council acknowledges that the “no Ward” alternative could befit the smaller of the metropolitan councils; affords electors the opportunity to vote for all of the vacant positions on Council; automatically absorbs fluctuations in elector numbers; allows for the most supported candidates from across the Council area to be elected; and supposedly enables the Elected Members to be free of parochial Ward attitudes. Notwithstanding this, the Council is concerned that the “no Ward” alternative:

- does not guarantee direct representation of all communities within the Council area;
- may make it easier for single interest candidates and/or groups to gain support (than does the existing Ward based system);
- has the potential to make the task and expense of contesting "council-wide" elections difficult and excessive; and
- has the potential to increase the cost of conducting elections and supplementary elections, given that under the “no Wards” structure all contested elections must be conducted on a "Council-wide" basis.

On the other hand, the Council believes that a Ward structure:

- guarantees a level of direct representation of all areas and communities within the Council area;
- ensures local interests and/or issues are not overlooked in favour of the bigger “city-wide” picture; and
- provides recognizable lines of communication with the Council through the Ward Councillors.

It is also considered that Ward Councillors can have empathy for, and an affiliation with, the constituents and communities within their Ward; and Ward Councillors deliberate and make decisions on the basis of achieving the best outcome for their Ward and the whole of the Council area (as would be the role of an Area Councillor under the "no Ward" alternative). Further, the community knows and accepts the division of the Council area into Wards, and the structure and level of representation that it provides. As such, the retention of a Ward structure will likely be perceived as an indication of stability within the Council and Local Government in general.

Given the aforementioned, the Council supports the on-going division of the Council area into Wards.

4.3 Proposed Ward Structure

During the course of the review Council has considered numerous Ward structures based on ten (10), eleven (11) and twelve (12) Councillors.

The Council favours the proposed Ward structure because it:

- is relatively simple in configuration;
- complies with the "Member Cap" specified under Section 11A of the Act;
- is reasonably well balanced in terms of the proportional distribution of electors between the proposed Wards, and the resulting Ward elector ratios;
- exhibits Ward elector ratios which lay well within the specified quota tolerance limits (and are therefore capable of sustaining reasonable future fluctuations in elector numbers);
- has relatively consistent and higher levels of representation within the proposed Wards which should provide the electors/residents located therein with fervent and direct representation;
- will provide sufficient opportunities for aspiring candidates to Council (and the individual Wards);
- will provide a level of Ward representation which will ensure continued representation within a Ward under circumstances whereby a Ward Councillor or Councillors are absent or unavailable;
- should maintain reasonable and manageable workloads for the Ward Councillors;
- proposes Wards which are not large in area and, as such, should provide an environment wherein close relationships between Ward Councillors and their constituents can still be fostered, and Ward Councillors can be more familiar with the issues and/or concerns within their Ward.

Given all of the aforementioned, the Council's preference to introduce a new, four (4) Ward structure is considered to be rational and justifiable.

4.4 Number of Councillors

The Council has comprised the Mayor and fourteen (14) Ward Councillors since the Local Government election in 2018.

Section 11A of the Act specifies that a Council must not be comprised of more than thirteen (13) members, including the Mayor. However, the Act also allows a Council to seek an "exemption certificate" from the Electoral Commissioner if it desires to retain more than the specified maximum number of Elected Members.

The Council proposal to reduce the number of Elected Members to twelve (12), being the Mayor and eleven (11) Ward Councilors, is in keeping with the requirement and intent of the Act.

When determining its preferred future composition, the Council also gave consideration to the following:

- Section 12(6)(a)(i) of the Act specifically required the Council to examine the question of whether the number of Elected Members should be reduced. The Act is silent on the issue of a potential increase in the number of Elected Members.
- Whilst Ward Councillors are elected to provide representation of (and assistance to) the constituents within their Wards, they also act in the best interest of the whole community within the Council area. This includes approximately 13,000 or more residents who are not enrolled to vote but have the same day-to-day concerns and issues which confront the eligible electors throughout the Council area. As the demands and needs of the whole of the local community directly impact upon the workloads of the Elected Members, the greater the number of Elected Members the greater the lines of communication between Council and the greater the likelihood that the Elected Members will be capable of providing an adequate service to the local community.
- It is anticipated that the population of the City of Norwood Payneham & St Peters will grow in the foreseeable future as a consequence of urban infill and redevelopment (refer 5.2 Population and Demographic Trends, page 12). Whilst it is difficult to quantify the future population growth with any certainty at this time, the anticipated increase in the population of the Council area over the next eight (8) years (i.e. the next scheduled representation review) will obviously result in greater elector numbers, higher elector ratios and greater demands being placed upon the Elected Members (both individually and as a collective body). A reduction in the number of Elected Members at this time will afford Council the opportunity to re-assess its composition in the future, knowing that there will be some flexibility in regard to the "Member Cap".
- There must be sufficient Elected Members to manage the day-to-day affairs of Council; provide adequate and readily available lines of communication between Council and the community; and ensure that the potential for diversity in the Elected Member's skill sets, experience and backgrounds is maintained.

The Council believes that it is important to reach a balance between adhering to the intent of the Act (in regard to the future number of Elected Members) and providing fair and adequate representation to, and of, the local community. Ultimately, the Council is of the opinion that the proposed future composition of eleven (11) Ward Councillors and the Mayor will meet both objectives at this time, and will provide leeway (in regard to the "Member Cap") should future circumstances warrant the consideration of an additional Councillor.

5. Legislative Requirements

The provisions of Sections 26(1)(c) and 33 of the Act require the Council to consider, as far as practicable, the following when developing a proposal that relates to its composition and structure.

Section 26(1)(c) requires that, when considering a reform proposal, the Council should have regard to a list of principles, the most relevant being the following:

- Proposed changes should, wherever practicable, benefit ratepayers.
- A Council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations.
- Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with Councils of a similar size and type should be avoided (at least in the longer term).

Section 33(1) requires that, in the formulation of a proposal that relates to the boundaries of a ward or wards, the review must also take into account, as far as practicable:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each Ward affected or envisaged by the proposal;
- the topography of the area, and of each Ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other Councils of a similar size and type (at least in the longer term).

Finally, Section 33(2) of the Act requires that a proposal which relates to the formation or alteration of Wards of a Council must observe the principle that the number of electors represented by a Councillor must not, as at the relevant date (assuming that the proposal was in operation), vary from the Ward quota by more than 10 per cent.

The Council's comments, as they relate to the relevant provisions of Sections 26 and 33 of the Act, are as follows.

5.1 Communities of Interest

The Act speaks of the desirability of reflecting communities of interest of an economic, social, regional or other kind.

"Communities of interest" have previously been defined "as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment", and are generally identified by considering factors relevant thereto, including neighbourhood communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests.

The Council area covers approximately 15.1 km² and incorporates twenty-one (21) suburbs (or part suburbs). Council is keen to ensure that, where possible, identified “communities of interest” are maintained in their entirety within the boundaries of a Ward, taking into account the features of the landscape; the location of, and connection between, the various communities; and the distribution of the electors. In order to achieve this, Council proposes a Ward structure wherein all suburbs are maintained in their entirety within a Ward.

In addition, whilst the community will have to adapt to the physical configuration of the proposed new Ward structure, the level of representation in each of the proposed Wards will be increased to three (3) or four (4) Councillors, thereby increasing the lines of communication between the Ward Councillors and their constituents.

5.2 Population and Demographic Trends

Further residential development and urban renewal (and therefore population growth) is expected across the Council area in the future.

The following information provides some insight into the demographic trends that have occurred over recent years, and the extent of the anticipated future population increase. This information has been taken into account by Council when determining its preferred future ward structure.

Data sourced from Electoral Commission SA indicates that the number of electors within the Council area has increased at varying rates during the period 2010 – 2023. Overall, during the cited period the number of enrolled electors increased by 1,484 or 6.01%.

The Department of Planning, Transport and Infrastructure (Local Area (SA2 and LGA), Population Projections for South Australia, 2021 – 2041, published March 2024) indicates that the population of the Council area is anticipated (medium series) to increase by 6,284 people or 16.6% (i.e. 37,823 to 44,107) during the period 2021 – 2041.

Data provided by the Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia) indicates that the estimated population of the Council area has generally increased from year to year during the period 2001 – 2023; and overall increased by 5,766 people or 17.19% during the specified period (i.e. 33,546 to 39,312). The same data indicates that the population increased by 2,316 people or 6.27% during the recent five year period 2018 – 2023 (i.e. 36,996 to 39,312).

Australian Bureau of Statistics "Quick Stats" indicate that the estimated population of the Council area increased by 5,215 people or 16.16% over the period 2001 – 2021 (i.e. 32,272 to 37,487).

According to the City of Norwood Payneham & St Peters “community profile”, the estimated resident population of the Council area increased by 1,402 people or 4.01% (i.e. 34,967 to 36,369) during the period 2006 – 2015; and then increased by a further 2,943 people or 8.01% (i.e. 36,369 to 39,312) during the period 2015 – 2023. Overall, this equates to an increase of 4,345 people or 12.43% over the period 2006 – 2023.

Continued infill development is expected throughout the Council area; however growth opportunities are limited due to heritage and other constraints.

Further medium to high rise residential development is likely to occur (on an ad hoc basis) along the arterial roads which radiate out of the Adelaide CBD (e.g. Kensington Road, The Parade, Payneham Road, Magill Road, North Terrace and Rundle Street) and on Dequetteville Terrace.

Residential development of a significant size and scale (i.e. apartment buildings) is most likely to occur in and about the suburbs of Norwood, Kent Town and perhaps Stepney.

5.3 Topography

The City of Norwood Payneham & St Peters is a long-existing, developed inner eastern municipality which covers an area of approximately 15.1 km².

The terrain generally slopes from the east and south to the west and north-west, towards the River Torrens which forms one boundary of the City; and four creeks traverse the Council area from east to west. In addition, the urban form of the Council area is diverse, ranging from reasonably homogenous residential areas to commercial and mixed use precincts. There is also a significant area of open space in the River Torrens Linear Park.

It is considered that the proposed future Ward structure is a relatively simple and efficient division of the Council area which, in the main, befits and accommodates the existing pattern of development and topographical features of the Council area. Further, Council believes that the topography of the Council area should have little or no physical impact upon the proposed future Ward structure, given that the proposed Ward boundaries align with long-established suburb boundaries, thereby ensuring that entire “communities of interest” (suburbs) are maintained within a proposed Ward.

5.4 Feasibility of Communication

Council believes that the Mayor and eleven (11) Ward Councillors can provide adequate lines of communication between the Elected Members of the Council and the community, taking into consideration the anticipated future growth in elector numbers; the size of the Council area; the nature and density of the urban development within the Council area; and the continual advancements being made in regard to telecommunications and information technology.

5.5 Adequate and Fair Representation

Sections 26(1)(c) and 33(1) of the Act seek to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other Councils of a similar size and type (at least in the longer term). However, such a comparison is not necessarily a straightforward exercise, given that no two (2) councils are identical in terms of their size (elector numbers and/or area), character, population, topography or communities of interest

Table 3 provides (for comparison purposes) the elector data, elector ratios (i.e. the average number of electors represented by a Councillor), and the size/area of the metropolitan councils. The data indicates that the City of Norwood Payneham & St Peters is one of the smaller metropolitan councils in terms of area, elector numbers and elector ratio, yet currently has one of the higher number of Elected Members.

Table 3: Elector representation – Metropolitan councils

Council	Councillors	Electors	Elector Ratio
Walkerville (1.34 km ²)	8	5,849	1: 731
Prospect (7.81 km ²)	8	15,268	1:1,909
Gawler (41.10km ²)	10	20,200	1:2,020
Norwood Payneham & St Peters (15.1 km²)	13	26,260	1:2,020
Unley (14.29 km ²)	12	27,989	1:2,332
Holdfast Bay (13.72 km ²)	12	28,595	1:2,383
Adelaide Hills (795.1 km ²)	12	30,954	1:2,580
Burnside (27.53 km ²)	12	32,347	1:2,696
West Torrens (37.07 km ²)	14	43,192	1:3,085
Adelaide (15.57 km ²)	9	30,437	1:3,382
Campbelltown (24.35 km ²)	10	37,184	1:3,718
Mitcham (75.55 km ²)	12	49,516	1:4,126
Playford (344.9 km ²)	15	71,441	1:4,763
Port Adelaide/Enfield (97.0 km ²)	17	90,157	1:5,303
Charles Sturt (52.14 km ²)	16	90,641	1:5,665
Marion (55.5km ²)	12	68,314	1:5,693
Tea Tree Gully (95.2 km ²)	12	74,791	1:6,233
Salisbury (158.1 km ²)	14	98,878	1:7,063
Onkaparinga (518.4 km ²)	12	133,756	1:11,146

Source: Electoral Commission SA (24th April 2024)
 * City of Adelaide also comprises two (2) "area councillors".

A reduction in the number of Councillors to eleven (11), as proposed, will:

- be in accord with the provisions and intent of the Section 11A of the Act;
- be consistent with the elector representation arrangements of thirteen (13) other metropolitan councils which currently comprise between eight (8) and twelve (12) Councillors;
- serve to increase the elector ratio to 1:2,387 which (on current elector data) which will be appropriate in comparison to the elector ratios exhibited by other metropolitan councils; and
- result in some financial savings (e.g. Elected Member's annual allowance of \$19,110) which can be redirected into programs to benefit the community.

5.6 Quota

Ward quota is the number of electors within a Ward divided by the number of Ward Councillors, whereas the “elector ratio” for the Council area is the total number of electors divided by the number of Councillors (i.e. the Mayor is excluded).

Given the aforementioned, any potential future Ward structure must incorporate Wards wherein the distribution of electors is equitable, either in terms of numbers (if the Wards have equal representation) or elector ratio. Under the latter circumstance, the elector ratio within each Ward must be within 10% of the average elector ratio for the Council area. The Act only allows for the 10% quota tolerance limit to be exceeded in the short term if demographic changes predicted by a Federal or State government agency indicate that the Ward quota will not be exceeded at the time of the next periodic Local Government election.

As indicated in Table 2 (refer 3. Proposal, page 5), the elector ratios in each of the proposed Wards lay well within the specified quota tolerance limits.

6. Current Public Consultation

In accordance with Section 12(7) of the Act, interested persons are invited to make a written submission to Council in respect to this report, and more specifically the composition and structure that Council proposes to introduce at the date of the next Local Government elections in November 2026.

Interested members of the community are invited to make a submission expressing their views on the future composition and structure of the Council. Submissions can be made as follows and will be accepted until [REDACTED] 2024.

- Via Council's Website: www.npsp.sa.gov.au.
- Written submission addressed to the Chief Executive Officer, PO Box 204 Kent Town 5071.
- Delivered to the Council offices at 175 The Parade, Norwood.
- Emailed to townhall@npsp.sa.gov.au.

Further information regarding the elector representation review can be obtained on Council's website or by contacting Jenny McFeat, Manager – Governance, on telephone 83664555 or email jmcfestat@npsp.sa.gov.au.

11.10 REVIEW OF DELEGATIONS

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE:
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the updated *Instrument of Delegation* for the Council's consideration and adoption.

BACKGROUND

The Council has the ability to delegate many of its decision-making powers and functions under the *Local Government Act 1999* (the Act) and a number of other Acts and Regulations. The primary purpose of delegating powers and functions, is to facilitate an efficient and effective organisation by allowing decisions to be made by the staff who carry out the day-to-day operations and to ensure that decisions are made at the appropriate level.

The current delegations have been reviewed and are now presented to the Council for consideration and adoption.

The Instruments of Delegation for powers and functions under the *Planning, Development and Infrastructure Act 2016*, as well as the Instrument of Sub-Delegation and authorisations relevant to the Minister for Transport & Infrastructure's Instrument of General Approval and Delegation to the Council (dated 22 August 2013), will be the subject of separate reports for the Council's consideration at the Council Meeting to be held on 4 November 2024.

As Elected Members may recall, a review of the Council's delegation of powers and functions to the Eastern Health Authority (EHA) was undertaken in April 2024, with no changes recommended. As EHA is a Regional Subsidiary established under Section 43 of the Act, the delegation review timing is coordinated with the other Constituent Councils to support the operations of EHA and are therefore separated from the general delegations.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Nil.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

The adoption of an appropriate framework of delegations allows for decision making at appropriate levels within the organisation. The review and management of delegations ensures compliance with the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Consultation has taken place with relevant staff in relation to the review of Delegations and further consultation will occur through the sub-delegation process.
- **Other Agencies**
Not Applicable.

DISCUSSION

Council decision making occurs either by resolution of the Council in a Council Meeting or through delegation.

Section 44(1) of the Act enables the delegation by the Council of powers and functions under the Act or any other Act or Regulations. Therefore, in general, if an Act does not contain an express power of the Council to delegate its powers and functions under that Act, then Section 44 of the *Local Government Act 1999* may be used.

In accordance with Section 44(2) of the Act, a delegation may be made to:

- *a Council Committee; or*
- *a subsidiary of the Council; or*
- *a joint planning board established under a planning agreement to which the Council is a party; or*
- *an employee of the Council; or*
- *the employee of the Council for the time being occupying a particular office or position; or*
- *an authorised person.*

Section 44(3) of the Act places some limitations on the powers and functions which can be delegated, by identifying a number of matters that must remain solely with the Council for decision. These include:

- the power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the Council;*
- the power to declare rates or a charge with the character of a rate;*
- the power to borrow money or to obtain other forms of financial accommodation;*
- the power to adopt or revise a strategic management plan of the Council;*
- the power to adopt or revise an annual business plan or budget of the Council;*
- the power to approve expenditure of money on works, services or operations of the Council not contained in a budget adopted by the Council;*
- the power to approve payment or reimbursement of expenses that may be paid at the discretion of the Council and for which the Council has not adopted a formal policy or made specific financial provision;*

- (h) the power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
- (i) the power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- (j) the power to fix, vary or revoke a fee under section 188(1)(d) to (h) of the Act;
- (k) the power to revoke the classification of land as community land under section 194 of the Act;
- (l) a power or function excluded from delegation by the regulations.

Section 44(4) of the Act, provides that a delegation:

- is subject to conditions and limitations determined by the Council or specified by the Regulations;
- if made to the Chief Executive Officer, authorises the sub-delegation of the delegated power or function unless the Council directs otherwise and if made to anyone else authorises the sub-delegation of the delegated power or function with the approval of the Council; and
- is revocable at will and does not prevent the Council from acting in a matter.

All of the powers and functions contained in the Instrument of Delegation are delegated through Section 44 of the Local Government Act. The only exception to this is the Heavy Vehicle National Law powers and functions being delegated by the Council as a Road Manager which are able to be delegated by the Council pursuant to Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (HVNL Act).

As the Council is an authority responsible for the care, control of management of roads in the Council Area, under the HVNL Act it is declared to be a Road Manager with certain powers and functions. Section 22B of the HVNL Act enables a Road Manager to delegate any of the powers and functions under the HVNL Act and therefore that legislative provision is used rather than Section 44(1) of the Local Government Act.

The *Instrument of Delegation* providing for the delegation of powers and functions by the Council is contained in **Attachment A**.

The *Instrument of Delegation* identifies:

- (a) the statutory power or powers to delegate the powers or functions subject to the *Instrument of Delegation*;
- (b) the statutory basis for any power to sub-delegate a delegated power or function;
- (c) the conditions and limitations applying to the exercise of a delegated power or function; and
- (d) in an attached table for each Act or Regulation under which a delegation is granted by the *Instrument of Delegation*:
 - i. the delegated power or function; and
 - ii. the identity of the delegate or delegates in respect of that power or function.

If the Council resolves to grant the delegations provided for in the *Instrument of Delegation*, then:

- the delegations will come into operation on 1 December 2024; and
- previous delegations of the powers and functions of the various legislation covered in the attached Instrument of Delegation will be revoked from midnight 30 November 2024.

OPTIONS

Delegations are an essential component in the operation of any organisation and an important governance requirement. The majority of the delegations are of an administrative nature and are necessary for the efficient and effective implementation of decisions and the administration of Council business and operations and the efficient use of limited resources.

Without appropriate delegations, a significant number of minor matters would need to be referred to the Council for decision and the task of running the Council's operation efficiently and effectively would be made unnecessarily more difficult, complex, unwieldy and unsustainable.

CONCLUSION

The review of delegations ensures compliance with the *Local Government Act 1999*, and the effective administration of Council's powers, functions and duties with respect to various legislative requirements.

COMMENTS

Nil.

RECOMMENDATION

1. That the previous delegation of powers and functions of the Council to the Chief Executive Officer be revoked effective from midnight 30 November 2024.
2. That the Council resolves to grant the delegation of powers and functions of the Council to the Chief Executive Officer as provided for in the *Instrument of Delegation* contained in Attachment A, effective from 1 December 2024.

Attachments – Item 11.10

Attachment A

Review of Delegations





City of Norwood Payneham & St Peters

Instrument of Delegation

1. The City of Norwood Payneham & St Peters (the **Council**) delegates each function or power of the Council which is listed in the attached tables to the delegate identified in respect of the function or power.
2. The delegations are granted pursuant to Section 44 of the *Local Government Act 1999*, excepting for the functions and powers of the Council acting as a road manager under the *Heavy Vehicle National Law* which are delegated pursuant to section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013*.
3. The delegations granted pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer (**CEO**) may be sub-delegated by the Chief Executive Officer in accordance with Sections 44(4)(b) and 101 of the Local Government Act, but subject to Section 44(3a) of the Local Government Act;
 - (b) the Heavy Vehicle National Law (South Australia) Act may be sub-delegated by the delegate.
4. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.
5. The delegations are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power in accordance with:
 - (i) applicable legislative and other legal requirements; and
 - (ii) due regard to relevant policies and guidelines adopted by the Council;
 - (b) in regard to the following delegations under the Local Government Act:
 - (i) Section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - (ii) Section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council;
 - (iii) Section 143(1): the power to write off debts is limited to debts not exceeding \$10,000 in respect of any one debt;
 - (iv) Section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c).
6. Each delegation of a power or function granted under this Instrument is independent of, and severable from, every other delegation granted under this Instrument.



7. If a delegation of a power or function under this Instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this Instrument and the remaining delegations will continue to operate according to their terms.
8. The delegations provided for in this Instrument of Delegation will come into operation on 1 December 2024.
9. Previous delegations granted to the Chief Executive Officer by the Council of the powers and functions delegated by this Instrument are revoked with effect from the date on which the delegations provided for in this Instrument come into operation. Those powers and functions previously delegated by the Council to the Eastern Health Authority which came into effect on 18 September 2019 remain in place until such time as those delegations are separately revoked.
10. The delegations granted by this Instrument will remain in force until varied or revoked by resolution of the Council.

By resolution of the Council made on 8 October 2024.



City of
Norwood
Payneham
& St Peters

Delegations to the Chief Executive Officer

By Resolution of Council made on 8 October 2024

Delegations provided for in this Instrument of Delegation will come into operation on 1 December 2024

**DELEGABLE POWERS AND FUNCTIONS**

COMMUNITY TITLES ACT 1996			
Capacity of Council	Statutory Provision	Power/Function	Delegate
Relevant Development Authority	Section 3(11)	Endorse scheme description	Chief Executive Officer
Council (as holder of a statutory encumbrance)	Section 15A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was enter into, or is in force, as to the variation or termination	Chief Executive Officer
Council	Section 27(1)(b)(i)	Consent to encroachment over land vested in, or under the control, of the Council	Chief Executive Officer
Relevant Development Authority	Section 30(4)	Require modification to a scheme description prior to endorsing the scheme description	Chief Executive Officer
Relevant Development Authority	Section 31(3)	Endorse a certified copy of an amended scheme description	Chief Executive Officer
Council (as holder of a statutory encumbrance)	Section 53A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was enter into, or is in force, as to the variation or termination	Chief Executive Officer
Relevant Development Authority	Section 70(3)	Approve the retention of a primary or secondary lot	Chief Executive Officer

**DELEGABLE POWERS AND FUNCTIONS*****COST OF LIVING CONCESSIONS ACT 1986***

Capacity of Council	Statutory provision	Power/function	Delegate
Rating Authority	Section 6(1)	Apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating Authority	Chief Executive Officer

CROWN LAND MANAGEMENT ACT 2009

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 18A(1)	Seek the consent of the Minister to the exclusion of dedicated land from classification as community land	Chief Executive Officer

DISABILITY INCLUSION ACT 2018

Capacity of Council	Statutory provision	Power/function	Delegate
State Authority	Section 16(2)	Prepare a disability access and inclusion plan	Chief Executive Officer
State Authority	Section 16(4)(b)	Consult with people with disability and person or bodies representing the interests of people with disability and other persons or bodies in preparing a disability access and inclusion plan	Chief Executive Officer
State Authority	Section 16(4)(c)	Call for submissions from members of the Public	Chief Executive Officer
Council	Section 16(5)	Seek the approval of the Minister to prepare a single disability access and inclusion plan for the Council and one or more other Councils	Chief Executive Officer

**DELEGABLE POWERS AND FUNCTIONS**

DISABILITY INCLUSION ACT 2018			
Capacity of Council	Statutory provision	Power/function	Delegate
State Authority	Section 16(6)	Vary a disability access and inclusion plan	Chief Executive Officer
State Authority	Section 16(7)	Publish a disability access and inclusion plan, and any variation to a plan, on a website	Chief Executive Officer
State Authority	Section 17(1)	Report annually to the Chief Executive Officer on the operation of the disability access and inclusion plan	Chief Executive Officer
State Authority	Section 18(1)	Review the disability access and inclusion plan at least once in every 4 year period and prepare a report of the review	Chief Executive Officer
State Authority	Section 18(2)	Provide a copy of the report prepared under Section 18(1) of the Disability Inclusion Act to the Minister	Chief Executive Officer
State Authority	Section 23Q(1)	Provide to the Senior Authorising Officer such information relating to a specified person that the Senior Authorising Officer reasonably requires	Chief Executive Officer
State Authority	Section 23Q(2)	Provide the information to the Senior Authorising Officer in the manner and within the period specified in the notice	Chief Executive Officer
State Authority	Section 23Q(3)	Participate in consultation with the Senior Authorising Officer regarding a refusal or failure to comply with a notice	Chief Executive Officer
State Authority	Section 26(1)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Chief Executive Officer
State Authority	Section 26(2)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Chief Executive Officer

**DELEGABLE POWERS AND FUNCTIONS****DISABILITY INCLUSION ACT 2018**

Capacity of Council	Statutory provision	Power/function	Delegate
State Authority	Section 27(2)	Provide information or documents prescribed by Section 27 of the Disability Inclusion Act to another person or body	Chief Executive Officer

DISABILITY INCLUSION REGULATIONS 2019

Capacity of Council	Statutory provision	Power/function	Delegate
State Authority	Regulation 9(2)	Determine the manner and form and time period for the calling of public submissions under Section 16(4)(c) of the Disability Inclusion Act	Chief Executive Officer
State Authority	Regulation 9(3)	Publish the disability access and inclusion plan on a website	Chief Executive Officer
State Authority	Regulation 9(4)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Chief Executive Officer
Council	Regulation 10	Keep residents informed of the preparation by the Council of a single disability access and inclusion plan which is for more than one Council	Chief Executive Officer
State Authority	Regulation 11(1)	Comply with the steps under Regulation 9 in regard to the variation of a disability access and inclusion plan as if the variation were the plan	Chief Executive Officer
State Authority	Regulation 11(2)	Vary a disability access and inclusion plan	Chief Executive Officer
State Authority	Regulation 11(3)	Provide Public notice of a variation to a disability access and inclusion plan	Chief Executive Officer

**DELEGABLE POWERS AND FUNCTIONS**

DOG AND CAT MANAGEMENT ACT 1995			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 25A(1)	Appoint Authorised persons	Chief Executive Officer
Council	Section 25A(2)	Impose conditions on appointment of an Authorised person	Chief Executive Officer
Council	Section 25A(3)	Revoke appointment or revoke or vary conditions of an Authorised person	Chief Executive Officer
Council	Section 25B(1)	Issue identity card to an Authorised person	Chief Executive Officer
Council	Section 25C(c)	Enter into an arrangement with another Council in relation to the exercise of Authorised officer powers	Chief Executive Officer
Council	Section 26(1)(a)	Maintain a register of dogs	Chief Executive Officer
Council	Section 26(1)(ab)	Provide information to the Dog and Cat Management Board	Chief Executive Officer
Council	Section 26(1)(ac)	Maintain other registers	Chief Executive Officer
Council	Section 26(1)(ad)	Make registers Publicly available	Chief Executive Officer
Council	Section 26(1)(ae)	Limit inspection of register	Chief Executive Officer

**DELEGABLE POWERS AND FUNCTIONS**

DOG AND CAT MANAGEMENT ACT 1995			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 26(1)(b)	Appoint a Registrar	Chief Executive Officer
Council	Section 26(1)(c)	Make arrangements for the issue and replace certificates of registration and registration discs	Chief Executive Officer
Council	Section 26(1)(d)	Make arrangements for the exercise of functions and powers of an Authorised person	Chief Executive Officer
Council	Section 26(1)(e)	Make arrangements for the detention of dogs and cats	Chief Executive Officer
Council	Section 26(1)(f)	Make arrangements for fulfilling other obligations under the Dog and Cat Management Act	Chief Executive Officer
Council	Section 26(3)	Expend money in the administration or Enforcement of the Dog and Cat Management Act	Chief Executive Officer
Council	Section 26(4)	Keep separate account of moneys received and expended under the Dog and Cat Management Act	Chief Executive Officer
Council	Section 26(5)	Pay moneys into the Dog and Cat Management Fund	Chief Executive Officer
Council	Section 26(6)(a)	Charge fees for the provision of register extracts	Chief Executive Officer
Council	Section 26(6)(ab)	Charge fees for receipt and management of information	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

DOG AND CAT MANAGEMENT ACT 1995			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 26(b)(i)	Charge fees for registration of dogs or businesses	Chief Executive Officer
Council	Section 26(b)(ii)	Charge fees for late payment of registration	Chief Executive Officer
Council	Section 26(b)(iii)	Charge fees for meeting requirements under the Dog and Cat Management Act	Chief Executive Officer
Council	Section 26(7)	Provide a percentage rebate as provided for by the Dog and Cat Management Act	Chief Executive Officer
Council	Section 26A(1)	Prepare a dog and cat management plan	Chief Executive Officer
Council	Section 26A(3)	Present dog and cat management plan to Dog and Cat Management Board	Chief Executive Officer
Council	Section 26A(5)	Amend dog and cat management plan	Chief Executive Officer
Council	Section 33(4)(c)	Approve boarding kennel	Chief Executive Officer
Council	Section 39	Rectify the register	Chief Executive Officer
Council	Section 41(1)(c)	Fix fee for application under Part 4, Dog and Cat Management Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

DOG AND CAT MANAGEMENT ACT 1995			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 47(5)	Recover cost of giving effect to order if an order has been contravened and Authorised person takes steps to effect the order	Chief Executive Officer
Council	Section 50(1)(a)	Make a Destruction Order	Chief Executive Officer
Council	Section 50(1)(b)	Make a Control (Dangerous Dog) Order	Chief Executive Officer
Council	Section 50(1)(c)	Make a Control (Menacing Dog) Order	Chief Executive Officer
Council	Section 50(1)(d)	Make a Control (Nuisance Dog) Order	Chief Executive Officer
Council	Section 50(1)(e)	Make a Control (Barking Dog) Order	Chief Executive Officer
Council	Section 50(2)(b)	Approve a place to detain dogs	Chief Executive Officer
Council	Section 52(a1)	Determine manner and form of application for the Council to make an order under Division 3, Part 5, Dog and Cat Management Act	Chief Executive Officer
Council	Section 52(1)(a)	Ascertain owners or persons responsible for a dog	Chief Executive Officer
Council	Section 52(1)(b)	Provide notice of proposed order to each owner or person responsible for a dog	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

DOG AND CAT MANAGEMENT ACT 1995			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 52(2)(b)	Note order in register	Chief Executive Officer
Council	Section 52(3)	Provide notice of order to each owner or person responsible for a dog	Chief Executive Officer
Council	Section 52(4)	Revoke order	Chief Executive Officer
Council	Section 52(5)	Note revocation of order in register	Chief Executive Officer
Council	Section 52(6)	Note order made by Dog and Cat Management Board in register	Chief Executive Officer
Council	Section 53(1)	Issue directions to each owner or person responsible for a dog regarding complying with order	Chief Executive Officer
Council	Section 56(1)	Receive prescribed information from an owner or person responsible for a dog subject to an order	Chief Executive Officer
Council	Section 56(2)	Receive information from an owner or person responsible for a dog subject to an order regarding moving the dog into or out of the Council area	Chief Executive Officer
Council	Section 59A(1)	Make a Prohibition Order	Chief Executive Officer
Council	Section 59A(2)	Approve place to detain dog	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

DOG AND CAT MANAGEMENT ACT 1995			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 59A(5)(b)	Record a Prohibition Order	Chief Executive Officer
Council	Section 59A(6)	Revoke a Prohibition Order	Chief Executive Officer
Council	Section 59A(7)	Note revocation of a Prohibition Order in register	Chief Executive Officer
Council	Section 59A(8)(c)	Note order made by Dog and Cat Management Board in register	Chief Executive Officer
Council	Section 61(4)	Consider making an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous	Chief Executive Officer
Council	Section 61(4)	Consider applying to Magistrates Court for an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous	Chief Executive Officer
Council	Section 61(6)	Recover cost of microchipping or desexing dog	Chief Executive Officer
Council	Section 64(2)(c)	Nominate facility for the detention of cats	Chief Executive Officer
Council	Section 64B(1)	Cause a detained dog or cat to be microchipped or desexed	Chief Executive Officer
Council	Section 64B(2)	Recover cost of microchipping or desexing a dog or cat	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

DOG AND CAT MANAGEMENT ACT 1995

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 64D(1)(b)(ii)	Receive notice of destruction, injury, seizure or detention of dog or identified cat	Chief Executive Officer
Council	Section 72	Responding to South Australian Civil and Administrative Tribunal review of Council decision	Chief Executive Officer
Council	Section 88A(4)	Receive a statutory declaration from the owner of a vehicle who has received an expiation notice or an expiation reminder given under the <i>Expiration of Offences Act 1996</i>	Chief Executive Officer
Council	Section 89	Lay a complaint regarding offence under Dog and Cat Management Act	Chief Executive Officer

DOG AND CAT MANAGEMENT REGULATIONS 2017

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 6(3)(b)	Apply payment received under Regulation 6(2) to furthering the objects of the Dog and Cat Management Act	Chief Executive Officer
Council	Regulation 20(1)(a)	Receive notification of prescribed information regarding the keeping of guard dogs on premises	Chief Executive Officer

ELECTRICITY ACT 1996

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 4(1)	Authorise a person to exercise powers conferred on a Council officer under the Electricity Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

<i>ELECTRICITY ACT 1996</i>			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 47(3)	Agree with an electricity entity to the carrying out of work on Public land	Chief Executive Officer
Council	Section 47(7)	Refer a dispute with an electricity entity regarding whether work should be permitted on Public land or the conditions applying to such work to the Minister	Chief Executive Officer
Council	Section 47(9)(a)	Make representations to the Minister in relation to a dispute with an electricity entity regarding whether work should be permitted on Public land or the conditions applying to such work to the Minister	Chief Executive Officer
Council	Section 47(9)(b)	Agree to settle a dispute with an electricity entity regarding whether work should be permitted on Public land or the conditions applying to such work	Chief Executive Officer
Council	Section 55(1a)	Comply with the requirements of a vegetation clearance scheme	Chief Executive Officer
Council	Section 55(3)	Carry out vegetation clearance work in relation to vegetation planted or nurtured contrary to the principles of vegetation clearance.	Chief Executive Officer
Council	Section 55(3)	Recover the cost of carrying out vegetation clearance work under Section 55(3) from a person who planted or nurtured the vegetation	Chief Executive Officer
Council	Section 55A(1)	Agree a vegetation clearance scheme with an electricity entity	Chief Executive Officer
Council	Section 55A(4)	Modify a vegetation clearance scheme by written agreement with the electricity entity	Chief Executive Officer
Council	Section 55B(2)	Ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

<i>ELECTRICITY ACT 1996</i>			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 55C(2)(c)	Apply to the Technical Regulator for a decision not to determine a vegetation clearance scheme dispute under Division 2, Part 5	Chief Executive Officer
Council	Section 55D(2)(a)	Consent to the Technical Regulator conferring on the Council the duty to keep vegetation clear of Public powerlines	Chief Executive Officer
Council	Section 55M	Enforce a vegetation clearance scheme with an electricity entity as a contract	Chief Executive Officer
Council	Section 56(1)	Make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around Public powerlines outside of prescribed areas	Chief Executive Officer
Council	Section 58A(2)	Agree to contribute to the cost of undergrounding powerlines in the Council area on the basis determined by the Minister	Chief Executive Officer
Council	Section 58A(5)	Participate in consultation with, and provide proposals to, the Minister in respect of the undergrounding of powerlines	Chief Executive Officer
Council	Section 58A(8)	Participate in consultation with the Minister in respect of a variation of the program for undergrounding of powerlines	Chief Executive Officer
<i>ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2021</i>			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 4(1)	Take reasonable steps to keep vegetation clear of powerlines	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

<i>ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2021</i>			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 4(2)	Inspect overhead powerlines and clear vegetation	Chief Executive Officer
Council	Regulation 4(4)	Seek approval of the Technical Regulator to keep vegetation clear of powerlines in accordance with the principles set out in Regulation 4(2)(b)(ii)	Chief Executive Officer
Council	Regulation 7(3)	Make submissions to the Technical Regulator regarding an exemption application	Chief Executive Officer
Council	Regulation 8(2)	Agree a vegetation scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the Council area or part of the Council area	Chief Executive Officer
Council	Regulation 8(5)(b)	Agree with the electricity entity to vary or revoke a vegetation scheme	Chief Executive Officer
Council	Regulation 8(6)	Enforce a vegetation clearance scheme with an electricity entity as a contract	Chief Executive Officer
Council	Regulation 10(5)(c)	Agree with an objector as to how an objection regarding the Council's intention to enter land is to be resolved	Chief Executive Officer
Council	Regulation 10(8)	Give notice of intention to enter private land to carry out work under Part 5 of the Act, including a statement of rights of the owner or occupier to lodge an objection under Regulation 10	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ENVIRONMENT PROTECTION ACT 1993

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 14(c)	Approve the use by the Environment Protection Authority of the services of Council officers or employees	Chief Executive Officer

ENVIRONMENT PROTECTION (USED PACKAGING MATERIALS) POLICY 2012

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 9	Provide prescribed information to the Environment Protection Authority	Chief Executive Officer

ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 10(1)(b)	Provide a receptacle or waste collection service for the kerbside collection of waste	Chief Executive Officer

EXPIATION OF OFFENCES ACT 1996

Capacity of Council	Statutory provision	Power/function	Delegate
Issuing Authority	Section 5(1)	Give an expiation notice to an alleged offender	Chief Executive Officer
Issuing Authority	Section 5(3)(a)	Provide that an offence against a Regulation or by-law for which the Council may impose a penalty may be expiated	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

EXPIATION OF OFFENCES ACT 1996			
Capacity of Council	Statutory provision	Power/function	Delegate
Issuing Authority	Section 5(3)(b)	Fix an expiation fee for an offence against a Regulation or by-law for which the Council may impose a penalty may be expiated	Chief Executive Officer
Issuing Authority	Section 8(1)	Receive notice from alleged offender electing to be prosecuted for an offence	Chief Executive Officer
Issuing Authority	Section 8A(1)	Receive application from person in receipt of an expiation notice seeking review on grounds that the offence is trifling	Chief Executive Officer
Issuing Authority	Section 8A(2)	Require applicant to provide further information	Chief Executive Officer
Issuing Authority	Section 8A(3)	Require application to be verified by a statutory declaration	Chief Executive Officer
Issuing Authority	Section 8A(4)	Determine application	Chief Executive Officer
Issuing Authority	Section 8A(5)	Withdraw expiation notice if satisfied that the offence is trifling	Chief Executive Officer
Issuing Authority	Section 11(1)	Issue an expiation reminder notice to alleged offender	Chief Executive Officer
Issuing Authority	Section 11A(1)	Issue an expiation Enforcement warning notice	Chief Executive Officer
Issuing Authority	Section 11A(2)	Assess acceptability of nomination, statutory declaration or other document provided by alleged offender	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

EXPIATION OF OFFENCES ACT 1996			
Capacity of Council	Statutory provision	Power/function	Delegate
Issuing Authority	Section 12	Accept a later payment of amount due under an expiation notice	Chief Executive Officer
Issuing Authority	Section 16(1)	Withdraw an expiation notice in prescribed circumstances	Chief Executive Officer
Issuing Authority	Section 16(2)	Refund expiation fee or instalment paid if expiation notice is withdrawn	Chief Executive Officer
Issuing Authority	Section 16(5)	Prosecute offence following withdrawal of expiation notice	Chief Executive Officer
Issuing Authority	Section 16(6)	Withdraw expiation notice if alleged offender has not received notice during expiation period due to error of Issuing Authority, postal service or email	Chief Executive Officer
Issuing Authority	Section 16(11)	Inform Chief Recovery Officer of the withdrawal of an expiation notice	Chief Executive Officer
Issuing Authority	Section 17(3)	Pay half of expiation fee for offence reported by the police or another officer of the Crown into the Consolidated Account	Chief Executive Officer
Issuing Authority	Section 18(1)	Enter an agreement with the Chief Recovery Officer in relation to the exchange of information	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

<i>FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017</i>			
Capacity of Council	Statutory provision	Power/function	Delegate
Issuing Authority	Section 9(2)	Pay prescribed fee to Chief Recovery officer for a determination under Section 9	Chief Executive Officer
Issuing Authority	Section 20(4)	Receive notice of an arrangement between the Chief Recovery Officer and an alleged offender	Chief Executive Officer
Issuing Authority	Section 20(18)	Receive notice from the Chief Recovery Officer of the termination or an arrangement with an alleged offender	Chief Executive Officer
Issuing Authority	Section 20(19)(c)	Receive notice from the Chief Recovery Officer of the reinstatement of an arrangement with an alleged offender	Chief Executive Officer
Issuing Authority	Section 22(1)	Provide to the Chief Recovery Officer prescribed particulars to enable Enforcement of an expiation notice against an alleged offender	Chief Executive Officer
Issuing Authority	Section 22(2)	Pay prescribed fee to Chief Recovery Officer for Enforcement of an expiation notice	Chief Executive Officer
Issuing Authority	Section 22(16)	Receive notice from the Chief Recovery Officer of an Enforcement determination	Chief Executive Officer
Issuing Authority	Section 23(3)	Participate in proceedings reviewing an Enforcement determination of the Chief Recovery Officer	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FIRE AND EMERGENCY SERVICES ACT 2005			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 4A(3)	Participate in consultation with the South Australian Fires and Emergency Services Commission (SAFES Commission) regarding designation of an area of urban bushfire risk within Council area	Chief Executive Officer
Council	Section 71C	Enter an arrangement with the State Bushfire Coordination Committee for the use of Council staff, equipment or facilities	Chief Executive Officer
Council	Section 72D	Enter an arrangement with a bushfire management committee for the use of Council staff, equipment or facilities	Chief Executive Officer
Council	Section 73A(7)(b)(iv)	Participate in consultation with a bushfire management committee regarding creation or amendment of a bushfire management area plan which includes the Council area	Chief Executive Officer
Council	Section 103(1)	Request the SACFS Chief Officer to appoint a person as a Fire Control Officer	Chief Executive Officer
Council	Section 103(2)	Participate in consultation with the SACFS Chief Officer regarding proposed appointment of a Fire Control Officer for a designated area of the State which includes the Council area	Chief Executive Officer
Council	Section 105	Pay any fine recovered for a summary offence under Part 4A committed in the Council area where the complaint has been laid by the Council into the general revenue of the Council	Chief Executive Officer
Council	Section 105A	Appoint an Authorised person for the purposes of Part 4A of the Fire and Emergency Services Act	Chief Executive Officer
Council	Section 105E	Provide report regarding the exercise or discharge of the functions, power or responsibilities of a fire prevention officer for the Council area to the SAFES Commission, the State Bushfire Coordination Committee or a bushfire management committee for the Council area	Chief Executive Officer
Authorised person	Section 105F(5)	Issue notice to owner of land who has failed to take reasonable steps to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land to remedy the default or protect the land or property	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FIRE AND EMERGENCY SERVICES ACT 2005			
Capacity of Council	Statutory provision	Power/function	Delegate
Authorised person	Section 105F(9)(c)	Publish notice to owner of land who has failed to comply with Section 105F(1) to remedy the default or protect the land or property on website or a newspaper and leaving a copy of notice on land	Chief Executive Officer
Authorised person	Section 105F(10)	Vary or revoke a notice to owner of land who has failed to comply with Section 105F(1) to remedy the default or protect the land or property	Chief Executive Officer
Authorised person	Section 105F(11)	The function pursuant to Section 105F(11) of the Act, if a notice under Section 105F(5) of the Act is directed to an occupier of land, to take reasonable steps to serve (personally or by post) a copy of the notice on the owner	Chief Executive Officer
Council	Section 105G(1)	Take reasonable steps in regard to land under the care, control or management of the Council which is situated in the country or in a designated urban bushfire risk area to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land	Chief Executive Officer
Council	Section 105G(5)	Participate in consultation with the Minister regarding a referral from the SACFS Chief Officer alleging a failure of the Council to comply with Section 105G(1)	Chief Executive Officer
Council	Section 105G(6)	Receive notice of requirements from the Minister	Chief Executive Officer
Council	Section 105G(7)	Comply with requirements of a notice issued to the Council by the Minister under Section 105G(6)	Chief Executive Officer
Authorised person	Section 105J(1)(a)	Give notice of intended entry of land to the owner of land	Chief Executive Officer
Authorised person	Section 105J(1)(b)	Use reasonable force to break into or open any part of, or anything on, the land with the Authority of a warrant issued by a magistrate or if immediate action is required	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FIRE AND EMERGENCY SERVICES ACT 2005			
Capacity of Council	Statutory provision	Power/function	Delegate
Authorised person	Section 105J(3)	Apply to a magistrate for a warrant to use reasonable force to break into or open any part of, or anything on, the land	Chief Executive Officer
Authorised person	Section 105J(4)(a)	Give directions with respect to stopping, securing or movement of a vehicle, plant, equipment or other thing	Chief Executive Officer
Authorised person	Section 105J(4)(b)	Take photographs, films, audio, video or other recordings	Chief Executive Officer
Authorised person	Section 105J(4)(a)	Give directions reasonably required in connection with the exercise of a power under Part 4A	Chief Executive Officer
Authorised person	Section 105J(5)	Select assistants to accompany Authorised person in exercise of power under Part 4A	Chief Executive Officer
Authorised person	Section 105J(6)	Carry out requirements of a notice under Section 105F(5) if the owner of land fails to comply	Chief Executive Officer
Council	Section 105J(7)	Authorise a person to carry out requirements of a notice under Section 105F(6) on behalf of an Authorised person if the owner of land fails to comply	Chief Executive Officer
Authorised person	Section 105J(8)	Recover the reasonable costs and expenses incurred in taking action under Section 105J(6)	Chief Executive Officer
Council	Section 129	Erect a siren for the purpose of giving warning of the outbreak or threat of fire or an emergency	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FIRE AND EMERGENCY SERVICES REGULATIONS 2021

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 30(4)	Participate in consultation with the South Australian Country Fire Service Chief Officer in regard to a notice prohibiting or restricting the lighting or maintaining of a fire	Chief Executive Officer
Council	Regulation 32(3)	Declare by notice in the <i>Gazette</i> that part of the Council area is an area in which a person may operate a gas or electric element for cooking purposes in the open air contrary to the terms of a total fire ban	Chief Executive Officer
Council	Regulation 32(4)(d)	Determine conditions to apply to a notice published under Regulation 32(3)	Chief Executive Officer
Council	Regulation 32(5)	Provide a copy of a notice published under Regulation 32 to the South Australian Country Fire Service Chief Officer	Chief Executive Officer
Responsible Authority	Regulation 49(1)(a)	Light a fire on a road or on the verge of a road	Chief Executive Officer
responsible Authority	Regulation 49(1)(b)	Direct or regulate the movement of persons, vehicles or animals along a road where a fire lit by the Council under Regulation 49(1)(a) is burning	Chief Executive Officer
Council	Regulation 64(b)	Make representations in relation to a fire or other emergency to the South Australian Fire and Emergency Services Commission or an emergency services organisation	Chief Executive Officer

FREEDOM OF INFORMATION ACT 1991

Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 9(1a)	Publish an up-to-date information statement containing the information listed in Section 9(2) in the manner prescribed by the Regulations	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 10(1)	Cause copies of the most recent information statement and each policy document to be available for inspection and purchase by members of the Public	Chief Executive Officer
Agency	Section 15	Take reasonably practicable steps to assist the applicant to provide information to enable the document to which the application related be identified	Chief Executive Officer
Agency	Section 16(1)	Transfer an application for access to a document to another Agency	Chief Executive Officer
Agency	Section 16(3)	Notify the applicant of the transfer of the application for access to a document to another Agency	Chief Executive Officer
Agency	Section 17(1)	Request the applicant to pay a reasonable amount by way of advance deposit if the cost of dealing with an application is likely to exceed the application fee	Chief Executive Officer
Agency	Section 17(2)	Request the applicant to pay a reasonable amount by way of further advance deposit if the cost of dealing with an application is likely to exceed the application fee and advance deposit already paid	Chief Executive Officer
Agency	Section 18(1)	Refuse to deal with an application if the work involved in dealing with the application would substantially and unreasonably divert the Council's resources from their use by the Council in exercise of its functions.	Chief Executive Officer
Agency	Section 18(2)	Assist an applicant to amend the application so that the work involved in dealing with the application would not substantially and unreasonably divert the Council's resources from their use by the Council in exercise of its functions.	Chief Executive Officer
Agency	Section 18(2a)	Refuse to deal with an application if the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information	Chief Executive Officer
Agency	Section 18(3)	Refuse to deal with an application if the Council has requested payment of an advance deposit and payment of the deposit has not been made within the period specified in the request	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 18(4)	Refund any amount of advance deposit which exceeds the Council's costs of dealing with the application, if the Council refuses to deal with the application	Chief Executive Officer
Agency	Section 18(5)	Provide notice to the applicant that the Council is refusing to deal with the application	Chief Executive Officer
Agency	Section 19(1)	Determine: (a) whether access to a document is to be given, deferred or refused; (b) any charge payable in respect of giving access; and (c) any charge payable for dealing with the application	Chief Executive Officer
Agency	Section 20(1)	Refuse access to a document	Chief Executive Officer
Agency	Section 21(1)	Defer access to a document	Chief Executive Officer
Agency	Section 22(1)	Determine the form of access to a document	Chief Executive Officer
Agency	Section 22(2)	Determine to provide access to a document in a form other than that requested by the applicant	Chief Executive Officer
Agency	Section 22(4)	Agreeing with an applicant the form of access to a document	Chief Executive Officer
Agency	Section 22(5)	Refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 23(1)	Notify an applicant to the Agency's determination or, if Relevant, that the Agency does not hold the document	Chief Executive Officer
Agency	Section 25(2)	Obtain the views of the government of the Commonwealth or of another State or a Council (including a Council constituted under the law of another State) as to whether a document is an exempt document	Chief Executive Officer
Council	Section 25(2)	Provide view as to whether a document is an exempt document	Chief Executive Officer
Agency	Section 25(3)	Notify the Relevant government or Council (a) that the Agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer
Council	Section 25(3)(d)	Apply for a review of a decision to provide access to a document under Section 25(3)	Chief Executive Officer
Agency	Section 26(2)	Notify a person that access to a document containing information concerning his or her personal affairs is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	Chief Executive Officer
Agency	Section 26(3)	Notify the Relevant person: (a) that the Agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer
Agency	Section 26(4)(c)	Form the opinion that disclosure of information may have an adverse effect on the physical or mental health, or emotional state, of the applicant	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 27(2)	Notify a person that access to a document concerning trade secrets, of a commercial value or concerning the business, professional, commercial or financial affairs of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	Chief Executive Officer
Agency	Section 27(3)	Notify the Relevant person: (a) that the Agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer
Agency	Section 28(2)	Notify a person that access to a document containing information concerning research that is being, or is intended to be, carried out by or on behalf of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	Chief Executive Officer
Agency	Section 28(3)	Notify the Relevant person: (a) that the Agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer
Agency	Section 29(3)	Confirm, vary or reverse a determination under Part 3 following an application for an internal review	Chief Executive Officer
Agency	Section 29(4)	Refund any application fee paid in respect of the internal review if the Agency varies or reverses a determination so that access to a document is given	Chief Executive Officer
Agency	Section 33	Take reasonably practicable steps to assist an applicant to provide information to enable the identification of an Agency's document to which access has been given	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 34(a)	Amend records in accordance with an application under Section 30	Chief Executive Officer
Agency	Section 34(a)	Refuse to amend records in accordance with an application under Section 30	Chief Executive Officer
Agency	Section 35	Refuse an application to amend records	Chief Executive Officer
Agency	Section 36(1)	Notify applicant of determination regarding an application to amend records or that the Agency does not hold the record	Chief Executive Officer
Agency	Section 37(2)	Add to the Agency's record a notation specifying that the applicant claims that the record is incomplete, incorrect, out-of-date or misleading and including any information which the applicant claims is required to bring the record up-to-date	Chief Executive Officer
Agency	Section 37(2)	Notify the applicant of the nature of the notation	Chief Executive Officer
Agency	Section 37(3)(a)	Provide a statement to a person to whom the Agency discloses information stating that the person to whom the information relates claims that the information is incomplete, incorrect, out-of-date or misleading and setting out the particulars of the notation added to its records in compliance with Section 37(2)	Chief Executive Officer
Agency	Section 37(3)(b)	Provide a statement as to the reasons for the Agency's refusal to amend the records in accordance with the notation	Chief Executive Officer
Agency	Section 38(3)	Confirm, vary or reverse a determination under Division 1, Part 4 following an internal review	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 39(5)(c)(i)	Participate in a settlement between the participants to a review	Chief Executive Officer
Agency	Section 39(5)(c)(ii)	Request a suspension of the proceedings under Section 39 to allow an opportunity for a settlement to be negotiated	Chief Executive Officer
Agency	Section 39(7)	Cooperate in a process proposed by a Relevant review Authority for the purposes of the conduct of an external review	Chief Executive Officer
Agency	Section 39(9)(a)	Advise a Relevant review Authority for the purposes of the conduct of an external review that a determination of the Agency was made on grounds of the Public interest	Chief Executive Officer
Agency	Section 40(1)	Apply to South Australian Civil and Administrative Tribunal for a review of a determination by the Relevant review Authority on an external review on a question of law	Chief Executive Officer
Agency	Section 40(7)	Advise South Australian Civil and Administrative Tribunal that a determination of the Agency was made on grounds of the Public interest	Chief Executive Officer
Agency	Section 41(1)	Apply to South Australian Civil and Administrative Tribunal to receive evidence and hear argument in the absence of the Public, the other party to the review and the party's representative in respect of a restricted document	Chief Executive Officer
Agency	Section 53(2a)	Waive, reduce or remit a fee or charge	Chief Executive Officer
Agency	Section 53(3)	Review a fee or charge on application of the person required to pay the fee or charge and if appropriate reduce the fee or charge	Chief Executive Officer
Agency	Section 53(5)	Recover a fee or charge as a debt	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

FREEDOM OF INFORMATION ACT 1991

Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 54AA(a)	Furnish information to the Minister as required by notice in the <i>Gazette</i>	Chief Executive Officer
Agency	Section 54AA(b)	Comply with requirement of the Minister regarding furnishing and keeping records	Chief Executive Officer
Council	Clause 3(b), Schedule 1	Provide notice that information would be protected from disclosure under a corresponding law of the Commonwealth or another State	Chief Executive Officer
Agency	Clause 13(2)(b)(iii), Schedule 1	Approve a term of a contract which contains matter the disclosure of which would constitute a breach of contract or found an action for breach of confidence	Chief Executive Officer
Agency	Clause 13(6), Schedule 1	Notify the Minister of the approval of a term of a contract in accordance with Clause 13(2)(b)(iii)	Chief Executive Officer

FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2018

Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Regulation 5	Waive or remit fee or charge	Chief Executive Officer

GAS ACT 1997

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 47(3)(b)	Agree to a gas entity carrying out work on Public land owned by the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

GAS ACT 1997			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 47(7)	Refer a dispute between the Council and a gas entity regarding whether work should be permitted on Public land of the conditions on which work should be permitted to the Minister	Chief Executive Officer
Council	Section 47(9)(a)	Make representations to the Minister on questions at issue in the dispute	Chief Executive Officer
Council	Section 47(9)(b)	Settle a dispute with a gas entity by agreement	Chief Executive Officer
HEAVY VEHICLE NATIONAL LAW (SCHEDULE TO THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013)			
Capacity of Council	Statutory provision	Power/function	Delegate
Road Manager	Section 118(1)(b)	Consent to a mass or dimension exemption (notice) for a category of heavy vehicle	Chief Executive Officer
Road Manager	Section 124(1)(b)	Consent to a mass or dimension exemption (permit) for a heavy vehicle	Chief Executive Officer
Road Manager	Section 139(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (notice)	Chief Executive Officer
Road Manager	Section 145(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (permit)	Chief Executive Officer
Road Manager	Section 156(2)	Request an extension to the time periods in Section 156(1)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

HEAVY VEHICLE NATIONAL LAW (SCHEDULE TO THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013)			
Capacity of Council	Statutory provision	Power/function	Delegate
Road Manager	Section 156A(4)	Provide a written statement to the Regulator explaining the Road Manager's decision not to consent to the grant of a mass or dimension Authority	Chief Executive Officer
Road Manager	Section 159(2)	Notify the Regulator that a route assessment is required for the Road Manager determining whether to give consent and the fee payable under law (if any) for the route assessment	Chief Executive Officer
Road Manager	Section 159(4)(a)	Cease considering whether or not to provide consent pending the payment of a fee	Chief Executive Officer
Road Manager	Section 160(1)	Require a condition on the mass or dimension Authority that: (a) except in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition is imposed on the Authority; or (b) in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition of a type prescribed by the national Regulations is imposed on the Authority	Chief Executive Officer
Road Manager	Section 160(2)(a)	Provide a written statement to the Regulator explaining the Road Manager's decision to give consent to the grant of a mass or dimension Authority subject to the condition	Chief Executive Officer
Road Manager	Section 161(1)	Require a condition on the mass or dimension Authority that a stated travel condition is imposed on the Authority	Chief Executive Officer
Road Manager	Section 161(2)	Provide a written statement to the Regulator explaining the Road Manager's decision to give consent to the grant of a mass or dimension Authority subject to the condition	Chief Executive Officer
Road Manager	Section 162(1)	Request the Regulator to impose a stated vehicle conditions on a mass or dimension Authority	Chief Executive Officer
Road Manager	Section 167(2)(b)	Provide notice of objection to the Regulator in relation to a proposed replacement Authority	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

HEAVY VEHICLE NATIONAL LAW (SCHEDULE TO THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013)

Capacity of Council	Statutory provision	Power/function	Delegate
Road Manager	Section 167(2)(b)	Seek an extension of time in which to lodge a notice of objection to a proposed replacement Authority	Chief Executive Officer
Road Manager	Section 167(2)(b)	Provide notice to Regulator that the Road Manager gives or refuses consent to a proposed replacement Authority	Chief Executive Officer
Road Manager	Section 169(1)	Consent to the grant of a mass or dimension Authority for a trial period	Chief Executive Officer
Road Manager	Section 170(3)	Lodge an objection with the Regulator in respect of the renewal of a mass or dimension Authority for a further trial period	Chief Executive Officer
Road Manager	Section 174(2)	Request the Regulator to amend the mass or dimension Authority or cancel the Authority	Chief Executive Officer
Road Manager	Section 176(4)(c)	Consent to an amendment of a mass or dimension Authority requested by the holder of the permit	Chief Executive Officer
Road Manager	Section 178(2)	Request the Regulator to amend or cancel a mass or dimension Authority	Chief Executive Officer
Road Manager	Section 611(2)	Apply for a compensation order	Chief Executive Officer
Road Manager	Section 612(2)(c)	Issue a certificate for the purposes of the assessment of a compensation order	Chief Executive Officer
Public Authority	Section 613(1)	Provide a copy of a certificate to be submitted under Section 612(2)(c) in a proceeding for a compensation order to the defendant at least 28 days prior to the date fixed for the hearing or the proceeding	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

HEAVY VEHICLE NATIONAL LAW (SCHEDULE TO THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013)

Capacity of Council	Statutory provision	Power/function	Delegate
Road Manager	Section 643(2)	Undertake an internal review of a reviewable decision	Chief Executive Officer
Road Manager	Section 645(5)	Provide notice of internal review decision and reasons for decision to the Regulator	Chief Executive Officer
Road Manager	Section 646(6)(a)(ii)	Agree with the Regulator a longer period for undertaking an internal review	Chief Executive Officer

HEAVY VEHICLE (MASS, DIMENSION AND LOADING) NATIONAL REGULATION (NSW)

(as applied as a law of South Australia by Section 6 of the *Heavy Vehicle National Law (South Australia) Act 2013*)

Capacity of Council	Statutory provision	Power/function	Delegate
Road Manager	Regulation 13(1)(b)	Consent to the Regulator making an HML declaration	Chief Executive Officer
Road Manager	Regulation 14(3)	Require a condition on an HML declaration that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies	Chief Executive Officer
Road Manager	Regulation 14(4)(a)	Provide to the Regulator written reasons for the Road Manager's decision to give consent to the making of the declaration subject to the condition	Chief Executive Officer
Road Manager	Regulation 14(4)(a)	Provide to the Regulator written reasons for the Road Manager's decision to give consent to the making of the declaration subject to the condition	Chief Executive Officer
Road Manager	Regulation 15(4)(b)	Consent to the amendment of a map or list	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

HEAVY VEHICLE (MASS, DIMENSION AND LOADING) NATIONAL REGULATION (NSW)

(as applied as a law of South Australia by Section 6 of the *Heavy Vehicle National Law (South Australia) Act 2013*)

Capacity of Council	Statutory provision	Power/function	Delegate
Road Manager	Regulation 18(2)	Request the Regulator to amend or cancel an HML declaration	Chief Executive Officer
Road Manager	Regulation 22(1)(b)	Consent to the Regulator granting an HML permit for an HML heavy vehicle	Chief Executive Officer
Road Manager	Regulation 29(4)(c)	Consent to an amendment to an HML permit sought by the holder of the permit	Chief Executive Officer
Road Manager	Regulation 31(2)	Request the Regulator to amend or cancel an HML permit	Chief Executive Officer
Road Manager	Regulation 41(1)	Consent to the declaration by the Regulator of areas, roads and routes and major roads under Regulation 40	Chief Executive Officer

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012

Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 18B(4)(a)	Report to the Office for Public Integrity in accordance with the directions issued under Section 18B of the Independent Commissioner Against Corruption Act	Chief Executive Officer
Public Authority	Section 18B(4)(b)	Report to the Office for Public Integrity any matter the Council reasonably suspects involves corruption in Public administration	Chief Executive Officer
Public Authority	Section 18E(3)(a)	Produce a specified document or document relating to specified matter	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 18E(3)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	Chief Executive Officer
Public Authority	Section 18F(1)(b)	Act on a referral from the Office for Public Integrity	Chief Executive Officer
Public Authority	Section 28	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the person heading the investigation requires, verify the statement by statutory declaration	Chief Executive Officer
Public Authority	Section 34(1)	Undertake a joint investigation with the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 34(3)	Provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under Section 34(1) of the Independent Commission Against Corruption Act	Chief Executive Officer
Public Authority	Section 36(1)(b)	Act on a referral from the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 36(4)	Comply with direction or guidance given by the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 36(7)	Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 36(8)	Provide comments to the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 39A	Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the Council not to further investigate or deal with the matter	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 40(2)	Assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the Council	Chief Executive Officer
Public Authority	Section 41(1)	Comply with recommendations of the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 41(4)	Provide comments to the Independent Commission Against Corruption	Chief Executive Officer
Public Authority	Section 44(1)	Assist Public officers of the Council to comply with requirements and directions issued under the Independent Commission Against Corruption Act	Chief Executive Officer
Public Authority/ prosecution Authority	Section 56A(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty and any disciplinary investigation or action	Chief Executive Officer
Public Authority	Clause 9(6), Schedule 4	Act on a referral of the inspector	Chief Executive Officer
JOINT CRIMINAL RULES 2022			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Rule 62.1	File an Information (prescribed form) for the purposes of instituting a proceeding in a Lower Court (Environment, Resources and Development Court or Magistrates Court)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LABOUR HIRE LICENSING ACT 2017

Capacity of Council	Statutory provision	Power/function	Delegate
Designated Entity	Section 16(1)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence under Section 15 of the <i>Labour Hire Licensing Act 2017</i>	Chief Executive Officer
Designated Entity	Section 32(2)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence to which Section 31 of the <i>Labour Hire Licensing Act 2017</i> applies	Chief Executive Officer
Designated Entity	Section 42(2)	Appeal against the grant of a licence to the District Court	Chief Executive Officer
Designated Entity	Section 42(4)	Require the Commissioner for Consumer Affairs to provide reasons for the Commissioner's decision	Chief Executive Officer

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 7	Respond to enquiries regarding prescribed matters by a vendor of land	Chief Executive Officer
Council	Section 8	Respond to enquiries regarding prescribed matters by a vendor of a small business	Chief Executive Officer
Council	Section 12	Provide information regarding any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit or insurance under Division 3 of Part 5 of the <i>Building Work Contractors Act 1995</i> in relation to a building on land within the Council's area	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 17(4)(a)	Provide an up-to-date copy of the voters roll for the area of the Council to the person conducting an election for the members of the regional landscape board	Chief Executive Officer
Council	Section 25(4)	Work collaboratively with the regional landscape board	Chief Executive Officer
Council	Section 32(7)	Consent to the Governor making a proclamation under Sections 32(1), 32(2) or 32(6) in relation to infrastructure or land vested in or under the care, control or management of the Council	Chief Executive Officer
Council	Section 37(1)(c)	Approve the delegation by a regional landscape board of a function or power vested in the regional landscape board under any Act to the Council or an officer of the Council	Chief Executive Officer
Public Authority	Section 41(b)	Enter an arrangement with the regional landscape board to make use of the services of staff, equipment or facilities of the Council	Chief Executive Officer
Council	Section 47(7)	Consider any regional landscape plan in the performing of functions or the exercise of powers under any Act	Chief Executive Officer
Council	Section 51(5)(b)	Participate in consultation with the regional landscape board in regard to a prescribed levy proposal to the extent required by Regulations	Chief Executive Officer
Council	Section 66(1)	Contribute to the costs of the regional landscape board performing its functions	Chief Executive Officer
Council	Section 67(1)	Pay contribution to the costs of the regional landscape board performing its functions	Chief Executive Officer
Council	Section 67(2)	Pay contribution to the costs of the regional landscape board performing its functions	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 69(10)	Apply to the regional landscape board for a refund of an amount of the regional landscape levy	Chief Executive Officer
Public Authority	Section 72(6)(a)	Enter an arrangement with the regional landscape board for service of a notice to be effected as part of any other notice serviced by the Council	Chief Executive Officer
Public Authority	Section 72(6)(b)	Enter an arrangement with the regional landscape board for the collection of a levy to be effected by the Council	Chief Executive Officer
Relevant Authority	Section 101(6)	Make a submission to the Minister regarding proposed declaration of a prescribed water resource	Chief Executive Officer
Relevant Authority	Section 103(3)	Appoint the Minister, a regional landscape board, a Designated Entity, a Council or a Council subsidiary in place of the Council as the 'Relevant Authority'	Chief Executive Officer
Relevant Authority	Section 104(3)	Grant a person a water management authorisation or permit to undertake an activity prescribed in Sections 104(3)(e) or 104(3)(f) of the Landscape South Australia Act (except in the case of the discharge of water into a watercourse for the purpose of running the water down the watercourse for storage in a reservoir or other facility)	Chief Executive Officer
Relevant Authority	Section 107(1)	Issue a notice to the owner of land in respect of an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 107(2)(b)	Enter land and take action specified in a notice issued under Section 107(1) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(1)	Approve a form of application in respect of a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
Capacity of Council	Statutory provision	Power/function	Delegate
Relevant Authority	Section 112(6)	Specify conditions on a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(9)	Vary, suspend or revoke a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(10)	Vary a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(11)	Revoke a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(12)	Revoke a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(13)	Revoke a permit for an activity for which the Council is the Relevant Authority as prescribed by Section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 112(14)	Serve notice of the variation or revocation of a permit	Chief Executive Officer
Relevant Authority	Section 113(2)	Give notice of an application for a permit in accordance with the Regulations	Chief Executive Officer
Relevant Authority	Section 113(3)	Receive representations in relation to the granting or refusal of a permit	Chief Executive Officer
Relevant Authority	Section 113(4)	Forward a copy of representations in relation to the granting or refusal of a permit to the applicant and allow the applicant an opportunity to respond in writing	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
Capacity of Council	Statutory provision	Power/function	Delegate
Relevant Authority	Section 113(6)	Allow a person who made a representation regarding the granting or refusal of a permit the opportunity to appear personally or by representative before the Authority	Chief Executive Officer
Relevant Authority	Section 113(7)	Allow an applicant to appear personally or by representative before the Authority	Chief Executive Officer
Relevant Authority	Section 113(8)(a)	Give notice to each person who made a representation to the Authority of the Authority's decision and the person's appeal rights under the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 113(8)(b)	Give notice to the Environment, Resources and Development Court of the Authority's decision and the names and addresses of persons who made representations under Section 113 of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Section 113(13)	Provide for inspection and purchase written representations made under Section 113 of the Landscape South Australia Act and the written response of the applicant	Chief Executive Officer
Council	Section 202(4)	Agree with the Minister that an officer of the Council may be appointed as an Authorised officer	Chief Executive Officer
Council	Section 219(3)	Receive notice from the Minister of a proposed management agreement that provides for the remission of Council rates and provide submissions to the Minister on the proposed agreement	Chief Executive Officer
Authority	Clause 89(4)(e) Schedule 5	Consent to property, assets, rights or liabilities vesting in or attaching to the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 10(1)(b)	Make submissions to the regional landscape board	Chief Executive Officer
Council	Regulation 13(3)	Pay monies to the regional landscape board	Chief Executive Officer
Council	Regulation 14(9)	Furnish a regional landscape board with a reasonable estimate of the costs that the Council expects to claim under Regulation 14 of the Landscape South Australia (General) Regulations 2019	Chief Executive Officer
Council	Regulation 14(13)	Furnish a regional landscape board with an invoice setting out the amount the Council is claiming and the calculations used by the Council to determine the amount	Chief Executive Officer

LANDSCAPE SOUTH AUSTRALIA (WATER MANAGEMENT) REGULATIONS 2020

Capacity of Council	Statutory provision	Power/function	Delegate
Relevant Authority	Regulation 22(2)	Determine the form of notice to be provided for the purpose of Section 113(2)(c) of the Landscape South Australia Act	Chief Executive Officer
Relevant Authority	Regulation 24(2)	Increase the period of time for the purposes of Section 113(5) of the Landscape South Australia Act from the period prescribed in Regulation 24(1) of the Landscape South Australia (Water Management) Regulations	Chief Executive Officer

LIQUOR LICENSING ACT 1997

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 22(1)	Apply to the Court for a review of a decision of the Commissioner in relation to an application for or in relation to a licence	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LIQUOR LICENSING ACT 1997			
Capacity of Council	Statutory provision	Power/function	Delegate
Prescribed Body	Section 37(5)	Participate in consultation with the Minister in relation to any proposed Regulations declaring an area to be a prescribed area for the purposes of Section 37 of the Liquor Licensing Act	Chief Executive Officer
Council	Section 69(3)(e)	Approval of an application for the extension of a trading area where the Relevant area is under the control of the Council	Chief Executive Officer
Council	Section 106(2)(b)	Lodge a complaint under Section 106(1) regarding unduly offensive, annoying, disturbing or inconvenient activity, noise or behaviour relating to licensed premises	Chief Executive Officer
Council	Section 106(4)	Request that the matter proceed direct to a hearing	Chief Executive Officer
Council	Section 106(5)	Request that the Commissioner determine the matter	Chief Executive Officer
Council	Section 106(6)(a)	Make submissions in regard to the matter to the Commissioner or Court	Chief Executive Officer
Council	Section 120(2)(c)	Lodge a complaint under Section 120(1) alleging that proper grounds for disciplinary action exist against a specified person	Chief Executive Officer
Council	Section 128E(1)	Prepare a draft local liquor accord	Chief Executive Officer
Council	Section 128H(3)	Request a variation of a local liquor accord	Chief Executive Officer
Council	Section 128H(5)	Request the Commissioner to add or remove the Council as a party to a local liquor accord	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LIQUOR LICENSING ACT 1997			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 128H(6)	Request the Commissioner to terminate a local liquor accord	Chief Executive Officer
Council	Section 128H(7)	Seek the consent of the other parties to a local liquor accord prior to request the Commissioner to terminate the local liquor accord	Chief Executive Officer
Council	Section 131(1ab)	Prohibit the consumption or possession or both of liquor in a Public place within the Council area during a specified period by notice published in the <i>Gazette</i>	Chief Executive Officer
Council	Section 131(1ad)	Provide a copy of notice published under Section 131(1ab) to the Commissioner of Police	Chief Executive Officer
Council	Section 131(1c)	Vary or revoke a notice published under Section 131(1ab)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 7(a)	Plan at the local and regional level for the development and future requirements of the Council area	Chief Executive Officer
Council	Section 7(b)	Provide services and facilities that benefit its area, its ratepayers and residents, and visitors to the Council area	Chief Executive Officer
Council	Section 7(ba)	Determine appropriate financial contribution to be made by ratepayers to resources of the Council	Chief Executive Officer
Council	Section 7(c)	Provide for the welfare, well-being and interests of individuals and groups within the Council's community	Chief Executive Officer
Council	Section 7(d)	Take measures to protect the Council area from natural and other hazards and to mitigate the effects of such hazards	Chief Executive Officer
Council	Section 7(e)	Manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity	Chief Executive Officer
Council	Section 7(f)	Provide infrastructure for the Council's community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area)	Chief Executive Officer
Council	Section 7(g)	Promote the Council area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism	Chief Executive Officer
Council	Section 7(h)	Establish or support organisations or programs that benefit people in the Council area or local government generally	Chief Executive Officer
Council	Section 7(i)	Manage and, if appropriate, develop, public areas vested in, or occupied by, the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 7(j)	Manage, improve and develop resources available to the Council	Chief Executive Officer
Council	Section 7(k)	Undertake other functions and activities conferred by or under an Act	Chief Executive Officer
Council	Section 12(1)	Publish a notice in the <i>Gazette</i> altering the composition of the Council or dividing, or redividing, the area of the Council into wards, altering the division of the area of the Council into wards or abolishing the division of the area of the Council into wards	Chief Executive Officer
Council	Section 12(2)	Publish a notice in the <i>Gazette</i> changing the Council from a municipal Council to a district Council or vice versa, altering the name of the Council or the name of the area of the Council, or giving a name to, or altering the name of, a ward	Chief Executive Officer
Council	Section 12(3)	Undertake a review under Section 12 of the Local Government Act	Chief Executive Officer
Council	Section 12(4)	Undertake a review under Section 12 of the Local Government Act at least once in each Relevant period prescribed by the Regulations	Chief Executive Officer
Council	Section 12(5)	Initiate the preparation of a representation review report and form the opinion a person is qualified to address the representation and governance issues	Chief Executive Officer
Council	Section 12(7)	Undertake Public consultation	Chief Executive Officer
Council	Section 12(11)	Finalise the Council report	Chief Executive Officer
Council	Section 12(11a)	Refer the report to Electoral Commissioner	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 12(11e)(a)	Take such action as is necessary (including by altering report)	Chief Executive Officer
Council	Section 12(11e)(b)	Comply with requirements of Section 12(7)	Chief Executive Officer
Council	Section 12(11e)(c)	Refer the report to the Electoral Commissioner under Section 12(12)	Chief Executive Officer
Council	Section 12(12)	Refer report to the Electoral Commissioner	Chief Executive Officer
Council	Section 12(12a)	Include with the report copies of any written submissions if received	Chief Executive Officer
Council	Section 12(15)(b)	Provide for the operation of any proposal recommended in the Council's report by notice in the Gazette	Chief Executive Officer
Council	Section 12(16)(a)	Take action on a report referred back to the Council by the Electoral Commissioner	Chief Executive Officer
Council	Section 12(16)(b)	Refer report back to the Electoral Commissioner	Chief Executive Officer
Council	Section 12(17)	Comply with requirements of Section 12(7) (unless determine alteration of report is of a minor nature only)	Chief Executive Officer
Council	Section 12(24)	Undertake a review within period specified by the Electoral Commissioner	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 13(1)	Publish a notice in the <i>Gazette</i> changing the Council from a municipal Council to a district Council or vice versa, altering the name of the Council or the name of the area of the Council, or altering the name of a ward	Chief Executive Officer
Council	Section 13(2)(a)	Give Public notice of the proposal to change the Council from a municipal Council to a district Council or vice versa, alter the name of the Council or the name of the area of the Council, or alter the name of a ward	Chief Executive Officer
Council	Section 13(2)(b)	Invite written submissions	Chief Executive Officer
Council	Section 13(2)(ba)	Publish a copy of the public notice in a newspaper circulating within the Council area	Chief Executive Officer
Council	Section 13(2)(c)	Give any person who makes a written submission in response to an invitation an opportunity to appear personally or by representative before the Council or a Council committee to be heard on the submission	Chief Executive Officer
Council	Section 28(1)(c)	Refer a proposal for the making of a proclamation under Chapter 3 of the Local Government Act to the South Australian Local Government Grants Commission	Chief Executive Officer
Council	Section 31(2)(b)	Participate in consultation with the South Australian Local Government Grants Commission on the appointment of an investigator	Chief Executive Officer
Council	Section 31(10)(c)	Participate in consultation with the South Australian Local Government Grants Commission on a recommendation that a proposal referred to the Commission not proceed	Chief Executive Officer
Council	Section 36(1)(a)	Exercise the legal capacity of a natural person, including entering into contracts or arrangements, suing and being sued and acting in conjunction with another Council or Authority or person	Chief Executive Officer
Council	Section 36(1)(c)	Do anything necessary, expedient or incidental to performing or discharging the Council's functions or duties or achieving the Council's objectives	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 36(2)	Act outside the Council area to the extent necessary or expedient to the performance of the Council's functions or in order to provide services to an unincorporated area of the State	Chief Executive Officer
Council	Section 37(b)	Authorise an officer, employee or agent to enter into a contract on behalf of the Council	Chief Executive Officer
Council	Section 41(1)	Establish a committee	Chief Executive Officer
Council	Section 41(2)	Determine the role of the committee	Chief Executive Officer
Council	Section 41(3)	Determine the membership of the committee	Chief Executive Officer
Council	Section 41(4)	Appoint a presiding member or make provision for the appointment of a presiding member	Chief Executive Officer
Council	Section 41(6)	Appoint the principal member as an ex officio member of the committee	Chief Executive Officer
Council	Section 41(8)	Determine the reporting and other accountability requirements applying to a committee	Chief Executive Officer
Council	Section 42(3)	Obtain the approval of the Minister to the conferral of corporate status on a Council subsidiary	Chief Executive Officer
Council	Section 43(3)	Obtain the approval of the Minister to the conferral of corporate status on a regional subsidiary	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 44(6)	Cause a separate record to be kept of all delegations under Section 44 of the Local Government Act	Chief Executive Officer
Council	Section 44(6a)	Review the delegation in force under Section 44 of the Local Government Act	Chief Executive Officer
Council	Section 45(1)	Nominate a place as the Council's principal office	Chief Executive Officer
Council	Section 45(2)	Determine the hours during which the principal office of the Council will be open for the transaction of business	Chief Executive Officer
Council	Section 45(3)	Consult with the local community regarding the manner, places and times at which the Council's offices will be open to the Public and any significant changes to these arrangements	Chief Executive Officer
Council	Section 46(1)	Engage in a commercial enterprise or activity in the performance of the Council's functions	Chief Executive Officer
Council	Section 46(2)(a)	Establish a business in connection with a commercial project	Chief Executive Officer
Council	Section 46(2)(b)	Participate in a joint venture, trust, partnership or other similar body in connection with a commercial project	Chief Executive Officer
Council	Section 47(2)(b)	Participate in the formation of, or 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	Chief Executive Officer
Council	Section 48(aa1)	Develop and maintain prudential management policies, practices and procedures for the assessment of projects	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 48(1)	Obtain a report addressing the prudential issues set out in Section 48(2)	Chief Executive Officer
Council	Section 48(6)	Take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the Council)	Chief Executive Officer
Council	Section 49(a1)	Maintain procurement policies, practices and procedures directed towards: <ul style="list-style-type: none"> (a) obtaining value in the expenditure of Public money; (b) providing for ethical and fair treatment of participants; and (c) ensuring probity, accountability and transparency in procurement operations 	Chief Executive Officer
Council	Section 49(1)	Prepare and adopt policies on contracts and tenders, including policies on the following: <ul style="list-style-type: none"> (a) the contracting out of services; (b) competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; (c) the use of local goods and services; and (d) the sale or disposal of land or other assets. 	Chief Executive Officer
Council	Section 49(3)	Alter or substitute a policy under Section 49 of the Local Government Act	Chief Executive Officer
Council	Section 50(1)	Prepare and adopt a public consultation policy	Chief Executive Officer
Council	Section 50(5)	Alter or substitute the public consultation policy	Chief Executive Officer
Council	Section 50(6)(c)	Prepare a document setting out the Council's proposal to adopt a public consultation policy or to alter or substitute a public consultation policy	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 50(6)(d)	Publish in a newspaper circulating within the area of the Council a notice of the proposal inviting interested persons to make submissions	Chief Executive Officer
Council	Section 50(6)(e)	Consider submissions	Chief Executive Officer
Council	Section 50(7)	Determine that the alteration of a public consultation policy is of minor significance that would attract little (or no) community interest	Chief Executive Officer
Council	Section 50(8)	Provide a copy of a policy of the Council under Section 50 of the Local Government Act for inspection at the principal office of the Council	Chief Executive Officer
Council	Section 50(9)	Provide for the purchase of a copy of a policy of the Council under Section 50 of the Local Government Act	Chief Executive Officer
Council	Section 54(1)(d)	Grant a leave of absence from Council	Chief Executive Officer
Council	Section 54(1)(d)	Remove from office on the ground that the member has been absent from three or more consecutive ordinary meetings of the Council	Chief Executive Officer
Council	Section 57(6)	Recover amount of a liability incurred in contravention of Section 57 of the Local Government Act as a debt from the members of the Councils at the time the contract was made or lease was entered	Chief Executive Officer
Council	Section 68(3b)	Apply to SACAT for an order disqualifying member of the Council from the office of member under the Local Government Act	Chief Executive Officer
Council	Section 70(a1)	Publish prescribed details contained in the Register	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 75F(1)	Prepare and adopt behavioural support policies	Chief Executive Officer
Council	Section 75F(5)	Alter or substitute a behavioural support policy	Chief Executive Officer
Council	Section 75F(6)	Undertake public consultation before adopting, altering or substituting a behavioural support policy	Chief Executive Officer
Council	Section 75F(7)(a)	Review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies	Chief Executive Officer
Council	Section 75F(7)(b)	Consider whether to adopt behavioural support policies	Chief Executive Officer
Council	Section 77(1)	Provide reimbursement of prescribed expenses of a member of Council	Chief Executive Officer
Council	Section 80	Take out a policy of insurance ensuring every member of the Council and a spouse or domestic partner or another person who may be accompanying a member of the Councils against the risks associated with the performance or discharge of official functions or duties by members	Chief Executive Officer
Council	Section 80A(1)	Prepare a training and development policy for members	Chief Executive Officer
Council	Section 80A(2b)	Suspend a member from office of member of the Council for failure to comply with the prescribed mandatory requirements	Chief Executive Officer
Council	Section 80A(2e)	Revoke the suspension if satisfied the member has complied with the prescribed mandatory requirements and give public notice of the revocation	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 80A(2f)	Apply to SACAT for an order disqualifying the member from office of member of the Council	Chief Executive Officer
Council	Section 80A(3)	Alter or substitute a training and development policy for members	Chief Executive Officer
Council	Section 80B(1)(a)	Suspend a member subject to a Relevant interim intervention order from the office of member of the Council where person protected by the order is another member	Chief Executive Officer
Council	Section 80B(3)	Revoke a suspension	Chief Executive Officer
Council	Section 80B(9)	Apply to SACAT for an order disqualifying the member from the office of member of the Council	Chief Executive Officer
Council	Section 84(3)	Keep notice on public display and continue to publish notice in accordance with Section 132(1)(a) of the Local Government Act until completion of meeting	Chief Executive Officer
Council	Section 88(3)	Keep notice on public display and continue to publish notice in accordance with Section 132(1)(a) of the Local Government Act until completion of meeting	Chief Executive Officer
Council	Section 89(1)(b)	Determine procedures to apply to a meeting of a Council committee	Chief Executive Officer
Council	Section 90A(1)	Hold or arrange for the holding of an information or briefing session to which more than 1 member of the Council is invited to attend or be involved in for the purposes of providing information or a briefing	Chief Executive Officer
Council	Section 90A(4)	Order that an information or briefing session be closed to the public	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 90A(5)	If an order under Section 90A(4) of the Local Government Act is made, to make a record of the matters specified in Section 90A(5)	Chief Executive Officer
Council	Section 90A(7)	Comply with the requirements of the Regulations regarding the Publication of prescribed information	Chief Executive Officer
Council	Section 91(3)	Supply each member of the Council with a copy of Council or Council committee minutes within 5 days of the meeting	Chief Executive Officer
Council	Section 91(9)(c)	Revoke an order made under Section 91(7) of the Local Government Act	Chief Executive Officer
Council	Section 92(1)	Prepare 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 the Local Government Act	Chief Executive Officer
Council	Section 92(2)	Review code of practice	Chief Executive Officer
Council	Section 92(3)	Alter or substitute a new code of practice	Chief Executive Officer
Council	Section 92(5)	Undertake public consultation on proposed code, alterations or substitute code	Chief Executive Officer
Council	Section 93(1)	Convene a meeting of electors of the Council area or part of the Council area	Chief Executive Officer
Council	Section 93(11)	Supply each member of the Council with a copy of the minutes of proceedings within 5 days of a meeting of electors	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 93(14)	Determine the procedure to be observed to make a nomination for the purposes of Sections 93(3)(a)(ii) or 93(3)(b)(ii) of the Local Government Act	Chief Executive Officer
Council	Section 94(6)	Make submissions to the Minister	Chief Executive Officer
Council	Section 94(7)	Comply with a direction of the Minister under Section 94(5) of the Local Government Act	Chief Executive Officer
Council	Section 97(6)(b)	Determine a person has appropriate qualifications or experience in human resource management	Chief Executive Officer
Council	Section 98(3)	Invite applications including by advertising on website and take other action	Chief Executive Officer
Council	Section 98(3)	Determine website to advertise invitation for applications	Chief Executive Officer
Council	Section 98(4a)(a)	Appoint at least one person to selection panel not being a member or employee	Chief Executive Officer
Council	Section 98(7)(b)	Determine a person has appropriate qualifications or experience in human resource management	Chief Executive Officer
Council	Section 102A(3)(b)	Determine a person has appropriate qualifications or experience in human resource management	Chief Executive Officer
Council	Section 106(2)	Pay contribution to another Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 106(3)	Recover a contribution from another Council as a debt	Chief Executive Officer
Council	Section 106(4)	Provide details of the service of an employees or former employee to another Council	Chief Executive Officer
Council	Section 106(5)	Hold and apply a contribution under Section 106 of the Local Government Act as prescribed by Regulation	Chief Executive Officer
Council	Section 111(b)	Declare that an officer or an officer of a class is subject to subdivision 2, Part 4, Chapter 7 of the Local Government Act	Chief Executive Officer
Council	Section 120A(1)	Prepare and adopt employee behavioural standards	Chief Executive Officer
Council	Section 120A(4)	Alter or substitute employee behavioural standards	Chief Executive Officer
Council	Section 120A(5)	Consult with any registered industrial association that represents interests of employees of Councils before adopting, altering or substituting employee behavioural standards	Chief Executive Officer
Council	Section 120A(6)a)	Review the operation of the employee behavioural standards	Chief Executive Officer
Council	Section 120A(6)(b)	Consider whether to adopt employee behavioural standards	Chief Executive Officer
Council	Section 122(1)	Develop a strategic management plan	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 122(1a)(a)	Develop a long-term financial plan	Chief Executive Officer
Council	Section 122(1a)(b)	Develop an infrastructure and asset management plan	Chief Executive Officer
Council	Section 122(1c)	Provide information relating to long-term financial plan and infrastructure and asset management plan to designated Authority	Chief Executive Officer
Council	Section 122(1e)	Provide to the designated Authority all Relevant information on the matters specified in this Section in accordance with guidelines determined by designated Authority	Chief Executive Officer
Council	Section 122(1h)	Ensure advice provided by designated Authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the Relevant financial year and subsequent financial year (until next Relevant financial year)	Chief Executive Officer
Council	Section 122(1j)	Provide to the designated Authority within time and in manner specified in notice information the designated Authority reasonably requires.	Chief Executive Officer
Council	Section 122(4)	Review strategic management plans	Chief Executive Officer
Council	Section 122(6)	Adopt a process to ensure that members of the Public are given reasonable opportunity to be involved in the development and review of the Council's strategic management plans	Chief Executive Officer
Council	Section 123(3)(a)	Prepare a draft annual business plan	Chief Executive Officer
Council	Section 123(3)(b)	Follow Relevant steps in the public consultation policy in regard to the draft annual business plan	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 123(5)	Ensure that copies of the draft annual business plan are available at the meeting under Section 123(4)(a)(i) of the Local Government Act, and for inspection and purchase (at the principal office of the Council and on the Council's website	Chief Executive Officer
Council	Section 123(5a)	Provide a facility for asking and answering questions and the receipt of submissions on the Council's website	Chief Executive Officer
Council	Section 123(9)(a)(i)	Prepare a summary of the annual business plan	Chief Executive Officer
Council	Section 123(9)(a)(ii)	Provide a copy of the summary of the annual business plan to ratepayers	Chief Executive Officer
Council	Section 124(1)(a)	Keep accounting records	Chief Executive Officer
Council	Section 125	Implement and maintain appropriate policies, practices and procedures of internal control	Chief Executive Officer
Council	Section 125(3)	Ensure appropriate policies, systems and procedures relating to risk management are implemented and maintained	Chief Executive Officer
Council	Section 126(9)	Ensure annual report of audit and risk committee is included in annual report	Chief Executive Officer
Council	Section 126A(1)	Establish a regional audit and risk committee	Chief Executive Officer
Council	Section 126A(9)	Ensure annual report of regional audit and risk committee is included in annual report	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 127(1)	Prepare financial statements, notes and other statement or documents as required by the Regulations	Chief Executive Officer
Council	Section 127(3)	Provide statements to auditor	Chief Executive Officer
Council	Section 127(4)	Submit a copy of audited statements to persons or bodies prescribed by the Regulations	Chief Executive Officer
Council	Section 128(2)	Appoint an auditor on the recommendation of the Relevant audit and risk committee	Chief Executive Officer
Council	Section 128(9)	Provide information prescribed in Section 128(9) of the Local Government Act in the Council's annual report	Chief Executive Officer
Council	Section 130A(1)	Request auditor or other suitably qualified person to examine a report on any matter relating to financial management, or the efficient and economy with which the Council manages or uses its resources to achieve its objectives	Chief Executive Officer
Council	Section 131(1)	Prepare annual report	Chief Executive Officer
Council	Section 131(4)	Provide a copy of the annual report to each Council member	Chief Executive Officer
Council	Section 131(5)	Submit a copy of the annual report to the persons or bodies prescribed by Regulation	Chief Executive Officer
Council	Section 131(7)	Provide an abridged or summary version of the annual report to electors in the Council area.	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 131A(1)	Provide to the Minister the material specified in Schedule 4 of the Local Government Act and any other information specified by the Minister	Chief Executive Officer
Council	Section 132(1)(a)	Publish a document referred to in Schedule 5 of the Local Government Act on a website determined by chief executive officer	Chief Executive Officer
Council	Section 132(1)(b)	Provide a printed copy of a document referred to in Schedule 5 of the Local Government Act	Chief Executive Officer
Council	Section 132(3a)	Publish a document or part of a document on a website determined by the Chief Executive Officer where an order under Section 91(7) of the Local Government Act expires or ceases to apply	Chief Executive Officer
Council	Section 132A	Implement and maintain appropriate policies, practices and procedures to ensure compliance with statutory requirements and achievement and maintenance of good public administration	Chief Executive Officer
Council	Section 133	Obtain funds as permitted by the Local Government Act or other Act	Chief Executive Officer
Council	Section 135(1)	Provide security	Chief Executive Officer
Council	Section 135(2)(a)	Assign a distinguishing classification to a debenture	Chief Executive Officer
Council	Section 135(2)(b)	Appoint a trustee for the debenture holders	Chief Executive Officer
Council	Section 137	Expend funds in the performance or discharge of the Council's powers, functions or duties under the Local Government Act or other Acts	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 139(1)	Invest money under the Council's control	Chief Executive Officer
Council	Section 139(5)	Obtain and consider independent and impartial advice regarding the investment of funds	Chief Executive Officer
Council	Section 140	Review performance of investments at least annually	Chief Executive Officer
Council	Section 141(1)	Accept a gift	Chief Executive Officer
Council	Section 141(2)	Carry out the terms of a trust applying to a gift	Chief Executive Officer
Council	Section 141(3)	Apply to the Supreme court for an order varying the terms of a trust for which the Council is the trustee	Chief Executive Officer
Council	Section 141(4)	Give notice of an application to the Supreme Court by Public notice and in such other manner as directed by the Supreme Court	Chief Executive Officer
Council	Section 141(6)	Publish an order of the made by the Supreme Court under Section 141(5) of the Local Government Act in the Gazette	Chief Executive Officer
Council	Section 142(1)	Take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations	Chief Executive Officer
Council	Section 142(3)	Take out membership of the Local Government Association Mutual Liability Scheme	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 143(1)	Write off bad debts	Chief Executive Officer
Council	Section 144(1)	Recovery of fees, charges, expenses or other amounts as a debt by action in a court of competent jurisdiction	Chief Executive Officer
Council	Section 144(2)	Provide notice of a fee, charge, expense or other amount relating to something done in respect of a rateable property to the owner or occupier of the property	Chief Executive Officer
Council	Section 144(2)	Recovery of a fee, charge, expense or other amount relating to something done in respect of a rateable property as if the fee, charge, expense or other amount was a rate on the property	Chief Executive Officer
Council	Section 151(5)(d)	Prepare a report on a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land	Chief Executive Officer
Council	Section 151(5)(e)	Follow the Relevant steps in the public consultation policy with respect to a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land	Chief Executive Officer
Council	Section 151(8)	Provide copies of the report required by Section 151(5)(d) of the Local Government Act at the meeting held under Section 151(7)(a)(i) of the Local Government Act	Chief Executive Officer
Council	Section 156(10)	Extend the time period for lodging an objection	Chief Executive Officer
Council	Section 156(11)	Decide an objection to attribution of a particular use to land	Chief Executive Officer
Council	Section 156(12)	Participate in a review of an attribution of a particular use to land by South Australian Civil and Administrative Tribunal	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 156(14a)(a)	Prepare a report on a proposed change to the differentiating factor in relation to land	Chief Executive Officer
Council	Section 156(14a)(b)	Follow the Relevant steps in the public consultation policy with respect to a on a proposed change to the differentiating factor in relation to land	Chief Executive Officer
Council	Section 156(14e)	Provide copies of the report required by Section 156(14a)(a) of the Local Government Act at the meeting held under Section 156(14d)(a)(i) of the Local Government Act	Chief Executive Officer
Council	Section 159(1)	Determine the manner and form of an application for a rebate of rates	Chief Executive Officer
Council	Section 159(3)	Grant a rebate of rates	Chief Executive Officer
Council	Section 159(4)	Increase a rebate of rates	Chief Executive Officer
Council	Section 159(10)	Determine that proper cause for a rebate of rates no longer applies	Chief Executive Officer
Council	Section 159(11)	Recover rates, or rates at an increased level, proportionate to the remaining part of the financial year if an entitlement to a rebate of rates no longer applies	Chief Executive Officer
Council	Section 161(1)	Grant a rebate of rates greater than 75% on land used for service delivery or administration by a community service organisation	Chief Executive Officer
Council	Section 165(1)	Grant a rebate of rates greater than 75% on land occupied by a school and being used for educational purposes	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 165(2)	Grant a rebate of rates greater than 75% on land being used by a university or university college to provide accommodation and other forms of support on a not-for-profit basis	Chief Executive Officer
Council	Section 166(1)	Grant a rebate of rates or service charges in prescribed circumstances	Chief Executive Officer
Council	Section 166(2)	Attach conditions to the granting of a rebate of rates or service charges under Section 166(1) of the Local Government Act	Chief Executive Officer
Council	Section 167(1)	Adopt valuations	Chief Executive Officer
Council	Section 167(6)	Publish a notice of the adoption of valuations in the Gazette	Chief Executive Officer
Council	Section 168(1)	Request the Valuer-General to value land in the Council area	Chief Executive Officer
Council	Section 168(2)	Furnish information to the Valuer-General requested information	Chief Executive Officer
Council	Section 168(3)(b)	Enter valuation into the assessment record	Chief Executive Officer
Council	Section 168(3)(c)	Provide notice to the principal ratepayer in respect of land of the valuation of that land	Chief Executive Officer
Council	Section 169(3)(b)	Allow an extension of time in which to object to the valuation of land	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 169(5)	Refer an objection to the valuation of land to the valuer who made the valuation with a request to reconsider the valuation	Chief Executive Officer
Council	Section 169(7)	Provide written notice to an objector of the outcome of the objection	Chief Executive Officer
Council	Section 169(10)	Refer request for a review of the valuation of land to the Valuer-General	Chief Executive Officer
Council	Section 169(11)	Make representations to the valuer in regard to the valuation of land which is the subject of the objection	Chief Executive Officer
Council	Section 169(15)	Participate in a review of a valuation of land by South Australian Civil and Administrative Tribunal	Chief Executive Officer
Council	Section 169(16)	Pay the prescribed fee to the Valuer-General	Chief Executive Officer
Council	Section 170	Publish a notice of the declaration of a rate or service charge in the Gazette and a newspaper circulating in the Council area	Chief Executive Officer
Council	Section 173(5)	Determine a review of the outcome of a request to alter the assessment record	Chief Executive Officer
Council	Section 173(6)	Provide written notice of decision on review	Chief Executive Officer
Council	Section 173(7)	Participate in a review of decision of Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 174(1)	Provide the assessment record for inspection at the principal offices of the Council	Chief Executive Officer
Council	Section 174(2)	Provide for the purchase of an entry in the assessment record	Chief Executive Officer
Council	Section 178(3)	Recover rates as a debt	Chief Executive Officer
Council	Section 178(4)	Provide written notice requiring a lessee or licensee of land to pay rent or other consideration to the Council under the lease or licence in satisfaction of the liability for rates	Chief Executive Officer
Council	Section 178(6)	Remit a charge payable under Section 178(5) of the Local Government Act in whole or in part	Chief Executive Officer
Council	Section 179(2)	Adopt a valuation of land	Chief Executive Officer
Council	Section 179(5)	Refund rates that have been paid to a principal ratepayer if land ceases to be rateable land	Chief Executive Officer
Council	Section 180(1)	Provide a rates notice to the principal ratepayer	Chief Executive Officer
Council	Section 181(2)	Determine the day on which an instalment of rates falls due	Chief Executive Officer
Council	Section 181(3)	Adjust the months in which instalments of rates are payable	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 181(4)(b)	Agree with a principal ratepayer the dates on which instalments of rates are payable	Chief Executive Officer
Council	Section 181(5)	Provide rates notice to principal ratepayer	Chief Executive Officer
Council	Section 181(7a)	Agree with a principal ratepayer to vary the period for the provision of a rates notice	Chief Executive Officer
Council	Section 181(9)	Remit the whole or any part of an amount payable under Section 181(8) of the Local Government Act	Chief Executive Officer
Council	Section 181(11)	Grant discounts or other incentives in relation to the payment of rates	Chief Executive Officer
Council	Section 181(12)(b)	Impose a surcharge or administrative levy not exceeding 1 per cent of the rates payable in a particular financial year with respect to the payment of rates by instalments	Chief Executive Officer
Council	Section 181(13)	Impose different requirements than those under Section 181 of the Local Government Act in relation to the payment of separate rates or service rates	Chief Executive Officer
Council	Section 181(15)	Determine that rates of a particular kind will be payable in more than four instalments in a particular financial year	Chief Executive Officer
Council	Section 182(1)(a)	Postpone payment of rates	Chief Executive Officer
Council	Section 182(1)(b)	Remit the whole or part payment of rates	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 182(2)(a)	Impose a condition that the ratepayer pay interest on postponed rates	Chief Executive Officer
Council	Section 182(2)(b)	Impose other conditions on the postponement of rates	Chief Executive Officer
Council	Section 182(2)(c)	Revoke a postponement of rates	Chief Executive Officer
Council	Section 182(3)	Postpone the payment of rates	Chief Executive Officer
Council	Section 182(4)	Grant a remission of rates	Chief Executive Officer
Council	Section 182(5)	Require a ratepayer to verify an entitlement to the remission of rates	Chief Executive Officer
Council	Section 182(6)	Revoke a determination under Section 182(4) of the Local Government Act to remit rates	Chief Executive Officer
Council	Section 182A(1)	Receive an application for a postponement of the payment of the prescribed proportion of rates for the current or a future financial year	Chief Executive Officer
Council	Section 182A(2)	Determine the manner and form of an application under Section 182A(1) of the Local Government Act	Chief Executive Officer
Council	Section 182A(3)(a)	Reject an application under Section 182A(1) of the Local Government Act in accordance with the Regulations	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 182A(3)(b)	Impose conditions on the postponement of rates in accordance with the Regulations	Chief Executive Officer
Council	Section 183	Apply amount received in respect of rates in manner prescribed by Section 183 of the Local Government Act	Chief Executive Officer
Council	Section 184(1)	Sell land where an amount of rates in respect of the land has been in arrears for more than three years	Chief Executive Officer
Council	Section 184(2)	Send a notice to the principal ratepayer	Chief Executive Officer
Council	Section 184(3)	Send a copy of the notice sent to the principal ratepayer to any other owner of the land, any registered mortgagee, the holder of any caveat over the land and, 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 <i>Crown Lands Act 1929</i> .	Chief Executive Officer
Council	Section 184(4)(a)	Place a copy of the notice sent to the principal ratepayer in a newspaper circulating throughout the State	Chief Executive Officer
Council	Section 184(4)(b)	Leave a copy of the notice sent to the principal ratepayer at a conspicuous place on the land	Chief Executive Officer
Council	Section 184(6)	Set a reserve price for the auction	Chief Executive Officer
Council	Section 184(7)	Seek the consent of the Minister who is responsible for the administration of the <i>Crown Lands Act 1929</i> to have the land sold by public auction	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 184(8)	Advertise an auction to sell land under Section 184 of the Local Government Act in a newspaper circulating throughout the State	Chief Executive Officer
Council	Section 184(9)	Call off an auction	Chief Executive Officer
Council	Section 184(10)	Sell land by private contract	Chief Executive Officer
Council	Section 184(11)	Apply money receive in respect of the sale of land under Section 184 of the Local Government Act as prescribed in Section 184(11)	Chief Executive Officer
Council	Section 184(12)	Deal with money under the <i>Unclaimed Money Act 2021</i>	Chief Executive Officer
Council	Section 185(1)	Apply to the Minister who is responsible for the administration of the <i>Crown Lands Act 1929</i> for an order under Section 185 of the Local Government Act	Chief Executive Officer
Council	Section 186(2)(a)	Repay an amount of overpaid rates	Chief Executive Officer
Council	Section 186(2)(a)	Credit an amount of overpaid rates against future liabilities for rates on the land subject to the overpaid rates	Chief Executive Officer
Council	Section 186(2)(b)	Take action to recover an additional amount in arrears payable on account of an alteration of the valuation or decision	Chief Executive Officer
Council	Section 186(2)(b)	Give notice to recover an additional amount in arrears payable on account of an alteration of the valuation or decision	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 186(5)	Refund an amount to a person ceasing to be a ratepayer	Chief Executive Officer
Council	Section 187(1)	Issue a certificate stating the amount of any liability for rates or charges on the land and any amount received on account of rates or charges that is held in credit against future liabilities for rates or charges on the land	Chief Executive Officer
Council	Section 187A(5)(b)	Receive a report from the Ombudsman	Chief Executive Officer
Council	Section 187B(5)	Receive a report from the Ombudsman	Chief Executive Officer
Council	Section 187B(6)	Provide a written response to the Ombudsman and complainant	Chief Executive Officer
Council	Section 187B(7)	Grant a rebate or remission of any rate or service charge, or of any charge, fine or interest	Chief Executive Officer
Council	Section 188(1)(a)	Impose fees and charges for the use of any property or facility owned, controlled, managed or maintained by the Council	Chief Executive Officer
Council	Section 188(1)(b)	Impose fees and charges for services supplied to a person at his or her request	Chief Executive Officer
Council	Section 188(1)(c)	Impose fees and charges for carrying out work at a person's request	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 188(3)	Provide for: (a) specific fees and charges; (b) maximum fees and charges and minimum fees and charges; (c) annual fees and charges; (d) the imposition of fees or charges according to specified conditions or circumstances; (e) the variation of fees or charges according to specified factors; (f) the reduction, waiver or refund, in whole or in part, of fees or charges.	Chief Executive Officer
Council	Section 188(5)(b)	Fix, vary or revoke fees and charges for the purposes of Section 188(1)(a), 188(1)(b) and 188(1)(c) of the Local Government Act	Chief Executive Officer
Council	Section 188(7)	Take reasonable steps to bring a variation of a fee or charge to the notice of a person who may be affected	Chief Executive Officer
Council	Section 190	Agree to acquire land	Chief Executive Officer
Council	Section 191(1)	Seek the Minister's consent to acquire land compulsorily	Chief Executive Officer
Council	Section 191(1)	Acquire land compulsorily	Chief Executive Officer
Council	Section 191(2)	Acquire land compulsorily	Chief Executive Officer
Council	Section 192(4)	Publish a copy of a resolution under Section 192(1) of the Local Government Act in the Gazette	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 193(2)	Follow steps on public consultation policy in respect of a proposal to exclude land from classification as community land	Chief Executive Officer
Council	Section 193(3)	Obtain approval of owner of land to exclude land from classification as community land	Chief Executive Officer
Council	Section 193(6)	Give notice in the Gazette of a resolution to exclude land from classification as community land or to classify land as community land	Chief Executive Officer
Council	Section 194(2)(a)	Prepare and make Publicly available a report on a proposal to revoke the classification of community land	Chief Executive Officer
Council	Section 194(2)(b)	Follow steps on public consultation policy in respect of a proposal to revoke the classification of land as community land	Chief Executive Officer
Council	Section 194(3)(a)	Submit the proposal to revoke the classification of land as community land with a report on all submissions made in respect of the proposal to the Minister	Chief Executive Officer
Council	Section 194(4)	Participate in consultation with the Minister	Chief Executive Officer
Council	Section 195(2)	Give notice of the revocation of the classification of land as community land to the Registrar-General	Chief Executive Officer
Council	Section 196(1)	Prepare and adopt a management plan for community land	Chief Executive Officer
Adelaide City Council	Section 196(1a)	Prepare and adopt a management plan for the Adelaide Park Lands	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 196(4)	Consult with the owner of land at an appropriate stage in the preparation of a management plan	Chief Executive Officer
Council	Section 197(1)(a)	Make copies of a proposed management plan available for inspection or purchase at the Council's principal office	Chief Executive Officer
Council	Section 197(1)(b)	Follow the Relevant steps in the Council's public consultation policy	Chief Executive Officer
Council	Section 197(3)	Give public notice of the adoption of the management plan	Chief Executive Officer
Council	Section 198(1)	Amend or revoke a management plan	Chief Executive Officer
Council	Section 198(2)	Undertake public consultation of a proposal to amend or revoke a management plan	Chief Executive Officer
Council	Section 198(4)	Give public notice of the adoption of a proposal to amend or revoke a management plan	Chief Executive Officer
Council	Section 199	Manage community land in accordance with any Relevant management plan	Chief Executive Officer
Council	Section 200(1)	Approve the use of community land for a business purpose	Chief Executive Officer
Council	Section 200(3)	Impose conditions on an approval to use community land for a business purpose	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 201(1)	Sell or otherwise dispose of an interest in land	Chief Executive Officer
Council	Section 202(1)	Grant a lease or licence over community land	Chief Executive Officer
Council	Section 202(2)	Follow the Relevant steps in the Councils Public consultation policy in regard to granting a lease or licence relating to community land	Chief Executive Officer
Council	Section 207(1)	Keep a register of community land in the Council area	Chief Executive Officer
Council	Section 207(2)(c)	Determine that the register of community land in the Council area will consist of a computer record	Chief Executive Officer
Council	Section 208(4)	Cause a copy of a resolution declaring a road or land to be a public road or preserving an easement to be published in the Gazette	Chief Executive Officer
Council	Section 209(3)	Enter an agreement in regard to the ownership of fixture and equipment installed on a public road	Chief Executive Officer
Council	Section 210(1)	Declare a private road to be a public road	Chief Executive Officer
Council	Section 210(2)(a)	Give written notice to the owner of the private road of a proposed declaration	Chief Executive Officer
Council	Section 210(2)(ab)	Give written notice to the holder of a registered interest over the private road of a proposed declaration	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 210(2)(b)	Give public notice to the owner of the private road of a proposed declaration	Chief Executive Officer
Council	Section 210(5)	Publish a declaration under Section 210 of the Local Government Act in the Gazette	Chief Executive Officer
Council	Section 210(7)	Furnish a copy of a declaration under Section 210 of the Local Government Act to the Registrar-General	Chief Executive Officer
Council	Section 211(1)(a)	Enter an agreement with the Commissioner of Highways or other Authority that has the care, control and management of a highway	Chief Executive Officer
Council	Section 211(1)(b)	Act in accordance with a notice issued by the Commissioner of Highways	Chief Executive Officer
Council	Section 212(1)	Carry out roadwork in the Council area	Chief Executive Officer
Council	Section 212(1)	Enter an agreement with another Council to carry out roadwork in that other Council's area	Chief Executive Officer
Council	Section 212(2)	Do anything reasonably necessary for, or incidental to, roadwork	Chief Executive Officer
Council	Section 212(3)(b)	Consult with the Commissioner of Highways	Chief Executive Officer
Council	Section 212(3)(c)(i)	Obtain the agreement of the owner of a private road	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 212(3)(c)(ii)	Give notice to the owner of a private road and a reasonable opportunity to make representations on proposed roadwork	Chief Executive Officer
Council	Section 212(3)(c)(ii)	Consider any representations by the owner of a private road on proposed roadwork	Chief Executive Officer
Council	Section 212(3)(d)	Obtain the agreement of the owner of private land	Chief Executive Officer
Council	Section 213(1)	Recover the whole cost or an agreed contribution to the cost of roadworks undertaken by agreement	Chief Executive Officer
Council	Section 213(2)	Recover the cost of roadwork to repair damage to a road from the person who damaged a road or is the owner of infrastructure which damaged the road	Chief Executive Officer
Council	Section 213(3)(a)	Recover the cost of roadwork on private land or a contribution to the cost of the work determined by the Council as a debt from the owner of the private land	Chief Executive Officer
Council	Section 214(2)(a)	Agree the amount of contribution to roadwork with another Council	Chief Executive Officer
Council	Section 214(2)(b)	Seek a determination by a court as to the amount of contribution to roadwork to be paid by another Council	Chief Executive Officer
Council	Section 214(3)	Give notice to another Council of proposed roadwork and provide reasonable opportunity to that other Council to make representations	Chief Executive Officer
Council	Section 215(2)	Carry out roadwork to allow water from a road to drain into adjoining property	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 215(4)	Give notice to the owner of land in regard to the proposed action to drain water into the land	Chief Executive Officer
Council	Section 216(1)	Issue an order requiring the owner of private land to carry out specified road work or improve the road	Chief Executive Officer
Council	Section 217(1)	Issue an order requiring the owner of a structure or equipment installed in, on, across, under or over a road to carry out specified road work by way of maintenance or repair or move the structure or equipment to allow the Council to carry out roadwork	Chief Executive Officer
Council	Section 217(2)(a)	Take action under an order issued under Section 217(1) of the Local Government Act if it is not complied with by the owner of the structure or equipment	Chief Executive Officer
Council	Section 217(2)(a)	Recover the cost of taking action under Section 217(2)(a) of the Local Government Act as a debt from the owner of the structure or equipment	Chief Executive Officer
Council	Section 218(1)	Issue an order requiring the owner of land adjoining a road to carry out specified work to construct, remove or repair a crossing place from the road to the land	Chief Executive Officer
Council	Section 219(1)	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 a public place	Chief Executive Officer
Council	Section 219(1a)	Assign a name to a public road created by land division	Chief Executive Officer
Council	Section 219(2)(a)	Give notice to an adjoining Council of a proposed road name change where the road runs into the adjoining Council	Chief Executive Officer
Council	Section 219(2)(b)	Consider any representations of an adjoining Council in response to a notice under Section 219(2)(a) of the Local Government Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 219(3)(a)	Notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a road name or change of a road name	Chief Executive Officer
Council	Section 219(3)(b)	Provide information to the Registrar-General, the Surveyor-General and the Valuer-General about the name of roads and public places in the Council area	Chief Executive Officer
Council	Section 219(4)	Provide public notice on the assigning or changing of a road name	Chief Executive Officer
Council	Section 219(5)	Prepare and adopt a policy on the assigning of road names	Chief Executive Officer
Council	Section 219(6)	Alter or substitute a policy on the assigning of road names	Chief Executive Officer
Council	Section 219(7)	Publish notice of adopting or altering a policy on the assigning of road name in the Gazette, in a newspaper circulating within the Council area and on a website determined by the chief executive	Chief Executive Officer
Council	Section 220(1)	Adopt a numbering system for buildings and allotments adjoining the road	Chief Executive Officer
Council	Section 220(1a)	Assign a number to all buildings and allotments adjoining a public road	Chief Executive Officer
Council	Section 220(2)	Alter or substitute a new numbering system	Chief Executive Officer
Council	Section 220(3)	Give Public notice of the adoption, alteration or substitution of a numbering system for a particular road	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 220(4)	Notify the Valuer-General of a decision to adopt, alter or substitute of a numbering system	Chief Executive Officer
Council	Section 220(6)	Request the 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 Council	Chief Executive Officer
Council	Section 221(1)	Grant an authorisation to alter a public road	Chief Executive Officer
Council	Section 222(1)	Grant a permit authorising the use of a public road for business purposes	Chief Executive Officer
Council	Section 223(1)	Follow the Relevant steps in the Council's public consultation policy	Chief Executive Officer
Council	Section 223(2)	Give written notice of the proposal to agencies prescribe by Regulation	Chief Executive Officer
Council	Section 224(1)	Attach conditions to an authorisation or permit	Chief Executive Officer
Council	Section 224(2)	Comply with any requirements prescribed by the Regulations in relation to attaching conditions under Section 224(1) of the Local Government Act	Chief Executive Officer
Council	Section 225(1)	Cancel an authorisation or permit	Chief Executive Officer
Council	Section 225(2)(a)	Give the holder of an authorisation or permit written notice of the proposed cancellation of the authorisation or permit	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 225(2)(b)	Consider any representation by the holder of an authorisation or permit	Chief Executive Officer
Council	Section 225(3)	Determine a shorter period than one month for a response from the holder of an authorisation or permit	Chief Executive Officer
Council	Section 231(1)	Keep a register of public roads in the Council area	Chief Executive Officer
Council	Section 232	Plant vegetation on a road	Chief Executive Officer
Council	Section 232	Authorise the planting of vegetation on a road	Chief Executive Officer
Council	Section 233(2)	Take action to recover damages from a person who without the Council's permission intentionally or negligently damages a road or structure belonging to the Councils associated with a road	Chief Executive Officer
Council	Section 234(1)	Remove and dispose of any structure, object or substance from a road	Chief Executive Officer
Council	Section 234(2)	Recover the cost of acting under Section 234(1) from the person who erected, placed or deposited the structure, object or substance on the road	Chief Executive Officer
Council	Section 234(3)	Clear a road of wreckage, objects or material on the road as a result of a vehicle accident	Chief Executive Officer
Council	Section 234(3)	Recover the cost of clearing the road from a driver of a vehicle involved in the accident	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 234A(5)	Erect barricades or other traffic control devices as necessary to give effect to a resolution to exclude vehicles from a road or public place	Chief Executive Officer
Council	Section 234A(6)	Give public notice of a resolution under Section 234A(1) or 234A(2) of the Local Government Act	Chief Executive Officer
Council	Section 236(2)	Apply to the court for an order that a person convicted of the offence under Section 236(1) of the Local Government Act pay any costs incurred by the Council in removing or disposing of the abandoned vehicle	Chief Executive Officer
Council	Section 237(4)(a)	Notify the owner of a vehicle of the removal of the vehicle by written notice	Chief Executive Officer
Council	Section 237(4)(b)	Notify the owner of a vehicle of the removal of the vehicle by public notice published in a newspaper circulating generally within the State	Chief Executive Officer
Council	Section 237(5)	Sell a vehicle by public auction or public tender	Chief Executive Officer
Council	Section 237(6)	Dispose of a vehicle	Chief Executive Officer
Council	Section 237(7)	Apply the proceeds of the sale of a vehicle as prescribed in Section 237(7) of the Local Government Act	Chief Executive Officer
Council	Section 238(3)	Erect a notice regarding access to or use of a particular piece of land under a Council by-law in a prominent place or in the immediate vicinity of the land	Chief Executive Officer
Council	Section 242(3)	Notify an applicant in writing of a decision or presumptive decision on an application which is subject to Section 242 of the Local Government Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 242(4)	Fix a date as the 'Relevant date' for the purposes of Section 242 of the Local Government Act	Chief Executive Officer
Council	Section 243(1)	Apply to the Registrar-General for the issue of a certificate of title for land which has vested in fee simple in the Council under the Local Government Act	Chief Executive Officer
Council	Section 245(2)	Take reasonable action to respond to a request by the owner or occupier of property adjacent to a road to avert a risk of damage from a tree	Chief Executive Officer
Council	Section 245A(1)	Require a person to enter into an agreement with the Council in regard to work under an approval under the <i>Planning, Development and Infrastructure Act 2016</i> which could cause damage to any local government land (including a road) within the vicinity of the site of the development	Chief Executive Officer
Council	Section 245A(3)	Participate in the hearing of an appeal by a person against the requirements to enter and agreement of the terms or conditions of the agreement	Chief Executive Officer
Council	Section 246(4a)	Publish a notice of a determination under Section 246(3)(b) in the Gazette and a newspaper circulating generally in the Council area	Chief Executive Officer
Council	Section 246(5)(b)	Fix an expiation fee for alleged offences against the by-laws	Chief Executive Officer
Council	Section 249(1)	Make copies of a proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available to the Public in accordance with Section 132(1)	Chief Executive Officer
Council	Section 249(2)	Consider submissions made on a proposed by-law	Chief Executive Officer
Council	Section 249(4)	Obtain a certificate signed by a legal practitioner	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 249(5)	Publish a by-law in the Gazette	Chief Executive Officer
Council	Section 249(7)	Publish a notice of making a by-law	Chief Executive Officer
Council	Section 250(5)	Publish a resolution adopting a model by-law in the Gazette	Chief Executive Officer
Council	Section 250(7)	Publish a resolution adopting a model by-law in a newspaper circulating in the Council area	Chief Executive Officer
Council	Section 252(1)	Maintain a register of the by-laws made or adopted by the Council	Chief Executive Officer
Council	Section 252(5)	Provide for purchase a certified copy of a by-law	Chief Executive Officer
Council	Section 254(1)	Order a person to do or refrain from doing a thing prescribed in Section 254(1) of the Local Government Act	Chief Executive Officer
Council	Section 255(1)	Provide a notice in writing prior to making an order under Section 254(1) of the Local Government Act	Chief Executive Officer
Council	Section 255(2)	Serve a copy of a notice under Section 255(1) of the Local Government Act on the owner of the land	Chief Executive Officer
Council	Section 255(3)	Consider any representations made in response to a notice under Section 255(1) of the Local Government Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 255(3)(a)	Order a person to do or refrain from doing a thing prescribed in Section 254(1) of the Local Government Act	Chief Executive Officer
Council	Section 255(3)(b)	Order a person to do or refrain from doing a thing prescribed in Section 254(1) of the Local Government Act	Chief Executive Officer
Council	Section 255(3)(c)	Determine not to proceed to make an order to do or refrain from doing a thing prescribed in Section 254(1) of the Local Government Act	Chief Executive Officer
Council	Section 255(7)	Serve an order to do or refrain from doing a thing prescribed in Section 254(1) of the Local Government Act	Chief Executive Officer
Council	Section 255(8)	Serve a copy of a notice under Section 255(1) of the Local Government Act on the owner of the land	Chief Executive Officer
Council	Section 255(11)	Vary an order	Chief Executive Officer
Council	Section 255(12)	Make an order	Chief Executive Officer
Council	Section 256(3)	Participate in a review of an order by the South Australian Civil and Administrative Tribunal	Chief Executive Officer
Council	Section 257(1)	Take action required by an order made under Section 255 of the Local Government Act	Chief Executive Officer
Council	Section 257(2)	Authorise a person to take action under Section 257(1) of the Local Government Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 257(3)	Recover the costs of taking action under Section 257(1) of the Local Government Act	Chief Executive Officer
Council	Section 257(5)	Provide notice fixing a period in which a person must pay an amount recoverable by the Council under Section 257 of the Local Government Act	Chief Executive Officer
Council	Section 257(5)(b)	Impose a charge over land for an unpaid amount recoverable by the Council under Section 257 of the Local Government Act	Chief Executive Officer
Council	Section 259(1)	Prepare and adopt policies concerning the operation of Part 2, Chapter 12 of the Local Government Act	Chief Executive Officer
Council	Section 259(2)(a)	Prepare a draft policy	Chief Executive Officer
Council	Section 259(2)(b)	Give notice in a newspaper circulating in the Council area of the place or places where copies of the draft policy are available for inspection and purchase and invite written submissions	Chief Executive Officer
Council	Section 259(3)	Consider submissions	Chief Executive Officer
Council	Section 259(4)	Amend a policy	Chief Executive Officer
Council	Section 259(5)	Take steps in Section 259(2) and 259(3) prior to amending a policy	Chief Executive Officer
Council	Section 260(1)	Appoint an Authorised person	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 260(2)	Impose conditions or limitations on the appointment of an Authorised person	Chief Executive Officer
Council	Section 260(3)	Issue an identity card to an Authorised person	Chief Executive Officer
Council	Section 260(5)	Revoke the appointment of an Authorised person	Chief Executive Officer
Council	Section 262A(3)	Deal with a complaint in accordance with the Council's behavioural management policy	Chief Executive Officer
Council	Section 262B(1)	Prepare and adopt a behavioural management policy	Chief Executive Officer
Council	Section 262B(6)	Alter or substitute a behavioural management policy	Chief Executive Officer
Council	Section 262B(7)	Review the operation of the behavioural management policy	Chief Executive Officer
Council	Section 262D	Provide complainant with written reasons for refusal or determination	Chief Executive Officer
Council	Section 262W(3)(b)(ii)	Provide report to the Panel detailing: <ul style="list-style-type: none"> • member's compliance with the Panel's requirement; or • Council's compliance with Panel's requirement 	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 263B(1)(a) and (3)	To act in accordance with a recommendation of the Ombudsman	Chief Executive Officer
Council	Section 264(1)(a)	Authorise a person in writing for the purposes of this Section to lodge a complaint with SACAT	Chief Executive Officer
Council	Section 270(a1)	Develop and maintain policies, practices and procedures for dealing with requests for the provision of services by the Council or complaints about the activities of the Council, employees of the Council or person acting on behalf of the Council	Chief Executive Officer
Council	Section 270(1)	Establish procedures for the review of decisions	Chief Executive Officer
Council	Section 270(2a)(b)	Allow an application to be made more than 6 months after the reviewable decision	Chief Executive Officer
Council	Section 270(3a)	Reduce, waive or refund a fee	Chief Executive Officer
Council	Section 270(4)	Refuse an application for the review of a decision	Chief Executive Officer
Council	Section 270(6)	Amend policies, practices and procedures applying under Section 270 of the Local Government Act	Chief Executive Officer
Council	Section 270(8)	Initiate and consider a report for the purpose of Section 270(8) of the Local Government Act	Chief Executive Officer
Council	Section 271(1)	Make provision in a procedure under Section 270 of the Local Government Act for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 271(2)	Constitute panels of mediators, conciliators and evaluators	Chief Executive Officer
Council	Section 271(7)	Pay costs of mediation, conciliation and evaluation	Chief Executive Officer
Council	Section 271A(1)	Provide requested information to the Minister	Chief Executive Officer
Council	Section 271B(1)(a)	Obtain an independent assessment of the Council's probity or compliance with any requirements placed on the Council under legislation	Chief Executive Officer
Council	Section 271B(1)(b)	Take specified action to meet standards in the conduct or administration of the affairs of the Council identified by the Minister	Chief Executive Officer
Council	Section 272(3)	Provide an explanation and make submissions to the Minister	Chief Executive Officer
Council	Section 272(5)	Make submissions to the Minister in relation to the subject matter of an interim report	Chief Executive Officer
Council	Section 273(3)	Make submissions to the Minister in relation to a report under Section 273(1) of the Local Government Act	Chief Executive Officer
Council	Section 275(2)	Make submissions to the Minister in relation to a report under Section 274 of the Local Government Act	Chief Executive Officer
Council	Section 276(2)(a)	Bring proceedings under Section 276(1) of the Local Government Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 276(5)(b)	Take necessary steps for and hold a ballot or poll in accordance with an order of the District Court	Chief Executive Officer
Council	Section 276(5)(f)	Produce or deliver books, voting-paper or documents in accordance with an order of the District Court	Chief Executive Officer
Council	Section 279(1)	Serve a document	Chief Executive Officer
Council	Section 281(1)	Notify a lessee or licensee of land to pay the Council rent or other consideration payable under the lease or licence in satisfaction of the landowner's liability to the Council	Chief Executive Officer
Council	Section 281(2)(b)	Notify the owner of land of the imposition of a requirements under Section 281(1) of the Local Government Act	Chief Executive Officer
Council	Section 282(1)	Approve an occupier of land undertaking work	Chief Executive Officer
Council	Section 294(1a)	Provide notice to an owner or occupier of land	Chief Executive Officer
Council	Section 294(3)(a)	Pay rent to the owner of occupier of land as determined by agreement or the Supreme Court	Chief Executive Officer
Council	Section 294(3)(b)	Pay to the owner of occupier of land reasonable compensation for damage to any crops on land	Chief Executive Officer
Council	Section 294(3)(c)(i)	Remedy damage to land caused by the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 294(3)(c)(ii)	Pay compensation for any other loss or damage caused by the Council	Chief Executive Officer
Council	Section 294(5)	Erect a fence	Chief Executive Officer
Council	Section 294(7)	Comply with the Relevant requirements of the <i>Mining Act 1971</i>	Chief Executive Officer
Council	Section 296(1)	Recover the cost or a portion of the costs of works as a debt	Chief Executive Officer
Council	Section 296(3)	Give notice of a valuation to the owner of land	Chief Executive Officer
Council	Section 296(5)	Participate in an objection or review to a valuation	Chief Executive Officer
Council	Section 297	Sell or dispose of rubbish collected by the Council	Chief Executive Officer
Council	Section 298(1)	Order action in response to flooding or imminent flooding	Chief Executive Officer
Council	Section 300(1)	Pay the cost of advertising	Chief Executive Officer
Council	Clause 13(c), Schedule 1A	Enter an arrangement with the Stormwater Management Authority to make use of Council staff, equipment or facilities	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 17(1), Schedule 1A	Prepare a stormwater management plan	Chief Executive Officer
Council	Clause 18(1), Schedule 1A	Prepare a stormwater management plan or revise an existing stormwater management plan	Chief Executive Officer
Council	Clause 18(2), Schedule 1A	Provide a stormwater management plan to the Stormwater Management Authority for approval	Chief Executive Officer
Council	Clause 19(3), Schedule 1A	Take action required by the Stormwater Management Authority as a condition of approving a stormwater management plan	Chief Executive Officer
Council	Clause 20(1), Schedule 1A	Comply with an order issued by the Stormwater Management Authority under Clause 20(1), Schedule 1A of the Local Government Act	Chief Executive Officer
Council	Clause 20(5), Schedule 1A	Make submissions to the Stormwater Management Authority	Chief Executive Officer
Council	Clause 20(6), Schedule 1A	Enter into an agreement with the Stormwater Management Authority for the repayment of costs and expenses of the Authority by the Council	Chief Executive Officer
Council	Clause 24(1), Schedule 1A	<p>Take 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(a), schedule 1B of the Local Government Act by:</p> <ul style="list-style-type: none"> (a) entering and occupying any land; (b) constructing, maintaining or removing any infrastructure; (c) excavating any land; (d) inspecting, examining or surveying any land and for that purpose: <ul style="list-style-type: none"> (i) fixing posts, stakes or other markers on the land; 	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
		(ii) digging trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) removing samples for analysis; and (e) altering water table levels, stopping or reducing the flow of water in a watercourse, diverting water flowing in a watercourse to another watercourse or to a lake or controlling the flow of water in any other manner; (f) holding water in a watercourse or lake or by any other means; (g) diverting water to an underground aquifer, disposing of water to a lake, underground aquifer or the sea, or dealing with water in any other manner; (h) deepening, widening or changing the course of a watercourse, deepening or widening a lake or taking action to remove any obstruction to the flow of water; (i) undertaking any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); (j) undertaking any testing, monitoring or evaluation; and (k) undertaking any other activity of a prescribed kind.	
Council	Clause 24(2)(a), Schedule 1A	Enter into an agreement with the owner of private land	Chief Executive Officer
Council	Clause 24(2)(b), Schedule 1A	Acquire an easement or other appropriate interest over land by agreement with the owner or in accordance with the <i>Land Acquisition Act 1969</i> and any other applicable laws	Chief Executive Officer
Council	Clause 24(3), Schedule 1A	Acquire land by agreement for the purposes of constructing any infrastructure or performing any work	Chief Executive Officer
Council	Clause 25(2), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with Clause 24	Chief Executive Officer
Council	Clause 25(3)(b), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with Clause 24	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Clause 26(3), Schedule 1A	Make submissions to the Minister regarding the vesting of the care, control and management of infrastructure or land in the Council	Chief Executive Officer
Public Authority	Clause 26(4), Schedule 1A	Maintain and repair infrastructure and maintain land vested in the Council	Chief Executive Officer
Council	Clause 2(1), Schedule 1B	Enter a building upgrade agreement	Chief Executive Officer
Council	Clause 2(4), Schedule 1B	Agree to other parties entering a building upgrade agreement	Chief Executive Officer
Council	Clause 4, Schedule 1B	Agree to vary or terminate a building upgrade agreement	Chief Executive Officer
Council	Clause 6(1), Schedule 1B	Declare a building upgrade charge	Chief Executive Officer
Council	Clause 6(2), Schedule 1B	Provide written notice of the declaration of a building upgrade charge	Chief Executive Officer
Council	Clause 6(4), Schedule 1B	Give notice of each payment of a building upgrade charge	Chief Executive Officer
Council	Clause 7(2), Schedule 1B	Deduct and retain any service fee and late payment fee	Chief Executive Officer
Council	Clause 7(3)(a), Schedule 1B	Hold money pending payment to the finance provider	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 7(3)(b), Schedule 1B	Pay money to the finance provider	Chief Executive Officer
Council	Clause 9(1), Schedule 1B	Sell land if a building upgrade charge remains outstanding for more than 3 years	Chief Executive Officer
Council	Clause 9(2), Schedule 1B	Apply money received on the sale of land as prescribed by Clause 9(2), schedule 1B of the Local Government Act	Chief Executive Officer
Council	Clause 9(3), Schedule 1B	Deal with unclaimed money in accordance with the <i>Unclaimed Moneys Act 1891</i>	Chief Executive Officer
Council	Clause 10(2)(a), Schedule 1B	Adjust a building upgrade charge	Chief Executive Officer
Council	Clause 10(2)(a), Schedule 1B	Give notice to the building owner of the adjustment of a building upgrade charge	Chief Executive Officer
Council	Clause 10(3)(d), Schedule 1B	Refund excess payments to the building owner	Chief Executive Officer
Council	Clause 11(1), Schedule 1B	Recover a building upgrade charge in accordance with a building upgrade agreement	Chief Executive Officer
Council	Clause 13(1), Schedule 1B	Keep a register of building upgrade agreements	Chief Executive Officer
Council	Clause 13(3), Schedule 1B	Provide the register of building upgrade agreements for inspection at the principal office of the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 13(4), Schedule 1B	Provide an extract of the register of building upgrade agreements	Chief Executive Officer
Council	Clause 1(4), Schedule 2	Publish a copy of the charter of a subsidiary in the Gazette	Chief Executive Officer
Council	Clause 3(1), Schedule 2	Prepare a charter for a subsidiary	Chief Executive Officer
Council	Clause 3(4), Schedule 2	Review a charter for a subsidiary	Chief Executive Officer
Council	Clause 3(5)(a), Schedule 2	Furnish a copy of an amended charter for a subsidiary to the Minister	Chief Executive Officer
Council	Clause 3(5)(b), Schedule 2	Publish a copy of an amended charter for a subsidiary on a website determined by the chief executive officer	Chief Executive Officer
Council	Clause 3(5)(c), Schedule 2	Publish a notice in the Gazette of the fact of the amendment and website address at which the charter is available for inspection	Chief Executive Officer
Council	Clause 4(1), Schedule 2	Determine the membership of the board of management of a subsidiary	Chief Executive Officer
Council	Clause 4(2), Schedule 2	Appoint members of the board of management of a subsidiary	Chief Executive Officer
Council	Clause 4(6), Schedule 2	Appoint a deputy of a board member	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 4(8), Schedule 2	Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility between offices held concurrently	Chief Executive Officer
Council	Clause 5(9), Schedule 2	Act on advice of a board of management that the subsidiary owes a duty of confidence in regard to a matter	Chief Executive Officer
Council	Clause 5(12), Schedule 2	Direct the board of management as to procedures	Chief Executive Officer
Council	Clause 8(1), Schedule 2	Participate in consultation with a subsidiary on the preparation and adoption of the subsidiary's business plan	Chief Executive Officer
Council	Clause 8(4), Schedule 2	Participate in consultation with a subsidiary in an annual review of the subsidiary's business plan	Chief Executive Officer
Council	Clause 8(5), Schedule 2	Participate in consultation with a subsidiary on the amendment of the subsidiary's business plan	Chief Executive Officer
Council	Clause 9(2)(d), Schedule 2	Fix a date by which a subsidiary's budget must be adopted	Chief Executive Officer
Council	Clause 9(3), Schedule 2	Approve the amendment by a subsidiary of an adopted budget	Chief Executive Officer
Council	Clause 9(5), Schedule 2	Participate in consultation with a subsidiary on the subsidiary incurring spending before the adoption of its budget for the year	Chief Executive Officer
Council	Clause 10(1), Schedule 2	Give a direction to a subsidiary	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 10(2), Schedule 2	Make a copy of a direction given to a subsidiary available at the principal office of the Council	Chief Executive Officer
Council	Clause 11(1), Schedule 2	Request a subsidiary to furnish information or records in the possession or control of the subsidiary	Chief Executive Officer
Council	Clause 11(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential	Chief Executive Officer
Council	Clause 12(1), Schedule 2	Request a subsidiary to report on a matter to the Council	Chief Executive Officer
Council	Clause 12(2), Schedule 2	Receive a report on the work and operations of the subsidiary	Chief Executive Officer
Council	Clause 12(4), Schedule 2	Incorporate a report made under Clause 12(2), Schedule 2 into the annual report of the Council	Chief Executive Officer
Council	Clause 13(3), Schedule 2	Determine or approve members of the audit committee of the subsidiary	Chief Executive Officer
Council	Clause 14(2), Schedule 2	Approve borrowing by a subsidiary	Chief Executive Officer
Council	Clause 16(1)(a), Schedule 2	Request the Minister wind up a subsidiary	Chief Executive Officer
Council	Clause 17(4), Schedule 2	Publish (in conjunction with the other Constituent Councils) a copy of the charter of a subsidiary in the Gazette	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 19(1), Schedule 2	Prepare (in conjunction with the other Constituent Councils) a charter of a subsidiary	Chief Executive Officer
Council	Clause 19(4), Schedule 2	Review (in conjunction with the other Constituent Councils) a charter of a subsidiary	Chief Executive Officer
Council	Clause 19(5)(a), Schedule 2	Furnish (in conjunction with the other Constituent Councils) a copy of an amended charter of a subsidiary to the Minister	Chief Executive Officer
Council	Clause 19(5)(b), Schedule 2	Publish (in conjunction with the other Constituent Councils) a copy of the amended charter of a subsidiary on a website determined by the Chief Executive Officer	Chief Executive Officer
Council	Clause 20(1), Schedule 2	Determine (in conjunction with the other Constituent Councils) the membership of the board of management of a subsidiary	Chief Executive Officer
Council	Clause 20(7), Schedule 2	Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility	Chief Executive Officer
Council	Clause 21(8), Schedule 2	Authorise a person to attend a meeting of the board of management and have access to the papers provided to board members for the meeting	Chief Executive Officer
Council	Clause 21(9), Schedule 2	Act on advice of a board of management that a matter should be treated confidentially	Chief Executive Officer
Council	Clause 21(12), Schedule 2	Direct (in conjunction with the other Constituent Councils) procedures for the board of management	Chief Executive Officer
Council	Clause 24(1), Schedule 2	Participate (in conjunction with the other Constituent Councils) in consultation with the subsidiary in the preparation and adoption of a business plan	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 24(4), Schedule 2	Participate (in conjunction with the other Constituent Councils) in consultation with the subsidiary in an annual review of the subsidiary's business plan	Chief Executive Officer
Council	Clause 24(5), Schedule 2	Participate (in conjunction with the other Constituent Councils) in consultation with the subsidiary on the amendment of the subsidiary's business plan	Chief Executive Officer
Council	Clause 25(2)(d), Schedule 2	Fix (in conjunction with the other Constituent Councils) a date before which a budget must be adopted by the subsidiary	Chief Executive Officer
Council	Clause 25(3), Schedule 2	Approve (in conjunction with the other Constituent Councils) the amendment of a budget adopted by the subsidiary	Chief Executive Officer
Council	Clause 25(5), Schedule 2	Participate (in conjunction with the other Constituent Councils) in consultation with the subsidiary on incurring spending prior to the adoption of a budget	Chief Executive Officer
Council	Clause 26, Schedule 2	Issue (in conjunction with the other Constituent Councils) a direction to the subsidiary	Chief Executive Officer
Council	Clause 27(1), Schedule 2	Request the subsidiary to furnish information or records in the possession or control of the subsidiary to the Council	Chief Executive Officer
Council	Clause 27(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential	Chief Executive Officer
Council	Clause 28(1), Schedule 2	Fix (in conjunction with the other Constituent Councils) a date before which a subsidiary must furnish to the Constituent Councils report on the work and operations of the subsidiary	Chief Executive Officer
Council	Clause 28(3), Schedule 2	Incorporate a report under Clause 28(1), Schedule 2 of the Local Government Act in the annual report of the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Local Government Act 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Clause 30(3), Schedule 2	Determine or approve (in conjunction with the other Constituent Councils) the members of the subsidiary's audit committee	Chief Executive Officer
Council	Clause 33(1), Schedule 2	Request (in conjunction with the other Constituent Councils) the Minister to wind up a regional subsidiary	Chief Executive Officer
Council	Clause 2(1), Schedule 6	Deliver a notice to the Registrar-General for the purpose of registering a charge over land	Chief Executive Officer
Council	Clause 3(1)(b), Schedule 6	Exercise the powers of a mortgagee given by the <i>Real Property Act 1886</i> under a mortgage in respect of which default has been made in payment of money secured by the mortgage	Chief Executive Officer
Council	Clause 4(1), Schedule 6	Provide notice to the Registrar-General that the amount a charge relates to has been repaid and apply for the discharge of the charge	Chief Executive Officer
LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) REGULATIONS 2017			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 8(b)	Send a copy of a notice sent to building owner under Clause 9(1) of Schedule 1B of the Local Government Act to any ratepayer in respect of the Relevant land and any registered mortgagee of the land	Chief Executive Officer
Council	Regulation 8(c)(i)	Place a copy of a notice sent to building owner under Clause 9(1) of Schedule 1B of the Local Government Act in a newspaper circulating throughout the State	Chief Executive Officer
Council	Regulation 8(c)(ii)	Leave a copy of a notice sent to building owner under Clause 9(1) of Schedule 1B of the Local Government Act in a conspicuous place on the Relevant land	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) REGULATIONS 2017

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 8(e)	Set a reserve price for the sale of land by auction	Chief Executive Officer
Council	Regulation 8(f)	Advertise the auction in a newspaper circulating throughout the State	Chief Executive Officer
Council	Regulation 8(g)	Cancel an auction	Chief Executive Officer
Council	Regulation 8(h)	Sell land by private contract	Chief Executive Officer

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 2011

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 9(1)	Prepare and consider the reports prescribed in Regulation 9(1) of the Local Government (Financial Management) Regulations	Chief Executive Officer
Council	Regulation 10(1)	Prepare and consider the report prescribed in Regulation 10(1) of the Local Government (Financial Management) Regulations	Chief Executive Officer
Council	Regulation 11(1)	Prepare and maintain all accounting records, accounts and financial statements in accordance with all Relevant Australian Accounting Standards	Chief Executive Officer
Council	Regulation 12	Revalue all material non-current assets in accordance with the requirements of Australian Accounting Standards AASB 116	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 2011

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 22(2)	Engage the Council's auditor to certify that a grant or subsidy received by the Council has been acquitted in accordance with any conditions required by the provider of the grant or subsidy	Chief Executive Officer

LOCAL GOVERNMENT (GENERAL) REGULATIONS 2013

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 8AB	Publish information listed in Regulation 8AB of the Local Government (General) Regulations on a website determined by the chief executive officer as soon as practicable after the holding of an information or briefing session	Chief Executive Officer
Council	Clause 2(1), Schedule 2A	Prepare and maintain a policy relating to complaints against employees	Chief Executive Officer

LOCAL GOVERNMENT (MEMBERS ALLOWANCES AND BENEFITS) REGULATIONS 2010

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 5(3)	Aggregate claims for reimbursement of expenses and pay the claim on a quarterly or monthly basis	Chief Executive Officer

LOCAL GOVERNMENT (PROCEDURES AT MEETINGS) REGULATIONS 2013

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 6(3)	Review the operation of a Code of Practice under Regulation 6 of the Local Government (Procedures at Meetings) Regulations	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL GOVERNMENT (ELECTIONS) ACT 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 4(2)(d)	Fix a day for a poll	Chief Executive Officer
Council	Section 8(1)	Appoint a person or persons to the office or offices not filled by a supplementary election which has wholly or partially failed or been declared void	Chief Executive Officer
Council	Section 8(1a)	Appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled	Chief Executive Officer
Council	Section 9(1)	Hold a poll	Chief Executive Officer
Council	Section 9(3)	Fix a day as polling day for a poll by notice published on the Council website	Chief Executive Officer
Council	Section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes	Chief Executive Officer
Council	Section 10(3)	Nominate a person as a deputy returning officer of the Council area	Chief Executive Officer
Council	Section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the Council	Chief Executive Officer
Council	Section 12(b)	Provide information, education and Publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL GOVERNMENT (ELECTIONS) ACT 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 13A(2)(a)	Inform potential electors in the Council area of the requirements to be enrolled on the Voters Roll	Chief Executive Officer
Council	Section 13A(2)(b)	Arrange advertising Informing potential electors in the Council area of the requirements to be enrolled on the Voters Roll	Chief Executive Officer
Council	Section 15(14)	Provide copies of the Voters Roll for the Council area for inspection at the principal office of the Council	Chief Executive Officer
Council	Section 15(15)	Provide a copy of the Voters Roll to a nominated candidate for the election	Chief Executive Officer
Council	Section 55(1)	Participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll	Chief Executive Officer
Council	Section 70(3)	Contest a petition to the Court by lodging a reply	Chief Executive Officer
Council	Section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court	Chief Executive Officer
Council	Section 75(1)(b)	Apply to intervene in proceedings	Chief Executive Officer
Council	Section 75(3)	Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs	Chief Executive Officer
Council	Section 76	Engage counsel to represent the Council in proceedings	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL GOVERNMENT (ELECTIONS) ACT 1999			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 77	Apply to the court to refer a question of law to the Court of Appeal	Chief Executive Officer
Council	Section 91A(1)	Prepare and adopt a caretaker policy	Chief Executive Officer
Council	Section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	Chief Executive Officer
LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 7(2)(a)	Take action to manage local nuisance and littering within the Council area	Chief Executive Officer
Council	Section 7(2)(b)	Cooperate with any other person or body in the administration of the Act	Chief Executive Officer
Council	Section 7(2)(c)	Provide, or support the provision of, educational information within the Council areas to help detect, prevent and manage local nuisance and littering	Chief Executive Officer
Council	Section 8	Include in the Council's annual report details of the performance of the Council during the year of functions conferred on it under the Act	Chief Executive Officer
Council	Section 12(3)	Appoint Authorised officers	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 12(4)(a)	Determine conditions to apply to the appointment of Authorised officers	Chief Executive Officer
Council	Section 12(6)	Revoke the appointment of an Authorised officer	Chief Executive Officer
Council	Section 12(6)	Vary or revoke a condition applying to the appointment of an Authorised officer or impose a further condition	Chief Executive Officer
Council	Section 13(2)	Issue an identity card to an Authorised officer	Chief Executive Officer
Council	Section 15(a)	Agree in writing that an Authorised officer appointed by another Council may exercise powers under the Act in the Council area	Chief Executive Officer
Council	Section 16(1)(a)	Hold a substance, material or thing seized under Division 3, Part 3 of the Act pending proceedings	Chief Executive Officer
Council	Section 16(1)(a)	Authorise the release of a substance, material or thing seized under Division 3, Part 3 of the Act	Chief Executive Officer
Council	Section 16(1)(d)	Receive a substance, material or thing forfeited pursuant to a court order	Chief Executive Officer
Council	Section 16(1)(e)(i)	Request the person entitled to recover a substance, material or thing to collect the substance, material or thing	Chief Executive Officer
Council	Section 16(1)(e)(ii)	Make reasonable attempts to locate the person entitled to recover a substance, material or thing to collect the substance, material or thing	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 16(1)(f)	Dispose of any substance, material or things forfeited to the Council under Section 16	Chief Executive Officer
Council	Section 19(1)	Declare a person to be exempt from the application of Section 18	Chief Executive Officer
Council	Section 19(2)	Receive an application for an exemption under Section 19	Chief Executive Officer
Council	Section 19(2)(b)	Specify any information the Council requires to be provided with an application under Section 19	Chief Executive Officer
Council	Section 19(4)	Determine conditions to apply to a declaration under Section 19	Chief Executive Officer
Council	Section 19(5)	Vary or revoke a declaration under Section 19	Chief Executive Officer
Council	Section 19(6)	Specify a date of expiry in a declaration under Section 19	Chief Executive Officer
Council	Section 19(7)	Publish a declaration under Section 19 or any variations to a declaration on a website determined by the Council	Chief Executive Officer
Council	Section 22(3)(a)(i)	Provide a bin or other receptacle for litter of a particular kind	Chief Executive Officer
Council	Section 22(3)(a)(ii)	Approve or authorise the disposal of litter in a manner other than in a bin or receptacle provided by the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 25(1)	Receive a citizen's notification from a person who reasonably suspects another person has committed an offence under Division 2, Part 4 of the Act	Chief Executive Officer
Council	Section 26(3)	Issue a notice to the owner of a vehicle for an alleged offence	Chief Executive Officer
Council	Section 29	Notify the Environment Protection Authority of a belief that an offence committed under Section 18 of Section 22 has, or may have, resulted in material environmental harm or serious environmental harm	Chief Executive Officer
Council	Section 30(1)(a)	Issue a nuisance abatement notice	Chief Executive Officer
Council	Section 30(1)(b)	Issue a litter abatement notice	Chief Executive Officer
Council	Section 30(7)	Issue and serve a notice confirming an emergency notice	Chief Executive Officer
Council	Section 30(8)	Vary or revoke a notice issued under Section 30	Chief Executive Officer
Council	Section 31(1)	Take action required by a nuisance abatement notice or a litter abatement notice if the requirements of the notice has not been fulfilled	Chief Executive Officer
Council	Section 31(2)	Authorise a person to take action on behalf of the Council if the requirements of a nuisance abatement notice or a litter abatement notice have not been fulfilled	Chief Executive Officer
Council	Section 31(3)(a)	Issue an instrument of Authority to a person other than an Authorised officer taking action on behalf of the Council under Section 31(1)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 31(5)	Recover the reasonable costs and expenses incurred in taking action under Section 31	Chief Executive Officer
Council	Section 31(6)	Fix a period within which an amount under Section 31(5) must be paid to the Council	Chief Executive Officer
Council	Section 32(4)	Participate as a party to any proceedings under Section 32	Chief Executive Officer
Council	Section 33(6)(a)	Make an application to the Environment, Resources and Development Court for an order under Section 33(1)	Chief Executive Officer
Council	Section 33(8)(a)	Serve a copy of an application under Section 33 on the Minister	Chief Executive Officer
Council	Section 33(9)(b)	Apply to the Environment, Resources and Development Court to join proceedings for an order under Section 33(1) commenced by another person	Chief Executive Officer
Council	Section 33(14)	Apply to the Environment, Resources and Development Court for an interim order under Section 33	Chief Executive Officer
Council	Section 33(19)	Apply to the Environment, Resources and Development Court to vary or revoke an order under Section 33	Chief Executive Officer
Council	Section 34(1)	Agree with a person who the Council is satisfied has contravened the Act a civil penalty in respect of the contravention	Chief Executive Officer
Council	Section 34(1)	Apply to the Environment, Resources and Development Court for an order for a civil penalty in respect of a contravention of the Act	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 34(3)(a)	Serve a notice on a person who the Council is satisfied has contravened the Act advising the person that they may elect to be prosecuted for the contravention	Chief Executive Officer
Council	Section 40	Require a person required by or under the Act to provide information to the Council to verify the information by statutory declaration	Chief Executive Officer
Council	Section 40	Require a person required by or under the Act to provide information to the Council to verify the information by statutory declaration	Chief Executive Officer
Council	Section 43(1)(d)	Commence proceedings for an offence against the Act	Chief Executive Officer
Council	Section 48(1)	Serve notice on a person who has contravened the Act requiring the person to pay the reasonable costs of the Council taking prescribed action under the Act	Chief Executive Officer
Council	Section 48(3)(a)	Extend the time for payment of an amount payable under a notice under Section 48(1)	Chief Executive Officer
Council	Section 48(3)(b)	Waive or reduce payment of an amount payable under a notice under Section 48(1)	Chief Executive Officer
Council	Section 48(6)	Recover an amount payable under a notice under Section 48(1) which is unpaid as a debt	Chief Executive Officer
Council	Section 50(4)	Execute a certificate regarding the appointment or non-appointment of a person as an Authorised officer; a delegation or Authority under the Act; a notice, requirement or direction of the Council; any other decision of the Council; receipt or non-receipt of a notification, report or information	Chief Executive Officer
Council	Section 50(5)	Execute a certificate detailing costs and expenses and the purpose for which they were incurred for the purposes of proceedings to recover the reasonable costs of the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL ACT 2016

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 51(9)	Participate in consultation with the Minister in regard to proposed Regulations	Chief Executive Officer

LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 6(1)(a)(ii)(A)	Fix a lodgement period for an application under Section 19(2) of the Act in relation to an activity that is to take place over a period not exceeding 24 hours	Chief Executive Officer
Council	Regulation 6(1)(a)(ii)(B)	Fix a lodgement period for an application under Section 19(2) of the Act in relation to an activity that is to take place over a period of 24 hours or longer	Chief Executive Officer
Council	Regulation 6(1)(b)	Fix a fee for an application under Section 19(2) of the Act	Chief Executive Officer
Council	Regulation 6(2)	Refuse to consider an application for the purposes of Section 19(2) of the Local Nuisance and Litter Control Act	Chief Executive Officer
Council	Regulation 13(2)(a)	Give notice to the Registrar-General for the purposes of creating a charge on land	Chief Executive Officer
Council	Regulation 13(2)(g)	Give notice to the Registrar-General for the purposes of cancelling a charge on land	Chief Executive Officer
Council	Regulation 13(3)	Recover costs or expenses incurred by the Council in relation to the creation or cancellation of a charge over land	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 15(1)	Allow a fee payment under the Local Nuisance and Litter Control Act or Regulations to be paid in instalments	Chief Executive Officer
Council	Regulation 15(1)	Add a charge by way of interest or an administrative fee to the payment of a fee by instalments	Chief Executive Officer
Council	Regulation 16	Waive or refund a fee or other amount payable under the Local Nuisance and Litter Control Act or Regulations	Chief Executive Officer
Council	Regulation 17	Recover a fee or other amount payable under the Local Nuisance and Litter Control Act or Regulations	Chief Executive Officer
Ombudsman Act 1972			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration	Chief Executive Officer
Public Authority	Section 12D(3)	Report to the Ombudsman any matter the Council reasonably suspects involves misconduct or maladministration in Public administration	Chief Executive Officer
Public Authority	Section 12H(1)(b)	Act on a referral from the Ombudsman	Chief Executive Officer
Public Authority	Section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Ombudsman Act 1972			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	Chief Executive Officer
Public Authority	Section 18(4)	To comment on the subject matter of a report	Chief Executive Officer
Agency	Section 19A(1)	Comply with a notice of the Ombudsman	Chief Executive Officer
Agency	Section 19A(5)	Advise the Ombudsman that the Council's failure to comply with a notice is reasonable and justifiable	Chief Executive Officer
Public Authority	Section 25(2)	Act in accordance with a recommendation of the Ombudsman	Chief Executive Officer
Agency	Section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	Chief Executive Officer
Public Authority	Section 28A(1)	Comply with directions of the Ombudsman	Chief Executive Officer
Public Authority	Section 28A(2)	Comply with varied or further directions of the Ombudsman	Chief Executive Officer
Public Authority	Section 28A(3)	Provide comments to the Ombudsman	Chief Executive Officer
Public Authority	Section 29(8)	Act on a referral of the inspector	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

Ombudsman Act 1972

Capacity of Council	Statutory provision	Power/function	Delegate
Agency/ prosecution Authority	Section 31(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty or disciplinary investigation or action	Chief Executive Officer

PRIVATE PARKING AREAS ACT 1986

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 9(1)	Enter into an agreement with the owner of a private parking area for Council to enforce Part 3 of the Act with respect to the private parking area	Chief Executive Officer

REAL PROPERTY ACT 1886

Capacity of Council	Statutory provision	Power/function	Delegate
Holder of Statutory Encumbrance	Section 223LDA(b)(i)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered to, or is in force, as to the variation or termination of the statutory encumbrance	Chief Executive Officer
Holder of Statutory Encumbrance	Section 223LH(1)(c)	Issue a certificate certifying the Council's consent to the division of land	Chief Executive Officer
Council	Section 252	Provide the Registrar-General with a map or plan showing particulars of the new street or road vested in the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Relevant Authority	Section 4	Make a road process order	Chief Executive Officer
Council	Section 5	Commence a road process in relation to a road or a proposed road	Chief Executive Officer
Council	Section 9(1)	Cause to be prepared: (a) a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and (b) a statement in a form approved by the Surveyor-General containing the names and addresses of those persons affected who can be identified by reasonable enquiry and such information in relation to the land subject to the proposed road process as is required by the Surveyor-General	Chief Executive Officer
Council	Section 9(2)	Deposit a copy of the preliminary plan and statement at the Adelaide office of the Surveyor-General with the prescribed fee	Chief Executive Officer
Relevant Authority	Section 10(1)(a)	Give Public notice in accordance with the Regulations of the proposed road process	Chief Executive Officer
Relevant Authority	Section 10(1)(b)	Serve notice of the proposed road process on each person affected who can be identified by reasonable enquiry	Chief Executive Officer
Relevant Authority	Section 10(2)	Deposit a copy of the notice at the Adelaide office of the Surveyor-General	Chief Executive Officer
Council	Section 11(a)(ii)	Lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council	Chief Executive Officer
Council	Section 11(b)(iii)	Lodge a copy of the notice of the proposed road opening at the General Registry Office	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 11(b)(iii)	Serve a notice on any person requiring the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land	Chief Executive Officer
Council	Section 12(1)	Make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owners of land adjoining that land	Chief Executive Officer
Council	Section 12(3)(a)	Endeavour to secure an agreement for exchange with a person who owns adjoining land and land subject to a proposed road opening	Chief Executive Officer
Council	Section 12(3)(b)	Invite offers from the owners of land adjoining the land subject to the proposed road closure	Chief Executive Officer
Relevant Authority	Section 13(3)	Receiving an objection or application in respect of a proposed road process	Chief Executive Officer
Relevant Authority	Section 14(1)	Notify a person who has made an objection or application in relation to a proposed road process of the time and place at which the Relevant Authority will meet to consider all such objections and applications	Chief Executive Officer
Relevant Authority	Section 15(1)	Determine whether or not to make a road process order	Chief Executive Officer
Relevant Authority	Section 15(3)	Give notice of a decision that no road process order is to be made to the Surveyor-General, any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 and, in the case of a proposed road opening, to any person who has an interest in land over which a road was proposed to be opened	Chief Executive Officer
Relevant Authority	Section 17	Make one or more of the orders listed in Section 17 as part of a road process order dealing with land the subject of a road closure	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Relevant Authority	Section 18(1)	Make an order as part of a road process order for the granting of an easement over land subject to the road closure	Chief Executive Officer
Relevant Authority	Section 19(a)	Give notice of the making of a road process order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3	Chief Executive Officer
Relevant Authority	Section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road will be opened	Chief Executive Officer
Relevant Authority	Section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road was proposed to be opened, but which does not form part of the land over which the road will be opened, advising of the discontinuance of the road process in respect of that land	Chief Executive Officer
Relevant Authority	Section 19(c)	Deliver to the Adelaide Office of the Surveyor-General a copy of the minutes of all meetings held by the Authority in relation to the proposed road process certified by the chief executive officer of the Council	Chief Executive Officer
Council	Section 20(1)	Deposit at the Adelaide Office of the Surveyor-General prescribed documents after making a road process order and any fee prescribed by Regulation	Chief Executive Officer
Council	Section 20(3)	Give notice of the lapsing of a road process to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened	Chief Executive Officer
Relevant Authority	Section 22(1)	Request that the Surveyor-General amend a road process order to correct an error or deficiency prior to confirmation of the order by the Minister	Chief Executive Officer
Relevant Authority	Section 22(1)	Participate in consultation with the Surveyor-General regarding the amendment of a road process order to correct an error or deficiency prior to confirmation of the order by the Minister	Chief Executive Officer
Relevant Authority	Section 22(2)(a)	Receive notice of an amendment of a road process order from the Surveyor-General	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Relevant Authority	Section 22(2)(b)	Give notice of an amendment of a road process order to any person who was required to be given notice of the road process order under Sections 19(a) or 19(b) and, if the road Authority is not the Council, the Council	Chief Executive Officer
Council	Section 22(2)(b)	Receive notice from the Relevant Authority of an amendment of a road process order	Chief Executive Officer
Council	Section 24(2)(b)	Give notice of a decision by the Minister to decline to confirm a road process order to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened	Chief Executive Officer
Council	Section 31(1)(a)	Serve notice of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening and append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount so far as practicable into separate components	Chief Executive Officer
Council	Section 31(1)(b)	Assess and pay compensation in respect of a road opened over land not owned by the Council as prescribed	Chief Executive Officer
Council	Section 32(3)	Assess and pay compensation in respect of a road opened over land not owned by the Council as prescribed	Chief Executive Officer
Council	Section 33(1)	Acquire additional land adjoining or near the land to which the proposed road opening relates with the approval of the Minister	Chief Executive Officer
Council	Section 33(4)	Sell or otherwise deal with additional land acquired under Section 33	Chief Executive Officer
Council	Section 33(4)	Apply the proceeds from the sale of additional land to defraying expenses incurred by the Council in connection with the road opening	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 33(5)	Comply with conditions imposed by the Minister on the manner in which additional land may be dealt with by the Council	Chief Executive Officer
Council	Section 34(1)(b)	Receive a notice of a proposal to close a road from the Surveyor-General	Chief Executive Officer
Council	Section 34(2)	Make a representation to the Surveyor-General regarding the proposed road closure	Chief Executive Officer
Council	Section 34B(2)(a)(i)	Receive notice of a proposal to open or close a road in an environmental impact statement	Chief Executive Officer
Council	Section 34B(2)(c)	Make written submissions on the proposal to open or close a road	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(1)	Apply to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Roads (Opening and Closing) Act	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(4)(a)	Give Public notice of the proposal, in accordance with the Regulations, if the Minister determines that the application under Section 34G(1) should be considered	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(4)(b)	Give notice of the proposal to any State Authority or Council specified by the Minister	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991			
Capacity of Council	Statutory provision	Power/function	Delegate
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(4)(c)	Give notice of the proposal to the Adelaide Park Lands Authority	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(6)	Forward to the Surveyor-General any representation in relation to the proposal made to the Council within the period under Section 34G(5) and any response that the Council wishes to make in relation to those representations	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(9)	Consult with the Surveyor-General regarding survey plans and other documents to be prepared as required by the Registrar-General	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(9)	Submit survey plans and other documents as required by the Registrar-General to the Minister	Chief Executive Officer
Adelaide City Council or Council adjoining the City of Adelaide	Section 34G(14)	Provide any documentation required by the Registrar-General to the Registrar-General	Chief Executive Officer
Relevant Authority	Section 35(2)	Reserve any question of law for the consideration of the Supreme Court, prior to making any road process order	Chief Executive Officer
Council	Section 36(2)(a)	Repay any amount paid to the Council in pursuance of an agreement for exchange or transfer which is avoided by virtue of the operation of Section 12(4)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROADS (OPENING AND CLOSING) ACT 1991

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 39	Fence along its boundaries a road as altered or diverted by the Council with a substantial fence of the same nature as the fence previously in the boundary of the road and abutting the land	Chief Executive Officer

ROAD TRAFFIC ACT 1961

Capacity of Council	Statutory provision	Power/function	Delegate
Road Authority	Section 17(1)	Install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road	Chief Executive Officer
Road Authority	Section 17(2)	Remove a traffic control device or cause a traffic control device to be removed	Chief Executive Officer
Road Authority	Section 17(3)	Install, display, alter, operate or remove traffic control device: (a) in relation to an area where persons are engaged in work or an area affected by works in progress; (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or (c) for any temporary purposes.	Chief Executive Officer
Road Authority	Section 17(5)	Apply to the Minister for approval to take action under Section 17 of the Road Traffic Act	Chief Executive Officer
Road Authority	Section 18(5)	Comply with a direction of the Minister to install, maintain, alter, operate or remove a traffic control device on, above or near a road	Chief Executive Officer
Council	Section 18(6)	Carry out a direction with which a road Authority has failed to comply at the direction of the Minister	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROAD TRAFFIC ACT 1961			
Capacity of Council	Statutory provision	Power/function	Delegate
Council	Section 18(7)	Recover as a debt from a defaulting road Authority any expenses incurred in carrying out a direction under Section 18(6)	Chief Executive Officer
Council	Section 19(6)	Maintain a traffic control device for which the Council is liable to bear the costs in good order	Chief Executive Officer
Road Authority	Section 19A(3)	Recover any amount due under a requirement under Section 19A as a debt	Chief Executive Officer
Public Authority	Section 20(3)	Place speed limit signs on road	Chief Executive Officer
Public Authority	Section 20(4)(b)	Place speed limit signs on road	Chief Executive Officer
Public Authority	Section 20(5)	Close road pursuant to a permit	Chief Executive Officer
Public Authority	Section 20(6)	Apply to the Minister for a road works permit	Chief Executive Officer
Public Authority	Section 20(9)	Apply to the Minister for an extension of time	Chief Executive Officer
Public Authority	Section 20(13)	Engagement of a contractor to undertake works on behalf of the Public Authority	Chief Executive Officer
Public Authority	Section 20A(1)	Appeal a decision of the Minister under Section 17 or Section 20 to the District Court	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROAD TRAFFIC ACT 1961			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 20A(2)	Request the Minister to provide reasons in writing for a decision under Section 17 or Section 20	Chief Executive Officer
Road Authority	Section 21(2)	Certify that there was not proper Authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road	Chief Executive Officer
Road Authority	Section 21(3)	Comply with conditions of approval under Section 17 or a permit under Section 20	Chief Executive Officer
Road Authority	Section 31(2)	Remove any false traffic control device or any device, structure or thing that might constitute a hazard to traffic.	Chief Executive Officer
Public Authority	Section 32(1)	<p>Cause a notice of a proposal to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be:</p> <p>(a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the Council;</p> <p>(b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal;</p> <p>(c) if the road is a prescribed road, to be given to each affected Council; and</p> <p>(e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.</p>	Chief Executive Officer
Public Authority	Section 32(2)	Consider written submissions made	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROAD TRAFFIC ACT 1961			
Capacity of Council	Statutory provision	Power/function	Delegate
Public Authority	Section 32(6)	Cause a notice of a decision to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be: <ul style="list-style-type: none"> (a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the Council; (b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; (c) if the road is a prescribed road, to be given to each affected Council; and (e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways. 	Chief Executive Officer
Council	Section 33(2)	Consent to the closure of a road for an event	Chief Executive Officer
Council	Section 40P(3)	Offer a vehicle for sale by public auction	Chief Executive Officer
Council	Section 40P(4)	Dispose of a vehicle as the Council thinks fit	Chief Executive Officer
Council	Section 40P(6)	Make reasonable enquiries to locate the owner of a vehicle	Chief Executive Officer
Council	Section 86(a)	Determine that a ticket must be obtained for parking in a length of road or area without the payment of a fee	Chief Executive Officer
Council	Section 86(a)	Vary or revoke a determination under Section 86(a)	Chief Executive Officer
Road Authority	Section 163ZC(2)	Apply for a compensation order	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROAD TRAFFIC ACT 1961			
Capacity of Council	Statutory provision	Power/function	Delegate
Road Authority	Section 163ZD(2)(c)	Certify that the road Authority maintains a road	Chief Executive Officer
Road Authority	Section 163ZD(2)(c)	Certify other matters including: (a) estimating the monetary value of all or any part of the road infrastructure or of the damage to it; (b) estimating the cost of remedying the damage; or (c) estimating the extent of the offender's contribution to the damage	Chief Executive Officer
Road Authority	Section 163ZE(1)	Serve a certificate referred to in Section 163ZD on the defendant	Chief Executive Officer
Road Authority	Section 163ZH(1)(b)	Repay payments under an order to the extent that the order is void	Chief Executive Officer
Council	Section 174A(4)	Issue notice inviting the owner of a vehicle issued with an expiation notice or expiation reminder notice under the <i>Expiation of Offences Act 1996</i> to provide a nomination setting out the name and address of the driver or the details of the transfer of the vehicle	Chief Executive Officer
Council	Section 174A(4a)	Form belief a nomination has been made in error and permit nomination to be withdrawn and new nomination made	Chief Executive Officer
Council	Section 174A(5a)	Require person to verify information by statutory declaration	Chief Executive Officer
Council	Section 174C(1)	Exempt a person or a person of a specified class or any vehicle or any vehicle of a specified class from compliance within the Council areas with a prescribed provision of the Road Traffic Act	Chief Executive Officer
Council	Section 174C(2)	Specify conditions to apply to the granting of an exemption under Section 174C(1)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 6(2)	Participate in consultation with respect to an event management plan	Chief Executive Officer
Council	Regulation 7(3)	Participate in consultation with respect to an order to close a road	Chief Executive Officer
Council	Regulation 8	Provide information supplied by the Minister for the inspection of the Public at the office of the Council until the event causing a road closure has occurred	Chief Executive Officer
Council	Regulation 66(1)	Designate an area for parking	Chief Executive Officer

ROAD TRAFFIC (ROAD RULES—ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 17(2)	Determine for the purposes of rule 185 of the Australian Road Rules: (a) the class of permits required for vehicles to stop in the permit zone; (b) the persons entitled to such permits; (c) any fees to be paid for such permits; (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles)	Chief Executive Officer
Council	Regulation 17(2)	Vary a determination under Regulation 17(2)	Chief Executive Officer
Council	Regulation 17(3)	Issue for the purposes of rule 185 of the Australian Road Rules permits in respect of the permit zone to persons entitled to them	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

ROAD TRAFFIC (ROAD RULES—ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 17(3)	Determine conditions to apply to permits issued under Regulation 17(3)	Chief Executive Officer
Council	Regulation 22(2)	Determine for the purpose of rule 207(2) of the Australian Road Rules the fees payable for parking in the length of road or the area by – (a) operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area; or (b) the use of an electronic device or an electronic method of payment determined by the Council that is indicated on or with the sign or a meter, ticket or ticket vending machine	Chief Executive Officer
Council	Regulation 22(2)	Vary a fee determined under Regulation 22(2)	Chief Executive Officer
Council	Regulation 22(2)(b)	Determine the electronic method of payment	Chief Executive Officer

SOUTH AUSTRALIA PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

Capacity of Council	Statutory provision	Power/function	Delegate
Council	Regulation 6(1)(b)	Agree to act as a Relevant Authority in respect of a wastewater systems or wastewater works being undertaken by another Council or a person in conjunction with another Council	Chief Executive Officer
Council	Regulation 8(1)	Give notice to the owners of land in the area affected by the proposed establishment of a community wastewater management system by the Council	Chief Executive Officer
Council	Regulation 8(2)	Consider any submissions received regarding the proposed establishment of a community wastewater management system by the Council	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

STATE RECORDS ACT 1997			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 13	Maintain official records in the Council's custody in good order and condition	Chief Executive Officer
Agency	Section 15(2)	Afford the Manager of State Records reasonable cooperation and assistance in conducting surveys of the official records and record management practices of agencies	Chief Executive Officer
Agency	Section 18(1)	Deliver records voluntarily into the custody of State Records	Chief Executive Officer
Agency	Section 19(1)	Deliver records into the custody of State Records on the earlier of the Council ceasing to require access to the record for current administrative purposes or during the year occurring 15 years after the creation of the record	Chief Executive Officer
Agency	Section 19(3)(c)	Participate in consultation with the Manager of State Records in regard to the postponement of delivery of records into the custody of State Records on the basis that the records are required for the administrative purpose of the Council or should be retained by the Council for another special reason	Chief Executive Officer
Agency	Section 19(5)(a)	Apply to the Manager of State Records for the variation or revocation of an exemption granted under Section 19(4)	Chief Executive Officer
Agency	Section 20(1)	Advise the Manager of State Records of any restriction on the disclosure of contents of a record delivered into the custody of State Records	Chief Executive Officer
Agency	Section 22(2)	Determine conditions reasonably required in regard to an arrangement under Section 22(1)	Chief Executive Officer
Agency	Section 23(1)	Dispose of official records in accordance with a determination of the Manager of State Records	Chief Executive Officer
Agency	Section 23(2)	Request the Manager of State Records to make a determination as to the disposal of official records	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

STATE RECORDS ACT 1997			
Capacity of Council	Statutory provision	Power/function	Delegate
Agency	Section 23(4)	Apply to the Minister to determine a dispute as to a determination under Section 23	Chief Executive Officer
Agency	Section 24(3)	Consent to the disposal of a record under Section 24(1)	Chief Executive Officer
Agency	Section 25(3)	Apply to the Minister to determine a dispute as to access under Section 24	Chief Executive Officer
Agency	Section 26(1)	Determine in consultation with the Manager of State Records that access to a record delivered by the Council into the custody of State Records is not subject to any restrictions other than those determined by the Manager	Chief Executive Officer
Agency	Section 26(2)	Determine in consultation with the Manager of State Records conditions excluding or restricting access to the record delivered by the Council into the custody of State Records	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

STRATA TITLES ACT 1988				
Capacity of Council	of	Statutory provision	Power/function	Delegate
Council (as holder of a statutory encumbrance)		Section 12(2)(c)	Consent to an amendment of a deposited strata plan	Chief Executive Officer
Council		Section 12(3a)(d)(i)	Consent to an encroachment over public land	Chief Executive Officer
Council (as holder of a statutory encumbrance)		Section 12A(b)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance	Chief Executive Officer
Council		Section 28(1)(c)	Specify work to be carried out by a unit holder	Chief Executive Officer
WATER INDUSTRY ACT 2012				
Capacity of Council		Statutory provision	Power/function	Delegate
Applicant for a Licence		Section 19(1)	Apply for a licence	Chief Executive Officer
Applicant for a Licence		Section 19(2)	Pay the application fee	Chief Executive Officer
Applicant for a Licence		Section 19(4)	Provide further information requested by the Commission with respect to an application for a licence	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 22(1)	Provide services or carry on operations or activities in accordance with the terms and conditions of the licence	Chief Executive Officer
Applicant for a Licence	Section 24(1)	Pay the annual licence fee	Chief Executive Officer
Water Industry Entity	Section 24(2)(a)	Provide annual return to the Commission	Chief Executive Officer
Water Industry Entity	Section 24(2)(b)	Pay the annual licence fee	Chief Executive Officer
Water Industry Entity	Section 25(2)	Participate in consultation with the Commission	Chief Executive Officer
Water Industry Entity	Section 28(2)(a)	Apply to the Commission for a variation in the terms and conditions applying the licence	Chief Executive Officer
Water Industry Entity	Section 28(2)(a)	Agree with the Commission a variation in the terms and conditions applying the licence	Chief Executive Officer
Water Industry Entity	Section 28(2)(b)	Make submissions to the Commission regarding a proposed variation to the terms and conditions applying to a licence	Chief Executive Officer
Water Industry Entity	Section 29(1)	Transfer licence with the Commission's agreement	Chief Executive Officer
Water Industry Entity	Section 29(4)	Apply to the Commission for the transfer of a licence	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 29(5)	Pay to the Commission the application fee for the transfer of a licence	Chief Executive Officer
Water Industry Entity	Section 29(6)	Provide to the Commission further Relevant information requested by Commission in respect of the application fee for the transfer a licence	Chief Executive Officer
Water Industry Entity	Section 32(1)	Surrender a licence to the Commission	Chief Executive Officer
Water Industry Entity	Section 32(3)	Agree with the Commission a shorter notice period than the prescribe period for the surrender of a licence	Chief Executive Officer
Water Industry Entity	Section 33(3)(b)	Make submissions to the Commission in relation to a proposed suspension or cancellation of licence	Chief Executive Officer
Water Industry Entity	Section 36(1)	Fix standard terms and conditions governing the provision of services by the entity	Chief Executive Officer
Water Industry Entity	Section 36(2)	Publish standard terms and conditions governing the provision of services by the entity in the <i>Gazette</i>	Chief Executive Officer
Water Industry Entity	Section 36(3)	Publish notice in a newspaper circulating generally in the State regarding the standard terms and conditions	Chief Executive Officer
Water Industry Entity	Section 36(5)	Agree with a customer to exclude a standard term or condition	Chief Executive Officer
Water Industry Entity	Section 36(6)(a)	Supply a copy of the standard terms and conditions to the Commission	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 36(6)(b)	Publish a copy of the standard terms and conditions on the entity's website	Chief Executive Officer
Water Industry Entity	Section 37(3)(a)	Adopt a customer hardship policy published by the Minister	Chief Executive Officer
Water Industry Entity	Section 37(3)(b)	Seek the approval of the Commission to adopt a customer hardship policy published by the Minister with modifications	Chief Executive Officer
Water Industry Entity	Section 37(3)(b)	Adopt a customer hardship policy published by the Minister with modifications in accordance with approval of the Minister	Chief Executive Officer
Water Industry Entity	Section 38(2)	Make submissions to the Commission as to proposed proclamation to take over the water industry entity's operations	Chief Executive Officer
Water Industry Entity	Section 39(2)	Accept an appointment to take over Relevant operations of a water industry entity subject to a proclamation under Section 38	Chief Executive Officer
Water Industry Entity	Section 39(3)	Facilitate the take-over of Relevant operations by the operator	Chief Executive Officer
Water Industry Entity	Section 41(1)	Appoint a person to be a water industry officer	Chief Executive Officer
Water Industry Entity	Section 41(2)	Impose conditions of appointment of a water industry officer	Chief Executive Officer
Water Industry Entity	Section 42(1)	Impose time period for the appointment of a water industry officer	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 42(2)	Remove a water industry officer from office	Chief Executive Officer
Water Industry Entity	Section 43(1)	Issue a water industry officer with an identity card	Chief Executive Officer
Water Industry Entity	Section 44(1)	Agree with the occupier of land to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 44(1)	Seek the authorisation of the Minister to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 44(3)(a)	Enter and remain on land to undertake prescribed works	Chief Executive Officer
Authorised Entity	Section 45(1)	Give notice of proposed entry on land under Section 44 to the occupier	Chief Executive Officer
Authorised Entity	Section 45(3)(a)	Give notice of proposed entry on public land under Section 45 to the Authority responsible to the management of the public land	Chief Executive Officer
Council	Section 45(3)(b)	Agree with an Authorised entity to enter onto public land within the care, control and management of the Council	Chief Executive Officer
Council	Section 45(4)	Impose conditions on the entry of an Authorised entity onto public land within the care, control and management of the Council	Chief Executive Officer
Council	Section 45(7)	Refer a dispute regarding whether work should be permitted on public land within the care, control and management of the Council by an Authorised entry of the conditions applying to that work to the Minister	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Authorised Entity			
Council Authorised Entity	Section 45(9)(a)	Make submissions to the Minister in relation to a dispute referred under Section 45(7)	Chief Executive Officer
Council Authorised Entity	Section 45(9)(b)	Settle a dispute referred under Section 45(7)	Chief Executive Officer
Authorised Entity	Section 45(11)	Notify the occupier of public land of the reason and the date and time of proposed entry	Chief Executive Officer
Authorised Entity	Section 45(14)	Use reasonable force to enter any land under Section 45	Chief Executive Officer
Council	Section 45(16)	Request an Authorised entity undertaking work on public land within the care, control and management of the Council to separate the land on which the work is being undertaken from other parts of the land by a fence	Chief Executive Officer
Authorised Entity	Section 45(16)	Separate the Public land on which the work is being undertaken from other parts of the land by a fence	Chief Executive Officer
Council	Section 45(16)	Refer a dispute regarding the separation of a land by a fence to the Magistrates Court	Chief Executive Officer
Authorised Entity	Section 45(17)	Make good any damage caused by exercise of powers under Section 45	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Authorised Entity	Section 45(19)	Exercise of powers under Section 45 in an emergency without prior notice or agreement	Chief Executive Officer
Water Industry Entity	Section 45(22)	Comply with conditions imposed by the Minister of the exercise of powers under Section 45	Chief Executive Officer
Water Industry Entity	Section 46(1)	Acquire land in accordance with the Land Acquisition Act 1969	Chief Executive Officer
Water Industry Entity	Section 46(2)	Seek authorisation of the Minister to acquire land by compulsory acquisition under the <i>Land Acquisition Act 1969</i>	Chief Executive Officer
Water Industry Entity	Section 48(2)	Apply to the Minister for approval of a scheme under Section 48	Chief Executive Officer
Council	Section 48(3)(c)	Approve a scheme as being fit and adequate for the provision of the services that are proposed to be offered under the scheme	Chief Executive Officer
Council	Section 48(3)(d)	Participate in consultation for the development of a scheme for sewerage services in the Council area	Chief Executive Officer
Water Industry Entity	Section 48(6)	Issue a notice requiring the connection of drains, equipment or works to prescribed infrastructure in order to provide for the discharge of sewerage into the infrastructure	Chief Executive Officer
Water Industry Entity	Section 48(9)	Take action required by a notice served under Section 48(6), if the recipient fails to take that action	Chief Executive Officer
Water Industry Entity	Section 48(10)	Authorise a person to take action under Section 48(9) on the water industry entities behalf	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 48(12)	Recover the reasonable costs of taking action under Section 48(9) as a debt	Chief Executive Officer
Water Industry Entity	Section 48(13)	Apply to the Minister for approval to vary a scheme under Section 48	Chief Executive Officer
Water Industry Entity	Section 48(13)	Vary a scheme under Section 48	Chief Executive Officer
Water Industry Entity	Section 49(1)	Consent to a person: (a) constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); (b) creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; (c) obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or (d) excavating or altering any land or structure supporting any water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 49(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened Section 49(1)	Chief Executive Officer
Water Industry Entity	Section 49(2)(b)	Serve a notice requiring a person to take action to remedy a contravention of Section 49(1)	Chief Executive Officer
Water Industry Entity	Section 49(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land	Chief Executive Officer
Water Industry Entity	Section 49(4)	Take action required by a notice served under Section 49(2)(b), if the recipient fails to take that action	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 49(6)	Recover the reasonable costs of taking action under Section 49(4) as a debt	Chief Executive Officer
Water Industry Entity	Section 49(7)	Authorise a person to take action under Section 49(4) on the water industry entities behalf	Chief Executive Officer
Water Industry Entity	Section 50(1)	Authorise a person to: <ul style="list-style-type: none"> (a) attach any equipment or other thing, or make any connection, to water/sewerage infrastructure; (b) interfere with: <ul style="list-style-type: none"> (i) the collection, storage, production, treatment, conveyance, reticulation or supply of water through the use of water infrastructure; or (ii) the collection, storage, treatment, conveyance or reticulation of sewage through the use of sewerage infrastructure; (c) disconnect or interfere with any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure; or (d) damage any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure. 	Chief Executive Officer
Water Industry Entity	Section 50(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened Section 50(1)	Chief Executive Officer
Water Industry Entity	Section 50(2)(b)	Disconnect, close, turn off or remove anything that has been attached or used in connection with a contravention Section 50(1)	Chief Executive Officer
Water Industry Entity	Section 50(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land	Chief Executive Officer
Water Industry Entity	Section 50(4)	Authorise a person to take action under Section 50 on the water industry entities behalf	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 50(7)	Recover compensation from a person guilty of a contravention of Section 50(1) on application to a court convicting the person of an offence against this Section or by action in a court of competent jurisdiction	Chief Executive Officer
Water Industry Entity	Section 51(1)	Receive notice from a person proposing to do work near water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 51(3)(b)	Specify requirements to apply for the protection of the infrastructure or the safety of person carrying out the work	Chief Executive Officer
Water Industry Entity	Section 51(4)	Recover compensation from a person guilty of a contravention of Section 51 on application to a court convicting the person of an offence against this Section or by action in a court of competent jurisdiction	Chief Executive Officer
Water Industry Entity	Section 52(1)	Receive notice from a person proposing to: (a) to first lay the pavement or hard surface in any road; (b) to relay the pavement or hard surface in any road; (c) to widen or extend the pavement or hard surface in any road; (d) to alter the level of any road; (e) to construct or alter any footpaths, gutters, kerbing or water tables in any road; or (f) to construct or alter any drainage work in any road in which water/sewerage infrastructure is laid	Chief Executive Officer
Water Industry Entity	Section 52(2)	Advise the person giving notice under Section 52(1) of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 52(4)	Confer with a person giving notice under Section 52(1) with respect to variations to the proposed work	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 52(6)	Waive the requirement to provide notice under Section 52(1)	Chief Executive Officer
Water Industry Entity	Section 53(2)(b)	Approve the installation or maintenance of a pipe capable of conveying water beyond the boundaries of a site occupied by the person	Chief Executive Officer
Water Industry Entity	Section 53(1)	Authorise a person to: (a) abstract or divert water from any water infrastructure; or (b) abstract or divert any sewage from any sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 53(3)	Recover compensation from a person guilty of a contravention of Section 53 on application to a court convicting the person of an offence against this Section or by action in a court of competent jurisdiction	Chief Executive Officer
Water Industry Entity	Section 54(1)(a)	Require a person supplied water by the water industry entity to allow a person Authorised by the entity to enter land and fix a meter supplied by the entity	Chief Executive Officer
Water Industry Entity	Section 54(1)(b)	Require a person supplied water by the water industry entity to ensure that a meter of a kind specified by the entity is fixed and used for the purposes of measuring water supplied to the person	Chief Executive Officer
Water Industry Entity	Section 54(3)	Supply a water meter	Chief Executive Officer
Water Industry Entity	Section 54(4)	Issue a direction or requirement in regard to the installation or use of a meter	Chief Executive Officer
Water Industry Entity y	Section 54(10)	Serve a notice on a person who fails to ensure that access to the meter or fitting for the purpose of reading, replacement, repair or maintenance is not obstructed requiring the person to take specified action to provide access to the meter or fitting	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 54(11)	Enter land and take action to provide access to the meter or fitting	Chief Executive Officer
Water Industry Entity	Section 54(12)	Recover compensation from a person guilty of a contravention of Section 54 on application to a court convicting the person of an offence against this Section or by action in a court of competent jurisdiction	Chief Executive Officer
Water Industry Entity	Section 54(13)	Recover costs of taking action under Section 54(11) as a debt	Chief Executive Officer
Water Industry Entity	Section 55(1)	Authorise a person to discharge any solid, liquid or gaseous materials, or any other item or thing, into water infrastructure	Chief Executive Officer
Water Industry Entity	Section 55(3)	Recover compensation from a person guilty of a contravention of Section 55 on application to a court convicting the person of an offence against this Section or by action in a court of competent jurisdiction	Chief Executive Officer
Water Industry Entity	Section 56(1)	Authorise a person to discharge into any sewerage infrastructure any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure	Chief Executive Officer
Water Industry Entity	Section 56(3)(a)	Authorise a person to discharge specific waste material into sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 56(3)(b)	Enter into a contract with a person in regard to the provision of a sewerage service authorising the discharge specific waste material into sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 56(5)	Authorise a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 56(7)	Attach conditions to an authorisation under Section 56(5)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 56(7)	Vary or revoke an authorisation under Section 56(5)	Chief Executive Officer
Water Industry Entity	Section 56(9)	Recover the reasonable costs and expenses incurred by the water entity in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt	Chief Executive Officer
Water Industry Entity	Section 57(1)	Issue a notice requiring an owner or occupier of land to carry out specified work	Chief Executive Officer
Water Industry Entity	Section 57(3)	Vary or revoke a notice issued under Section 57(1)	Chief Executive Officer
Water Industry Entity	Section 57(5)	Take action required by a notice if the recipient of the notice fails to take the action	Chief Executive Officer
Water Industry Entity	Section 57(6)	Authorise a person to take action under Section 57(5) on the entity's behalf	Chief Executive Officer
Water Industry Entity	Section 57(8)	Recover the reasonable costs and expenses incurred by the water industry entity taking action under Section 57(5) as a debt	Chief Executive Officer
Water Industry Entity	Section 58(1)	Close off or disconnect from the sewerage infrastructure one or more drains on the land that are connected to the sewerage infrastructure or restrict the provision of any sewerage service to the land	Chief Executive Officer
Water Industry Entity	Section 58(2)	Reopen or reconnect a drain closed off or disconnected under Section 58(1)	Chief Executive Officer
Water Industry Entity	Section 58(2)	Require the owner or occupier of land to pay the prescribed fee prior to reopening or reconnecting a drain closed off or disconnected under Section 58(1)	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 59(3)(a)	Lessen the supply through any infrastructure	Chief Executive Officer
Water Industry Entity	Section 59(3)(b)	Prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used	Chief Executive Officer
Water Industry Entity	Section 59(3)(c)	Prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used	Chief Executive Officer
Water Industry Entity	Section 59(3)(d)	Prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used	Chief Executive Officer
Water Industry Entity	Section 59(3)(e)	Discontinue the supply of water	Chief Executive Officer
Water Industry Entity	Section 59(4)	Impose a requirement that a permit of the water industry entity must be held to undertake an activity involving the use of water	Chief Executive Officer
Water Industry Entity	Section 59(4)	Issue a permit authorising an activity involving the use of water	Chief Executive Officer
Water Industry Entity	Section 59(5)(b)	Publish or serve a notice regarding a prohibition or notice under Section 59(3)	Chief Executive Officer
Water Industry Entity	Section 59(5)(b)	Vary or revoke a prohibition or notice under Section 59(3)	Chief Executive Officer
Water Industry Entity	Section 60(1)	Serve notice on the owner or occupier of land that is connected to water infrastructure operated by the entity directing the owner or occupier to install a flow reducing device of a specified kind and to use the device to reduce flow in the pipes on the land which are connected to the water infrastructure	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 60(5)	Install a flow reducing device if the owner or occupier has failed to comply with the requirements of a notice under Section 60(1)	Chief Executive Officer
Water Industry Entity	Section 60(6)	Recover the reasonable costs and expenses incurred by the water industry entity as a debt from the person who failed to comply with the notice under Section 60(1)	Chief Executive Officer
Water Industry Entity	Section 63(3)(a)	Disconnect the supply of water or the collection of sewage, or restrict the supply of services	Chief Executive Officer
Water Industry Entity	Section 63(3)(b)	Obtain a warrant under Part 10 to enter a place for the purpose of disconnecting the supply of water or the collection of sewage, or restricting the supply of services	Chief Executive Officer
Water Industry Entity	Section 63(5)(b)	Restore a connection for the supply of water or the collection of sewage	Chief Executive Officer
Water Industry Entity	Section 64	Cut off the supply of water to any region, area, land or place if it is necessary to do so to avert danger to any person or property	Chief Executive Officer
Water Industry Entity	Section 68	Comply with prescribed technical and safety requirements or any technical and safety requirements of the Technical Regulator	Chief Executive Officer
Water Industry Entity	Section 69(3)	Disconnect the supply of water or the collection of sewerage, or restrict the supply of services	Chief Executive Officer
Water Industry Entity	Section 84(1)(b)	Make an application to the Commission for a review of a decision of the Commission under Part 4 to suspend or cancel the entity's licence or vary the terms or conditions of the entity's licence	Chief Executive Officer
Water Industry Entity	Section 85(1)(a)	Make an application for a review of a decision or an Enforcement notice under Part 8, Division 4 under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i>	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY ACT 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Section 88(1)	Provide information requested by the Minister	Chief Executive Officer
Water Industry Entity	Section 98(1)	Provide and maintain fire plugs, maintain various standards, and comply with any other requirements relating to the provision of water for fire-fighting purposes, in accordance with any scheme determined by the Minister	Chief Executive Officer
Water Industry Entity	Section 102(2)	Commence proceeding for an offence under the Water Industry Act	Chief Executive Officer
Water Industry Entity	Section 111(7)	Certify a plan delineating the position of any equipment, plant or drain connected to any water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Section 111(8)	Certify a date on and from which the water industry entity was prepared to supply water by means of a direct service to land specified in the certificate or could by means of drains or other infrastructure, be drained or serviced by a sewer	Chief Executive Officer
Water Industry Entity	Section 111(9)	Certify a copy or extract of a register of readings of meters maintained by the water industry entity	Chief Executive Officer
Water Industry Entity	Section 113(1)	Cause a ventilating shaft, pipe or tube for any sewerage infrastructure or drain to be attached to the exterior wall of a building	Chief Executive Officer
WATER INDUSTRY REGULATIONS 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Regulation 9	Enter into an agreement with a person undertaking work which would involve the alteration of any water/sewerage infrastructure to share the cost of the work	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY REGULATIONS 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Regulation 11(1)	Provide a statement of the amount paid to a person who has paid an amount for the provision of retail services	Chief Executive Officer
Water Industry Entity	Regulation 11(2)	Provide a consumer with a statement of the quantity of water supplied by the entity to the consumer in the financial year	Chief Executive Officer
Water Industry Entity	Regulation 11(3)	Provide a statement of the amount paid for retail services or the quantity of water supplied by the entity financial year to any other person acting with the consent of the person referred to in Regulations 11(1) and 11(2)	Chief Executive Officer
Water Industry Entity	Regulation 12(1)	Provide a statement as the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i>	Chief Executive Officer
Council	Regulation 13(a)(i)	Seek the approval of a water industry entity (that owns or operated sewerage infrastructure that may be affected by the planting) to plant trees and shrubs (except those listed I Schedule 2 and Schedule 3) on public land	Chief Executive Officer
Water Industry Entity	Regulation 13(a)(i)	Grant approval to plant trees and shrubs on public land	Chief Executive Officer
Water Industry Entity	Regulation 13(b)	Grant approval to plant trees and shrubs on a road closer than 1 metre to any water infrastructure	Chief Executive Officer
Council	Regulation 14(1)	Receive and comply with a notice from water industry entity directing action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	Chief Executive Officer
Water Industry Entity	Regulation 14(1)	Direct a Council or other person with care, control or management of land to take action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY REGULATIONS 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Regulation 14(2)	Take action specified in a notice under Regulation 14(1) if the recipient fails to comply with the notice	Chief Executive Officer
Water Industry Entity	Regulation 14(3)	Recover costs of taking action specified in a notice under Regulation 14(2) as a debt	Chief Executive Officer
Water Industry Entity	Regulation 15	Recover costs of taking action specified in a notice under Regulation 14 as a debt	Chief Executive Officer
Water Industry Entity	Regulation 16(3)(b)	Authorise a person to enter infrastructure owned or operated by the entity	Chief Executive Officer
Water Industry Entity	Regulation 17(1)(a)	Obtain the approval of ESCOSA prior to taking action under Sections 59(3)(a) to 59(3)(e) (inclusive)	Chief Executive Officer
Water Industry Entity	Regulation 17(1)(b)(i)	Notify the Public of the intention to exercise a power under Sections 59(3)(b) to 59(3)(d) (inclusive) by notice in the Gazette	Chief Executive Officer
Water Industry Entity	Regulation 17(1)(b)(ii)	Notify the Public of the intention to exercise a power under Sections 59(3)(a) to 59(3)(e) (inclusive) by a notice of a website, in a newspaper circulating throughout the area of the State in which person affected by the exercise of the power are situated and in any other manner considered appropriate	Chief Executive Officer
Water Industry Entity	Regulation 18	Issue a permit for the purposes of Section 59(4) of the Water Industry Act	Chief Executive Officer
Council	Regulation 23(2)(a)	Give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration to the surface height of a road, footpath or easement to a water industry entity	Chief Executive Officer
Water Industry Entity	Regulation 23(2)(b)	Alter the height of an entry point, inspection point or other fitting	Chief Executive Officer

DELEGABLE POWERS AND FUNCTIONS

WATER INDUSTRY REGULATIONS 2012			
Capacity of Council	Statutory provision	Power/function	Delegate
Water Industry Entity	Regulation 23(3)	Recover costs under Regulation 23(2)(b) as a debt from entity which altered the height of the road, footpath or easement	Chief Executive Officer
Water Industry Entity	Regulation 34(1)(b)	Direct a person to disconnect a pipe which is intersected by the boundary of adjoining allotments from water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Regulation 34(4)	Direct a person to disconnect a pipe which lies across the boundary of adjoining allotments from water/sewerage infrastructure	Chief Executive Officer
Water Industry Entity	Regulation 34(7)	Enter land and undertake work required by a notice under Regulation 34 if the recipient has failed to undertake the required work	Chief Executive Officer
Water Industry Entity	Regulation 36	Estimate the quantity of water supplied through a meter	Chief Executive Officer
Water Industry Entity	Regulation 38	Impose a charge in respect of land of a kind specified by the Minister by notice in the <i>gazette</i> despite the fact that the land is not connected to infrastructure by which a retail service is provided by the water industry entity or the provision of a retail service to the land by the water industry entity has been reduced or discontinued	Chief Executive Officer

11.11 NINTH AVENUE CHRISTMAS LIGHTS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: fA30411
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide information to the Council regarding the arrangements for the 2024 Ninth Avenue Christmas Lights.

BACKGROUND

It is the Council's understanding that approximately 2002, two (2) property owners living adjacent to each other, installed Christmas lights in the front gardens of their respective properties. Since that time, the number of lighting displays has grown and in 2023, 73 property owners took part in the display of Christmas lights.

This tradition is now well known in South Australia as is referred to as the "*Ninth Avenue Christmas Lights*" (the event).

The event runs for the entire month of December.

Whilst not a Council initiated and run event, over the last few years, as a result of the popularity of the event, the Council has provided operational assistance to the organisers (ie. supply of bins, signage to indicate "Community Event Ahead, etc) to ensure the safety of patrons when attending the event.

The Council has, at the request of residents, also assisted with monitoring the on-street parking in Ninth Avenue and the surrounding streets, to ensure that patrons attending the event do not park across driveways and/or in a dangerous manner during the event.

In addition, during the COVID-19 Pandemic, the Council assisted with signage to ensure the COVID-19 restrictions which were in place at the time, were communicated to patrons attending the event.

As set out above, the event has grown in popularity and has reached a point where, following the 2023 event, a number of residents contacted the Council and have raised a number of concerns associated with the event, including traffic management, the duration of the event, the number of vehicles, on-street parking, risk management, etc.

In order to ascertain the extent of the issues, Council staff have met with the residents to discuss their concerns regarding the event. On the basis of the issues that have been raised, staff agreed to meet with the organisers of the event to discuss these concerns and the organisers' intentions for the 2024 event.

Whilst there is not an official organising group/committee for the event, Council staff met with one of the "unofficial" organisers of the event to discuss the matters which have been raised.

Whilst there are a number of issues associated with the event that must rest with the individual property owners who participate in the event, there are a number of risk management and traffic management issues associated with the event, which require assistance from the Council in terms of managing these issues.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 2 Cultural Vitality
Objective 2.5 Dynamic community life in public spaces and precincts.
2.5.2 Host and facilitate community events and activities.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has not made an allocation within the 2024-2025 Budget to support this event.

There financial implications associated with the Ninth Avenue Christmas Lights are set out in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There are a number of risk management issues associated with the Ninth Avenue Christmas Lights which are set out in the Discussion section of this report.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

DISCUSSION

The Ninth Avenue Lights event is held in the section of Ninth Avenue between Stephens Terrace and Battams Road.

A map of showing the section of Ninth Avenue is contained in **Attachment A**.

As stated above, approximately 73 property owners participated in the 2023 event, which, according to residents, attracted 70, 000 vehicles and over 50,000 pedestrians to the event.

Whether or not these numbers are correct, the issues that have been raised by residents, together with the evidence to support these issues, highlights that there are a number of matters which need to be managed to ensure the safety of both the residents, whether or not they participate in the event, and those people who attend the event to view the Christmas Lights and to ensure that the event can continue.

The issues which have been raised include:

- traffic management;
- safety of residents and visitors to the event;
- liability if someone is injured;
- emergency services access to the street during the event;
- duration of the event;
- electrical cords being placed over the footpaths and onto street trees;
- food trucks parked in inappropriate locations;
- damage to private property;
- noise, rubbish; and
- cars parked over driveways.

As a starting point, staff sought advice from the Local Government Mutual Liability Scheme in terms of the liability issues which have been raised by the residents. A summary of the advice which was received from the Scheme is set out below:

‘Ultimately, this comes down to the Council's risk appetite and its willingness to support the event. However, the Council should be aware that if a foreseeable risk is not addressed, it could potentially lead to a claim of negligence against the Council.

If the event will be run and organised by the Council in collaboration with resident input, then the LGAMLS will indemnify the Council (subject to the Scheme rules - risk management practices, etc.).

If the event will be run and organised by the unincorporated volunteer group (resident group), then the Council should consider obtaining necessary third-party permits, insurances, and risk management plans from that group.

If the Council is aware of a traffic management issue and fails to address it properly, resulting in injury, property damage, or even fatality to a third party, the Council could be held responsible for not taking appropriate action in the circumstances (this could extend to not engaging in appropriate due diligence and checks on the third party wanting to run the community event).

Similarly, if the Council is aware of food trucks that aren't permitted or electrical conduits exposed that are not compliant, or cars parked in non-compliant zones it has a duty to issue authorisations, permits, enforcement and expiations in the circumstances. I acknowledge that this is all a significant impost on the Council. ‘

There are a number of issues which can be resolved by Council staff (ie by advising residents that lighting is not permitted in the Council's street trees and electrical cables are not to be laid on public land, patrolling on-street parking, etc).

There are also a number of issues which staff can provide advice to and/or assist the organisers with, which includes the preparation of a Risk Management Plan.

The most significant issues which need to be considered are the issues associated with insurance/liability and traffic management.

Insurance/Liability

Whilst it could be assumed that most of the property owners who participate in the event have household insurance, it is questionable as to whether it would be adequate in terms of providing adequate cover for their involvement in an event such as this.

On this basis, the Local Community Insurance Service (LCIS) (part of Local Government Association Mutual Liability Scheme), provide insurance and risk management advise to community groups who host events.

The LCIS has a *Community Event Risk Management Checklist* which is designed to guide community groups through the risk management process and the management of event operations.

Information regarding the Local Community Insurance Service has been provided to the organisers who have agreed to seek advice from the LCIS in terms of their requirements.

Traffic Management

The most significant issue associated with this event relates to traffic management.

The volume of vehicles visiting the event is significant and the key traffic issue is the management of traffic at the intersection of Stephen Terrace and Ninth Avenue with vehicles attempting to enter Ninth Avenue from all directions, which results in vehicles “parking” across the middle of Stephen Terrace waiting to enter Ninth Avenue and at the same time other vehicles “cutting off” other vehicles trying to enter the street, with pedestrians weaving their way through the traffic from the other side of Stephen Terrace.

Photographs highlighting the traffic management issues at the intersection of Stephen Terrace and Ninth Avenue are contained in **Attachment B**.

As set out above, on the basis that the Council has now been made aware of the risk to public safety on the Council’s roads, the Council is required to take steps to mitigate this risk – (ie. take reasonable action within a reasonable timeframe).

The Council’s Manager, Traffic & Integrated Transport has undertaken an investigation to identify the type of traffic management that could be undertaken to improve road safety and reduce traffic congestion during the Ninth Avenue Christmas Lights Community Event.

Following consideration of the issues and potential options, the option to ban all right turn movements into and out of Ninth Avenue, for the duration of the event, has been determined to be the most effective.

Staff have consulted with Senior Sargeant Chris Holland who is the Traffic Planning Coordinator for Emergency and Major Events at SAPOL, who has agreed that the 4-way intersection of Stephen Terrace and Ninth Avenue creates a difficult situation to manage and has confirmed that the only option is to ban all right turn movements into and out of Ninth Avenue.

To facilitate this, traffic control equipment (ie barriers) will be required to be erected and taken down each day of the event and traffic controllers would need to be on site at all times.

Based on the provision of traffic management over 20 days (ie. the duration of the event) at five (5) hours a day, the cost to provide the traffic management measures is approximately \$46,000.

The organiser of the event who has met with Council staff, has indicated that reducing the duration of the event to approximately 18-20 days on the basis of the Council’s commitment to support the event is feasible and therefore the allocation of funding for traffic management by the Council could be reduced.

At this stage, it is also considered that traffic management may not be required for the entire first week and could be provided from Thursday to Sunday in this week leading up to the entire week of the final week of the event, which is always the busiest.

The arrangements for traffic management will be determined once final discussions are held with the organisers.

OPTIONS

On the basis that the Council has been made aware of the traffic management issues associated with the Ninth Avenue Lights, the Council has no option other than to consider and seek to minimise or remove the risk.

The Council could however determine that those property owners who participate in the event contribute a fee to offset the costs of the traffic management. This is not the recommended approach. However, the Council needs to be aware of the potential precedent that this arrangement may set.

CONCLUSION

The Council has a long tradition of supporting a range of community events and traffic management support, however the Ninth Avenue Christmas Lights will require the most significant contribution from the Council in terms of funding for the traffic management associated with the event.

COMMENTS

Nil.

RECOMMENDATION

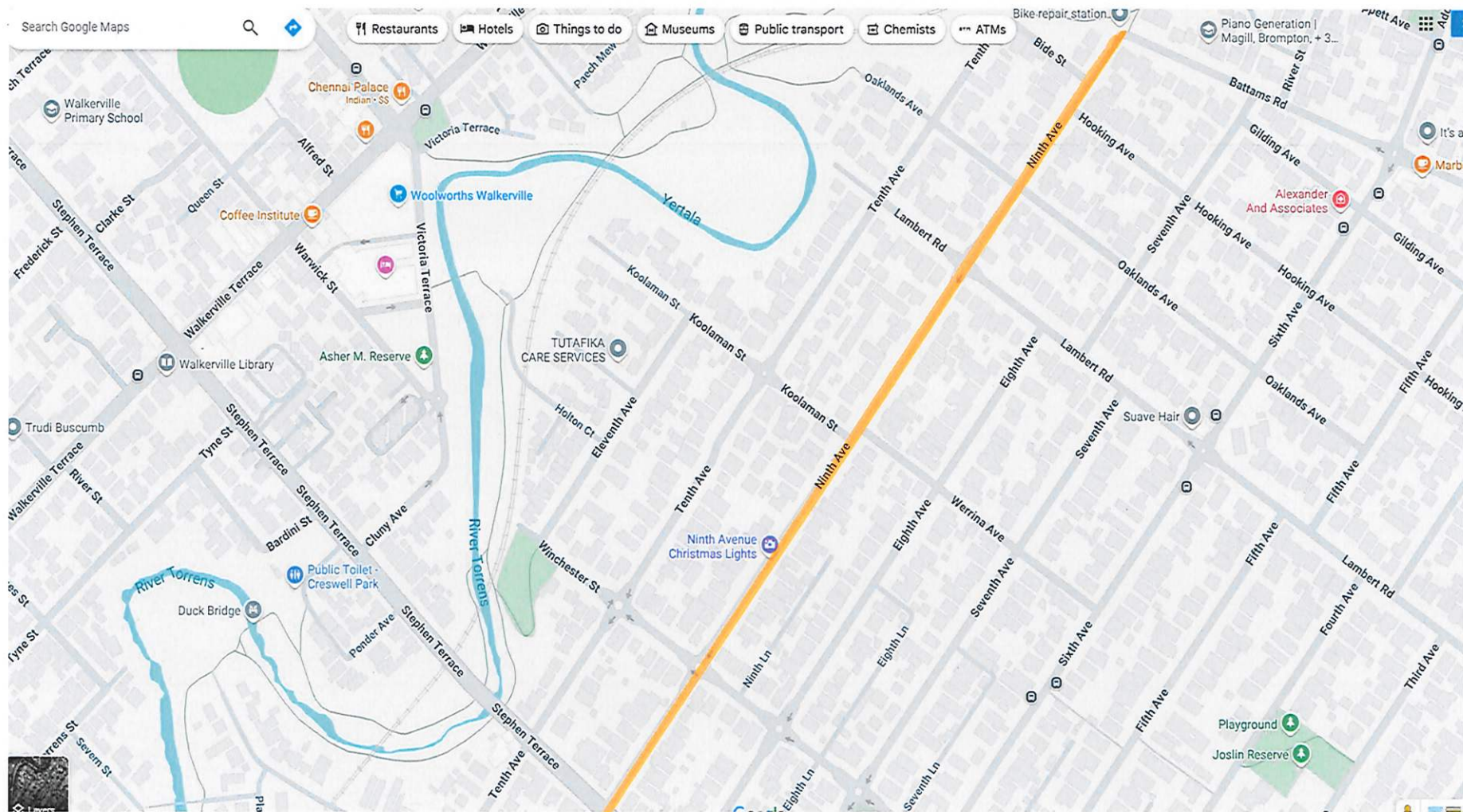
1. That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.
2. That the organisers of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.
3. The Council notes that a report will be presented to the Council in March 2025 following a review of the 2024 event.

Attachments – Item 11.11

Attachment A

Ninth Avenue Christmas Lights





Attachment B

Ninth Avenue Christmas Lights







12. ADOPTION OF COMMITTEE RECOMMENDATIONS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: Not Applicable
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- **Traffic Management & Road Safety Committee – (3 September 2024)**
(A copy of the Minutes of the Traffic Management & Road Safety Committee meeting is contained within **Attachment A**)
- **Chief Executive Officer's Performance Review Committee – (9 September 2024)**
(A copy of the Minutes of the Chief Executive Officer's Performance Review Committee meeting is contained within **Attachment B**)
- **Norwood Parade Precinct Committee – (1 October 2024)**
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment C**)

ADOPTION OF COMMITTEE RECOMMENDATIONS

- **Traffic Management & Road Safety Committee**

That the Minutes of the meeting of the Traffic Management & Road Safety Committee held on 3 September 2024, be received and noted.

- **Chief Executive Officer's Performance Review Committee**

That the Minutes of the meeting of the Chief Executive Officer's Performance Review Committee held on 9 September 2024, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **Norwood Parade Precinct Committee**

That the Minutes of the meeting of the Norwood Parade Precinct Committee held on 1 October 2024, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

Attachment A

Adoption of Committee Recommendations

Traffic Management & Road Safety Committee



Traffic Management & Road Safety Committee Minutes

3 September 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 10.00am

PRESENT

Committee Members Cr Kevin Duke (Presiding Member)
Cr Hugh Holfeld
Mr Shane Foley (Specialist Independent Member)
Mr Charles Mountain (Specialist Independent Member)

Staff Gayle Buckby (Manager, Traffic & Integrated Transport)
Rebecca van der Pennen (Engineer, Traffic & Integrated Transport)

APOLOGIES Cr Garry Knoblauch
Mr Nick Meredith (Specialist Independent Member)

ABSENT Nil

TERMS OF REFERENCE:

The Traffic Management & Road Safety Committee is established to fulfil the following functions:

- *To make a final determination on traffic management issues which are referred to the Committee in accordance with the requirements of the Council's Local Area Traffic Management Policy ("the Policy"); and*
- *To consider proposals and recommendations regarding traffic and parking which seek to improve traffic management and road safety throughout the City, other than when the Manager has delegation to investigate and determine the matter.*

1. CONFIRMATION OF MINUTES OF THE TRAFFIC MANAGEMENT & ROAD SAFETY COMMITTEE MEETING HELD ON 15 AUGUST 2023

Cr Holfeld moved that the Minutes of the Traffic Management & Road Safety Committee meeting held on 15 August 2023 be taken as read and confirmed. Seconded by Mr Shane Foley and carried.

2. PRESIDING MEMBER'S COMMUNICATION
Nil

3. STAFF REPORTS

3.1 PETITION – DAVIS ROAD, GLYNDE – TRAFFIC MANAGEMENT

REPORT AUTHOR: Manager, Traffic & Integrated Transport
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4542
FILE REFERENCE: qA152007
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Traffic Management & Road Safety Committee (“the Committee”) of a Petition which has been received by the Council at its meeting held on at its meeting held on 3 June, 2024, regarding traffic management concerns on Davis Road, Glynde at the entry/exit to the Glynde Lodge Retirement Village (*Glynde Lodge*).

BACKGROUND

The Petitioners are concerned that parked vehicles and street trees restrict visibility for motorists exiting the Glynde Lodge and have requested that the Council remove on-street parking and prune trees to provide sufficient sight distance.

A copy of the Petition is contained in **Attachment A**.

The Glynde Lodge Retirement Village is an established retirement living community consisting of 81 independent and assisted living units.

The Petition has been signed by a total of 74 citizens, which includes approximately 28 signatories who do not reside at the *Glynde Lodge*.

In accordance with the Council’s *Privacy Policy*, the personal information of the Petitioners, (i.e. the street addresses) have been redacted from the Petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1.2: A people friendly, integrated and sustainable transport network.

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Risk have been managed by using professional engineering judgement to assess the traffic data (speed, volume and crash), the street layout and environment, and compliance with the relevant traffic-related Australian Standards and Guidelines.

The investigations outlined in this report have not identified any specific risk factors associated with the subject site.

CONSULTATION

- **Committee Members**
Councillors Duke, Knoblauch and Holfeld are aware of the petition as it was tabled at the Council Meeting held on 3 June 2024.
- **Staff**
General Manager, Urban Planning & Environment
City Arborist
- **Community**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

Glynde Lodge is located at 10-20 Davis Road, Glynde (north side) and there are two (2) driveway crossovers that provide both access and egress to the property. Correspondence with the Convenor of the Petition has confirmed that the concerns raised in the Petition apply to both crossovers.

Traffic Investigations

Davis Road is 8.35 metres wide which allows for two-way movement as well as on-street car parking on both sides of the road. There are two (2) crossovers at Glynde Lodge, both of which provide entry and exit movements in a forward direction as set out below:

- the western-most crossover is 4.4 metres wide at the property boundary and 6.9 metres wide at the kerb, and is located sixty (60) metres to the east of the intersection of Davis Road and Barnes Road, refer *Photo 1*, below; and
- the eastern-most crossover (the main gate), is six (6) metres wide at both the boundary and at the kerb and is located fifty-five (55) metres to the east of the westernmost crossover, refer *Photo 2*, below.



Photo 1: Western driveway crossover



Photo 2: Eastern driveway crossover and fire hydrant

Site inspections have been undertaken on four (4) separate occasions and at different times of the day and the following observations were made:

- there was a very low demand for on-street carparking during the site observations, with a maximum of four (4) cars parked near the Glynde Lodge at any one time;
- the eastern-most gate (main gate), has higher traffic volumes than the western-most gate because it provides access to a higher number of dwellings, the community centre, reception and visitor parking; and
- several residents of the Glynde Lodge were using mobility scooters and were observed to exit the site and ride illegally on the road.

Traffic data was collected on Davis Road, near Glynde Lodge in August 2020 and the results are set out below:

- the weekday traffic volume on Davis Road is considered as a local road, with 1940 vehicles per day (936 vehicles eastbound and 1004 vehicles westbound);
- the 85th percentile speed is 47km/h and the average speed is 40.2km/h;
- the morning peak hour is 217 vehicles from 8:00am to 9:00am (50 vehicles eastbound and 167 vehicles westbound);
- the afternoon peak hour is 175 vehicles from 3:00pm to 4:00pm (95 vehicles eastbound and 80 vehicles westbound); and
- no collisions have been reported to the Department for Traffic & Infrastructure within 200 metres of the Glynde Lodge within the five (5) years of available traffic data (2018-2022).

Petition – Resident Concerns and Responses

There are four (4) specific issues raised in the Petition, which are listed below and a response to each issue is provided below each concern.

1. *Residents of Glynde Lodge are faced with dangerous situations as they exit the property by car or as a pedestrian.*

Responses to the concerns that relate to exiting the property by car are addressed in points 2 and 3 and responses to the concerns relating to pedestrian safety are set out below:

- The driveways within the Glynde Lodge property do not provide a separated footpath and as such, pedestrians are required to share the driveway with vehicles. The Glynde Lodge may consider improving pedestrian access by providing a dedicated pedestrian path and gate that is separated from vehicular traffic.
- Motorists exiting the eastern-most driveway have restricted visibility to pedestrians walking on the footpath from the east, caused by the solid front wall of Glynde Lodge that does not have a corner cutoff. The Glynde Lodge may consider improving sight lines to pedestrians on the footpath by reducing the height of the wall or providing a corner cut-off.

2. *There are often cars parked on both sides of the road requiring cars travelling in both directions to weave in and out the parked cars.*

There is a common perception that it is difficult for two cars to pass each other on streets that are between 7.1 metres and 9 metres wide, when there are cars parked on both sides of the road. Davis Road is 8.35 metres wide and as such, falls within this category.

Streets of this category are called 'yield' streets which require one motorist to yield to another motorist to pass. Depending on the number of parked vehicles, a 'yield' street becomes a single lane requiring slower, cooperative driving. This arrangement results in a natural traffic calming effect and as such, improves road safety.

The site inspections observed an extremely low on-street car parking demand and confirmed that Davis Road operates satisfactorily as a 'yield' street.

3. *Cars are regularly parked on the road right up to the edge of the exits/entrances of Glynde Lodge, requiring drivers to move too far onto the road creating a dangerous hazard. The residents of, and visitors to Glynde lodge propose no parking areas be implemented at the entrances and clearly marked with yellow lines.*

Parking on both sides of a driveway is a typical situation throughout the City and sight distance constraints caused by parked vehicles at the interface of a driveway and roadway are common. Parked vehicles are a temporary obstruction, and it is generally possible to achieve sufficient visibility by manoeuvring a vehicle slowly and using gaps in the parking. Residents of Glynde Lodge have an advantage over other residents in the street, because they exit in a forward direction which enables better visibility that when reversing from a driveway.

In accordance with the Australian Road Rules, vehicles are permitted to park up to the edge of a driveway but must not obstruct the driveway. As such, the Council does not install parking restrictions on either side of a driveway unless there are extenuating circumstances that restrict access.

The eastern-most crossover (main gate) provides access to most of the Glynde Lodge dwellings, as well as the reception building and visitor parking. As such, this driveway generates a higher traffic volume than a typical private driveway, which could justify the need for a higher provision of sight distance. As such, parking restrictions could be provided on the western side of the driveway to provide better visibility to vehicles approaching from the west.

It is noted that the eastern-most crossover does not include a splay (i.e. the crossover is not wider at the kerb line than at the property boundary) and as such, exiting drivers cannot commence their turning manoeuvre until they have exited the property. The Glynde Lodge could consider applying to the Council to widen their crossover at the kerb to provide a splay. This would also result in forcing parked vehicles further from the exit on the east side and may improve visibility to vehicles approaching from the east.

4. *The trees planted on the Northern side of Davis Road between Barnes Road and an entrance to Glynde Lodge are dense and obscure vision of cars turning from Barnes Road into Davis Road. The residents of, and visitors to Glynde Lodge request these trees are pruned allowing better visibility.*

A sight distance assessment has been undertaken, and it was identified that exiting vehicles can position themselves to sufficiently see past the street trees. In addition, the City Arborist inspected the trees and provided the following advice.

"The subject trees are species Magnolia grandiflora 'little gem' and have been selected for this location following the substantial removal of trees in and around the adjacent site to allow for the recently completed development of 12 new dwellings on the corner of Davis Road and Barnes Road, Glynde.

The trees are typically quite shrubby in form whereby lower lateral branches extend from just above ground level from the trees main stem. To retain amenity and tree health, it is recommended the trees establish with this natural form, thus providing a substantial contribution to the cooling and a visual softening, as well as aesthetic value to this (increasing) densely built-up area.

Further to the above, Glynde has been identified as the area within this Council as that with lowest level of tree canopy cover, with a total of 12%. The suburb is typically hard to find suitable tree planting locations due to a mixture of industrial and residential use.

Whilst it is fairly typical for recently planted trees to provide some form of sight line obstruction in their establishment, this can occasionally be managed by careful formative pruning. This is also the case with the magnolia, however for the reasons outlined above it is preferred that this is avoided.

If deemed necessary, the trees could be formatively pruned to allow for greater sight line where the pruning does not remove more than 30% of the total crown mass, in this instance, thanks to successful establishment and planting (growth rates), the trees will be suitable for pruning, if necessary, within the next 4-5 years.

It is considered from an arboricultural and liveability perspective that the benefits of these trees to the greater community far outweighs the need for a slightly elevated level of driver awareness and care. As such, it is hoped that all other options are reasonably exhausted before the consideration of any tree removal, for example, the establishment of a yellow line west of the subject driveway crossover”.

Future Traffic Management

The Council has allocated funds in the 2023-2024 Budget to implement a 40km/h speed limit in the residential streets in the suburb of Glynde which includes Davis Road. The Council is currently waiting for final approval from the Department of Infrastructure and Transport and implementation will occur once received. An evaluation of the traffic data in Stepney, Maylands and Evandale found that vehicle speeds decreased overall by approximately 3-4km/h. As such, it is anticipated that vehicle speeds in Davis Road will reduce once the 40km/h is implemented which will provide more time for residents exiting the Glynde Lodge driveway.

The Glynde, Firle, Payneham, Trinity Gardens and St Morris Traffic Study undertaken in 2023, recommended that traffic calming measures be implemented in Davis Road, Glynde to reduce traffic speed. The multi-criteria analysis identified Davis Road as a *Priority 4* Action. The Council is currently preparing designs for the priority 1 and 2 actions, and Priority 3 and 4 actions will subsequently be undertaken, subject to evaluation of the outcome of the implementation of the 40km/h speed limit and future budget considerations.

CONCLUSION

The traffic investigations and site observations concluded that the layout of the street and driveway are acceptable and there is no requirement to remove car parking or trees to increase sight distance when exiting the Glynde Lodge. However, it is acknowledged that the traffic volume at the main gate is higher than the volume at a typical driveway and may justify some car parking restrictions to provide a higher degree of visibility to approaching vehicles.

COMMENTS

Older pedestrians can be vulnerable when walking or driving because a higher proportion of older people are frail, which can result in a higher crash severity, or they may have mobility, vision or hearing impairments that make walking and/or driving more difficult.

Traffic investigations do not generally consider the specific vulnerability of older road users because it is obligatory that people issued with Drivers Licences can be able to manage their own risk by driving in accordance with the Australian Road Rules and with consideration of the specific conditions of the road.

The Council regularly receives concerns from older citizens regarding difficulty egressing driveways and requests to remove on-street car parking either opposite their driveway or each side of their driveway. If these requests are acceded to without robust traffic engineering justification, there would be a significant loss of on-street parking across the City.

The Committee needs to consider whether there is justification to remove on-street car parking in front of Glynde Lodge as a special consideration to assist older drivers.

OPTIONS

The Committee has the following options in respect to addressing the concerns of the petitioners.

Option 1

Do nothing. The Committee can decide that the investigations as set out in this report do not provide justification for the Council to remove car parking at this location.

This option is not recommended because it is acknowledged that the eastern-most crossover (main gate) generates higher traffic volumes than a typical private driveway.

Option 2

The Committee can recommend to the Council that special consideration should be given residents of Glynde Lodge because they are older drivers that have specific needs. As such, a yellow line could be installed for a distance of ten (10) metres on both sides of both driveways, similar to the parking restrictions that are implemented at a public roadway. This option would improve sight distance for cautious drivers and allow more gaps between the Magnolia trees on the northern side of the western driveway.

This option is not recommended because it is not warranted and would set a precedent for the Council, that result in a significant loss of on-street car parking across the City.

Option 3

The Committee can recommend to the Council that the investigations have identified that the traffic volume generated at the eastern-most driveway and crossover (main gate) is higher than at a typical private driveway and as such, it is justified to improve sight distance to vehicles approaching from the west by installing a No Stopping line for a distance of ten (10) metres.

This option is recommended because it provides a practical solution based on professional engineering judgement.

RECOMMENDATION

1. That the Petition (as contained in **Attachment A**), that was received by the Council at its meeting held on 3 June 2024, be received and noted.
2. That a ten (10) metre long section of parking be removed on the west side of the eastern-most crossover (main gate) to provide improved sight distance to vehicles approaching from the west.
3. That the Petitioners be informed that there are future traffic management initiatives that the Council is introducing that include Davis Road that will improve road safety as set out below:
 - an area-wide 40km/h speed limit that includes Davis Road will be implemented in the coming months; and
 - the Glynde, Firle, Payneham, Trinity Gardens and St Morris Traffic Study identified that traffic calming in Davis Road is a Priority 4 Action, to be undertaken in the future.
4. That the Petitioners be informed that some safety initiatives have been identified that could be undertaken by the Glynde Lodge within the property, namely:
 - pedestrian safety could be improved by providing a dedicated pedestrian path and gate adjacent to the driveways that is separated from vehicular traffic;
 - visibility to pedestrians on the footpath could be by reducing the height of the front wall or providing a corner cut-off at the main gate;
 - the eastern-most crossover could be reconstructed to provide a splay to improve vehicle manoeuvrability; and
 - educate residents that it is illegal for users of mobility scooters to ride on a public roadway, except when crossing a road.
5. That the Petitioners be thanked for bringing their concerns to the Council's attention and be advised of the outcomes of the investigations which have been undertaken.

Cr Holfeld moved:

1. *That the Petition (as contained in Attachment A), that was received by the Council at its meeting held on 3 June 2024, be received and noted.*
2. *That a six (6) metre long section of parking be removed on both sides of the western-most and eastern-most crossovers to provide improved sight distance to approaching vehicles.*
3. *That the Petitioners be informed that there are future traffic management initiatives that the Council is introducing that include Davis Road that will improve road safety as set out below:*
 - *an area-wide 40km/h speed limit that includes Davis Road will be implemented in the coming months; and*
 - *the Glynde, Firle, Payneham, Trinity Gardens and St Morris Traffic Study identified that traffic calming in Davis Road is a Priority 4 Action, to be undertaken in the future.*
4. *That the Petitioners be informed that some safety initiatives have been identified that could be undertaken by the Glynde Lodge within the property, namely:*
 - *pedestrian safety could be improved by providing a dedicated pedestrian path and gate adjacent to the driveways that is separated from vehicular traffic;*
 - *visibility to pedestrians on the footpath could be by reducing the height of the front wall or providing a corner cut-off at the main gate;*
 - *the eastern-most crossover could be reconstructed to provide a splay to improve vehicle manoeuvrability; and*
 - *educate residents that it is illegal for users of mobility scooters to ride on a public roadway, except when crossing a road.*
5. *That the Petitioners be thanked for bringing their concerns to the Council's attention and be advised of the outcomes of the investigations which have been undertaken.*

Seconded by Mr Charles Mountain and carried unanimously.

3.2 CONSULTATION REPORT FOR PROPOSED TRAFFIC MANAGEMENT DEVICES IN MARDEN AND ROYSTON PARK

REPORT AUTHOR: Manager, Traffic & Integrated Transport
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4542
FILE REFERENCE: qA97859
ATTACHMENTS: A – D

PURPOSE OF REPORT

The purpose of this report is to present a report to the Committee regarding the outcomes of the community consultation that was undertaken for the proposed installation of traffic management devices in the suburbs of Marden and Royston Park.

The report was considered by the Council at its meeting held on 1 July, 2024 and the Council resolved to refer the matter to the Traffic Management & Road Safety Committee for review.

BACKGROUND

There have been several steps which have culminated in the proposal to implement the installation of traffic management devices in the suburbs of Marden and Royston Park and these are set out below:

- The Council's Traffic Management & Road Safety Committee (the Committee), at its meeting held on 18 August 2020, considered road safety concerns that have been raised by residents and property owners, and initial investigations that have been undertaken by staff and it was noted by the Committee that a detailed traffic report was warranted to assist in developing solutions to reduce traffic speed and volumes in Marden, Royston Park, Joslin and St Peters (east of Stephen Terrace).
- In 2021, the Council engaged Tonkin (Traffic Engineers) to prepare a detailed traffic report and prepare the *Marden, Royston Park, Joslin & St Peters Traffic Review (the Tonkin report)*.

The Committee considered the investigations, findings and recommendations set out in the *Tonkin Report* and recommended to the Council that:

- a 40km/h speed limit be implemented in the residential streets of Marden and Royston Park, the suburbs that carried the highest volumes of traffic (currently in progress); and
- three traffic management options be prepared in the suburbs that were identified as highest priority, in the suburbs of Marden & Royston Park.

At its meeting held on 1 November 2021, the Council subsequently endorsed the recommendations made by the Traffic Management & Road Safety Committee.

- In 2022, *Infraplan and Intermethod* (Traffic Engineers and Community Consultation Consultants), were engaged by the Council to undertake detailed traffic investigations, specifically for the suburbs of Marden and Royston (bound by Lower Portrush Road, Payneham Road, Battams Road and the O-Bahn Busway corridor) and prepare three (3) traffic management options for consideration by the Council, that would address the key traffic issues that were identified. This work included the facilitation of a community consultation process to identify which of the three options, if any, would be preferred by the community. Consultation was undertaken in April 2022 and a report was prepared, titled, '*Traffic Management in Marden & Royston Park: Community Consultation and recommendations*' (the *Infraplan/Intermethod report*).
- The Committee subsequently considered the investigations, findings and recommendations set out in the *Infraplan/Intermethod Report* at its meeting held on 21 February 2023 and recommended to the Council that the traffic management devices as recommended in the report be implemented. The report was considered, and the Minutes of the Committee meeting are contained in **Attachment A**.

- In November 2023, *Intermethod* (Traffic Engineers and Community Engagement Specialists) were engaged by the Council to refine the concept designs and conduct community consultation regarding the proposed traffic management devices proposed to be installed in the suburbs of Marden and Royston Park, in the area bound by Lower Portrush Road, Payneham Road, Battams Road and the O-Bahn Busway corridor.

The outcomes of this consultation process are the subject of this report. A copy of the community consultation material (which includes the concept designs) is contained in **Attachment B**, and the report prepared by *Intermethod*, titled '*Engagement Feedback, Local Area Traffic Management in Marden and Royston Park*' (the consultation report), is contained in **Attachment C**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets has the potential to support and facilitate the outcomes and objectives of the Council's Strategic Management Plan, *City Plan 2030*.

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community.

Objective 1.2: A people-friendly, integrated and sustainable transport and pedestrian network.

Strategy 1.2.2: Provide safe and accessible movement for all people.

Strategy 1.2.4: Provide appropriate traffic management to enhance residential amenity.

Objective 1.4: A strong, healthy, resilient, and inclusive community.

Strategy 1.2.2: Encourage physical activity to achieve healthier lifestyles and well-being.

Strategy 1.4.3 Encourage the use of spaces and facilities for people to meet, share knowledge and connect.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated \$280,000 in its Draft 2024-2025 Budget to undertake the preparation of detailed design and subsequent construction of the proposed traffic management in the suburbs of Marden and Royston Park.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The project is managed by staff, within existing resources. However, if the Council determines to endorse the preparation of alternative concept designs, this may delay the delivery of other projects and day-to-day tasks.

RISK MANAGEMENT

The Council has a duty of care to address concerns associated with traffic management and either eliminate, mitigate or manage risks that are identified following the analysis of data.

In doing so, the installation of physical traffic management devices or other traffic management controls are not always supported by the community. As such, the Council needs to consider and balance the reputational risk of implementing traffic control devices that are not supported by the majority of the community.

Risk Event	Risk Event	Impact Category	Risk Rating	Primary Mitigation	Impact Category	Residual Rating
1	Vehicle collision resulting in death or serious injury	People	High 7	Installing traffic management devices	People	Medium 17
		Reputation	Substantial 12		Reputation	Low 21
2	Community not supporting the recommendations	People	Medium 19	Not installing traffic management devices	People	Low 21
		Reputation	Medium 19		Reputation	Low 21

CONSULTATION

- Elected Members**

All Elected Members have been informed of the proposed traffic management devices through previous Council reports.

- Staff**

General Manager, Urban Planning & Environment
General Manager, Infrastructure & Major Projects
Manager, Strategic Communications and Advocacy.

- Community**

The community consultation summary and processes are set out in the Discussion section of this report.

- Other Agencies**

The following agencies have been consulted:

- Department for Infrastructure and Transport (DIT)
- South Australian Public Transport Authority (SAPTA)
- SAPOL

DISCUSSION

Intermethod (consultants) was engaged by the Council to refine and consult affected citizens and other stakeholders, on the concept designs for the traffic management devices in the suburbs of Marden and Royston Park, in the area bound by Lower Portrush Road, Payneham Road, Battams Road and the O-Bahn Busway corridor.

The Council initiated this project in 2021, in response to ongoing concerns that have been raised by residents regarding speeding and “rat running” through the precinct. Initial consultation was undertaken in 2022 for the purposes of identifying the type of traffic management options that are preferred by residents and the outcomes of this process informed the development of the concept designs that were presented for community consultation in 2024 (the subject of this report).

The proposed traffic management devices are based on best-practice traffic management design and include landscaped slow points, kerb build-outs and median islands, all of which are aimed at reducing traffic speed and volume, improve pedestrian crossings and provide streetscaping opportunities. An important component of the proposal included a median island along Battams Road (similar to the median islands along Osmond Terrace and St Peters Street), that aims to deter ‘rat-runners’ by increasing the number of turns that motorists would need to make to cross Battams Road and to also provide a significant opportunity for tree planting.

A map showing the location of the proposed traffic management devices is depicted in Figure 1, below.

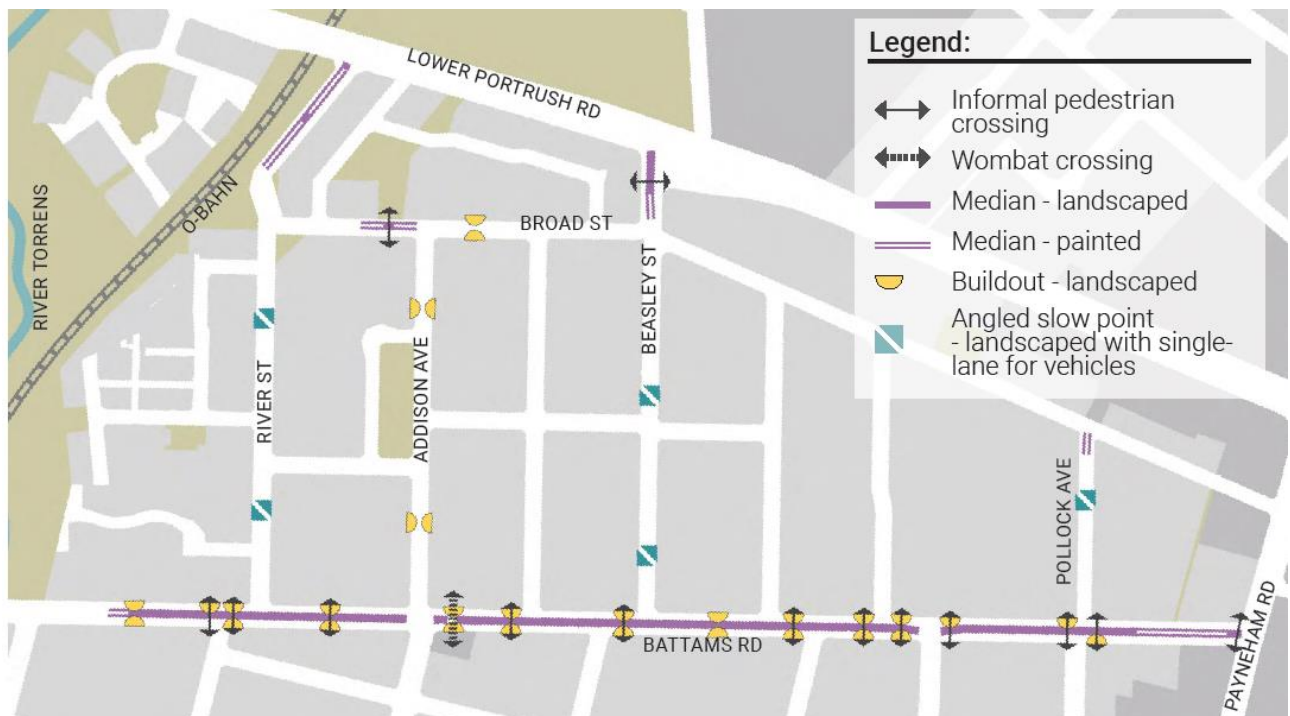


Figure 1: Locations and type of proposed traffic management devices in Marden & Royston Park

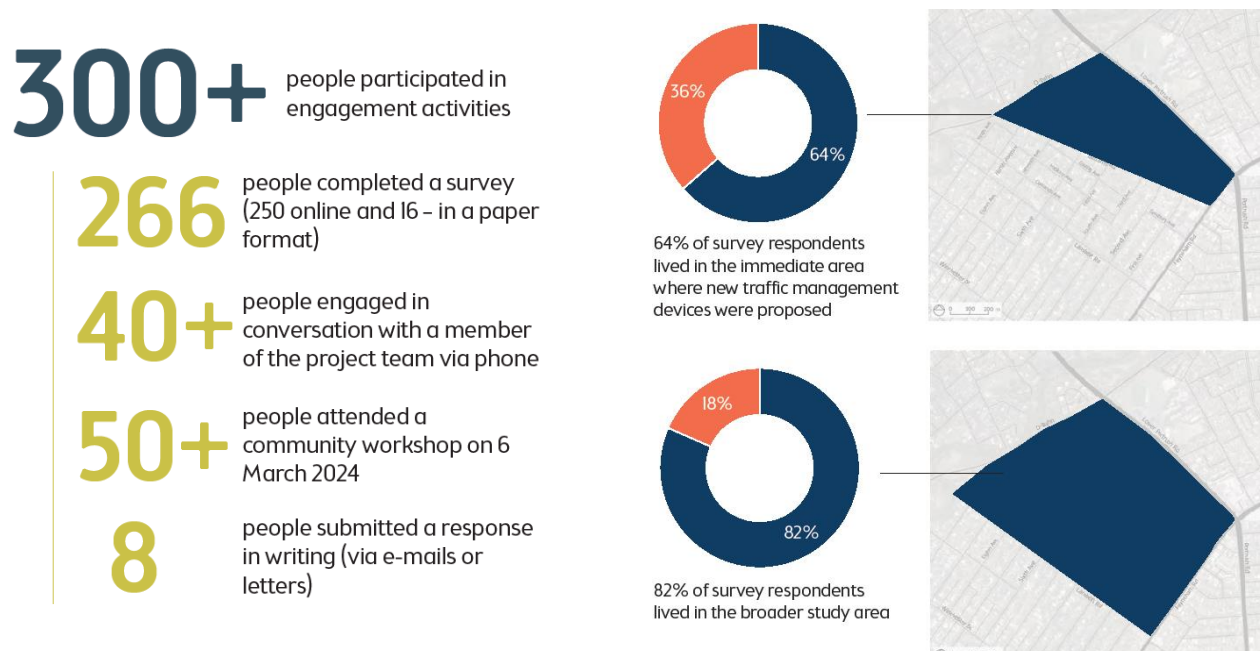
Summary of the outcomes of the consultation

The community consultation period commenced on 16 February 2024 and concluded on 15 March 2024. Citizens were encouraged to share their feedback by completing a survey or contacting a member of the project team by email or telephone. A community information evening that was held on 6 March 2024 at the Payneham Community Centre offered an opportunity for direct face-to-face engagement.

Community consultation was promoted as follows:

- Letters were individually addressed and delivered via Australia Post to all owners and occupiers of residents and businesses in the area bound by Lower Portrush Road, Lambert Road, Payneham Road and the O-Bahn Busway;
- background information and survey on the Council's website;
- a *Latest News* article;
- social media (Facebook and Instagram);
- posters at the Council's Libraries and Citizen Service Centre; and
- coreflute posters on poles within the Hackney to Marden precinct.

A summary of the key consultation outcomes is provided below.



This project has initiated a robust discussion regarding the merits of and need for the proposed traffic management devices, and the responses encompassed a variety of divergent views.

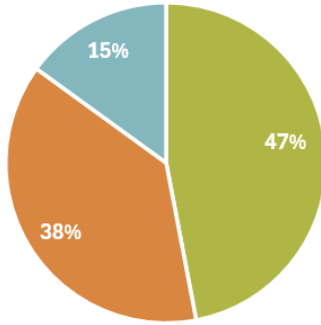
The Survey Form asked for feedback on a street-by-street basis. Analysis of the comments has identified that most residents supported the proposed traffic management devices in other streets but did not support the installation of traffic management devices in their own street. Battams Road is the one exception to this theme, where a majority of submissions from all streets, did not support the installation of a median island because of the removal of direct access across intersections and driveways.

This outcome highlights the residents' desire to have the area calmed while simultaneously expressing reluctance to endorse changes directly in front of their properties or their street.

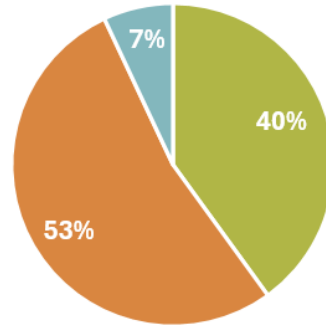
The pie charts below illustrate the nature of the feedback that has been received, by depicting the percentages of support from *all respondents*' side by side with the percentage of support from *residents of each specific street in question*.

River Street

All respondents



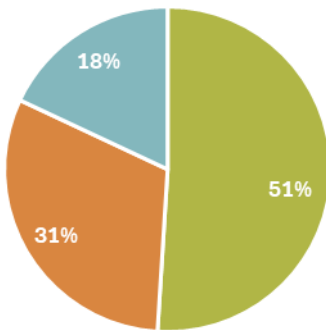
River Street Owner/Occupiers



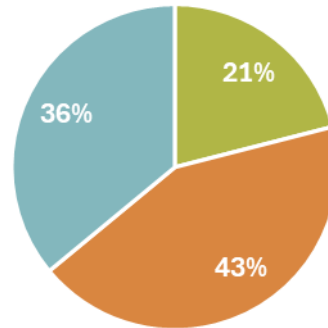
■ Support ■ Do Not Support ■ Unclear response

Broad Street

All respondents



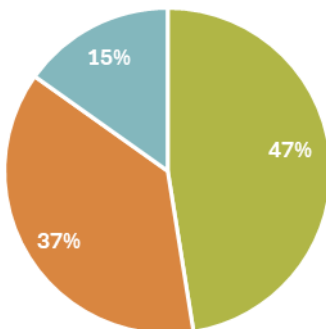
Broad Street Owner/Occupiers



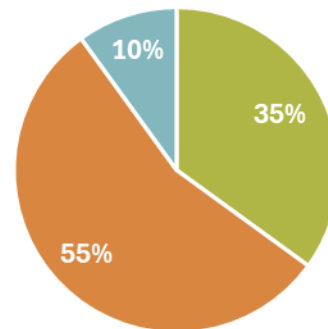
■ Support ■ Do Not Support ■ Unclear response

Beasley Street

All respondents



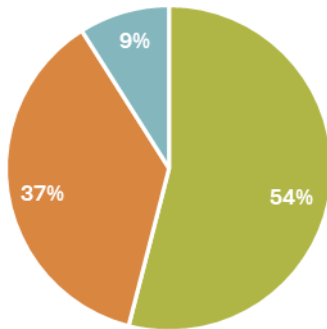
Beasley Street Owner/Occupiers



■ Support ■ Do Not Support ■ Unclear response

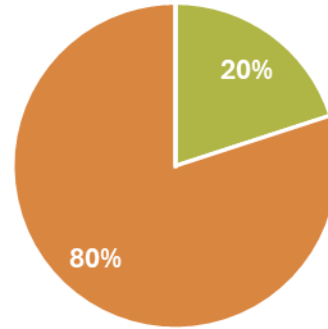
Addison Avenue

All respondents



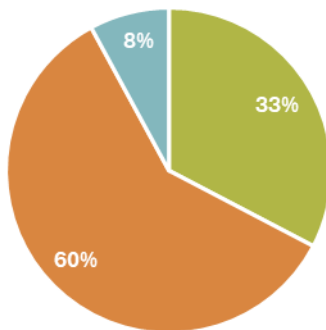
■ Support ■ Do Not Support ■ Unclear response

Addison Avenue Owner/Occupiers



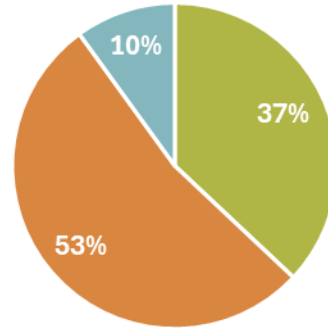
Battams Road

All respondents



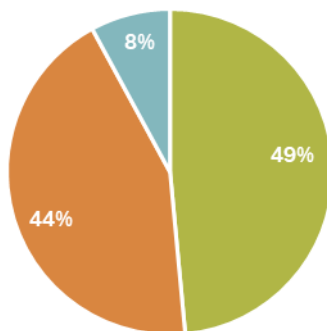
■ Support ■ Do Not Support ■ Unclear response

Battams Road Owner/Occupiers



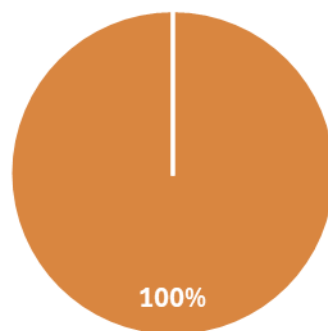
Pollock Avenue

All respondents



■ Support ■ Do Not Support ■ Unclear response

Pollock Avenue Owner/Occupiers



A considerable number of respondents have suggested that their preferred alternative option would be the installation of *road humps*. Although road humps can effectively reduce speed, such devices are not generally adopted by the Council because they have historically been unpopular due to resulting noise that occurs when vehicles drive over the humps and are only used in circumstances where there are no other options. In addition, one of the aims of the proposed traffic management framework, (as identified as a priority in the Stage 1 consultation), was to provide greening opportunities. The installation of road humps provides minimal opportunities for landscaping/streetscaping.

There was general support for the installation of traffic islands at both junctions of Lower Portrush Road with River Street and Beasley Street, with the proviso that both left turn and right turn out movements can be maintained.

In addition, a Petition was received by the Council at its meeting held on 2 April 2024, regarding the proposal to install a median island along Battams Road that formed part of the '*Marden & Royston Park Community Consultation for Traffic Management*', that is the subject of this report.

The petition was signed by a total of thirty-three (33) people. Seventeen (17) of the signatories identified that they resided in the suburbs of Marden or Royston Park. The Council should consider the contents of the Petition in weighing up the warrant or otherwise to install the proposed traffic intervention device on Battams Road. A copy of the Petition is contained in **Attachment D**.

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (i.e. the street addresses) have been redacted from the petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

OPTIONS

The Committee has the following options in respect to progressing this project.

Option 1

Do nothing.

The Committee could determine that the comments that have been received through the consultation process is too divisive, and the community as a whole is not willing to accept integrated traffic management intervention at this point in time and on this basis not proceed with the installation of the traffic management devices.

This option is not recommended because the traffic speed and volume data that was identified in *the Tonkin Report* and *the Infraplan/Intermethod Report*, concluded that there is a justifiable warrant for traffic management intervention in Royston Park and Marden, to improve traffic safety and reduce 'rat-running'.

Option 2

Develop a set of alternative concept designs.

The Committee could recommend to the Council that the installation of the proposed traffic management devices, would result in too many adverse impacts in the suburbs of Marden and Royston Park and that alternative solutions that result in less impacts to parking or access to properties should be developed.

Such traffic management devices could include small islands and/or signs at junctions and intersections, however they would not provide opportunities for greening.

This option would not necessarily address the core issues that have been identified in *the Tonkin Report* and *the Infraplan/Intermethod report*. As such, this option is not recommended.

Option 3

Implement the installation of the proposed traffic control devices.

The Committee could determine that notwithstanding the concerns that have been raised in the most recent community consultation, that the installation of the proposed traffic control devices is warranted. This option responds to the many ongoing citizen requests for traffic management intervention and because the traffic management intervention aligns with evidence-based and best practice traffic engineering principles.

Implementation of Option 3 is not recommended based on the results of the community consultation.

Option 4

Place the Project on hold.

The Committee could determine that the comments that have been received through the consultation process on the implementation of traffic management devices, is too divisive and the community as a whole is not willing to accept integrated traffic management intervention at this point in time.

Given that the implementation of a 40km/h speed limit is imminent (subject to approval by the Department for Infrastructure & Transport), it could be considered more appropriate to evaluate the outcomes of the reduced speed prior to the installation of traffic management devices. As such, the traffic management devices in Marden and Royston Park would be given further consideration, only if the reduced speed limit does not moderate traffic speed and volume and if citizen complaints continue to be received on a frequent basis.

This option is recommended because it addresses the outcomes of the community consultation at this point in time and allows traffic management devices to be installed in the future, only if the need at that time, is identified.

CONCLUSION

The installation of traffic management devices in the suburbs of Marden and Royston Park, were selected as best-practice approaches to address the speeding and “rat-running” issues through the area that are caused by motorists avoiding the traffic congestion and delays at the Lower Portrush Road and Payneham Road intersection.

Although the scheme was supported by many residents, the significant level of strong opposition demonstrates that the community as a whole is not ready for the installation of traffic calming devices that simultaneously will result in inconvenience, such as the removal of on-street car parking and/or direct access to properties.

The imminent reduction of speed limits in the area to 40km/h, is likely to have some impact on traffic speeds and possibly, as a consequence, on traffic volumes. As such, the monitoring and evaluation of the outcomes of the speed reduction will inform the need and direction for the installation of traffic management devices in the future.

COMMENTS

The Council receives a significant number of concerns from residents regarding high traffic speed and volume through local areas.

These concerns obviously need to be verified through the collection of data upon which decisions are then based. Some isolated issues can be resolved with simple solutions such as pavement marking and/or signage however area-wide issues require a more strategic approach. However, the trade-off is that the installation of effective traffic management devices usually will result in some level of inconvenience to citizens.

The Committee will need to weigh up the benefits and dis-benefits of the proposals and determine the extent to which it is prepared to introduce traffic management devices to address the concerns of some residents or retain the status quo and rely on the imminent introduction of a reduced speed limit to mitigate some of those outstanding concerns.

The Committees recommendations will then be forwarded to the Council for consideration.

RECOMMENDATION

1. That the outcomes of the community consultation in respect to the installation of traffic management devices in Marden and Royston Park, as outlined in this report, be received and noted.
 2. The Committee notes that the implementation of a 40km/h speed limit in the suburbs of Marden and Royston Park is currently pending, subject to approval by the Department for Infrastructure & Transport and that an evaluation of the outcomes of the reduced speed limit will be undertaken to identify if there are any locations where excessive vehicle speeds remain a safety concern and whether there is a need to undertake further, more detailed investigations to assess and determine the need or otherwise for additional traffic management measures.
 3. That the implementation of traffic management devices, contained in the *Infraplan/Intermethod report* dated 2022, that have been the subject of community consultation between 16 February 2024 and 15 March 2024, be placed on hold until the outcomes of the evaluation of the 40km/h speed limit is completed, and the need for traffic management devices is determined at that time.
 4. That the petitioners and all citizens who made a submission on the proposed installation of the traffic management devices during the community consultation period, be advised of the Committee's decision.
-

Mr Shane Foley moved:

1. *That the outcomes of the community consultation in respect to the installation of traffic management devices in Marden and Royston Park, as outlined in this report, be received and noted.*
2. *The Committee supports the proposed integrated traffic management intervention plan however recognises that the community as a whole is not willing to accept integrated traffic management intervention at this point in time.*
3. *The Committee notes that the implementation of a 40km/h speed limit in the suburbs of Marden and Royston Park is currently pending, subject to approval by the Department for Infrastructure & Transport and that an evaluation of the outcomes of the reduced speed limit will be undertaken to identify if there are any locations where excessive vehicle speeds remain a safety concern and whether there is a need to undertake further, more detailed investigations to assess and determine the need or otherwise for additional traffic management measures.*
4. *That the implementation of traffic management devices, contained in the Infraplan/Intermethod report dated 2022, that have been the subject of community consultation between 16 February 2024 and 15 March 2024, be placed on hold until the outcomes of the evaluation of the 40km/h speed limit is completed, and the need for traffic management devices is determined at that time.*
5. *The Committee recommends that an investigation be undertaken to assess the feasibility of extending the Lower Portrush Road median island across the junctions of River Street and Beasley Street, with alternative access provision into River Street and Beasley Street via two (2) U-turn facilities on either side of the junctions. The investigation will consider bus-only right turn exemptions at the Beasley Street junction. The aim of this design is to reduce non-local through traffic by restricting direct right turn movements into and out of River Street and Beasley Street. It was noted that if the proposal is feasible, further liaison with the Department of Infrastructure & Transport would be required.*
6. *That the petitioners and all citizens who made a submission on the proposed installation of the traffic management devices during the community consultation period, be advised of the Committee's decision.*

Seconded by Mr Charles Mountain and carried unanimously.

4. OTHER BUSINESS
Nil

5. NEXT MEETING

Tuesday 15 October 2024

6. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 11.17am.

Cr Kevin Duke
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

Attachment B

Adoption of Committee Recommendations

Chief Executive Officer's Performance Review Committee



Chief Executive Officer's Performance Review Committee Minutes

9 September 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials  /cityofnpsp  @cityofnpsp



City of
Norwood
Payneham
& St Peters

Page No.

- 1. CONFIRMATION OF MINUTES OF THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 12 AUGUST 20241
- 2. PRESIDING MEMBER'S COMMUNICATION1
- 3. CONFIDENTIAL REPORTS1
 - 3.1 STAFF RELATED MATTER2
- 4. OTHER BUSINESS3
- 5. CLOSURE.....3

VENUE Mayor's Office (Ground Floor), 175 The Parade, Norwood

HOUR 6.00pm

PRESENT

Committee Members Mayor Robert Bria (Presiding Member)
Cr Kevin Duke
Cr John Callisto

Staff Lisa Mara (General Manager, Governance & Civic Affairs)
Mr Richard Altman (Independent Human Resource Specialist)

APOLOGIES Cr Garry Knoblauch

ABSENT Nil

TERMS OF REFERENCE:

The Committee is established for the purposes of facilitating the review of the Chief Executive Officer's performance as required and in accordance with the Chief Executive Officer's Contract of Employment.

1. CONFIRMATION OF MINUTES OF THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 12 AUGUST 2024

Cr Callisto moved that the Minutes of the Chief Executive Officer's Performance Review Committee meeting held on 12 August 2024 be taken as read and confirmed. Seconded by Cr Duke and carried unanimously.

2. PRESIDING MEMBER'S COMMUNICATION
Nil

3. CONFIDENTIAL REPORTS

3.1 STAFF RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Committee orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Committee will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Committee orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Cr Duke moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Committee orders that the public, with the exception of the General Manager, Governance & Civic Affairs, be excluded from the meeting on the basis that the Committee will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Callisto and carried unanimously.

Cr Callisto moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

Seconded by Cr Duke and carried unanimously.

4. OTHER BUSINESS
Nil

5. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 6.32pm.

Mayor Robert Bria
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

Attachment C

Adoption of Committee Recommendations

Norwood Parade Precinct Committee



Norwood Parade Precinct Committee Minutes

1 October 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials  /cityofnpsp  @cityofnpsp



City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 6.30pm

PRESENT

Committee Members Mayor Robert Bria (Presiding Member)
 Cr Victoria McFarlane
 Ms Hanah Waterson
 Mr Mario Boscaini
 Mr Rik Fisher
 Mr Tom McClure

Staff Mario Barone (Chief Executive Officer)
 Lisa Mara (General Manager, Governance & Civic Affairs)

APOLOGIES Cr Josh Robinson, Cr John Callisto, Cr Sue Whittington, Mr Joshua Baldwin

ABSENT Mr Michael Zito

TERMS OF REFERENCE:

The Norwood Parade Precinct Committee is established to fulfil the following functions:

- *To develop and have oversight of the Annual Business Plan and Budget based on the Separate Rate for The Parade Precinct.*
- *The Budget developed by the Norwood Parade Precinct Committee must be considered in conjunction with the Annual Business Plan and the amount recommended to the Council for approval by the Council, is required to meet the objectives set out in the Annual Business Plan.*
- *To have oversight of the implementation of the Annual Business Plan as approved by the Council.*
- *Through the initiatives as set out in the Annual Business Plan ensure the development and promotion of The Parade as a vibrant shopping, leisure and cultural destination for businesses, residents and visitors.*
- *To initiate and encourage communication between businesses within the Precinct.*

1. CONFIRMATION OF MINUTES OF THE NORWOOD PARADE PRECINCT COMMITTEE MEETING HELD ON 23 JULY 2024

Cr McFarlane moved that the Minutes of the Norwood Parade Precinct Committee meeting held on 23 July 2024 be taken as read and confirmed. Seconded by Mr Rik Fisher and carried unanimously.

2. PRESIDING MEMBER'S COMMUNICATION

Nil

3. NORWOOD PARADE PRECINCT NEWS

Nil

4. STAFF REPORTS

4.1 MAINSTREET SA STATE CONFERENCE 2024

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2164
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to provide an update to the Norwood Parade Precinct Committee (the Committee) regarding the Mainstreet SA State Conference 2024 for the Committee's information.

BACKGROUND

The Mainstreet SA State Conference 2024 was held in the City of Norwood Payneham & St Peters and the City of Unley on 17 & 18 September 2024 at the Norwood Oval and the Unley Oval Community Hub respectively.

The Conference was hosted by the City of Norwood Payneham & St Peters and the City of Unley.

The 2024 Mainstreet SA State Conference focussed on the theme of "*Invest for Success*":

- *Invest in good governance for the successful management of your mainstreets and precincts;*
- *Invest in unique branding and marketing so your mainstreets stand out;*
- *Invest in strong planning and good design to ensure a safe and user-friendly environment;*
- *Invest in the development of a diverse retail mix;*
- *Invest in activations and events that draw locals and visitors to your mainstreet; and*
- *Invest in effective partnerships with council/ developers/ businesses to ensure sustainability.*

A copy of the Conference Program is contained in **Attachment A**.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

Mayor Bria, together with the Hon Andrea Michaels MP, Minister for Small and Family Business and Mainstreet SA Chair, Mr David West opened the first day of the Conference.

Mr Bjorn Bergman, CEO of the Swedish Association of Towns & Cities since 2012, a national non-profit membership company was the keynote speaker and discussed how "*Private public collaboration creates stronger city centres in Sweden!*"

The presentation demonstrated how to successfully create collaboration between private and public stakeholders to develop mainstreets, town centres and city centres, by describing various process tools and models that are used with great success in Sweden.

Mayor Bria presented the following two (2) presentations to the Conference:

- *Where Main Street meets Sesame Street: Understanding the economic impact of children and young people on The Parade, Norwood; and*
- *Mainstreet events in Norwood: AFL Gather Round on The Parade.*

Mayor Bria will provide his presentation, *Where Main Street meets Sesame Street: Understanding the economic impact of children and young people on The Parade, Norwood* to the Committee at the meeting.

A copy of the presentation regarding the AFL Gather Round has been provided to the Committee previously.

RECOMMENDATION

That the report be received and noted.

Cr McFarlane moved:

That the report be received and noted.

Seconded by Mr Rik Fisher and carried unanimously.

4.2 CHRISTMAS DECORATIONS - UPDATE

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4568
FILE REFERENCE: qA104350
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide an update on Christmas decorations.

BACKGROUND

As Committee Members may recall, at its meeting held on Tuesday, 11 July 2023, the Committee resolved the following:

1. *That the three (3) large illuminated Christmas trees be placed online for sale via Evans Clarke National and that a reserve price for the sale of all three (3) trees be set at \$12,000 (i.e. \$4,000 per tree).*
2. *That should the reserve price for the sale of the three (3) large illuminated Christmas trees be achieved or exceeded, that the financial return from the sale of these trees be used to assist with the purchase of additional Christmas decorations for installation in 2023.*

To date, the three (3) Christmas trees have not been sold and are still being held in storage.

In respect to Christmas decorations generally, following discussions regarding the need to have a clear plan in place to avoid year-by-year decision-making piecemeal, at its meeting held on Tuesday 24 October 2023, the Committee resolved the following:

3. (a) *That the Committee allocates up to \$10,000 for the development of a Christmas Decorations Strategy for The Parade, which includes the locations along The Parade for the installation of the Christmas decorations; and*

(b) *that the infrastructure requirements for the Christmas decorations be incorporated into the detail design stage of The Parade Masterplan.*

Subsequent to this decision, at the next meeting of the Committee held on Tuesday 13 February 2024, staff advised the Committee that a Project Brief for the development of the Christmas Decorations Strategy was being prepared.

FINANCIAL AND BUDGET IMPLICATIONS

As set out above, \$10,000 has been allocated in the 2024-2025 Budget for the preparation of a Christmas Decorations Strategy.

DISCUSSION

In respect to the development of the Christmas Decorations Strategy, given progression of both the detail design documentation for the George Street Upgrade Project and The Parade Masterplan (ie. the detail design documentation), it has been determined to progress the development of the Christmas Decorations Strategy in tandem with this work.

In this respect, the detailed design documentation for the George Street Upgrade Project and The Parade Masterplan, will take into consideration power supply and documentation for associated components such as uplighting, activation (ie. projection artwork), sound, illumination of buildings and so on, together with components such as Christmas features (ie. Christmas trees, Christmas artwork, etc.).

To achieve an integrated design and execution, it is important that the Christmas Decorations Strategy be progressed in tandem with the detailed design documentation for the George Street Upgrade Project and The Parade Masterplan – to do otherwise would not be logical or prudent.

In respect to the three (3) large illuminated Christmas trees that are currently held in storage, the Committee has resolved to sell these trees. Whilst the trees have not yet been sold at this point in time, the Committee can progress the sale of the trees through a national marketeer (such as Evans & Clarke).

If the trees are not sold, the Committee could refurbish the trees. It has been determined that the trees require refurbishment to make them operational. This includes replacing the decorations (which have discoloured) and replacing the electrical fittings which have been damaged. The estimated cost of this work is \$15,000 per tree (or a total of \$45,000).

Following a review of possible locations, the cost of providing power, concrete footings, etc, is in the order of \$30,000 to \$40,000.

CONCLUSION

The development of the Christmas Decorations Strategy in tandem with the preparation of the final design documentation for the George Street Upgrade Project and The Parade Masterplan, is a logical and sensible decision.

Given that the Committee has resolved to sell the existing Christmas trees, staff will now be requested to progress this decision as a matter of priority. Should the trees be sold, these funds will be returned to the Committee's budget.

In the event that the trees are not sold, they will be kept in storage and options to include them in the Christmas Decorations Strategy will be pursued.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

Cr McFarlane moved:

That the report be received and noted.

Seconded by Mr Rik Fisher and carried unanimously.

5. OTHER BUSINESS

5.1 Term of the Committee

Mayor Bria advised the Committee that the term of the Committee expires on 31 October 2024.

A discussion regarding the future of the Committee and potential other models for engagement with the traders was discussed. Mayor Bria advised that the establishment of a new Committee and alternative models is scheduled to be considered by the Council at its meeting to be held in November 2024.

6. NEXT MEETING

To be advised.

7. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8.05pm.

Mayor Robert Bria
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

13. OTHER BUSINESS
(Of an urgent nature only)

14. CONFIDENTIAL REPORTS

14.1 STAFF RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

15. CLOSURE